
SENATE BILL 5919

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By Senators Bailey, Anderson, Erwin, Oke, L. Smith, Johnson, Barr, Bluechel, von Reichbauer, Roach, Metcalf, Thorsness and McCaslin.

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1 AN ACT Relating to educational excellence; amending RCW
2 28A.605.020, 28A.150.040, 28A.150.230, 28A.230.190, 28A.230.230,
3 28A.230.240, 28A.410.030, 28A.405.220, 28B.80.350, 28A.230.100,
4 84.52.0531, 41.59.020, and 41.56.030; adding a new section to chapter
5 28A.615 RCW; adding new sections to chapter 28A.320 RCW; adding new
6 sections to chapter 28A.240 RCW; adding new sections to chapter 28A.300
7 RCW; adding new sections to chapter 28A.230 RCW; adding new sections to
8 chapter 28A.400 RCW; adding new sections to chapter 28A.410 RCW; adding
9 new sections to chapter 28A.600; adding new sections to chapter 28A.630
10 RCW; adding new sections to chapter 28B.80 RCW; adding a new section to
11 chapter 28B.50 RCW; adding a new section to 28A.150 RCW; adding a new
12 section to chapter 28B.10 RCW; adding a new section to chapter 28A.500
13 RCW; adding a new chapter to Title 28C RCW; creating new sections;
14 making appropriations; providing expiration dates; providing effective
15 dates; and declaring an emergency.

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

1 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

2 (a) Academic achievement of Washington students can and should be
3 improved;

4 (b) Student success, in large part, depends on parents'
5 involvement, both at home and at school, in the education of their
6 child;

7 (c) Many school districts across the state are engaged in efforts
8 to reevaluate and restructure their local education programs;

9 (d) State support can help sustain and accelerate the momentum of
10 educational restructuring initiatives.

11 (2) The legislature recognizes that the public education system, as
12 the foundation of our society, faces critical issues that reflect the
13 public's increasing concern regarding the effectiveness and
14 accountability of our public schools. The legislature finds that these
15 issues can be addressed by:

16 (a) Establishing rights and responsibilities of parents to
17 knowledgeably participate in the education of their children;

18 (b) Increasing the broad powers of school boards;

19 (c) Measuring and reporting student achievement in a manner that
20 encourages accountability to and understanding by the public;

21 (d) Increasing public confidence in the professional preparation
22 and training of educators; and

23 (e) Providing funding support for initiatives to restructure
24 schools, meet the special needs of students, and enhance vocational
25 education.

26 (3) In taking the steps under this act, the legislature reaffirms
27 its constitutional mandate, as its paramount duty, of the education of
28 the children of the state.

PART I

PARENTS' RIGHTS AND RESPONSIBILITIES

NEW SECTION. **Sec. 101.** The legislature finds that parents have the primary responsibility for the welfare of their children and that the successful education of children is the product of a responsive and rigorous educational system that depends on the participation of informed and concerned parents and citizens. To this end, RCW 28A.605.020 and sections 102 through 104 of this act are intended to define certain rights of parents to be informed of, and participate in, the education of their children.

"Parents" as used in this act, includes one or both parents and any legal guardian.

NEW SECTION. **Sec. 102.** A new section is added to chapter 28A.615 RCW to read as follows:

Parents have the right to know what their child is being taught and are encouraged to exercise their responsibility to participate in their child's education.

(1) School district boards of directors shall adopt policies to ensure the implementation of the requirements that public records be made available under RCW 42.17.250 through 42.17.340. The board of directors of a school district shall develop specific policies providing for the inspection and review of any type of materials used in association with the district's educational program. The district may charge a nominal cost to cover any costs of reproduction.

(2) Districts shall inform parents annually through the report required under section 105 of this act of parents' right to inspect and review any type of materials used in association with the district's educational program.

1 (3) Innovation and educational reform should be encouraged in
2 public schools. To that end, parents and the community at large should
3 be encouraged to participate in the development and implementation of
4 experimental or pilot education programs. Before implementation of any
5 experimental or pilot education program, the school district shall
6 consult and communicate with parents regarding the proposed program.

7 (4) No child may be placed in an experimental or pilot program in
8 a school district without prior written notification to the parent.
9 The notification shall include a detailed description of the program.

10 (5) A site-based council established under section 202 of this act
11 may veto implementation of an experimental or pilot education program
12 adopted by the district's board of directors. At least three-fourths
13 of the members of the site-based council shall support the motion to
14 veto.

15 (6) A school district shall not perform psychological testing of a
16 student without the written permission of the parents.

17 **Sec. 103.** RCW 28A.605.020 and 1979 ex.s. c 250 s 8 are each
18 amended to read as follows:

19 Every school district board of directors shall, ((after
20 ~~following established procedure~~)) in cooperation with teacher and
21 parent organizations, adopt a policy assuring parents access to their
22 child's classroom and/or school sponsored activities for purposes of
23 observing class procedure, teaching material, and class conduct:
24 PROVIDED, That such observation shall not disrupt the classroom
25 procedure or learning activity. The policy adopted under this section
26 is not subject to collective bargaining. The right of parents to visit
27 their child's classroom, as established under this section, is in
28 addition to any parent/teacher conferences offered by the school
29 district.

1 **Sec. 104.** RCW 28A.150.040 and 1990 c 33 s 101 are each amended to
2 read as follows:

3 (1) The school year shall begin on the first day of
4 September and end with the last day of August: PROVIDED, That any
5 school district may elect to commence the minimum annual school term as
6 required under RCW 28A.150.220 in the month of August of any calendar
7 year and in such case the operation of a school district for such
8 period in August shall be credited by the superintendent of public
9 instruction to the succeeding school year for the purpose of the
10 allocation and distribution of state funds for the support of such
11 school district.

12 (2) By May 30 of each year, the board of directors of each school
13 district shall, following a public hearing, establish the schedule of
14 days for students to attend school during the succeeding school year.
15 The days so designated shall be employee work days and shall not be
16 subject to collective bargaining. However, employee work days beyond
17 those scheduled for student attendance may be a subject of collective
18 bargaining.

19 NEW SECTION. **Sec. 105.** A new section is added to chapter 28A.320
20 RCW to read as follows:

21 (1) In keeping with the accountability purpose expressed in section
22 101, chapter ..., Laws of 1991 (section 101 of this act) and to ensure
23 that the local community and electorate have access to information on
24 the educational programs in the school districts, each school
25 district's board of directors shall publish annually a school district
26 accountability report. School districts shall have a copy of the
27 accountability report available for public inspection at each school in
28 the district, at the district office, and in public libraries. The
29 accountability report shall include a brief statement of the mission of

1 the school district, enrollment statistics including student
2 demographics, expenditures per pupil for the school year, the average
3 compensation for teachers, a summary of student scores on all mandated
4 tests and college entrance examination scores, any measurements of the
5 performance of the district's students in college or the workplace, a
6 concise annual budget report including revenue and expense data, budget
7 funding sources including the amounts of state, local, federal, and
8 other funds, the student drop-out and graduation rates, an invitation
9 to all citizens to participate in site-based councils and other school
10 planning activities, and other data and information that clearly
11 communicates the activities and progress of the school district to the
12 residents of that school district. The published accountability report
13 shall compare district, state, and national data whenever appropriate
14 and the published report shall use tables and graphs to communicate
15 complex information better.

16 (2) The annual accountability report for each school district shall
17 be published at least once each school year in a newspaper of general
18 circulation in the county where the district is located.

19 **Sec. 106.** RCW 28A.150.230 and 1990 c 33 s 106 are each amended to
20 read as follows:

21 (1) It is the intent and purpose of this section to guarantee that
22 each common school district board of directors, whether or not acting
23 through its respective administrative staff, be held accountable for
24 the proper operation of their district to the local community and its
25 electorate. In accordance with the provisions of Title 28A RCW, as now
26 or hereafter amended, each common school district board of directors
27 shall be vested with the final responsibility for the setting of
28 policies ensuring quality in the content and extent of its educational
29 program and that such program provide students with the opportunity to

1 achieve those skills which are generally recognized as requisite to
2 learning.

3 (2) In conformance with the provisions of Title 28A RCW, as now or
4 hereafter amended, it shall be the responsibility of each common school
5 district board of directors, acting through its respective
6 administrative staff, to:

7 (a) Establish performance criteria and an evaluation process for
8 its certificated personnel, including administrative staff, and for all
9 programs constituting a part of such district's curriculum;

10 (b) Determine the final assignment of staff, certificated or
11 classified, according to board enumerated classroom and program needs;

12 (c) Determine the amount of instructional hours necessary for any
13 student to acquire a quality education in such district, in not less
14 than an amount otherwise required in RCW 28A.150.220, or rules and
15 regulations of the state board of education;

16 (d) Determine the allocation of staff time, whether certificated or
17 classified;

18 (e) Establish final curriculum standards consistent with law and
19 rules and regulations of the state board of education, relevant to the
20 particular needs of district students or the unusual characteristics of
21 the district, and ensuring a quality education for each student in the
22 district; and

23 (f) Evaluate teaching materials, including text books, teaching
24 aids, handouts, or other printed material, in public hearing upon
25 complaint by parents, guardians or custodians of students who consider
26 dissemination of such material to students objectionable.

27 ~~((3) In keeping with the accountability purpose expressed in this~~
28 ~~section and to insure that the local community and electorate have~~
29 ~~access to information on the educational programs in the school~~
30 ~~districts, each school district's board of directors shall annually~~

1 ~~publish a descriptive guide to the district's common schools. This~~
2 ~~guide shall be made available at each school in the district for~~
3 ~~examination by the public. The guide shall include, but not be limited~~
4 ~~to, the following:~~

5 ~~(a) Criteria used for written evaluations of staff members pursuant~~
6 ~~to RCW 28A.405.100;~~

7 ~~(b) A summary of program objectives pursuant to RCW 28A.320.210;~~

8 ~~(c) Results of comparable testing for all schools within the~~
9 ~~district; and~~

10 ~~(d) Budget information which will include the following:~~

11 ~~(i) Student enrollment;~~

12 ~~(ii) Number of full time equivalent personnel per school in the~~
13 ~~district itemized according to classroom teachers, instructional~~
14 ~~support, and building administration and support services, including~~
15 ~~itemization of such personnel by program;~~

16 ~~(iii) Number of full time equivalent personnel assigned in the~~
17 ~~district to central administrative offices, itemized according to~~
18 ~~instructional support, building and central administration, and support~~
19 ~~services, including itemization of such personnel by program;~~

20 ~~(iv) Total number of full time equivalent personnel itemized by~~
21 ~~classroom teachers, instructional support, building and central~~
22 ~~administration, and support services, including itemization of such~~
23 ~~personnel by program; and~~

24 ~~(v) Special levy budget request presented by program and~~
25 ~~expenditure for purposes over and above those requirements identified~~
26 ~~in RCW 28A.150.220.))~~

PART II

SCHOOL SITE-BASED COUNCILS

NEW SECTION. **Sec. 201.** The legislature finds that in order to achieve the goal of reforming the public schools, each citizen of the state must accept the commitment of developing our most important resource, our children. The legislature further finds that part of building this commitment includes having persons in the field of education form partnerships with other persons in the community. To build a learning community, and develop this commitment, the legislature intends:

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

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

(3) To give school districts and schools broad discretion in establishing their site-based councils but consistent with the limitations under section 202 of this act.

NEW SECTION. **Sec. 202.** (1) A site-based council may be established at one or more schools if the school district board of directors has adopted a policy authorizing site-based councils. The school district board of directors has final authority in establishing the parameters and areas of involvement accorded to school site-based councils.

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

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

3 (b) Membership of the site-based council including the principal,
4 certificated and classified staff, students in secondary schools,
5 parents, and persons in the community. A majority of the site-based
6 council shall be parents. Existing organizations may be used to form
7 the site-based council;

8 (c) Designation of activities with which site-based councils may
9 become involved, such as: Student assessment, parent involvement, and
10 developing community schools; and

11 (d) Delegation of authority to site-based councils to adopt their
12 own bylaws and charter.

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

16 (4) A school board shall only delegate authority over budget
17 decisions to a site-based council if the authority is clearly defined
18 in writing, if the authority is limited to a one-year period but may be
19 renewed annually with the approval of the board, and if the authority
20 of the site-based council is limited to decisions at the building
21 level.

22 (5) Each school district board of directors deciding to adopt a
23 policy authorizing site-based councils shall provide, by resolution,
24 plans for attendance policies that are consistent with the requirements
25 of any desegregation plan in order to promote stability for schools
26 with site-based councils.

27 NEW SECTION. **Sec. 203.** If modifications to existing local
28 bargaining agreements are necessary to implement school site-based
29 councils, those modifications shall be clearly stated in the written

1 agreement between the school district board of directors and the
2 exclusive bargaining representative for district certificated
3 instructional staff.

4 NEW SECTION. **Sec. 204.** (1) Schools with site-based councils may
5 receive funds to provide resources for restructuring their educational
6 programs. The superintendent of public instruction shall allocate
7 funds, as are appropriated for this purpose, to school districts to
8 distribute to the schools with site-based councils.

