
SENATE BILL 5300

State of Washington

55th Legislature

1997 Regular Session

By Senators Hochstatter, Johnson and Zarelli

Read first time 01/22/97. Referred to Committee on Education.

1 AN ACT Relating to education; amending RCW 28A.150.220,
2 28A.405.100, 41.56.030, and 41.59.935; adding new sections to chapter
3 28A.320 RCW; adding a new section to chapter 28A.150 RCW; adding a new
4 section to chapter 28A.155 RCW; adding a new section to chapter 28A.165
5 RCW; adding a new section to chapter 28A.175 RCW; adding a new section
6 to chapter 28A.180 RCW; adding a new section to chapter 28A.185 RCW;
7 adding a new section to chapter 28A.210 RCW; adding a new section to
8 chapter 28A.220 RCW; adding a new section to chapter 28A.225 RCW;
9 adding a new section to chapter 28A.230 RCW; adding a new section to
10 chapter 28A.235 RCW; adding a new section to chapter 28A.300 RCW;
11 adding a new section to chapter 28A.305 RCW; adding a new section to
12 chapter 28A.330 RCW; adding a new section to chapter 28A.400 RCW;
13 adding a new section to chapter 28A.405 RCW; adding a new section to
14 chapter 28A.410 RCW; adding a new section to chapter 28A.600 RCW;
15 adding a new section to chapter 28A.605 RCW; adding a new section to
16 chapter 28A.640 RCW; repealing RCW 28A.305.140, 28A.305.145, and
17 28A.630.945; and providing a contingent expiration date.

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

1 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.320
2 RCW to read as follows:

3 (1) The board of directors of each school district may grant
4 waivers, or partial waivers, of state laws and rules and of school
5 district policies and procedures to schools within the district in
6 accordance with this section.

7 (2) To apply for waivers, a school principal, in consultation with
8 school staff and parents, shall prepare an application to the board of
9 directors that identifies which laws, rules, policies, and procedures
10 are being requested to be waived and the rationale for requesting the
11 waivers.

12 (3) The school board shall provide for public review and comment
13 regarding the waiver request.

14 (4) The duration, renewal, and rescission of the waivers shall be
15 determined by the school district board of directors.

16 (5) The following may not be waived:

17 (a) Laws and rules pertaining to health, safety, and civil rights;

18 (b) The assessment, accountability, and reporting requirements in
19 RCW 28A.230.190, the fourth grade standardized test; RCW 28A.230.230,
20 the eighth grade standardized test; RCW 28A.230.240, the eleventh grade
21 standardized test; RCW 28A.630.885, assessment requirements; and RCW
22 28A.320.205, the annual performance report; and

23 (c) State and federal financial reporting and auditing
24 requirements.

25 (6) The granting of waivers by school district boards of directors
26 as authorized in this section shall not be subject to collective
27 bargaining and may not impair existing contracts or collective
28 bargaining agreements.

29 (7) School district boards of directors shall transmit to the
30 superintendent of public instruction and the state board of education
31 a list of laws and rules that have been waived in accordance with this
32 section. The superintendent of public instruction and state board of
33 education shall review the waivers of state laws and rules within their
34 respective jurisdictions. The waivers shall be approved by the
35 superintendent of public instruction or the state board of education,
36 as appropriate, if the school district board of directors complied with
37 the requirements of this section. The superintendent or state board,
38 as appropriate, shall approve or deny the waiver request, in whole or
39 in part, within thirty calendar days of receiving the list of waivers.

1 The state board may delegate the responsibility for reviewing and
2 approving or denying the waivers to its staff if an appeal procedure to
3 the board is provided.

4 (8) The superintendent and state board of education shall report to
5 the legislature by December 1, 2000, the laws and rules that have been
6 waived in accordance with this section.

7 **Sec. 2.** RCW 28A.150.220 and 1995 c 77 s 1 are each amended to read
8 as follows:

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

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

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

25 (2) Satisfaction of the basic education goal identified in RCW
26 28A.150.210 shall be considered to be implemented by the following
27 program requirements:

28 (a) Each school district shall make available to students in
29 kindergarten at least a total program offering of four hundred fifty
30 hours. The program shall include reading, arithmetic, language skills
31 and such other subjects and such activities as the school district
32 shall determine to be appropriate for the education of the school
33 district's students enrolled in such program;

34 (b) Each school district shall make available to students in grades
35 one through three, at least a total program hour offering of two
36 thousand seven hundred hours. A minimum of ninety-five percent of the
37 total program hour offerings shall be in the basic skills areas of
38 reading/language arts (which may include languages other than English,

