

HB 1285 - S COMM AMD

By Committee on Early Learning & K-12 Education

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 28A.150.200 and 1990 c 33 s 104 are each amended to
4 read as follows:

5 ((~~This 1977 amendatory act~~)) Chapter 359, Laws of 1977 ex. sess.
6 shall be known and may be cited as "The Washington basic education act
7 of 1977." The program evolving from the basic education act shall
8 include (1) the goal of the school system as defined in RCW 28A.150.210
9 (as recodified by this act), (2) those program requirements enumerated
10 in RCW 28A.150.220 (as recodified by this act), and (3) the
11 determination and distribution of state resources as defined in RCW
12 28A.150.250 and 28A.150.260 (as recodified by this act).

13 The requirements of the basic education act are deemed by the
14 legislature to comply with the requirements of Article IX, section 1 of
15 the state Constitution, which states that "It is the paramount duty of
16 the state to make ample provision for the education of all children
17 residing within its borders, without distinction or preference on
18 account of race, color, caste, or sex," and are adopted pursuant to
19 Article IX, section 2 of the state Constitution, which states that "The
20 legislature shall provide for a general and uniform system of public
21 schools." This act is not intended to expand, diminish, or alter the
22 state's basic education obligations under Article IX of the state
23 Constitution.

24 NEW SECTION. **Sec. 2.** The definitions in this section apply
25 throughout this chapter and RCW 28A.400.200 unless the context clearly
26 requires otherwise.

27 (1) "Instructional hours" means those hours students are provided
28 the opportunity to engage in educational activity planned by and under
29 the direction of school district staff, as directed by the

1 administration and board of directors of the district, inclusive of
2 intermissions for class changes, recess, and teacher/parent-guardian
3 conferences that are planned and scheduled by the district for the
4 purpose of discussing students' educational needs or progress, and
5 exclusive of time actually spent for meals.

6 (2) "Basic education certificated instructional staff" means all
7 full-time equivalent certificated instructional staff in the following
8 programs as defined for statewide school district accounting purposes:
9 Basic education, secondary vocational education, general instructional
10 support, and general supportive service.

11 **Sec. 3.** RCW 28A.150.220 and 1993 c 371 s 2 are each amended to
12 read as follows:

13 (1) Satisfaction of the basic education program requirements
14 identified in RCW 28A.150.210 (as recodified by this act) shall be
15 considered to be implemented by the following program:

16 (a) Each school district shall make available to students enrolled
17 in kindergarten at least a total instructional offering of four hundred
18 fifty hours. The program shall include instruction in the essential
19 academic learning requirements (~~(under RCW 28A.630.885)~~) and such other
20 subjects and such activities as the school district shall determine to
21 be appropriate for the education of the school district's students
22 enrolled in such program;

23 (b) Each school district shall make available to students enrolled
24 in grades one through twelve, at least a district-wide annual average
25 total instructional hour offering of one thousand hours. The state
26 board of education may define alternatives to classroom instructional
27 time for students in grades nine through twelve enrolled in alternative
28 learning experiences. The state board of education shall establish
29 rules to determine annual average instructional hours for districts
30 including fewer than twelve grades. The program shall include the
31 essential academic learning requirements (~~(under RCW 28A.630.885)~~) and
32 such other subjects and such activities as the school district shall
33 determine to be appropriate for the education of the school district's
34 students enrolled in such group;

35 (c) Each school district shall maintain a ratio of at least forty-
36 six basic education certificated staff to one thousand annual average
37 full-time equivalent students;

1 (d) If the essential academic learning requirements include a
2 requirement of languages other than English, the requirement may be met
3 by students receiving instruction in one or more American Indian
4 languages.