9 (2) School districts shall submit reports about the plans and use
10 of funds to the superintendent of public instruction. The
11 superintendent of public instruction may transmit information to other
12 schools and school districts through the state clearinghouse for
13 educational information and assistance.

14 (3) The superintendent of public instruction may provide technical
15 assistance under this section to any school or school district
16 establishing or using a site-based council.

17 PART III

18 SCHOOL BOARD POWERS

19 NEW SECTION. **Sec. 301.** A new section is added to chapter 28A.320
20 RCW to read as follows:

21 The board of directors of each school district may exercise the
22 following powers:

23 (1) Such powers as expressly authorized by law;

24 (2) Such powers as are necessary or fairly implied in powers
25 expressly authorized by law; and

26 (3) The additional broad discretionary power to determine and adopt
27 written policies and rules not in conflict with other law that provide

1 for the development and implementation of programs, activities,
2 services, or practices that the board determines will:

3 (a) Benefit the education, health, or safety of citizens; or

4 (b) Promote the effective, efficient, or safe maintenance and
5 operation of school district programs, activities, services, or
6 practices.

7 The adoption of any such policy or rule shall be preceded by notice
8 in accordance with the open public meeting law of chapter 42.30 RCW
9 which furthermore sets forth or reasonably describes the proposed
10 policy or regulation, plus a reasonable opportunity for public written
11 and oral comment and consideration of the comment by the board of
12 directors.

13 NEW SECTION. **Sec. 302.** A new section is added to chapter 28A.300
14 RCW to read as follows:

15 (1) The superintendent of public instruction shall adopt rules
16 clearly allowing districts to blend funds for the basic education,
17 learning assistance, special education, and transitional bilingual
18 education programs to the maximum extent possible for the continued
19 receipt of federal funds.

20 (2) The superintendent of public instruction may create a new
21 program code in the accounting manual for public school districts to
22 track revenues and expenditures under subsection (1) of this section.

23 PART IV

24 PLANNING AND IMPLEMENTATION GRANTS FOR RESTRUCTURING

25 NEW SECTION. **Sec. 401.** (1) The legislature believes that
26 attaining the state vision for excellence in education under Senate
27 Concurrent Resolution No. 8400 will require new state-supported

1 opportunities for schools to implement strategies to improve student
2 learning and skills. It is the intent of the legislature to provide
3 additional support to schools or school districts to:

4 (a) Encourage students, parents, teachers, principals, classified
5 school staff, school district personnel, the school board, and other
6 citizens to become more active partners in the learning community of
7 their school or district;

8 (b) Encourage schools or districts to select and compete against
9 goals and educational outcomes tailored to their own learning
10 community; and

11 (c) Foster improvements in instruction, curriculum, and assessment.

12 (2) It is the further intent of the legislature that what is
13 learned from local projects under the reach for excellence grant
14 program established under section 403 of this act shall be considered
15 as a basis for the development of new goals, standards, and assessments
16 for the state education system.

17 (3) The reach for excellence grant program shall be:

18 (a) Responsive to local educational concerns and desires;

19 (b) Educational, focusing on improving student learning and skills
20 and encouraging the development of new measures to assess student
21 performance;

22 (c) Accountable, so that projects earn reach achievement awards
23 linked directly to progress made toward identified educational
24 outcomes;

25 (d) Collaborative, with projects reflecting a partnership between
26 students, parents, teachers, principals, and others; and

27 (e) Home-based, tailored to the needs of each participating school.

1 NEW SECTION. **Sec. 402.** Unless the context clearly requires
2 otherwise, the definitions in this section apply throughout sections
3 403 through 414 of this act.

4 (1) "Educational outcomes" and "target educational outcomes" mean
5 expected levels of student performance and achievement, including
6 student learning objectives required under RCW 28A.320.210.

7 (2) "Indicators" means institutional factors that may bear a
8 relationship to student learning and can be used to help assess
9 students' progress toward identified educational outcomes.

10 (3) "Context indicators" means variables that characterize the
11 setting in which educational programs are delivered and generally are
12 items over which schools have little control.

13 (4) "Process indicators" means variables that characterize how
14 educational programs are delivered and generally are items over which
15 schools have some control.

16 (5) "Grant" means state funds provided to a district with a
17 selected reach for excellence project for use in the planning and
18 initial implementation of the project.

19 (6) "Award" or "reach achievement award" means state funds provided
20 to a reach project for progress made toward target educational
21 outcomes.

22 (7) "Superintendent" means the superintendent of public
23 instruction.

24 NEW SECTION. **Sec. 403.** (1) From funds appropriated by the
25 legislature, the state board of education shall establish the reach for
26 excellence grant program to assist schools and school districts in
27 local efforts to improve student learning and skills. Participation in
28 the program shall be voluntary.

1 (2) Schools or districts selected to participate in the reach for
2 excellence grant program shall be required to match the state funds
3 under section 406(2) of this act at a minimum of one hundred percent.
4 The district match may consist of funds under section 1101 of this act.

5 (3) The state board of education shall be responsible for final
6 decisions regarding selection and funding levels of projects and for
7 the manner in which reach achievement awards shall be distributed.
8 Reach projects may be conducted for up to six years subject to funding
9 and annual approval by the state board. No project may receive
10 continued funding for additional planning or reach achievement awards
11 without approval from the state board. The state board shall use the
12 benchmark data for the target educational outcomes required under
13 section 406(2)(f) of this act in annually assessing the progress made
14 toward the target educational outcomes to determine project eligibility
15 for annual reach achievement awards. In evaluating projects to
16 determine their continuation the state board shall emphasize giving
17 projects maximum flexibility and time to be successful.

18 (4) The superintendent shall be responsible for administration of
19 the reach for excellence program once projects and funding levels have
20 been determined by the state board.

21 (5) The state board shall establish a working committee to assist
22 it with:

23 (a) The development of any additional grant application criteria;

24 (b) Selecting reach applicants for grant awards;

25 (c) Determining the manner in which reach achievement awards will
26 be distributed; and

27 (d) Monitoring the development and use of measures of assessing
28 student performance in addition to standardized tests, as required
29 under section 406 of this act.

1 through 414 of this act precludes the use of reach achievement awards
2 for providing stipends or salary and compensation increases through a
3 compensation model characterized by differentiated levels of employment
4 classification for certificated staff and differentiated
5 responsibilities for each level of employment classification; or

6 (c) Any combination of (a) and (b) of this subsection.

7 (5) A site-based council may use planning grant funds under
8 subsection (2) of this section for planning, staff and community
9 development and training, and materials and supplies: PROVIDED, That
10 these activities are related directly to the reach project.

11 NEW SECTION. **Sec. 405.** Use of reach achievement awards for the
12 purpose of section 404(4)(b) of this act is not an increase in salary
13 or compensation for the purposes of RCW 28A.400.200, nor may such
14 compensation be applied to the district's salary schedule or be
15 provided in a manner that would increase the state's basic education
16 funding obligation.

17 NEW SECTION. **Sec. 406.** (1) Schools or school districts
18 interested in implementing or enhancing existing local projects for
19 educational excellence shall submit a grant application to the state
20 board of education. All applications shall be submitted by the
21 district's board of directors. If possible, applicants should develop
22 their reach projects as part of the self-study process under RCW
23 28A.320.200, or otherwise link the proposed reach project to the self-
24 study results of the school or district.

25 (2) Grant applications shall include:

26 (a) Documentation that at least one public hearing was held on the
27 proposed reach project or projects. The public hearing required under
28 this subsection, and other public hearings as may be held, may be

1 conducted as part of the public hearings required under chapter 28A.505
2 RCW;

3 (b) Documentation that all parties are committed to work
4 cooperatively during the term of the project;

5 (c) A statement indicating how the proposed reach project supports
6 the state vision for excellence in education endorsed under Senate
7 Concurrent Resolution No. 8400;

8 (d) A description of how the reach for excellence grant program
9 funds will be expended. The expenditure plan may be included as part
10 of the district's annual budget required under chapter 28A.505 RCW;

11 (e) Target educational outcomes for the selected basic academic,
12 workplace, and life and family skills under section 407 (1) through (3)
13 of this act. Student learning objectives required under RCW
14 28A.320.210 may be used for target educational outcomes if applicable
15 for the purposes of the reach project;

16 (f) Benchmark data for the target educational outcomes identified
17 for the selected skills under section 407 (1) through (3) of this act;

18 (g) Benchmark data for context and process indicators as provided
19 under section 408 of this act;

20 (h) Identification of the evaluation and accountability procedures
21 and activities, including potential use of context and process
22 indicators, that may be used to: (i) Assess progress toward the target
23 educational outcomes; (ii) evaluate additional educational benefits
24 received by students, building staff, and parents from implementation
25 of the reach project; and (iii) assess the overall effectiveness of the
26 project. Applicants may use evaluation and accountability procedures
27 and activities established under the state self-study program under RCW
28 28A.320.200. Applicants shall identify at least one measure of
29 assessing student performance other than standardized testing that will
30 be developed or used as part of the reach project. Applicants are

1 encouraged to seek information from state higher education institutions
2 regarding potential alternatives to standardized testing;

3 (i) A written statement that school directors and administrators
4 are willing to exempt the reach project or projects from specifically
5 identified local rules, as needed;

6 (j) A written statement that the school directors and the local
7 bargaining agents will modify those portions of their local agreements
8 as applicable for the reach project or projects;

9 (k) Written statements of support from the district's board of
10 directors, the district superintendent, and the principal and staff of
11 the school or schools requesting to implement a reach project, and
12 statements of support, willingness to participate, or concerns from any
13 interested persons or organizations; and

14 (l) Other information as may be determined necessary by the state
15 board of education.

16 NEW SECTION. **Sec. 407.** (1) Grant applications under section 406
17 of this act shall include target educational outcomes for at least
18 three of the following basic academic skill areas:

19 (a) Reading and writing of the English language;

20 (b) Speaking and listening;

21 (c) Observing and questioning;

22 (d) Studying;

23 (e) Reasoning and problem solving;

24 (f) Mathematics; and

25 (g) Computer competency.

26 (2) Grant applications under section 406 of this act shall include
27 educational outcomes for at least two of the following workplace skill
28 areas:

29 (a) Decision making;

- 1 (b) Cooperation and teamwork;
- 2 (c) Self-directed learning; and
- 3 (d) Positive work habits.

4 (3) Grant applications under section 406 of this act shall include
5 educational outcomes for at least two of the following life and family
6 skill areas:

- 7 (a) Home and family life;
- 8 (b) Career planning;
- 9 (c) Life-long learning;
- 10 (d) Responsible and ethical behavior;
- 11 (e) Concern for others;
- 12 (f) Interpersonal relationships; and
- 13 (g) The arts, performing arts, and music.

14 (4) Grant applications shall indicate for subsections (1) through
15 (3) of this section the grade levels and subject matter areas in which
16 the identified skills will be addressed.

17 NEW SECTION. **Sec. 408.** (1) If possible, grant applications
18 under section 406 of this act should include benchmark data for the
19 context and process indicators listed under subsections (2) and (3) of
20 this section. However, as a condition to receiving reach for
21 excellence program grant funds, applicants selected for the reach
22 program shall submit to the state board of education the benchmark data
23 for the context and process indicators listed under subsections (2) and
24 (3) of this section.

25 (2) Applicants shall provide benchmark data for the following
26 context indicators developed by the educational outcomes and
27 measurement committee and reported to the legislature by the
28 superintendent in 1989:

- 29 (a) The average percent of students absent from school each day;

- 1 (b) Student mobility rate;
- 2 (c) School growth rate;
- 3 (d) Teacher mobility rate;
- 4 (e) Administrator mobility rate;
- 5 (f) The percent of students from low-income families; and
- 6 (g) The percent of students who speak English as a second language;
- 7 plus
- 8 (h) The average percent of teachers absent from school each day.

9 (3) Applicants shall provide benchmark data for the following
10 process indicators developed by the educational outcomes and
11 measurement committee and reported to the legislature by the
12 superintendent in 1989:

- 13 (a) Student-teacher ratio;
- 14 (b) Student-counselor ratio;
- 15 (c) Student-staff specialist ratio;
- 16 (d) The average expenditure per student;
- 17 (e) The average expenditure per staff member for in-service for
18 staff development;
- 19 (f) School accreditation status;
- 20 (g) The percent of students served by compensatory education
21 programs;
- 22 (h) The percent of students served by chapter 1 migrant education
23 programs;
- 24 (i) The percent of students served by special education programs;
- 25 and
- 26 (j) The percent of students served by gifted-talented programs.

27 (4) If possible and appropriate, benchmark data required under
28 section 406(2)(f) of this act and subsections (2) and (3) of this
29 section shall be provided on a by-school basis. If this is not

1 possible, the benchmark data shall be provided on a district-level
2 basis.