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

6 (c) Each school district shall make available to students in grades
7 four through six at least a total program hour offering of two thousand
8 nine hundred seventy hours. A minimum of ninety percent of the total
9 program hour offerings shall be in the basic skills areas of reading/
10 language arts (which may include languages other than English,
11 including American Indian languages), mathematics, social studies,
12 science, music, art, health and physical education. The remaining ten
13 percent of the total program hour offerings may include such subjects
14 and activities as the school district shall determine to be appropriate
15 for the education of the school district's students in such grades;

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

28 (e) Each school district shall make available to students in grades
29 nine through twelve at least a total program hour offering of four
30 thousand three hundred twenty hours. A minimum of sixty percent of the
31 total program hour offerings shall be in the basic skills areas of
32 language arts, languages other than English, which may be American
33 Indian languages, mathematics, social studies, science, music, art,
34 health and physical education. A minimum of twenty percent of the
35 total program hour offerings shall be in the area of work skills. The
36 remaining twenty percent of the total program hour offerings may
37 include traffic safety or such subjects and activities as the school
38 district shall determine to be appropriate for the education of the
39 school district's students in such grades, with not less than one-half

1 thereof in basic skills and/or work skills: PROVIDED, That each school
2 district shall have the option of including grade nine within the
3 program hour offering requirements of grades seven and eight so long as
4 such requirements for grades seven through nine are increased to two
5 thousand nine hundred seventy hours and such requirements for grades
6 ten through twelve are decreased to three thousand two hundred forty
7 hours.

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

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

18 (5) Each school district's kindergarten through twelfth grade basic
19 educational program shall be accessible to all students who are five
20 years of age, as provided by RCW 28A.225.160, and less than twenty-one
21 years of age and shall consist of a minimum of one hundred eighty
22 school days per school year in such grades as are conducted by a school
23 district, and one hundred eighty half-days of instruction, or
24 equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a
25 school district may schedule the last five school days of the one
26 hundred and eighty day school year for noninstructional purposes in the
27 case of students who are graduating from high school, including, but
28 not limited to, the observance of graduation and early release from
29 school upon the request of a student, and all such students may be
30 claimed as a full time equivalent student to the extent they could
31 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
32 28A.150.260.

33 (6) The state board of education shall adopt rules to implement and
34 ensure compliance with the program requirements imposed by this
35 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental
36 program approval requirements as the state board may establish:
37 PROVIDED, That each school district board of directors shall establish
38 the basis and means for determining and monitoring the district's
39 compliance with the basic skills and work skills percentage and course

1 requirements of this section. The certification of the board of
2 directors and the superintendent of a school district that the district
3 is in compliance with such basic skills and work skills requirements
4 may be accepted by the superintendent of public instruction and the
5 state board of education.

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

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

22 NEW SECTION. Sec. 3. The following acts or parts of acts are each
23 repealed:

- 24 (1) RCW 28A.305.140 and 1992 c 141 s 302, 1990 c 33 s 267, & 1985
25 c 349 s 6;
26 (2) RCW 28A.305.145 and 1993 c 336 s 302; and
27 (3) RCW 28A.630.945 and 1995 c 208 s 1.

28 NEW SECTION. Sec. 4. A new section is added to chapter 28A.150
29 RCW to read as follows:

30 Schools may obtain, in accordance with section 1 of this act,
31 waivers from the statutory requirements in this chapter that pertain to
32 the instructional program, operation, and management of schools.
33 Waivers also may be obtained, in accordance with section 1 of this act,
34 from any rules of the state board of education and superintendent of
35 public instruction adopted to implement the statutory requirements.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.155
2 RCW to read as follows:

3 Schools may obtain, in accordance with section 1 of this act,
4 waivers from the statutory requirements in this chapter that pertain to
5 the instructional program, operation, and management of schools.
6 Waivers also may be obtained, in accordance with section 1 of this act,
7 from any rules of the state board of education and superintendent of
8 public instruction adopted to implement the statutory requirements.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.165
10 RCW to read as follows:

11 Schools may obtain, in accordance with section 1 of this act,
12 waivers from the statutory requirements in this chapter that pertain to
13 the instructional program, operation, and management of schools.
14 Waivers also may be obtained, in accordance with section 1 of this act,
15 from any rules of the state board of education and superintendent of
16 public instruction adopted to implement the statutory requirements.