5 (e) Each school district shall make available to all eligible and
6 enrolled students with disabilities as defined in RCW 28A.155.020 the
7 opportunity for an appropriate education at public expense as provided
8 in chapter 28A.155 RCW;

9 (f) Each school district shall make available to all eligible and
10 enrolled students in grades kindergarten through twelve transportation
11 to and from school as provided in chapter 28A.160 RCW;

12 (g) Each school district participating in the learning assistance
13 program, as set forth in chapter 28A.165 RCW, shall provide a program
14 to participating students that complies with the requirements of
15 chapter 28A.165 RCW;

16 (h) Each school district shall make available to each eligible and
17 enrolled student transitional bilingual instruction as required by
18 chapter 28A.180 RCW;

19 (i) Each education provider under chapter 28A.193 RCW shall provide
20 a program of education to eligible and participating juvenile inmates
21 as provided by chapter 28A.193 RCW.

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

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

1 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
2 28A.150.260 (as recodified by this act).

3 (4) The state board of education shall adopt rules to implement and
4 ensure compliance with the program requirements imposed by this
5 section, RCW 28A.150.250 and 28A.150.260 (as recodified by this act),
6 and such related supplemental program approval requirements as the
7 state board may establish.

8 **Sec. 4.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to
9 read as follows:

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

26 Basic education shall be considered to be fully funded by those
27 amounts of dollars appropriated by the legislature pursuant to RCW
28 28A.150.250 and 28A.150.260 (as recodified by this act) to fund those
29 program requirements identified in RCW 28A.150.220 (as recodified by
30 this act) in accordance with the formula and ratios provided in RCW
31 28A.150.260 (as recodified by this act) and those amounts of dollars
32 appropriated by the legislature to fund the salary requirements of RCW
33 (~~(28A.150.100)~~) 28A.150.220 (as recodified by this act) and
34 28A.150.410.

35 Operation of a program approved by the state board of education,
36 for the purposes of this section, shall include a finding that the
37 ratio of students per classroom teacher in grades kindergarten through

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

13 If a school district's basic education program fails to meet the
14 basic education requirements enumerated in RCW 28A.150.250,
15 28A.150.260, and 28A.150.220 (as recodified by this act), the state
16 board of education shall require the superintendent of public
17 instruction to withhold state funds in whole or in part for the basic
18 education allocation until program compliance is assured: PROVIDED,
19 That the state board of education may waive this requirement in the
20 event of substantial lack of classroom space.

21 **Sec. 5.** RCW 28A.150.260 and 2006 c 263 s 322 are each amended to
22 read as follows:

23 The basic education allocation for each annual average full time
24 equivalent student shall be determined in accordance with the following
25 procedures:

26 (1) The governor shall and the superintendent of public instruction
27 may recommend to the legislature a formula based on a ratio of students
28 to staff for the distribution of a basic education allocation for each
29 annual average full time equivalent student enrolled in a common
30 school. The distribution formula shall have the primary objective of
31 equalizing educational opportunities and shall provide appropriate
32 recognition of the following costs among the various districts within
33 the state:

- 34 (a) Certificated instructional staff and their related costs;
35 (b) Certificated administrative staff and their related costs;
36 (c) Classified staff and their related costs;
37 (d) Nonsalary costs;

1 (e) Extraordinary costs, including school facilities, of remote and
2 necessary schools as judged by the superintendent of public
3 instruction, with recommendations from the school facilities citizen
4 advisory panel under RCW 28A.525.025, and small high schools, including
5 costs of additional certificated and classified staff; and

6 (f) The attendance of students pursuant to RCW 28A.335.160 and
7 28A.225.250 who do not reside within the servicing school district.

8 (2)(a) This formula for distribution of basic education funds shall
9 be reviewed biennially by the superintendent and governor. The
10 recommended formula shall be subject to approval, amendment or
11 rejection by the legislature. The formula shall be for allocation
12 purposes only. While the legislature intends that the allocations for
13 additional instructional staff be used to increase the ratio of such
14 staff to students, nothing in this section shall require districts to
15 reduce the number of administrative staff below existing levels.