3 NEW SECTION. **Sec. 409.** (1) Grant applications may be submitted
4 jointly by two or more school districts or by an educational service
5 district on behalf of one or more school districts. An application may
6 include a proposal for two or more school buildings to implement
7 jointly a reach for excellence project.

8 (2) Upon request from a school district, the superintendent or the
9 educational service district shall provide the district with technical
10 assistance to develop the grant application.

11 (3) Upon request from a reach for excellence project, the
12 superintendent or the educational service district shall provide the
13 project with technical assistance to develop a measure of assessing
14 student performance as required under section 406(2)(h) of this act.

15 NEW SECTION. **Sec. 410.** Applicants selected for the reach for
16 excellence grant program may request from the state board of education
17 or the superintendent a waiver from the statutory or regulatory
18 requirements relating to:

19 (1) Teacher contact hour requirements under RCW 28A.150.260;

20 (2) Basic education program hours offering requirements under RCW
21 28A.150.200 through 28A.150.220;

22 (3) Student learning objectives under RCW 28A.320.210;

23 (4) Mandatory school building self-study under RCW 28A.320.200; and

24 (5) Commingling of funds appropriated by the legislature on a
25 categorical basis for such programs as, but not limited to, highly
26 capable students, transitional bilingual instruction, and the learning
27 assistance program.

1 The waivers may be renewed subject to continued funding and
2 approval by the state board of education under section 403 of this act.

3 NEW SECTION. **Sec. 411.** If modifications to existing local
4 bargaining agreements are necessary to implement grant proposals, those
5 modifications shall be clearly stated in the written agreement between
6 the school district board of directors and the exclusive bargaining
7 representative for district certificated instructional staff. The
8 requirement is not necessary if a previously written agreement to waive
9 the provisions of chapter 41.59 RCW for schools with reach projects has
10 been reached by the same two parties.

11 NEW SECTION. **Sec. 412.** (1) Each school district shall report to
12 the state board of education by October 1, 1993, and annually
13 thereafter pursuant to section 414(4) of this act, the following
14 information:

15 (a) The educational excellence activities supported by reach for
16 excellence grant funds;

17 (b) Updated information relating to the required benchmark data;

18 (c) Progress made toward the target educational outcomes; and

19 (d) The means and the results of evaluating the target educational
20 outcomes and additional benefits received by students, building staff,
21 and parents from implementation of the local reach project.

22 (2) By December 1, 1993, and by December 1st of each subsequent
23 even-numbered calendar year, the state board of education shall provide
24 the legislature and the governor a report on the reach for excellence
25 grant program. The reports shall include information on the items
26 required under subsection (1) of this section.

27 (3) In the report due December 1, 1996, the state board shall:

1 (a) Indicate the most common basic academic, workplace, and life
2 and family skills and accompanying target educational outcomes
3 identified by the reach projects;

4 (b) Indicate the development or use of measures to assess student
5 performance other than standardized tests;

6 (c) Indicate the number of projects that implemented the waivers
7 authorized under section 410 of this act;

8 (d) Include recommendations on the feasibility of implementing
9 basic academic, workplace, and life and family skills, educational
10 outcomes, and context and process indicators state-wide; and

11 (e) Comment on or recommend how the salary allocation schedule
12 developed by the legislative evaluation and accountability program
13 committee might reflect a school performance assessment model based on
14 basic academic, workplace, and life and family skills, educational
15 outcomes, and context and process indicators.

16 (4) The state board of education shall submit a final report on the
17 reach for excellence grant program to the legislature and the governor
18 not later than December 1, 1998.

19 NEW SECTION. **Sec. 413.** The superintendent shall provide for the
20 sharing of information between reach projects and with schools and
21 districts not selected or not participating in the reach for excellence
22 grant program.

23 NEW SECTION. **Sec. 414.** (1) The state board of education and the
24 superintendent shall adopt rules as necessary under chapter 34.05 RCW
25 to implement sections 402 through 414 of this act. The rules shall be
26 adopted not later than December 1, 1991.

27 (2) The rules shall include the following dates to govern
28 administration of the reach for excellence grant program:

1 (a) Initial applications must be received by the state board of
2 education not later than March 15, 1992;

3 (b) The state board of education shall evaluate the applications
4 and select the initial projects for grants by May 31, 1992; and

5 (c) After planning, initial implementation of the first reach
6 projects shall commence no later than the start of the 1993-94 school
7 year.

8 (3) The state board shall establish an annual date by which
9 subsequent applications must be submitted.

10 (4) The state board shall establish a date by which the annual
11 report required under section 412(1) of this act shall be submitted.

12 (5) The state board shall establish an annual date by which the
13 board shall notify each project of the amount of any eligible reach
14 achievement award and status to continue.

15 PART V

16 STUDENT ACHIEVEMENT TESTS

17 **Sec. 501.** RCW 28A.230.190 and 1990 c 101 s 6 are each amended to
18 read as follows:

19 (1) Every school district is encouraged to test pupils in grade two
20 by an assessment device designed or selected by the school district.
21 This test shall be used to help teachers in identifying those pupils in
22 need of assistance in the skills of reading, writing, mathematics, and
23 language arts. The test results are not to be compiled by the
24 superintendent of public instruction, but are only to be used by the
25 local school district.

26 (2) The superintendent of public instruction shall prepare and
27 conduct, with the assistance of school districts, a standardized
28 achievement test to be given annually to all pupils in grade four. The

1 test shall assess students' skill in reading, mathematics, writing,
2 science, history, geography, and language arts and shall focus upon
3 appropriate input variables. Results of such tests shall be compiled
4 by the superintendent of public instruction, who shall make those
5 results available annually to the legislature, to all local school
6 districts and subsequently to parents of those children tested. The
7 results shall allow parents to ascertain the achievement levels and
8 input variables of their children as compared with the other students
9 within the district, the state and, if applicable, the nation.

10 (3) The superintendent of public instruction shall report annually
11 to the legislature on the achievement levels of students in grade four.

12 **Sec. 502.** RCW 28A.230.230 and 1990 c 101 s 2 are each amended to
13 read as follows:

14 The superintendent of public instruction shall prepare and conduct,
15 with the assistance of school districts, an annual assessment of all
16 students in the eighth grade. The purposes of the assessment are to
17 assist students, parents, and teachers in the planning and selection of
18 appropriate high school courses for students and to provide information
19 about students' current academic proficiencies both in the basic skills
20 of reading, writing, science, mathematics, economics, history,
21 geography, and language, and in the reasoning and thinking skills
22 essential for successful entry into those courses required for high
23 school graduation. The assessment shall also include the collection of
24 information about students' interests and plans for high school and
25 beyond and may include the collection of other related student and
26 school information. The superintendent of public instruction shall make
27 the results of the assessment available to all school districts which
28 shall in turn make them available to students, parents, and teachers in

1 a timely fashion and in a manner consistent with the purposes of RCW
2 28A.230.220 through 28A.230.260.

3 **Sec. 503.** RCW 28A.230.240 and 1990 c 101 s 3 are each amended to
4 read as follows:

5 The superintendent of public instruction shall prepare and conduct,
6 with the assistance of local school districts, an annual assessment of
7 all students in the eleventh grade beginning with the 1991-92 school
8 year. The purposes of the assessment are to provide achievement and
9 guidance information to students, parents, and teachers that will
10 assist in reviewing students' current performance and planning
11 effectively for their initial years beyond high school. The
12 achievement measures shall assess students' strengths and deficiencies
13 in the broad content areas common to the high school curriculum and
14 those thinking and reasoning skills essential for completing high
15 school graduation requirements and for success beyond high school. The
16 assessment may include measurements of the students' skills in reading,
17 writing, mathematics, language, history, geography, economics, and
18 science and technology. The assessment shall also collect information
19 about students' career interests and plans and other related student
20 and school information including students' high school course selection
21 patterns, course credits, and grades. The superintendent of public
22 instruction shall make the results of the assessment available to all
23 local school districts which shall in turn make them available to
24 students, parents, and teachers in a timely fashion and in a manner
25 consistent with the purposes of RCW 28A.230.220 through 28A.230.260.
26 No grade ten students shall be tested in the fall of 1990 and the funds
27 already appropriated for such testing shall be used for the planning
28 and preliminary development work necessary to implement RCW 28A.230.220
29 through 28A.230.260.

1 NEW SECTION. **Sec. 504.** A new section is added to chapter 28A.230
2 RCW to read as follows:

3 The superintendent of public instruction shall prepare and conduct,
4 with the assistance of local school districts, an annual assessment of
5 all students in grade twelve. The purpose of the assessment is to
6 determine the competence of students in the subject matters of reading,
7 writing, mathematics, language, science, technology, economics,
8 history, geography, and reasoning and thinking skills.

9 NEW SECTION. **Sec. 505.** A new section is added to chapter 28A.230
10 RCW to read as follows:

11 (1) The superintendent of public instruction shall establish
12 standards by which successful completion of the achievement assessments
13 and tests under this chapter are to be measured. In preparing the
14 assessments, tests, and standards, the superintendent of public
15 instruction shall consider the special needs of students in programs
16 such as the handicapped and bilingual education programs. Each school
17 district shall notify the parents of each student of their child's
18 performance on the assessments and tests conducted under this chapter.

19 (2) A school district shall not advance a student beyond the
20 fourth, eighth, or eleventh grade without the student having
21 successfully completed the respective assessment or test under this
22 chapter, unless the school district determines that the educational
23 interests of the student are best served by advancement to the next
24 grade. In making this determination, the school district shall consult
25 with the parents of the student. If the parents, in writing, desire
26 that the student not be advanced, the school district shall not advance
27 the student.

1 (3) After October 1, 1997, no student may graduate from a high
2 school in this state unless the student has successfully completed the
3 assessment conducted under section 504 of this act.

4 (4) If a student fails to successfully complete a test or
5 assessment under this chapter, the school district shall offer
6 additional educational opportunities to prepare the student to
7 successfully retake all or part of the test or assessment. Such
8 educational opportunities may include learning assistance programs,
9 tutoring, summer school, or after-school classes.

10 PART VI

11 ENHANCING THE TEACHING PROFESSION

12 NEW SECTION. **Sec. 601.** (1) The legislature recognizes that
13 staff motivation, skills, and continued professional development are
14 fundamental keys to improvement in student learning. The legislature
15 believes it shares in the public obligation to foster and sustain a
16 professional educational environment that has, but is not limited to,
17 the following characteristics:

18 (a) Attracts individuals to the teaching profession; and

19 (b) Provides certificated staff with compensation that takes into
20 account job performance but is also commensurate with public
21 expectations for both educational employees and the public education
22 system.

23 (2) The legislature finds that accountability and compensation are
24 critical variables affecting the success of the education system. To
25 foster educational excellence efforts in Washington, it is the intent
26 of the legislature to provide and maintain a level of compensation for
27 educational employees that is:

28 (a) Commensurate with public expectations;

1 (b) Comparable to other professions requiring similar educational
2 experience; and

3 (c) Among the top ten states.

4 NEW SECTION. **Sec. 602.** (1) The department of personnel, in
5 consultation with teachers, classified employees, administrators,
6 school directors, business, labor, parents, and legislators shall
7 conduct a study of total compensation for educational employees in
8 Washington. The study shall include, but is not limited to, a review
9 of the relationship between total compensation for educational
10 employees and:

11 (a) Salaries paid:

12 (i) In other professions requiring comparable educational
13 experience and preparation; and

14 (ii) To teachers, administrators, and classified employees in other
15 states;

16 (b) The in-service training act of 1977, RCW 28A.415.030 and
17 28A.415.040;

18 (c) In-service and staff development opportunities sponsored by
19 school districts, educational service districts, or other providers of
20 in-service and staff development programs;

21 (d) The provisions of RCW 28A.215.020 that allow credit on the
22 salary schedule developed by the legislative evaluation and
23 accountability program committee for approved in-service and continuing
24 education;

25 (e) The state board of education's continuing education requirement
26 for certificated instructional staff with continuing certificates;

27 (f) The length of the school year for contracted certificated and
28 classified employees;

29 (g) The teacher assistance program under RCW 28A.405.450;

1 (h) The self-study program under RCW 28A.320.200;

2 (i) The schools for the twenty-first century program under RCW
3 28A.630.100 through 28A.630.290;

4 (j) The evaluation of certificated employees under RCW 28A.405.100;

5 (k) State board of education teacher assignment and certificate
6 endorsement policies;

7 (l) Certification requirements under chapter 28A.410 RCW;

8 (m) The Washington award for excellence in education program under
9 RCW 28A.625.020 through 28A.625.070, and particularly the Christa
10 McAuliffe award under RCW 28A.625.030;

11 (n) Local education program enhancement funds; and

12 (o) The results of the studies by the state board of education on
13 internships and alternative classification.

14 (2) A review of the relationship between staffing and total
15 compensation levels for certificated and classified positions.

16 (3) Based on the results of the study findings, the department of
17 personnel shall submit to the legislature and the governor not later
18 than December 1, 1991, a plan to bring educational employees' salaries
19 to a level that places Washington in the top ten states by the
20 beginning of the 1997-98 school year.