17 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.175
18 RCW to read as follows:

19 Schools may obtain, in accordance with section 1 of this act,
20 waivers from the statutory requirements in this chapter that pertain to
21 the instructional program, operation, and management of schools.
22 Waivers also may be obtained, in accordance with section 1 of this act,
23 from any rules of the state board of education and superintendent of
24 public instruction adopted to implement the statutory requirements.

25 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.180
26 RCW to read as follows:

27 Schools may obtain, in accordance with section 1 of this act,
28 waivers from the statutory requirements in this chapter that pertain to
29 the instructional program, operation, and management of schools.
30 Waivers also may be obtained, in accordance with section 1 of this act,
31 from any rules of the state board of education and superintendent of
32 public instruction adopted to implement the statutory requirements.

33 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.185
34 RCW to read as follows:

1 Schools may obtain, in accordance with section 1 of this act,
2 waivers from the statutory requirements in this chapter that pertain to
3 the instructional program, operation, and management of schools.
4 Waivers also may be obtained, in accordance with section 1 of this act,
5 from any rules of the state board of education and superintendent of
6 public instruction adopted to implement the statutory requirements.

7 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.210
8 RCW to read as follows:

9 Schools may obtain, in accordance with section 1 of this act,
10 waivers from the statutory requirements in this chapter that pertain to
11 the instructional program, operation, and management of schools.
12 Waivers also may be obtained, in accordance with section 1 of this act,
13 from any rules of the state board of education and superintendent of
14 public instruction adopted to implement the statutory requirements.

15 NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.220
16 RCW to read as follows:

17 Schools may obtain, in accordance with section 1 of this act,
18 waivers from the statutory requirements in this chapter that pertain to
19 the instructional program, operation, and management of schools.
20 Waivers also may be obtained, in accordance with section 1 of this act,
21 from any rules of the state board of education and superintendent of
22 public instruction adopted to implement the statutory requirements.

23 NEW SECTION. **Sec. 12.** A new section is added to chapter 28A.225
24 RCW to read as follows:

25 Schools may obtain, in accordance with section 1 of this act,
26 waivers from the statutory requirements in this chapter that pertain to
27 the instructional program, operation, and management of schools.
28 Waivers also may be obtained, in accordance with section 1 of this act,
29 from any rules of the state board of education and superintendent of
30 public instruction adopted to implement the statutory requirements.

31 NEW SECTION. **Sec. 13.** A new section is added to chapter 28A.230
32 RCW to read as follows:

33 Schools may obtain, in accordance with section 1 of this act,
34 waivers from the statutory requirements in this chapter that pertain to
35 the instructional program, operation, and management of schools.

1 Waivers also may be obtained, in accordance with section 1 of this act,
2 from any rules of the state board of education and superintendent of
3 public instruction adopted to implement the statutory requirements.

4 NEW SECTION. **Sec. 14.** A new section is added to chapter 28A.235
5 RCW to read as follows:

6 Schools may obtain, in accordance with section 1 of this act,
7 waivers from the statutory requirements in this chapter that pertain to
8 the instructional program, operation, and management of schools.
9 Waivers also may be obtained, in accordance with section 1 of this act,
10 from any rules of the state board of education and superintendent of
11 public instruction adopted to implement the statutory requirements.

12 NEW SECTION. **Sec. 15.** A new section is added to chapter 28A.300
13 RCW to read as follows:

14 Schools may obtain, in accordance with section 1 of this act,
15 waivers from the statutory requirements in this chapter that pertain to
16 the instructional program, operation, and management of schools.
17 Waivers also may be obtained, in accordance with section 1 of this act,
18 from any rules of the state board of education and superintendent of
19 public instruction adopted to implement the statutory requirements.

20 NEW SECTION. **Sec. 16.** A new section is added to chapter 28A.305
21 RCW to read as follows:

22 Schools may obtain, in accordance with section 1 of this act,
23 waivers from the statutory requirements in this chapter that pertain to
24 the instructional program, operation, and management of schools.
25 Waivers also may be obtained, in accordance with section 1 of this act,
26 from any rules of the state board of education and superintendent of
27 public instruction adopted to implement the statutory requirements.

28 NEW SECTION. **Sec. 17.** A new section is added to chapter 28A.320
29 RCW to read as follows:

30 Schools may obtain, in accordance with section 1 of this act,
31 waivers from the statutory requirements in this chapter that pertain to
32 the instructional program, operation, and management of schools.
33 Waivers also may be obtained, in accordance with section 1 of this act,
34 from any rules of the state board of education and superintendent of
35 public instruction adopted to implement the statutory requirements.