16 (b) The formula adopted by the legislature shall reflect the
17 following ratios at a minimum: (i) Forty-nine certificated
18 instructional staff to one thousand annual average full time equivalent
19 students enrolled in grades kindergarten through three; (ii) forty-six
20 certificated instructional staff to one thousand annual average full
21 time equivalent students in grades four through twelve; (iii) four
22 certificated administrative staff to one thousand annual average full
23 time equivalent students in grades kindergarten through twelve; and
24 (iv) sixteen and sixty-seven one-hundredths classified personnel to one
25 thousand annual average full time equivalent students enrolled in
26 grades kindergarten through twelve.

27 (c) In the event the legislature rejects the distribution formula
28 recommended by the governor, without adopting a new distribution
29 formula, the distribution formula for the previous school year shall
30 remain in effect: PROVIDED, That the distribution formula developed
31 pursuant to this section shall be for state apportionment and
32 equalization purposes only and shall not be construed as mandating
33 specific operational functions of local school districts other than
34 those program requirements identified in RCW 28A.150.220 (~~and~~
35 ~~28A.150.100~~) (as recodified by this act). The enrollment of any
36 district shall be the annual average number of full time equivalent
37 students and part time students as provided in RCW 28A.150.350 (as
38 recodified by this act), enrolled on the first school day of each month

1 and shall exclude full time equivalent students with disabilities
2 recognized for the purposes of allocation of state funds for programs
3 under RCW 28A.155.010 through 28A.155.100. The definition of full time
4 equivalent student shall be determined by rules of the superintendent
5 of public instruction: PROVIDED, That the definition shall be included
6 as part of the superintendent's biennial budget request: PROVIDED,
7 FURTHER, That any revision of the present definition shall not take
8 effect until approved by the house appropriations committee and the
9 senate ways and means committee: PROVIDED, FURTHER, That the office of
10 financial management shall make a monthly review of the
11 superintendent's reported full time equivalent students in the common
12 schools in conjunction with RCW 43.62.050.

13 (3)(a) Certificated instructional staff shall include those persons
14 employed by a school district who are nonsupervisory employees within
15 the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases,
16 people of unusual competence but without certification may teach
17 students so long as a certificated person exercises general
18 supervision: PROVIDED, FURTHER, That the hiring of such classified
19 people shall not occur during a labor dispute and such classified
20 people shall not be hired to replace certificated employees during a
21 labor dispute.

22 (b) Certificated administrative staff shall include all those
23 persons who are chief executive officers, chief administrative
24 officers, confidential employees, supervisors, principals, or assistant
25 principals within the meaning of RCW 41.59.020(4).

26 **Sec. 6.** RCW 28A.150.290 and 1992 c 141 s 504 are each amended to
27 read as follows:

28 (1) The superintendent of public instruction shall have the power
29 and duty to make such rules (~~(and regulations)~~) as are necessary for
30 the proper administration of this chapter, chapter 28A.150 RCW, and RCW
31 28A.160.150 through (~~((28A.160.220))~~) 28A.160.210, 28A.300.035,
32 28A.300.170, and 28A.500.010 not inconsistent with the provisions
33 thereof, and in addition to require such reports as may be necessary to
34 carry out his or her duties under this chapter, chapter 28A.150 RCW,
35 and RCW 28A.160.150 through (~~((28A.160.220))~~) 28A.160.210, 28A.300.035,
36 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 (as recodified by
5 this act) when said districts are unable to fulfill for one or more
6 schools as officially scheduled the requirement of a full school year
7 of one hundred eighty days or the annual average total instructional
8 hour offering imposed by RCW 28A.150.220 and 28A.150.260 (as recodified
9 by this act) due to one or more of the following conditions:

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

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

28 A condition is foreseeable for the purposes of this subsection to
29 the extent a reasonably prudent person would have anticipated prior to
30 August first of the preceding school year that the condition probably
31 would occur during the ensuing school year because of the occurrence of
32 an event or a circumstance which existed during such preceding school
33 year or a prior school year. A board of directors of a school district
34 is deemed for the purposes of this subsection to have knowledge of
35 events and circumstances which are a matter of common knowledge within
36 the school district and of those events and circumstances which can be
37 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, chapter 28A.150 RCW, and RCW 28A.160.150 through
4 (~~28A.160.220~~) 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010;
5 to simplify the application, monitoring and evaluation processes used;
6 to eliminate all duplicative requests for information from local school
7 districts; and to make every effort to integrate and standardize
8 information requests for other state education acts and federal aid to
9 education acts administered by the superintendent of public instruction
10 so as to reduce paperwork requirements and duplicative information
11 requests.