21 NEW SECTION. **Sec. 603.** The department of personnel, in
22 consultation with teachers, classified employees, administrators,
23 school directors, business, labor, parents, and legislators shall study
24 and recommend to the legislature and the governor not later than
25 December 1, 1991, a plan to maintain salaries for educational employees
26 in Washington at the levels to be established under section 602(2) of
27 this act. The plan may include the use of peer states or peer
28 professions.

1 NEW SECTION. **Sec. 604.** The definitions in this section apply
2 throughout sections 605 through 608 of this act.

3 (1) "Teacher" means a certificated instructional staff person
4 employed in a public school in this state. The term includes persons
5 holding a certificate under sections 609 through 611 of this act.

6 (2) "Certificated staff" means teachers and certificated
7 administrative staff.

8 (3) "School building" means a discrete school operated by a school
9 district.

10 NEW SECTION. **Sec. 605.** The superintendent of public
11 instruction, from available funds, shall allocate to school districts
12 funds to effectuate an optional performance-based salary enhancement
13 program for the teachers and certificated administrative staff of the
14 state. Funds appropriated by the legislature for optional,
15 performance-based salary enhancements shall be separate from and in
16 addition to funds appropriated by the legislature for salary increases
17 for certificated staff.

18 Funds provided for the optional, performance-based salary
19 enhancement program under this section shall be allocated by the
20 superintendent of public instruction to school buildings in the state
21 on a grant basis. The grant funds shall be matched at a minimum of one
22 hundred percent by the school or district from funds under section 1101
23 of this act.

24 NEW SECTION. **Sec. 606.** (1) In order to apply for a performance-
25 based salary enhancement grant, a majority vote by the certificated
26 staff of the building is required.

1 (2) Schools, through the school district, shall submit a grant
2 application to the superintendent of public instruction. The grant
3 application shall include the following information:

4 (a) Documentation that a performance-based salary enhancement plan
5 has been adopted by a committee established in the school building.
6 The committee may be a school site council under sections 201 through
7 204 of this act or any committee created for the purpose of self-study
8 that includes persons identified under RCW 28A.320.200(2). The
9 committee shall include at least one teacher from the building, the
10 building principal, and a parent of a student attending the school.
11 The size of the committee and members' terms shall be determined in
12 accordance with general guidelines adopted by the school board; and

13 (b) Documentation that the performance-based salary enhancement
14 plan identifies the criteria to be used to evaluate the performance of
15 those certificated staff participating in the program, the levels of
16 salary enhancement that can be earned under the plan, and the person or
17 persons responsible for evaluating the performance of participating
18 staff to determine eligibility for a salary enhancement.

19 (3) The criteria under subsection (2)(b) of this section for the
20 performance-based salary enhancement plan may include the following
21 criteria:

22 (a) Demonstration of improved competency of students leaving grades
23 four, eight, eleven, and twelve in the subject matters of reading,
24 writing, mathematics, science, history, and geography. The improved
25 competency shall be measured by the assessments and tests administered
26 under chapter 28A.230 RCW;

27 (b) Development of lesson plans with understandable student
28 learning objectives that provide for measurement of student achievement
29 against those objectives, and evaluation of improved student
30 achievement resulting from the plans;

1 (c) Demonstration of staff competency in theory and content of
2 assigned subject matter, as well as principles and methods of
3 instruction;

4 (d) Maintenance of a clearly understood grading procedure that is
5 administered fairly and consistently, and is directly related to
6 student learning objective improvement;

7 (e) Demonstration of increased student motivation, self-direction,
8 and self-discipline;

9 (f) Demonstration of communication skills for improvement in
10 parent/staff relationships that effectively contribute to improved
11 student performance; and

12 (g) Decreasing rates of student absenteeism and, in the case of
13 high school buildings, demonstration of an increased graduation rate
14 for students. The plan shall include a methodology for calculating the
15 graduation rate that reflects the rate of student drop-outs as well as
16 student transfers into and out of the school.

17 (4) In developing the performance-based salary enhancement plan,
18 the committee shall seek input from appropriate groups, including
19 parents, teachers, administrators, students, and the public. Prior to
20 adoption of the plan, the committee shall present the plan in a public
21 hearing with prior public notice.

22 (5) It is the intent of the legislature that the performance-based
23 salary enhancement program reward those educators whose performance is
24 exemplary and is not intended to result in across-the-board salary
25 increases for all certificated staff in the school building. However,
26 the committee under subsection (2) of this section, by a vote of at
27 least three-fourths of its members, may adopt a performance-based
28 salary enhancement program that results in uniform across-the-board
29 salary increases.

1 NEW SECTION. **Sec. 607.** Performance-based salary enhancement
2 grants for certificated staff do not constitute an increase in salary
3 or compensation for purposes of RCW 28A.400.200, nor may such
4 compensation be applied to the district's salary schedule or be
5 provided in a manner that would increase the state's basic education
6 funding obligation.

7 NEW SECTION. **Sec. 608.** Schools or districts accepting
8 performance-based salary enhancement grant funds shall be required to
9 match the state funds at a minimum of one hundred percent. The match
10 may consist of funds under section 1101 of this act.

11 NEW SECTION. **Sec. 609.** Notwithstanding other requirements
12 prescribed by the state board of education under RCW 28A.305.130, for
13 eligibility for certification in the state of Washington, a conditional
14 certificate shall be issued under the specific circumstances set forth
15 below for limited service:

16 (1) The certificate is issued upon application by the local school
17 district or educational service district superintendent to persons:

18 (a) Who meet the age, good moral character, and personal fitness
19 requirements adopted in rule by the state board of education; and

20 (b) Who are highly qualified and experienced in the subject matter
21 to be taught in the common or nonpublic schools; or

22 (c) Who qualify to instruct in the traffic safety program as
23 paraprofessionals pursuant to rules adopted by the state board of
24 education; or

25 (d) Who are assigned instructional responsibility for intramural or
26 interscholastic activities that are part of the district-approved
27 program; or

1 (e) Who possess a baccalaureate or higher degree or are otherwise
2 required by state board of education rule to possess and who do possess
3 a state of Washington license as a nurse, occupational therapist, or
4 physical therapist: PROVIDED, That this exception to other
5 certification requirements terminates midnight August 31, 1991.

6 (2) The educational service district or local district
7 superintendent shall verify that the following criteria have been met
8 when requesting the conditional certificate:

9 (a) No person with regular certification in the field is available
10 as verified by the district or educational service district
11 superintendent;

12 (b) The district or educational service district superintendent
13 shall indicate the basis on which he or she has determined that the
14 individual is competent for the assignment;

15 (c) The individual is being certificated for a limited assignment
16 and responsibility in a specified activity or field.

17 (3) When requesting the conditional certificate for persons who are
18 highly qualified and experienced in fields of knowledge to be taught in
19 the common or nonpublic schools, the educational service district
20 superintendent or local district superintendent shall verify that the
21 following additional criteria will be met:

22 (a) The individual shall be delegated primary responsibility for
23 planning, conducting, and evaluating instructional activities with the
24 direct assistance of a school district mentor and will not be serving
25 in a paraprofessional role that would not require certification;

26 (b) Personnel so certificated shall be oriented and prepared for
27 the specific assignment by the employing district. A written plan of
28 assistance shall be developed, in cooperation with the person to be
29 employed within twenty working days from the commencement of the
30 assignment. In addition, before teaching, the person shall be apprised

1 of any legal liability, the responsibilities of a professional
2 educator, the lines of authority, and the duration of the assignment;

3 (c) Within the first sixty working days, personnel so certificated
4 shall complete sixty clock hours, six quarter hours, or four semester
5 hours of coursework in pedagogy and child or adolescent development
6 appropriate to the assigned grade levels as approved by the employing
7 school district.

8 (4) The conditional certificate is valid for two years or less and
9 only for the activity specified. The certificate may be reissued for
10 two years and for two-year intervals thereafter upon completion of
11 sixty clock hours or six quarter hours or four semester hours of
12 coursework since the issuance of the most recent certificate as
13 approved by the employing school district.

14 NEW SECTION. **Sec. 610.** In order to provide opportunities for
15 persons of unusual distinction or exceptional talent to teach in
16 Washington, the state board of education shall establish the
17 instructional specialist certificate that shall be issued under the
18 following circumstances:

19 (1) The instructional specialist certificate is issued upon
20 application by the local school district or educational service
21 district superintendent for a limited assignment and responsibility in
22 a specified activity or field to persons:

23 (a) Who have unusual distinction or exceptional talent that is able
24 to be demonstrated through public records of accomplishments or awards,
25 or both;

26 (b) Whose records of accomplishments or awards are documented by
27 the local school district or educational service district
28 superintendent who has requested such a certificate;

1 (c) Who meets the age, good moral character, and personal fitness
2 requirements adopted by rule of the state board of education.

3 (2) Such certification applications shall be reviewed by the
4 superintendent of public instruction and approved by the state board of
5 education before issuance of the certificate.

6 (3) When requesting the instructional specialist certificate for
7 persons of unusual distinction or exceptional talent, the school
8 district or educational service district superintendent shall verify
9 that the following criteria will be met:

10 (a) The individual shall be delegated primary responsibility for
11 planning, conducting, and evaluating instructional activities with the
12 direct assistance of a school district mentor and shall not be serving
13 in a paraprofessional role that would not require certification;

14 (b) Personnel so certificated shall be oriented and prepared for
15 the specific assignment by the employing district. A written plan of
16 assistance shall be developed, in cooperation with the person to be
17 employed within twenty working days from the commencement of the
18 assignment. In addition, before teaching, the person shall be apprised
19 of any legal liability, the responsibilities of a professional
20 educator, the lines of authority, and the duration the assignment;

21 (c) Within the first sixty working days, personnel so certificated
22 shall complete sixty clock hours, six quarter hours, or four semester
23 hours of coursework in pedagogy and child or adolescent development
24 appropriate to the assigned grade level as approved by the employing
25 school district.

26 (4) The instructional specialist certificate is valid for two years
27 or less and only for the activity specified. The certificate may be
28 reissued for two years and for two-year intervals thereafter upon
29 completion of sixty clock hours, six quarter hours, or four semester

1 hours of coursework since the issuance of the most recent certificate
2 as approved by the employing school district.

3 NEW SECTION. **Sec. 611.** In order to broaden the base of persons
4 eligible to pursue teaching careers, the state board of education shall
5 establish a teaching internship certificate pilot project under the
6 following circumstances:

7 (1) Candidates shall be eligible for internship certificates that
8 allow the holder full authority to serve as a part-time or full-time
9 teacher and shall be subject to the local school district's evaluation
10 procedures under the following conditions:

11 (a) Persons shall possess a master's degree and have a minimum of
12 forty-five quarter hours or thirty semester hours in an endorsement
13 area or in a directly related area of study; or a bachelor's degree
14 with a minimum of forty-five quarter hours or thirty semester hours in
15 an endorsement area or in a directly related area of study and at least
16 five years of relevant work experience, subsequent to the bachelor's
17 degree, as determined by the college or university;

18 (b) Candidates shall be admitted to an approved Washington state
19 college or university teacher education program, and hold a contract
20 for employment in a participating school district.

21 (2) The college or university-approved internship program shall be
22 designed as follows:

23 (a) At least ten students shall be enrolled at the time of the
24 commencement of the program;

25 (b) Students shall proceed through the program as a cohort group;

26 (c) The program shall be a minimum of forty-five quarter hours or
27 thirty semester hours of upper division or graduate study and shall
28 meet the state board of education standards for approved programs;

1 (d) The program shall provide the intern a minimum of fifteen
2 quarter hours or ten semester hours of study before the beginning of
3 the school year, five quarter hours or three semester hours for each
4 quarter or semester of the school year, and fifteen quarter hours or
5 ten semester hours in the summer following the first year of teaching;

6 (e) Before beginning teaching, the candidate shall complete a
7 minimum of fifteen quarter hours or ten semester hours of coursework in
8 pedagogy including but not limited to: Child or adolescent psychology,
9 classroom management, methods of instruction in the proper endorsement
10 area, the legal responsibilities of the professional educator, reading
11 in a content area, and the safety and supervision of children. The
12 coursework shall include forty hours of observation of school students
13 in learning situations;

14 (f) During each quarter or semester, the interns shall participate
15 in a college or university three-hour seminar weekly in order to
16 provide the interns with peer interaction and assistance on issues
17 associated with their teaching experiences;

18 (g) The college or university shall assign a college supervisor to
19 work with each intern;

20 (h) The school district shall assign a staff member to serve as a
21 mentor, who shall be selected using the criteria established for the
22 teacher assistance program, for each intern;

23 (i) The school district and the college or university shall specify
24 in detail the resources they will provide and the procedures they will
25 follow to assure that the intern is qualified to assume full-time
26 responsibility when placed in the classroom as a teacher;

27 (j) The year of internship teaching shall be deemed comparable to
28 the state board of education student teaching requirement if the
29 college or university evaluates the intern's teaching as satisfactory.

