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HOUSE BILL 1919

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Haigh, Hudgins, Hunter, Morrell, Hasegawa,  
O'Brien, Lantz and Chase

Read first time 02/10/2005. Referred to Committee on Education.

1            AN ACT Relating to kindergarten; amending RCW 28A.150.220,  
2 28A.150.250, and 28A.525.162; adding a new section to chapter 28A.150  
3 RCW; and providing an effective date.

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

5            NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.150  
6 RCW to read as follows:

7            Beginning with the 2006-07 school year, a school district may offer  
8 either full-day or half-day kindergarten in one or more schools as part  
9 of basic education. In order to ensure that the superintendent of  
10 public instruction has sufficient time to allocate funds appropriately,  
11 the office of the superintendent of public instruction shall adopt  
12 deadlines for a school district to notify the agency that the district  
13 intends to operate a full-day kindergarten program in one or more  
14 schools.

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

17            (1) Satisfaction of the basic education program requirements

1 identified in RCW 28A.150.210 shall be considered to be implemented by  
2 the following program:

3 (a) Each school district shall make available to students enrolled  
4 in half-day kindergarten at least a total instructional offering of  
5 four hundred fifty hours. Each school district shall make available to  
6 students in a full-day kindergarten program at least a total program  
7 offering of nine hundred hours. The program shall include instruction  
8 in the essential academic learning requirements under RCW 28A.630.885  
9 and such other subjects and such activities as the school district  
10 shall determine to be appropriate for the education of the school  
11 district's students enrolled in such program;

12 (b) Each school district shall make available to students enrolled  
13 in grades one through twelve, at least a district-wide annual average  
14 total instructional hour offering of one thousand hours. The state  
15 board of education may define alternatives to classroom instructional  
16 time for students in grades nine through twelve enrolled in alternative  
17 learning experiences. The state board of education shall establish  
18 rules to determine annual average instructional hours for districts  
19 including fewer than twelve grades. The program shall include the  
20 essential academic learning requirements under RCW 28A.630.885 and such  
21 other subjects and such activities as the school district shall  
22 determine to be appropriate for the education of the school district's  
23 students enrolled in such group;

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

28 (2) Nothing contained in subsection (1) of this section shall be  
29 construed to require individual students to attend school for any  
30 particular number of hours per day or to take any particular courses.

31 (3) Each school district's kindergarten through twelfth grade basic  
32 educational program shall be accessible to all students who are five  
33 years of age, as provided by RCW 28A.225.160, and less than twenty-one  
34 years of age (~~and~~). The program shall consist of a minimum of one  
35 hundred eighty school days per school year in such grades as are  
36 conducted by a school district(~~, and~~). At the option of the school  
37 district, the basic education program for students in kindergarten may  
38 consist of either one hundred eighty half(~~-~~)days or one hundred

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

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

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

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

32 Basic education shall be considered to be fully funded by those  
33 amounts of dollars appropriated by the legislature pursuant to RCW  
34 28A.150.250 and 28A.150.260 to fund those program requirements  
35 identified in RCW 28A.150.220 in accordance with the formula and ratios  
36 provided in RCW 28A.150.260 and those amounts of dollars appropriated

1 by the legislature to fund the salary requirements of RCW 28A.150.100  
2 and 28A.150.410.

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

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

26 **Sec. 4.** RCW 28A.525.162 and 1995 c 77 s 24 are each amended to  
27 read as follows:

28 (1) Funds appropriated to the state board of education from the  
29 common school construction fund shall be allotted by the state board of  
30 education in accordance with student enrollment and the provisions of  
31 RCW 28A.525.200.

32 (2) No allotment shall be made to a school district until such  
33 district has provided matching funds equal to or greater than the  
34 difference between the total approved project cost and the amount of  
35 state assistance to the district for financing the project computed  
36 pursuant to RCW 28A.525.166, with the following exceptions:

1 (a) The state board may waive the matching requirement for  
2 districts which have provided funds for school building construction  
3 purposes through the authorization of bonds or through the  
4 authorization of excess tax levies or both in an amount equivalent to  
5 two and one-half percent of the value of its taxable property, as  
6 defined in RCW 39.36.015.

7 (b) No such matching funds shall be required as a condition to the  
8 allotment of funds for the purpose of making major or minor structural  
9 changes to existing school facilities in order to bring such facilities  
10 into compliance with the barrier free access requirements of section  
11 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and  
12 rules implementing the act.

13 (3) For the purpose of computing the state matching percentage  
14 under RCW 28A.525.166 when a school district is granted authority to  
15 enter into contracts, adjusted valuation per pupil shall be calculated  
16 using headcount student enrollments from the most recent October  
17 enrollment reports submitted by districts to the superintendent of  
18 public instruction, adjusted as follows:

19 (a) In the case of projects for which local bonds were approved  
20 after May 11, 1989:

21 (i) For districts which have been designated as serving high school  
22 districts under RCW 28A.540.110, students residing in the nonhigh  
23 district so designating shall be excluded from the enrollment count if  
24 the student is enrolled in any grade level not offered by the nonhigh  
25 district;

26 (ii) The enrollment of nonhigh school districts shall be increased  
27 by the number of students residing within the district who are enrolled  
28 in a serving high school district so designated by the nonhigh school  
29 district under RCW 28A.540.110, including only students who are  
30 enrolled in grade levels not offered by the nonhigh school district;  
31 and

32 (iii) The number of preschool students with disabilities included  
33 in the enrollment count shall be multiplied by one-half;

34 (b) In the case of construction or modernization of high school  
35 facilities in districts serving students from nonhigh school districts,  
36 the adjusted valuation per pupil shall be computed using the combined  
37 adjusted valuations and enrollments of each district, each weighted by

1 the percentage of the district's resident high school students served  
2 by the high school district; and

3 (c) The number of kindergarten students included in the enrollment  
4 count shall be multiplied by one-half in schools in which a school  
5 district is operating or plans to operate a half-day kindergarten  
6 program.

7 (4) The state board of education shall prescribe and make effective  
8 such rules as are necessary to equate insofar as possible the efforts  
9 made by school districts to provide capital funds by the means  
10 aforesaid.

11 (5) For the purposes of this section, "preschool students with  
12 disabilities" means developmentally disabled children of preschool age  
13 who are entitled to services under RCW 28A.155.010 through 28A.155.100  
14 and are not included in the kindergarten enrollment count of the  
15 district.

16 NEW SECTION. **Sec. 5.** This act takes effect September 1, 2006.

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