12 **Sec. 7.** RCW 28A.150.360 and 1995 c 335 s 101 are each amended to
13 read as follows:

14 In the event of an unforeseen emergency, in the nature of either an
15 unavoidable cost to a district or unexpected variation in anticipated
16 revenues to a district, the state superintendent is authorized, for not
17 to exceed two years, to make such an adjustment in the allocation of
18 funds as is consistent with the intent of this chapter, chapter 28A.150
19 RCW, RCW 28A.160.150 through 28A.160.210, 28A.300.170, and 28A.500.010
20 in providing an equal educational opportunity for the children of such
21 district or districts.

22 **Sec. 8.** RCW 28A.150.410 and 2002 c 353 s 1 are each amended to
23 read as follows:

24 (1) The legislature shall establish for each school year in the
25 appropriations act a statewide salary allocation schedule, for
26 allocation purposes only, to be used to distribute funds for basic
27 education certificated instructional staff salaries under RCW
28 28A.150.260 (as recodified by this act).

29 (2) Salary allocations for state-funded basic education
30 certificated instructional staff shall be calculated by the
31 superintendent of public instruction by determining the district's
32 average salary for certificated instructional staff, using the
33 statewide salary allocation schedule and related documents, conditions,
34 and limitations established by the omnibus appropriations act.

35 (3) (~~Beginning January 1, 1992,~~) No more than ninety college
36 quarter-hour credits received by any employee after the baccalaureate

1 degree may be used to determine compensation allocations under the
2 state salary allocation schedule and LEAP documents referenced in the
3 omnibus appropriations act, or any replacement schedules and documents,
4 unless:

- 5 (a) The employee has a masters degree; or
- 6 (b) The credits were used in generating state salary allocations
7 before January 1, 1992.

8 NEW SECTION. **Sec. 9.** The following sections are each recodified
9 in the new chapter in Title 28A RCW created in section 12 of this act.

- 10 RCW 28A.150.200
- 11 RCW 28A.150.210
- 12 RCW 28A.150.220
- 13 RCW 28A.150.250
- 14 RCW 28A.150.260
- 15 RCW 28A.150.270
- 16 RCW 28A.150.290
- 17 RCW 28A.150.410
- 18 RCW 28A.150.275
- 19 RCW 28A.150.350
- 20 RCW 28A.150.360
- 21 RCW 28A.150.370
- 22 RCW 28A.150.420

23 NEW SECTION. **Sec. 10.** RCW 28A.150.280 is recodified as a new
24 section in chapter 28A.160 RCW.

25 NEW SECTION. **Sec. 11.** RCW 28A.150.100 (Basic education
26 certificated instructional staff--Definition--Ratio to students) and
27 1990 c 33 s 103 & 1987 1st ex.s. c 2 s 203 are each repealed.

28 NEW SECTION. **Sec. 12.** Section 2 of this act constitutes a new
29 chapter in Title 28A RCW."

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1 On page 1, line 1 of the title, after "program;" strike the
2 remainder of the title and insert "amending RCW 28A.150.200,
3 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.290, 28A.150.360, and
4 28A.150.410; adding a new section to chapter 28A.160 RCW; adding a new
5 chapter to Title 28A RCW; recodifying RCW 28A.150.200, 28A.150.210,
6 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.270, 28A.150.290,
7 28A.150.410, 28A.150.275, 28A.150.350, 28A.150.360, 28A.150.370,
8 28A.150.420, and 28A.150.280; and repealing RCW 28A.150.100."

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