1 The local school district evaluation of the intern shall be shared with
2 the college or university in making its decision;

3 (k) The internship certificate shall be issued for one year and may
4 be renewed only once for one additional year to persons who for good
5 cause were unable to complete the program upon recommendation by the
6 college or university where the person is enrolled in the teacher
7 education program.

8 (3) At least one college or university and one school district that
9 meet the following criteria shall be approved by the state board of
10 education to conduct the pilot program in this section:

11 (a) Colleges and universities and school districts wishing to
12 participate in the program shall submit joint proposals to the state
13 board of education for its consideration. One college or university
14 may have joint agreements with more than one school district and may
15 include within such agreements a cooperative arrangement with an
16 educational service district;

17 (b) Colleges or universities and school districts shall submit a
18 detailed description of the program based on the requirements in
19 subsection (2) of this section. The state board of education shall
20 consider modifications to the requirements if the proposal indicates
21 how the intent of the program can be met in a different curricular
22 design.

23 (4) The internship teaching program shall be reviewed annually by
24 the respective professional education advisory board and evaluated by
25 the professional education advisory committee during its third year of
26 operation. After receiving the recommendation from the professional
27 education advisory committee, the state board of education shall
28 determine whether or not or under what circumstances the pilot project
29 shall be continued.

1 (5) The pilot project shall terminate on August 31, 1995, unless
2 the state board of education extends or revises the existing program.

3 **Sec. 612.** RCW 28A.410.030 and 1987 c 525 s 203 are each amended to
4 read as follows:

5 (1) The state board of education shall require a uniform state
6 ~~((exit))~~ entry to practice examination for persons applying for initial
7 teacher certification ((candidates)).

8 (2) Commencing August 31, 1993, ~~((teacher certification))~~ for
9 initial teacher certification candidates completing a teacher
10 preparation program shall be required to pass an ~~((exit))~~ entry to
11 practice examination before being granted an initial certificate. The
12 examination shall test knowledge and competence in: (a) The subjects
13 ~~((including, but not limited to,))~~ for which the candidate has an
14 endorsement; and (b) instructional skills, classroom management, and
15 student behavior and development. The examination for (b) of this
16 subsection shall consist primarily of essay questions.

17 (3) Candidates shall pass the examinations in subsections (2) (a)
18 and (b) of this section. However, if a candidate passes only the
19 examination in subsection (2)(b) of this section, the candidate may
20 teach for one school year if the candidate retakes the examination in
21 subsection (2)(a) of this section once each six months while teaching.

22 (4) The state board of education shall adopt such rules as may be
23 necessary to implement this section.

24 **Sec. 613.** RCW 28A.405.220 and 1990 c 33 s 391 are each amended to
25 read as follows:

26 Notwithstanding the provisions of RCW 28A.405.210, every person
27 employed by a school district in a teaching or other nonsupervisory
28 certificated position shall be subject to nonrenewal of employment

1 contract as provided in this section during the first three years of
2 employment by such district, unless the employee has previously
3 completed at least three years of certificated employment in another
4 school district in the state of Washington, in which case the employee
5 shall be subject to nonrenewal of employment contract pursuant to this
6 section during the first year of employment with the new district.
7 Employees as defined in this section shall hereinafter be referred to
8 as "provisional employees".

9 In the event the superintendent of the school district determines
10 that the employment contract of any provisional employee should not be
11 renewed by the district for the next ensuing term such provisional
12 employee shall be notified thereof in writing on or before May 15th
13 preceding the commencement of such school term, which notification
14 shall state the reason or reasons for such determination. Such notice
15 shall be served upon the provisional employee personally, or by
16 certified or registered mail, or by leaving a copy of the notice at the
17 place of his or her usual abode with some person of suitable age and
18 discretion then resident therein. The determination of the
19 superintendent shall be subject to the evaluation requirements of RCW
20 28A.405.100.

21 Every such provisional employee so notified, at his or her request
22 made in writing and filed with the superintendent of the district
23 within ten days after receiving such notice, shall be given the
24 opportunity to meet informally with the superintendent for the purpose
25 of requesting the superintendent to reconsider his or her decision.
26 Such meeting shall be held no later than ten days following the receipt
27 of such request, and the provisional employee shall be given written
28 notice of the date, time and place of meeting at least three days prior
29 thereto. At such meeting the provisional employee shall be given the
30 opportunity to refute any facts upon which the superintendent's

1 determination was based and to make any argument in support of his or
2 her request for reconsideration.

3 Within ten days following the meeting with the provisional
4 employee, the superintendent shall either reinstate the provisional
5 employee or shall submit to the school district board of directors for
6 consideration at its next regular meeting a written report recommending
7 that the employment contract of the provisional employee be nonrenewed
8 and stating the reason or reasons therefor. A copy of such report
9 shall be delivered to the provisional employee at least three days
10 prior to the scheduled meeting of the board of directors. In taking
11 action upon the recommendation of the superintendent, the board of
12 directors shall consider any written communication which the
13 provisional employee may file with the secretary of the board at any
14 time prior to that meeting.

15 The board of directors shall notify the provisional employee in
16 writing of its final decision within ten days following the meeting at
17 which the superintendent's recommendation was considered. The decision
18 of the board of directors to nonrenew the contract of a provisional
19 employee shall be final and not subject to appeal.

20 This section applies to any person employed by a school district in
21 a teaching or other nonsupervisory certificated position after June 25,
22 1976. This section provides the exclusive means for nonrenewing the
23 employment contract of a provisional employee and no other provision of
24 law shall be applicable thereto, including, without limitation, RCW
25 28A.405.210 and chapter 28A.645 RCW.

PART VII

PRIMARY GRADES SPECIAL EMPHASIS GRANT PROGRAM

NEW SECTION. **Sec. 701.**

(1) A student's ability to learn can be affected by a number of both positive and negative factors, including but not limited to: Level of parent involvement and support; child abuse and neglect; poverty, including parental unemployment or underemployment; family transiency and homelessness; drug and alcohol abuse; poor health and nutrition; crime; and peer influence. Such factors can be manifested in forms such as underachievement and failure, absenteeism and truancy, drug and alcohol abuse, delinquency, suicide, disruption of the classroom learning environment, dropping out, teen pregnancy, and, later in life, unemployment, a need for public assistance, treatment or institutionalization for mental health reasons, involvement with the judicial system, and possible imprisonment for civil or criminal convictions.

(2)(a) The legislature finds that every child deserves attention, affection, and optimum development of his or her potential. Prevention and intervention services at the elementary level offer early identification, encouragement, and follow-up of each child's special interests, creative talents, and particular abilities as well as identification and cooperative assistance with learning, emotional, environmental, social, or physical obstacles to normal child growth and development.

(b) The legislature finds that the provision of counseling and related prevention and intervention services at the elementary level will enhance the classroom environment for students and teachers, and better enable students to realize their academic and personal potential.

1 (c) The legislature finds that it is essential that resources be
2 made available to school districts: To provide early prevention and
3 intervention services to students, their families, and classroom
4 teachers; to enhance the opportunity for students to realize academic
5 and personal success; and to reduce the number of students at-risk of
6 performing below their ability level in school.

7 NEW SECTION. **Sec. 702.** Unless the context clearly requires
8 otherwise, the definitions in this section apply throughout sections
9 701 through 710 of this act.

10 (1) "Child intervention specialist" means:

11 (a) An educational staff associate who holds certification as a
12 school counselor, a school psychologist, a school nurse, or a school
13 social worker under state board of education rules adopted pursuant to
14 RCW 28A.305.130; or

15 (b)(i) An appropriate public or private provider of professional
16 health care as defined under RCW 18.120.020(4), including providers
17 employed by the state of Washington;

18 (ii) A mental health professional as defined under RCW
19 71.05.020(12), including mental health professionals employed by the
20 state of Washington; or

21 (iii) A child psychiatrist or children's mental health specialist
22 as defined under RCW 71.34.020, including child psychiatrists or
23 children's mental health specialists employed by the state of
24 Washington, whose services may be requested by a school district
25 pursuant to a prevention and intervention program for elementary
26 students implemented under sections 703 through 705 of this act.

27 (2) "Early grades," "elementary grades," and "elementary level"
28 mean kindergarten through grade six and may include preschool age
29 children served by the school district.

1 (3) "Elementary grades prevention and intervention program" means
2 a program of services and activities or events developed pursuant to
3 sections 703 through 705 of this act.

4 (4) "Superintendent" means the superintendent of public
5 instruction.

6 NEW SECTION. Sec. 703. (1) From funds appropriated by the
7 legislature, the superintendent shall establish a voluntary program to
8 assist school districts in providing prevention and intervention
9 programs for elementary grade students. This program shall be called
10 the fair start program.

11 (2) Any district currently providing elementary students with
12 prevention and intervention services which loses the source of funding
13 for those services, for reasons beyond the control of the district, may
14 use fair start funds to continue or enhance the existing level of
15 prevention and intervention services.

16 NEW SECTION. Sec. 704. The superintendent shall distribute
17 funds equitably to all school districts based on the district's
18 enrollment in grades kindergarten through six. Districts accepting
19 fair start allocations shall be required to match the state funds at a
20 minimum of one hundred percent of the cost of the proposed local
21 elementary grades prevention and intervention program. In addition to
22 the funds under section 1101 of this act, the district match may
23 consist of:

24 (1) Federal funds;

25 (2) Other funds available to districts, including funds from state
26 programs with prevention and intervention components, such as:

27 (a) The substance abuse awareness program under RCW 28A.170.010
28 through 28A.170.070;

1 (b) The substance abuse prevention and intervention program under
2 RCW 28A.170.075 through 28A.170.100;

3 (c) The community mobilization against substance abuse program
4 under RCW 43.270.010 through 43.270.080;

5 (d) The learning assistance program under RCW 28A.165.010 through
6 28A.165.090;

7 (e) The dropout prevention program under RCW 28A.175.020 through
8 28A.175.070;

9 (3) District funds currently used for elementary prevention and
10 intervention services;

11 (4) Contributions of or contractual arrangements for services,
12 including the use of a child intervention specialist licensed or
13 employed by the state of Washington, materials, supplies, or physical
14 facilities; or

15 (5) Any combination of funds under subsections (1) through (4) of
16 this section.

17 NEW SECTION. **Sec. 705.** (1) School districts interested in
18 implementing or enhancing an elementary grades prevention and
19 intervention program shall submit the following information to the
20 superintendent of public instruction:

21 (a) Documentation that the district board of directors has adopted
22 a written policy regarding the district's role and responsibility
23 relating to prevention and intervention services for elementary
24 students or a letter of commitment from the board of directors that a
25 written policy will be adopted within six months of receipt of state
26 funding under this chapter;

27 (b) District goals relating to prevention and intervention services
28 for elementary students;

29 (c) Procedures for notifying parents or guardians regarding:

1 (i) The referral of students for prevention and intervention
2 services; and

3 (ii) Liability issues relating to the provision of prevention and
4 intervention services to students outside school buildings;

5 (d) Use of grant funds for prevention and intervention related in-
6 service purposes;

7 (e) How the services of child intervention specialists may be
8 integrated into the district's elementary grades prevention and
9 intervention program;

10 (f) Evaluation procedures the district will implement to assess the
11 effectiveness of the district's early grades prevention and
12 intervention program; and

13 (g) Other information as requested by the superintendent.

14 (2) The district's plan for providing prevention and intervention
15 services to students shall be based on the district's identified goals
16 under subsection (1)(b) of this section. The plan shall be developed
17 with the participation of, but not limited to, district and building-
18 level staff and administrators, child intervention specialists, and
19 parents.

20 (3) In addition to the information required under subsection (1) of
21 this section, school districts and educational service districts
22 accepting moneys under the fair start program shall be required to
23 establish formal agreements for coordinated case management with lead
24 mental health agencies or other public or private social service
25 agencies that are present in the community with an emphasis on the most
26 efficient and cost-effective use of fair start funds.

27 (4) Two or more school districts may submit a joint application for
28 the purpose of establishing or enhancing a cooperative prevention and
29 intervention program for elementary grades students.

1 (5) An educational service district may submit an application on
2 behalf of one or more school districts for the purpose of establishing
3 or enhancing an elementary grades prevention and intervention program.

4 NEW SECTION. **Sec. 706.** (1) Districts shall use fair start funds
5 to provide prevention and intervention services to students in grades
6 preschool through six with priority given to students based on need.
7 Districts shall establish the criteria determining need and include
8 this information in the reports required under section 709 of this act.

9 (2) In developing their elementary grades prevention and
10 intervention programs, districts shall emphasize the delivery of
11 services using child intervention specialists as defined in section
12 702(1)(a) of this act. Districts are encouraged to have child
13 intervention specialists as defined in section 702(1)(b) of this act
14 deliver services in the district and under the supervision of a child
15 intervention specialist as defined in section 702(1)(a) of this act
16 under the district's prevention and intervention program.

17 (3) Nothing under sections 701 through 710 of this act shall
18 preclude a district from incorporating a primary intervention program
19 model as part of the district's fair start program.