1 NEW SECTION. **Sec. 18.** A new section is added to chapter 28A.330
2 RCW to read as follows:

3 Schools may obtain, in accordance with section 1 of this act,
4 waivers from the statutory requirements in this chapter that pertain to
5 the instructional program, operation, and management of schools.
6 Waivers also may be obtained, in accordance with section 1 of this act,
7 from any rules of the state board of education and superintendent of
8 public instruction adopted to implement the statutory requirements.

9 NEW SECTION. **Sec. 19.** A new section is added to chapter 28A.400
10 RCW to read as follows:

11 Schools may obtain, in accordance with section 1 of this act,
12 waivers from the statutory requirements in this chapter that pertain to
13 the instructional program, operation, and management of schools.
14 Waivers also may be obtained, in accordance with section 1 of this act,
15 from any rules of the state board of education and superintendent of
16 public instruction adopted to implement the statutory requirements.

17 NEW SECTION. **Sec. 20.** A new section is added to chapter 28A.405
18 RCW to read as follows:

19 Schools may obtain, in accordance with section 1 of this act,
20 waivers from the statutory requirements in this chapter that pertain to
21 the instructional program, operation, and management of schools.
22 Waivers also may be obtained, in accordance with section 1 of this act,
23 from any rules of the state board of education and superintendent of
24 public instruction adopted to implement the statutory requirements.

25 NEW SECTION. **Sec. 21.** A new section is added to chapter 28A.410
26 RCW to read as follows:

27 Schools may obtain, in accordance with section 1 of this act,
28 waivers from the statutory requirements in this chapter that pertain to
29 the instructional program, operation, and management of schools.
30 Waivers also may be obtained, in accordance with section 1 of this act,
31 from any rules of the state board of education and superintendent of
32 public instruction adopted to implement the statutory requirements.

33 NEW SECTION. **Sec. 22.** A new section is added to chapter 28A.600
34 RCW to read as follows:

1 Schools may obtain, in accordance with section 1 of this act,
2 waivers from the statutory requirements in this chapter that pertain to
3 the instructional program, operation, and management of schools.
4 Waivers also may be obtained, in accordance with section 1 of this act,
5 from any rules of the state board of education and superintendent of
6 public instruction adopted to implement the statutory requirements.

7 NEW SECTION. **Sec. 23.** A new section is added to chapter 28A.605
8 RCW to read as follows:

9 Schools may obtain, in accordance with section 1 of this act,
10 waivers from the statutory requirements in this chapter that pertain to
11 the instructional program, operation, and management of schools.
12 Waivers also may be obtained, in accordance with section 1 of this act,
13 from any rules of the state board of education and superintendent of
14 public instruction adopted to implement the statutory requirements.

15 NEW SECTION. **Sec. 24.** A new section is added to chapter 28A.640
16 RCW to read as follows:

17 Schools may obtain, in accordance with section 1 of this act,
18 waivers from the statutory requirements in this chapter that pertain to
19 the instructional program, operation, and management of schools.
20 Waivers also may be obtained, in accordance with section 1 of this act,
21 from any rules of the state board of education and superintendent of
22 public instruction adopted to implement the statutory requirements.

23 **Sec. 25.** RCW 28A.405.100 and 1994 c 115 s 1 are each amended to
24 read as follows:

25 (1) The superintendent of public instruction shall establish and
26 may amend from time to time minimum criteria for the evaluation of the
27 professional performance capabilities and development of certificated
28 classroom teachers and certificated support personnel. For classroom
29 teachers the criteria shall be developed in the following categories:
30 Instructional skill; classroom management, professional preparation and
31 scholarship; effort toward improvement when needed; the handling of
32 student discipline and attendant problems; and interest in teaching
33 pupils and knowledge of subject matter.

34 Every board of directors shall, in accordance with procedure
35 provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920,
36 establish evaluative criteria and procedures for all certificated

1 classroom teachers and certificated support personnel. The evaluative
2 criteria must contain as a minimum the criteria established by the
3 superintendent of public instruction pursuant to this section and must
4 be prepared within six months following adoption of the superintendent
5 of public instruction's minimum criteria. The district must certify to
6 the superintendent of public instruction that evaluative criteria have
7 been so prepared by the district.