20 NEW SECTION. **Sec. 707.** The superintendent shall develop
21 specific measures to evaluate the success of the grant projects and the
22 fair start program. The department of social and health services shall
23 provide the superintendent with information the superintendent may use
24 in developing measures to evaluate the fair start program and projects.

25 NEW SECTION. **Sec. 708.** (1) The superintendent of public
26 instruction shall adopt rules as necessary under chapter 34.05 RCW to
27 implement sections 702 through 707 of this act.

1 (a) The rules shall permit districts to contract with governmental
2 or nongovernmental organizations or community-based professional health
3 care providers to provide elementary students with prevention and
4 intervention services under the local fair start program.

5 (b) The rules shall permit school districts to provide prevention
6 and intervention services through the local educational service
7 district.

8 (c) The rules shall assure appropriate coordination between the
9 superintendent and the department of social and health services
10 regarding the primary intervention program and the fair start program.

11 (2) The secretary of the department of social and health services
12 shall adopt rules as necessary under chapter 34.05 RCW to assure
13 appropriate coordination between the secretary and the superintendent
14 regarding the fair start program and the primary intervention program.

15 NEW SECTION. **Sec. 709.** (1) School districts and educational
16 service districts shall submit annually to the superintendent of public
17 instruction a report on their fair start programs. The reports shall
18 include the criteria established to determine students' needs to
19 provide prevention and intervention services on a priority basis.

20 (2) The superintendent shall submit biennially a report to the
21 governor and the legislature on the fair start program established
22 under section 703 of this act. The first report shall be submitted not
23 later than December 1, 1992. The first report shall include
24 information on districts' criteria establishing students' needs to
25 receive prevention and intervention services on a priority basis.
26 Subsequent reports shall be submitted not later than December 1 in
27 even-numbered years.

1 use of technology and vocational education will make students better
2 prepared to meet the challenges of the twenty-first century.

3 NEW SECTION. **Sec. 802.** The voc ed works 2000 program is
4 created. The program shall encourage the development of new and the
5 improvement of existing vocational projects to help students learn the
6 skills necessary to meet the challenges of an increasingly
7 technological and ever-changing workplace. Goals of projects within
8 the program shall include but not be limited to:

9 (1) Encouraging the integration between academic and vocational
10 programs with the following specific items addressed:

11 (a) Revision of instructional strategies and materials used in
12 vocational courses to establish higher academic standards and
13 expectations for students;

14 (b) Development of a challenging multiyear program of study that
15 combines academic and vocational elements designed both to prepare
16 students for employment after high school and for further education;

17 (c) Access to rewarding and demanding vocational programs and
18 academic courses for underachieving students and methods of providing
19 needed extra assistance;

20 (d) Coordination among secondary and postsecondary vocational
21 education programs;

22 (e) Coordination among vocational and academic administrators and
23 teachers and school counselors, business, and labor, and
24 representatives of postsecondary education to identify, specify, and
25 develop methods to assess minimum levels of academic achievement and
26 technical competencies;

27 (f) Providing assistance to students in selecting courses and
28 choosing careers;

1 (g) Expanding efforts to assist students in finding employment or
2 entering an institution of postsecondary education;

3 (h) Establishing performance indicators both to track and report
4 annual progress;

5 (i) Providing information about the program throughout the state;
6 and

7 (j) Identifying the professional development needed by teachers and
8 administrators to assist in the integration of academic and vocational
9 skills;

10 (2) Encouraging collaborative models among schools and school
11 districts, educational service districts, interdistrict cooperatives,
12 skills centers, public vocational technical institutes, community
13 colleges, business, labor, and industry;

14 (3) Encouraging the development of workplace competencies and
15 concepts that transcend particular occupational skills;

16 (4) Encouraging the effective administration of vocational
17 programs; and

18 (5) Developing modifications in curriculum, instruction, and
19 program delivery to address changing technology and changing students'
20 needs.

21 NEW SECTION. **Sec. 803.** (1) The superintendent of public
22 instruction, with the assistance of the state board of education and in
23 consultation with the state board for vocational education and the
24 state board for community college education, shall develop a process
25 for public schools or school districts, educational service districts,
26 interdistrict cooperatives, skills centers, public vocational technical
27 institutes, and community colleges to participate in the voc ed works
28 2000 program.

1 (2) The superintendent of public instruction shall review and
2 select projects for the grant awards, and monitor and evaluate programs
3 operated by grant recipients.

4 (3) The superintendent of public instruction shall evaluate the
5 program on a state-wide basis.

6 NEW SECTION. **Sec. 804.** The superintendent of public
7 instruction, after reviewing project proposals, shall, subject to money
8 being appropriated by the legislature for this purpose, select not more
9 than twenty-one projects during each biennium for the voc ed works 2000
10 program. The projects should reflect a balance among rural and urban
11 areas, geographical areas, and school characteristics and sizes. The
12 projects may be awarded to a public high school, a school district
13 containing one or more high schools, a skills center, an educational
14 service district, an interdistrict cooperative, a public vocational
15 technical institute, or a community college. An award to a community
16 college shall be made only if the project involves a school or school
17 district, educational service district, interdistrict cooperative,
18 public vocational technical institute, or skills center. Applications
19 from two or more school districts, educational service districts,
20 combinations of school districts and community college districts
21 through an agreement under RCW 28B.50.530, or any combination are
22 encouraged.

23 NEW SECTION. **Sec. 805.** Initial applications to participate in
24 the voc ed works 2000 program shall be submitted to the office of the
25 superintendent of public instruction not later than September 30, 1991,
26 for implementation beginning December 30, 1991. Subject to available
27 funding, additional applications may be submitted to the superintendent

1 of public instruction for consideration by November 1st of subsequent
2 years. Each application shall contain a proposed plan that:

3 (1) Describes specific activities to be carried out as part of the
4 project;

5 (2) Provides for all parties to work cooperatively during the term
6 of the project;

7 (3) Includes provisions for certificated school staff providing
8 instruction in vocational education programs, and classified school
9 employees with primary roles in implementing and conducting the plan,
10 to be employed on supplemental contracts with additional compensation
11 for an average of ten additional days beyond the general state-funded
12 school year allocations for each participating employee, and staff
13 development time as provided by legislative appropriation.
14 Notwithstanding the provisions of RCW 28A.400.200, district resources
15 may be used to fund the employment of school district staff beyond the
16 average of ten additional days for the purposes of the project;

17 (4) Includes budget plans for the project and additional
18 anticipated sources of funding, including private grants and
19 contributions, if any;

20 (5) Identifies the technical resources desired, the potential costs
21 of those resources, and the institutions of higher education,
22 businesses, industries, labor organizations, educational service
23 districts, or consultants available to provide such resources;

24 (6) Identifies the evaluation and accountability processes to be
25 used to measure student, project, and staff performance;

26 (7) Justifies each request for waiver of specific state statutes or
27 administrative rules during at least the first two years of the
28 program;

29 (8) Includes a written statement that school directors and
30 administrators and community college boards of trustees, if applicable,

1 are willing to exempt the projects from specifically identified local
2 rules, as needed;

3 (9) Includes a written statement that the school directors and
4 community college board of trustees and the local bargaining agents
5 will modify those portions of their local agreements as applicable for
6 the projects;

7 (10) Includes a written statement that model curriculum programs
8 developed under RCW 28A.300.110 have been considered, if applicable;

9 (11) Includes written statements of support from the school
10 district board of directors, the school district superintendent, and
11 the principal and staff of the building requesting to become a project,
12 and statements of support, willingness to participate, or concerns from
13 any interested parent, business, or community organization; and

14 (12) Includes written statements of support from the community
15 college board of trustees and the community college president and staff
16 of the community college requesting to become a project, if applicable.

17 NEW SECTION. **Sec. 806.** (1) The superintendent of public
18 instruction shall administer sections 802 through 812 of this act and
19 is authorized to award grant funding, subject to money being
20 appropriated by the legislature for this purpose, for projects selected
21 by the superintendent of public instruction under section 804 of this
22 act.

23 (2) The superintendent of public instruction shall distribute the
24 initial award grants by December 1, 1991. The initial projects under
25 the voc ed works 2000 program shall begin during the 1991-92 school
26 year.

27 (3) The projects for the voc ed works 2000 program may be conducted
28 for up to six years, if funds are so provided. Subject to approval by
29 the superintendent of public instruction and continued state funding,

1 projects initially funded for two years may be extended for a total
2 period not to exceed six years. Future funding shall be conditioned on
3 a positive evaluation of the project.

4 NEW SECTION. **Sec. 807.** (1) The superintendent of public
5 instruction may accept, receive, and administer for the purposes of
6 sections 802 through 812 of this act such gifts, grants, and
7 contributions as may be provided from public and private sources for
8 the purposes of sections 802 through 812 of this act.

9 (2) The vocational works 2000 program account is hereby established in
10 the custody of the state treasurer. The superintendent of public
11 instruction shall deposit in the account all moneys received under this
12 section. Moneys in the account may be spent only for the purposes of
13 sections 802 through 812 of this act. Disbursements from this account
14 shall be on the authorization of the superintendent of public
15 instruction or the superintendent's designee. The account is subject
16 to the allotment procedure provided under chapter 43.88 RCW, but no
17 appropriation is required for disbursements.

18 NEW SECTION. **Sec. 808.** (1) The superintendent of public
19 instruction, where appropriate, or the state board of education, where
20 appropriate, is authorized to grant waivers to project applicants from
21 the provisions of statutes or administrative rules relating to:
22 Graduation requirements under RCW 28A.230.090; student to teacher
23 ratios; teacher contact hour requirements under RCW 28A.150.260;
24 teacher certification requirements; program approval standards; the
25 commingling of funds appropriated by the legislature for vocational
26 education programs and basic education programs if not inconsistent
27 with federal laws or regulations; and other administrative rules which
28 in the opinion of the superintendent of public instruction or the state

1 board of education may need to be waived to implement a project
2 proposal.

3 (2) State rules dealing with public health, safety, and civil
4 rights, including accessibility by the handicapped, shall not be
5 waived.

6 (3) A school district may request the state board of education or
7 superintendent of public instruction to ask the United States
8 department of education, the United States department of labor, or
9 other federal agencies to waive certain federal regulations necessary
10 to implement the proposed project.

11 (4) The superintendent of public instruction and the state board of
12 education shall work with the state board for community college
13 education and the higher education coordinating board for the waiver of
14 applicable college entrance requirements and for the establishment of
15 course equivalency requirements for students participating in projects
16 under sections 802 through 812 of this act.

17 (5) The superintendent of public instruction and the state board of
18 education shall seek the waiver of any applicable provisions of the job
19 skills program under RCW 28C.04.400 through 28C.04.480.

20 NEW SECTION. **Sec. 809.** The superintendent of public instruction
21 shall ensure that successful applicants will be afforded resources and
22 special support assistance, as specified in legislative appropriations,
23 in undertaking activities for the voc ed works 2000 program. The
24 superintendent of public instruction shall develop a process that
25 coordinates and facilitates linkages among participating school
26 districts, community colleges, business, labor, and industry. Staff
27 from schools or school districts, public vocational technical
28 institutes, educational service districts, skills centers, and
29 community colleges selected to participate in the voc ed works 2000

1 program shall be given priority consideration for participation in
2 state sponsored staff development programs and summer institutes which
3 are directly related to the goals of the selected projects.

4 NEW SECTION. **Sec. 810.** (1) The superintendent of public
5 instruction may adopt rules under chapter 34.05 RCW as necessary to
6 implement the superintendent's duties under sections 802 through 812 of
7 this act.

8 (2) The state board of education may adopt rules under chapter
9 34.05 RCW as necessary to implement its duties under sections 802
10 through 812 of this act.

11 NEW SECTION. **Sec. 811.** (1) The superintendent of public
12 instruction shall report to the legislature on the progress of the voc
13 ed works 2000 program by January 15th of each odd-numbered year,
14 including a recommendation on the number of additional projects that
15 should be authorized and funded. The first report shall be submitted
16 by January 15, 1993.

17 (2) Each applicant selected to participate in the voc ed works 2000
18 program shall submit an annual report to the superintendent of public
19 instruction on the progress of the project as a condition of receipt of
20 continued funding.

21 NEW SECTION. **Sec. 812.** The superintendent of public
22 instruction, through the state clearinghouse for education information,
23 shall collect and disseminate to all school districts and other
24 interested parties information about the voc ed works 2000 program.

25 NEW SECTION. **Sec. 813.** A new section is added to chapter 28B.80
26 RCW to read as follows:

1 The higher education coordinating board shall review the entrance
2 requirements for the state institutions of higher education and shall
3 work with the boards of trustees and the boards of regents of the state
4 universities, the regional universities, and The Evergreen State
5 College and the superintendent of public instruction and the state
6 board of education regarding waiving certain entrance requirements or
7 developing course equivalencies for students enrolled in a program
8 under sections 802 through 812 of this act.

9 NEW SECTION. **Sec. 814.** A new section is added to chapter 28B.50
10 RCW to read as follows:

11 The state board for community college education may adopt rules
12 under chapter 34.05 RCW as necessary to implement the board's duties
13 under sections 802 through 812 of this act.

14 NEW SECTION. **Sec. 815.** A new section is added to chapter 28A.150
15 RCW to read as follows:

16 The superintendent of public instruction shall adopt rules that
17 establish general program approval standards for determining the terms
18 and conditions under which school districts are eligible to receive
19 state funds for secondary vocational education. The standards shall
20 include a provision regarding the use of extended or supplemental
21 contracts for certificated vocational education instructors in
22 vocational fields and provide assistance to districts in determining
23 when to offer such contracts.

24 NEW SECTION. **Sec. 816.** (1) Each school district, skills center,
25 educational service district, interdistrict cooperative, or public
26 vocational technical institute receiving state funds for vocational
27 programs shall consult with a local advisory council on vocational

1 education. The district may create a council or may use an existing
2 entity that meets the requirements of this section and sections 817 and
3 818 of this act. Joint councils may be established.

4 (2) The councils shall be composed of members who are
5 representative of the population found in the area that the council
6 serves. The council shall be composed of representatives of the
7 general public including at a minimum representatives of business,
8 industry, labor, and spokespersons for persons with disabilities.

9 NEW SECTION. **Sec. 817.** The local advisory council shall provide
10 advice and assistance to the school district, skills center,
11 educational service district, interdistrict cooperative, or public
12 vocational technical institute on:

13 (1) Selecting equipment and instructional materials and
14 establishing specifications for training areas. The council shall
15 suggest ways to provide for the efficient and effective use of
16 equipment and insure maximum use of the equipment;

17 (2) Determining training needs;

18 (3) Determining content and length of courses;

19 (4) Determining current and future employment opportunities and
20 requirements;

21 (5) Making recommendations to help provide for experienced and
22 knowledgeable instructors; and

23 (6) Providing support for the entire vocational education program.

24 NEW SECTION. **Sec. 818.** A school district shall only be eligible
25 to receive funds to upgrade or to acquire equipment for vocational
26 education programs if the district in consultation with the local
27 advisory council has developed a vocational education program
28 improvement component within their plan. The improvement component

1 shall describe: Methods for strengthening vocational education;
2 business and industry partnerships; the potential to aid local economic
3 development; staff training; the need for extended or supplemental
4 contracts for specific certificated instructional staff in vocational
5 programs; job placement; consistency with the state plan for vocational
6 education; and the basic skills and core competencies required for
7 successful employment. In developing the plan, coordination with
8 community colleges, business and industry, and other school districts,
9 educational service districts, interdistrict cooperatives, skills
10 centers, and public vocational technical institutes shall be
11 considered. The plan shall be revised at least once every two years.

12 NEW SECTION. **Sec. 819.** The entity in the state of Washington
13 qualifying as the entity for the receipt of federal funds shall, with
14 available funds, provide technical assistance to local vocational
15 education advisory committees.

16 NEW SECTION. **Sec. 820.** Each vocational agriculture education
17 service area shall encourage greater student and teacher knowledge of
18 environmentally sensitive and low-input agricultural and landscaping
19 practices, water conservation, and agricultural worker protections.

20 NEW SECTION. **Sec. 821.** A new section is added to chapter 28B.10
21 RCW to read as follows:

22 In developing admission standards, each four-year institution of
23 higher education shall recognize the relevance of vocational education
24 courses and the competencies taught in such courses and shall make
25 every effort to designate applicable vocational education courses as
26 course equivalencies.

1 **Sec. 822.** RCW 28B.80.350 and 1988 c 172 s 4 are each amended to
2 read as follows:

3 The board shall coordinate educational activities among all
4 segments of higher education taking into account the educational
5 programs, facilities, and other resources of both public and
6 independent two and four-year colleges and universities. The four-year
7 institutions and the state board for community college education shall
8 coordinate information and activities with the board. The board shall
9 have the following additional responsibilities:

10 (1) Promote interinstitutional cooperation;

11 (2) Establish minimum admission standards for four-year
12 institutions, including a requirement that coursework in sign language
13 shall satisfy any foreign language requirement the board or the
14 institutions may establish as a general undergraduate admissions
15 requirement. The standards shall include recognition of the relevance
16 of vocational education courses and the competencies taught in such
17 courses and the use of vocational education courses having academic
18 equivalencies to meet admission requirements to four-year institutions;

19 (3) Establish transfer policies;

20 (4) Adopt rules implementing statutory residency requirements;

21 (5) Develop and administer reciprocity agreements with bordering
22 states and the province of British Columbia;

23 (6) Review and recommend compensation practices and levels for
24 administrative employees, exempt under chapter 28B.16 RCW, and faculty
25 using comparative data from peer institutions;

26 (7) Monitor higher education activities for compliance with all
27 relevant state policies for higher education;

28 (8) Arbitrate disputes between and among four-year institutions or
29 between and among four-year institutions and community colleges at the
30 request of one or more of the institutions involved, or at the request

1 of the governor, or from a resolution adopted by the legislature. The
2 decision of the board shall be binding on the participants in the
3 dispute;

4 (9) Establish and implement a state system for collecting,
5 analyzing, and distributing information;

6 (10) Recommend to the governor and the legislature ways to remove
7 any economic incentives to use off-campus program funds for on-campus
8 activities; and

9 (11) Make recommendations to increase minority participation, and
10 monitor and report on the progress of minority participation in higher
11 education.

12 NEW SECTION. Sec. 823. By November 1, 1992, the higher
13 education coordinating board shall develop recommendations for
14 eliminating or modifying university and college entrance requirements
15 that inhibit schools from adopting strategies that are designed to
16 ensure that students achieve the essential knowledge, skills, and
17 attitudes.

18 **Sec. 824.** RCW 28A.230.100 and 1990 c 33 s 239 are each amended to
19 read as follows:

20 The state board of education shall adopt rules pursuant to chapter
21 34.05 RCW, to implement the course requirements set forth ~~((in))~~
22 pursuant to RCW 28A.230.090. Such rules shall include, as the state
23 board deems necessary, granting equivalencies for and temporary
24 exemptions from the course requirements ~~((in RCW 28A.230.090 and~~
25 ~~special alterations of the course requirements in RCW 28A.230.090))~~
26 established. In developing such rules the state board shall recognize
27 the relevance of instruction in work force skills through vocational
28 education and applied courses and allow such courses to fulfill in

1 whole or in part the courses required for graduation (~~in~~ RCW
2 28A.230.090)). Such rules may include provisions for competency
3 testing in lieu of such courses required for graduation (~~in~~) pursuant
4 to RCW 28A.230.090.

5 NEW SECTION. Sec. 825. The legislature finds that the needs of
6 the work force and the economy necessitate enhanced vocational
7 education opportunities in secondary education including curriculum
8 which integrates vocational and academic education. In order for the
9 state's work force to be competitive in the world market, employees
10 need competencies in both vocational and technical skills and in
11 essential subject areas such as English, math, science, technology,
12 geography, history, and critical thinking. Curriculum which integrates
13 vocational and academic education reflects that many students learn
14 best through applied learning, and that students should be offered
15 flexible education opportunities which prepare them for both the world
16 of work and for higher education.

17 NEW SECTION. Sec. 826. A new section is added to chapter 28A.300
18 RCW to read as follows:

19 The superintendent of public instruction shall develop a model
20 curriculum integrating vocational and academic education at the
21 secondary level. The curriculum shall integrate vocational education
22 for gainful employment with education in the academic subjects of
23 English, math, science, technology, geography, and history, and with
24 education in critical thinking. Upon completion, the model curriculum
25 shall be provided for consideration and use by school districts.

26 NEW SECTION. Sec. 827. A new section is added to chapter 28A.320
27 RCW to read as follows:

1 School districts receiving funds for any of the programs under
2 sections 802 through 821 of this act or RCW 28B.80.350, or for
3 improvements in vocational equipment and the nonemployee-related costs
4 associated with that equipment or for increasing the number of teachers
5 to students shall be required to match the funds at a minimum of one
6 hundred percent. The district match may consist of funds under section
7 1101 of this act.

8 PART IX

9 URBAN SCHOOLS GRANTS

10 NEW SECTION. **Sec. 901.** The legislature hereby establishes an
11 urban schools grant program to provide eligible school districts an
12 opportunity to apply for state funds that are separate from and in
13 addition to the state funds allocated for the state's basic program of
14 education.

15 NEW SECTION. **Sec. 902.** (1) The Seattle, Tacoma, Spokane,
16 Yakima, and Pasco school districts are eligible to apply for an urban
17 schools grant under section 901 of this act.

18 (2) Districts accepting urban schools grant funds shall be required
19 to match the state funds at a minimum of one hundred percent. The
20 district match may consist of funds under section 1101 of this act.

21 NEW SECTION. **Sec. 903.** The eligible school districts interested
22 in applying for funds under the urban schools grant program shall
23 submit a grant application to the superintendent of public instruction.
24 Grant applications shall include the following:

25 (1) Documentation that the district board of directors has held at
26 least one public hearing regarding the proposed use of the grant funds.

1 The public hearing and other public hearings held by the district may
2 be held as part of the public hearings required pursuant to chapter
3 28A.505 RCW;

4 (2) Identified budgeted expenditures for the grant funds. The
5 expenditure plan may be included as part of the district's annual
6 budget required under chapter 28A.505 RCW;

7 (3) Documentation that the development of the expenditure plan,
8 prior to the first public hearing, involved teachers, school and
9 district administrators, educational staff associates and classified
10 personnel, parents, students, and members of the community at-large;

11 (4) A description of the services, programs, or activities that
12 will be funded, in whole or in part, by the grant funds;

13 (5) A description of the methods and procedures to be used to
14 evaluate the effectiveness of the services, programs, or activities
15 supported by the grant funds; and

16 (6) Other information as requested by the superintendent of public
17 instruction.

18 NEW SECTION. **Sec. 904.** Grant funds shall be used for purposes
19 identified by the school district in compliance with section 903 of
20 this act. New or existing programs enhanced by funds received under
21 the urban schools grant program shall not become a part of the state's
22 basic program of education obligation as set forth under Article IX of
23 the state Constitution.

24 NEW SECTION. **Sec. 905.** (1) Each school district receiving funds
25 under the urban schools grant program established under section 901 of
26 this act shall submit biennially to the superintendent of public
27 instruction a report on the district's use of the grant funds and other
28 information required by the superintendent of public instruction. The

1 superintendent of public instruction shall establish the date for
2 submittal of reports.

3 (2) The superintendent of public instruction shall submit
4 biennially to the legislature a report on the urban schools grant
5 program. The first report shall be submitted not later than December
6 15, 1992.

7 NEW SECTION. **Sec. 906.** The superintendent of public instruction
8 shall adopt rules as necessary under chapter 34.05 RCW to implement the
9 provisions of sections 901 through 905 of this act.

10 PART X

11 SMALL SCHOOLS GRANTS

12 NEW SECTION. **Sec. 1001.** (1) The superintendent of public
13 instruction shall establish and administer a small schools grant
14 program to assist eligible school districts in meeting special needs of
15 the districts.

16 (2) Funds appropriated by the legislature for the purposes of the
17 small schools grant program and new or existing programs enhanced by
18 funds received under the small schools grant program shall not become
19 a part of the state's basic program of education obligation as set
20 forth under Article IX of the state Constitution.

21 (3) School districts shall be eligible to apply for additional
22 state funds under the small schools grant program if the school
23 district meets the criteria under section 1002 of this act.

24 NEW SECTION. **Sec. 1002.** (1) A school district of the second
25 class under RCW 28A.315.230 may apply for funds under the small schools
26 grant program established under section 1001 of this act, to help meet

1 the special needs of the district, if the school district meets all of
2 the criteria in this section:

3 (a) The median household income is at least twenty percent below
4 the state average;

5 (b) The number of families receiving aid to families with
6 dependent children exceeds the state-wide average by twenty percent or
7 more;

8 (c) The number of persons unemployed exceeds the state-wide
9 average by twenty percent;

10 (d) The assessed valuation of property for excess levy purposes
11 would require a levy rate of more than two dollars per one thousand
12 dollars of valuation to raise a ten percent levy;

13 (e) The district does not receive federal impact aid in excess of
14 the maximum amount the district would be eligible to raise with a ten
15 percent levy; and

16 (f) The district does not receive federal forest moneys in excess
17 of their basic education allocation.

18 (2) If a second class school district is a joint district under
19 RCW 28A.315.350, the criteria under subsection (1) of this section
20 shall be applied based upon the county which comes closest to meeting
21 the criteria under subsection (1) of this section.