8 Except as provided in subsection (5) of this section, it shall be
9 the responsibility of a principal or his or her designee to evaluate
10 all certificated personnel in his or her school. During each school
11 year all classroom teachers and certificated support personnel,
12 hereinafter referred to as "employees" in this section, shall be
13 observed for the purposes of evaluation at least twice in the
14 performance of their assigned duties. Total observation time for each
15 employee for each school year shall be not less than sixty minutes.
16 Following each observation, or series of observations, the principal or
17 other evaluator shall promptly document the results of the observation
18 in writing, and shall provide the employee with a copy thereof within
19 three days after such report is prepared. New employees shall be
20 observed at least once for a total observation time of thirty minutes
21 during the first ninety calendar days of their employment period.

22 Every employee whose work is judged unsatisfactory based on
23 district evaluation criteria shall be notified in writing of stated
24 specific areas of deficiencies along with a suggested specific and
25 reasonable program for improvement on or before February 1st of each
26 year. During the period of probation, the employee may not be
27 transferred from the supervision of the original evaluator.
28 Improvement of performance or probable cause for nonrenewal must occur
29 and be documented by the original evaluator before any consideration of
30 a request for transfer or reassignment as contemplated by either the
31 individual or the school district. A probationary period shall be
32 established beginning on or before February 1st and ending no later
33 than May 1st. The purpose of the probationary period is to give the
34 employee opportunity to demonstrate improvements in his or her areas of
35 deficiency. The establishment of the probationary period and the
36 giving of the notice to the employee of deficiency shall be by the
37 school district superintendent and need not be submitted to the board
38 of directors for approval. During the probationary period the
39 evaluator shall meet with the employee at least twice monthly to

1 supervise and make a written evaluation of the progress, if any, made
2 by the employee. The evaluator may authorize one additional
3 certificated employee to evaluate the probationer and to aid the
4 employee in improving his or her areas of deficiency; such additional
5 certificated employee shall be immune from any civil liability that
6 might otherwise be incurred or imposed with regard to the good faith
7 performance of such evaluation. The probationer may be removed from
8 probation if he or she has demonstrated improvement to the satisfaction
9 of the principal in those areas specifically detailed in his or her
10 initial notice of deficiency and subsequently detailed in his or her
11 improvement program. Lack of necessary improvement shall be
12 specifically documented in writing with notification to the probationer
13 and shall constitute grounds for a finding of probable cause under RCW
14 28A.405.300 or 28A.405.210.

15 The establishment of a probationary period shall not be deemed to
16 adversely affect the contract status of an employee within the meaning
17 of RCW 28A.405.300.

18 (2) Every board of directors shall establish evaluative criteria
19 and procedures for all superintendents, principals, and other
20 administrators. It shall be the responsibility of the district
21 superintendent or his or her designee to evaluate all administrators.
22 Such evaluation shall be based on the administrative position job
23 description. Such criteria, when applicable, shall include at least
24 the following categories: Knowledge of, experience in, and training in
25 recognizing good professional performance, capabilities and
26 development; school administration and management; school finance;
27 professional preparation and scholarship; effort toward improvement
28 when needed; interest in pupils, employees, patrons and subjects taught
29 in school; leadership; and ability and performance of evaluation of
30 school personnel.

31 (3) Each certificated employee shall have the opportunity for
32 confidential conferences with his or her immediate supervisor on no
33 less than two occasions in each school year. Such confidential
34 conference shall have as its sole purpose the aiding of the
35 administrator in his or her assessment of the employee's professional
36 performance.

37 (4) The failure of any evaluator to evaluate or supervise or cause
38 the evaluation or supervision of certificated employees or
39 administrators in accordance with this section, as now or hereafter

1 amended, when it is his or her specific assigned or delegated
2 responsibility to do so, shall be sufficient cause for the nonrenewal
3 of any such evaluator's contract under RCW 28A.405.210, or the
4 discharge of such evaluator under RCW 28A.405.300.

5 (5) After an employee has four years of satisfactory evaluations
6 under subsection (1) of this section, a school district may use a short
7 form of evaluation, a locally bargained evaluation emphasizing
8 professional growth, an evaluation under subsection (1) of this
9 section, or any combination thereof. The short form of evaluation
10 shall include either a thirty minute observation during the school year
11 with a written summary or a final annual written evaluation based on
12 the criteria in subsection (1) of this section and based on at least
13 two observation periods during the school year totaling at least sixty
14 minutes without a written summary of such observations being prepared.
15 However, the evaluation process set forth in subsection (1) of this
16 section shall be followed at least once every three years unless this
17 time is extended by a local school district under the bargaining
18 process set forth in chapter 41.59 RCW. The employee or evaluator may
19 require that the evaluation process set forth in subsection (1) of this
20 section be conducted in any given school year. No evaluation other
21 than the evaluation authorized under subsection (1) of this section may
22 be used as a basis for determining that an employee's work is
23 unsatisfactory under subsection (1) of this section or as probable
24 cause for the nonrenewal of an employee's contract under RCW
25 28A.405.210 unless an evaluation process developed under chapter 41.59
26 RCW determines otherwise.

27 **Sec. 26.** RCW 41.56.030 and 1995 c 273 s 1 are each amended to read
28 as follows:

29 As used in this chapter:

30 (1) "Public employer" means any officer, board, commission,
31 council, or other person or body acting on behalf of any public body
32 governed by this chapter, or any subdivision of such public body. For
33 the purposes of this section, the public employer of district court or
34 superior court employees for wage-related matters is the respective
35 county legislative authority, or person or body acting on behalf of the
36 legislative authority, and the public employer for nonwage-related
37 matters is the judge or judge's designee of the respective district
38 court or superior court.

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

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

17 (4) "Collective bargaining" means the performance of the mutual
18 obligations of the public employer and the exclusive bargaining
19 representative to meet at reasonable times, to confer and negotiate in
20 good faith, and to execute a written agreement with respect to
21 grievance procedures and collective negotiations on personnel matters,
22 including wages, hours and working conditions, which may be peculiar to
23 an appropriate bargaining unit of such public employer, except that by
24 such obligation neither party shall be compelled to agree to a proposal
25 or be required to make a concession unless otherwise provided in this
26 chapter. In the case of the Washington state patrol, "collective
27 bargaining" (~~shall~~) does not include wages and wage-related matters.
28 With respect to classified school employees, "collective bargaining"
29 does not include transfer, assignment, or scheduling of employees, or
30 the school year calendar.

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

32 (6) "Executive director" means the executive director of the
33 commission.

34 (7) "Uniformed personnel" means: (a)(i) Until July 1, 1997, law
35 enforcement officers as defined in RCW 41.26.030 employed by the
36 governing body of any city or town with a population of seven thousand
37 five hundred or more and law enforcement officers employed by the
38 governing body of any county with a population of thirty-five thousand
39 or more; (ii) beginning on July 1, 1997, law enforcement officers as

1 defined in RCW 41.26.030 employed by the governing body of any city or
2 town with a population of two thousand five hundred or more and law
3 enforcement officers employed by the governing body of any county with
4 a population of ten thousand or more; (b) correctional employees who
5 are uniformed and nonuniformed, commissioned and noncommissioned
6 security personnel employed in a jail as defined in RCW 70.48.020(5),
7 by a county with a population of seventy thousand or more, and who are
8 trained for and charged with the responsibility of controlling and
9 maintaining custody of inmates in the jail and safeguarding inmates
10 from other inmates; (c) general authority Washington peace officers as
11 defined in RCW 10.93.020 employed by a port district in a county with
12 a population of one million or more; (d) security forces established
13 under RCW 43.52.520; (e) fire fighters as that term is defined in RCW
14 41.26.030; (f) employees of a port district in a county with a
15 population of one million or more whose duties include crash fire
16 rescue or other fire fighting duties; (g) employees of fire departments
17 of public employers who dispatch exclusively either fire or emergency
18 medical services, or both; or (h) employees in the several classes of
19 advanced life support technicians, as defined in RCW 18.71.200, who are
20 employed by a public employer.

21 (8) "Institution of higher education" means the University of
22 Washington, Washington State University, Central Washington University,
23 Eastern Washington University, Western Washington University, The
24 Evergreen State College, and the various state community colleges.

25 **Sec. 27.** RCW 41.59.935 and 1990 c 33 s 571 are each amended to
26 read as follows:

27 Nothing in this chapter shall be construed to grant employers or
28 employees the right to reach agreements regarding:

29 (1) Salary or compensation increases in excess of those authorized
30 in accordance with RCW 28A.150.410 and 28A.400.200;

31 (2) Transfer, assignment, or scheduling of employees; or

32 (3) School year calendars.

33 NEW SECTION. **Sec. 28.** Section 2 of this act shall expire
34 September 1, 2000. However, section 2 of this act shall not expire if,

1 by September 1, 2000, a law is not enacted stating that a school
2 accountability and academic assessment system is not in place.

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