22 NEW SECTION. **Sec. 1003.** Eligible school districts interested in
23 applying for funds under the grant program established under section
24 1001 of this act shall submit a grant application to the superintendent
25 of public instruction. Grant applications shall include the following:

26 (1) Documentation that the district board of directors has held at
27 least one public hearing regarding the proposed use of the grant funds.
28 The public hearing and other public hearings held by the district may

1 be held as part of the public hearings required pursuant to chapter
2 28A.505 RCW;

3 (2) Identified budgeted expenditures for the grant funds. The
4 expenditure plan may be included as part of the district's annual
5 budget required under chapter 28A.505 RCW;

6 (3) Documentation that the development of the expenditure plan
7 prior to the first public hearing involved teachers, school and
8 district administrators, educational staff associates and classified
9 personnel, parents, students, and members of the community at-large;

10 (4) A description of the services, programs, or activities that
11 will be funded in whole or in part by the grant funds; and

12 (5) A description of the methods and procedures to be used to
13 evaluate the effectiveness of the services, programs, or activities
14 supported by the grant funds.

15 NEW SECTION. **Sec. 1004.** (1) Each school district receiving funds
16 under the grant program established under section 1001 of this act
17 shall submit biennially to the superintendent of public instruction a
18 report on the district's use of the grant funds. The report shall
19 include an assessment of the effectiveness of the services, programs,
20 or activities supported by the grant funds and other information
21 required by the superintendent of public instruction.

22 (2) The superintendent of public instruction shall establish the
23 date for submittal of reports. The superintendent of public
24 instruction shall work with the eligible districts in developing
25 reporting requirements that do not create excessive paperwork but which
26 provide information necessary for the legislature to evaluate the
27 impact of the grant program on the educational programs of the eligible
28 school districts.

1 (3) The superintendent of public instruction shall submit
2 biennially to the legislature a report on the grant program established
3 under section 1001 of this act. The first report shall be submitted
4 not later than December 1, 1992.

5 NEW SECTION. **Sec. 1005.** The superintendent of public instruction
6 shall adopt rules as necessary under chapter 34.05 RCW to implement
7 sections 1001 through 1004 of this act.

8 PART XI

9 FUNDING MATCHING REQUIREMENTS

10 NEW SECTION. **Sec. 1101.** A new section is added to chapter 28A.320
11 RCW to read as follows:

12 Districts or schools may use the following fund sources to meet the
13 minimum one hundred percent funding matching requirements for sections
14 402 through 414 of this act, sections 604 through 608 of this act,
15 sections 702 through 710 of this act, sections 802 through 821 of this
16 act, sections 901 through 906 of this act, sections 1001 through 1005
17 of this act, and RCW 28B.80.350:

18 (1) Local education program enhancement funds appropriated by the
19 legislature;

20 (2) The five percent special levy authority under RCW 84.52.0531
21 and section 1202 of this act;

22 (3) The district's regular levy;

23 (4) Municipal funds;

24 (5) Other nonstate funds; or

25 (6) Any combination of subsections (1) through (5) of this section.

PART XII

SPECIAL FIVE PERCENT LEVY AUTHORITY

Sec. 1201. RCW 84.52.0531 and 1990 c 33 s 601 are each amended to read as follows:

Except as provided for in subsection (10) of this section, the maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350: PROVIDED, That when determining the basic education allocation under subsection (4) of this section, nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.545 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

(2) For the purposes of subsection (5) of this section, a base year levy percentage shall be established. The base year levy percentage shall be equal to the greater of: (a) The district's actual levy percentage for calendar year 1985, (b) the average levy percentage for all school district levies in the state in calendar year 1985, or (c) the average levy percentage for all school district levies in the educational service district of the district in calendar year 1985.

(3) For excess levies for collection in calendar year 1988 and thereafter, the maximum dollar amount shall be the total of:

(a) The district's levy base as defined in subsection (4) of this section multiplied by the district's maximum levy percentage as defined in subsections (5) and (6) of this section; plus

1 (b) In the case of nonhigh school districts only, an amount equal
2 to the total estimated amount due by the nonhigh school district to
3 high school districts pursuant to chapter 28A.545 RCW for the school
4 year during which collection of the levy is to commence, less the
5 increase in the nonhigh school district's basic education allocation as
6 computed pursuant to subsection (1) of this section due to the
7 inclusion of pupils participating in a program provided for in chapter
8 28A.545 RCW in such computation; less

9 (c) The maximum amount of state matching funds under RCW
10 28A.500.010 for which the district is eligible in that tax collection
11 year.

12 (4) For excess levies for collection in calendar year 1988 and
13 thereafter, a district's levy base shall be the sum of the following
14 allocations received by the district for the prior school year,
15 including allocations for compensation increases, adjusted by the
16 percent increase per full time equivalent student in the state basic
17 education appropriation between the prior school year and the current
18 school year:

19 (a) The district's basic education allocation as determined
20 pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

21 (b) State and federal categorical allocations for the following
22 programs:

23 (i) Pupil transportation;

24 (ii) Handicapped education;

25 (iii) Education of highly capable students;

26 (iv) Compensatory education, including but not limited to learning
27 assistance, migrant education, Indian education, refugee programs, and
28 bilingual education;

29 (v) Food services; and

30 (vi) State-wide block grant programs; and

1 (c) Any other federal allocations for elementary and secondary
2 school programs, including direct grants, other than federal impact aid
3 funds and allocations in lieu of taxes.

4 (5) For levies to be collected in calendar year 1988, a district's
5 maximum levy percentage shall be determined as follows:

6 (a) Multiply the district's base year levy percentage as defined in
7 subsection (2) of this section by the district's levy base as
8 determined in subsection (4) of this section;

9 (b) Reduce the amount in (a) of this subsection by the total
10 estimated amount of any levy reduction funds as defined in subsection
11 (7) of this section which are to be allocated to the district for the
12 1987-88 school year;

13 (c) Divide the amount in (b) of this subsection by the district's
14 levy base to compute a new percentage; and

15 (d) The percentage in (c) of this subsection or twenty percent,
16 whichever is greater, shall be the district's maximum levy percentage
17 for levies collected in calendar year 1988.

18 (6) For excess levies for collection in calendar year 1989 and
19 thereafter, a district's maximum levy percentage shall be determined as
20 follows:

21 (a) Multiply the district's maximum levy percentage for the prior
22 year or thirty percent, whichever is less, by the district's levy base
23 as determined in subsection (4) of this section;

24 (b) Reduce the amount in (a) of this subsection by the total
25 estimated amount of any levy reduction funds as defined in subsection
26 (7) of this section which are to be allocated to the district for the
27 current school year;

28 (c) Divide the amount in (b) of this subsection by the district's
29 levy base to compute a new percentage; and

1 (d) The percentage in (c) of this subsection or twenty percent,
2 whichever is greater, shall be the district's maximum levy percentage
3 for levies collected in that calendar year.

4 (7) "Levy reduction funds" shall mean increases in state funds from
5 the prior school year for programs included under subsection (4) of
6 this section: (a) That are not attributable to enrollment changes,
7 compensation increases, or inflationary adjustments; and (b) that are
8 or were specifically identified as levy reduction funds in the
9 appropriations act. If levy reduction funds are dependent on formula
10 factors which would not be finalized until after the start of the
11 current school year, the superintendent of public instruction shall
12 estimate the total amount of levy reduction funds by using prior school
13 year data in place of current school year data. Levy reduction funds
14 shall not include moneys received by school districts from cities or
15 counties.

16 (8) For the purposes of this section, "prior school year" shall
17 mean the most recent school year completed prior to the year in which
18 the levies are to be collected.

19 (9) For the purposes of this section, "current school year" shall
20 mean the year immediately following the prior school year.

21 (10) In addition to the excess levies under this section, a
22 district may levy a sum not to exceed the district's levy base as
23 determined under subsection (4) of this section multiplied by not more
24 than five percent for the following purposes:

25 (a) Planning and implementation grants under sections 402 through
26 414 of this 1991 act;

27 (b) Primary grades special emphasis grants under sections 702
28 through 710 of this 1991 act;

1 (c) Workplace skills grants under sections 802 through 812 of this
2 1991 act, and including increasing the number of certificated staff in
3 vocational programs and enhancing equipment in vocational programs;

4 (d) Urban schools grants under sections 901 through 906 of this
5 1991 act; or

6 (e) Salary enhancement grants under sections 604 through 608 of
7 this 1991 act; or

8 (f) Small schools grants under sections 1001 through 1005 of this
9 1991 act.

10 (11) The superintendent of public instruction shall develop rules
11 and regulations and inform school districts of the pertinent data
12 necessary to carry out the provisions of this section.

13 NEW SECTION. Sec. 1202. A new section is added to chapter 28A.500
14 RCW to read as follows:

15 (1) Commencing with taxes assessed in 1992 to be collected in
16 calendar year 1993 and thereafter, in addition to a school district's
17 other general fund allocations, each eligible district shall be
18 provided local effort assistance funds as provided in this section for
19 levies raised under RCW 84.52.0531(10). Such funds are not part of the
20 district's basic education allocation.

21 (2) (a) "Prior tax collection year" means the year immediately
22 preceding the year in which the local effort assistance shall be
23 allocated.

24 (b) The "state-wide average five percent levy rate" means five
25 percent of the total levy bases as defined in RCW 84.52.0531(4) summed
26 for all school districts, and divided by the total assessed valuation
27 for excess levy purposes in the prior tax collection year for all
28 districts as adjusted to one hundred percent by the county indicated
29 ratio established in RCW 84.48.075.

1 (c) The "five percent levy rate" of a district means:

2 (i) Five percent of the district's levy base as defined in RCW
3 84.52.0531(4), plus one-half of any amount computed under RCW
4 84.52.0531(3)(b) in the case of nonhigh school districts; divided by

5 (ii) The district's assessed valuation for excess levy purposes for
6 the prior tax collection year as adjusted to one hundred percent by the
7 county indicated ratio.

8 (d) "Eligible districts" means those districts with a five percent
9 levy rate which exceeds the state-wide average five percent levy rate.

10 (3) Allocation of state matching funds to eligible districts for
11 local effort assistance shall be determined as follows:

12 (a) Funds raised by the district through maintenance and operation
13 levies during that tax collection year shall be matched with state
14 funds using the following ratio of state funds to levy funds: (i) The
15 difference between the district's five percent levy rate and the state-
16 wide average five percent levy rate; to (ii) the state-wide average
17 five percent levy rate.

18 (b) The maximum amount of state matching funds for which a district
19 may be eligible in any tax collection year shall be five percent of the
20 district's levy base as defined in RCW 84.52.0531(4), multiplied by the
21 following percentage: (i) The difference between the district's five
22 percent levy rate and the state-wide average five percent levy rate;
23 divided by (ii) the district's five percent levy rate.

24 (4) Fifty-five percent of local effort assistance funds shall be
25 distributed to qualifying districts during the applicable tax
26 collection year on or before June 30 and forty-five percent shall be
27 distributed on or before December 31 of any year.

1 PART XIII

2 COLLECTIVE BARGAINING

3 **Sec. 1301.** RCW 41.59.020 and 1989 c 11 s 11 are each amended to
4 read as follows:

5 As used in this chapter:

6 (1) The term "employee organization" means any organization, union,
7 association, agency, committee, council, or group of any kind in which
8 employees participate, and which exists for the purpose, in whole or in
9 part, of collective bargaining with employers.

10 (2) The term "collective bargaining" or "bargaining" means the
11 performance of the mutual obligation of the representatives of the
12 employer and the exclusive bargaining representative to meet at
13 reasonable times in light of the time limitations of the budget-making
14 process, and to bargain in good faith in an effort to reach agreement
15 with respect to the wages, hours, and terms and conditions of
16 employment: PROVIDED, That prior law, practice or interpretation shall
17 be neither restrictive, expansive, nor determinative with respect to
18 the scope of bargaining. A written contract incorporating any
19 agreements reached shall be executed if requested by either party. The
20 obligation to bargain does not compel either party to agree to a
21 proposal or to make a concession.

22 In the event of a dispute between an employer and an exclusive
23 bargaining representative over the matters that are terms and
24 conditions of employment, the commission shall decide which item(s) are
25 mandatory subjects for bargaining and which item(s) are nonmandatory.
26 The following shall not be a subject of collective bargaining: (a) The
27 school district's policy assuring parental access to the classroom
28 under RCW 28A.605.020; (b) performance pay plans adopted under sections
29 604 through 608 of this 1991 act; and (c) the schedule of days for

1 students to attend school, as established by the school district board
2 of directors under RCW 28A.150.040.

3 (3) The term "commission" means the public employment relations
4 commission established by RCW 41.58.010.

5 (4) The terms "employee" and "educational employee" means any
6 certificated employee of a school district, except:

7 (a) The chief executive officer of the employer.

8 (b) The chief administrative officers of the employer, which shall
9 mean the superintendent of the district, deputy superintendents,
10 administrative assistants to the superintendent, assistant
11 superintendents, and business manager. Title variation from all
12 positions enumerated in this subsection (b) may be appealed to the
13 commission for determination of inclusion in, or exclusion from, the
14 term "educational employee".

15 (c) Confidential employees, which shall mean:

16 (i) Any person who participates directly on behalf of an employer
17 in the formulation of labor relations policy, the preparation for or
18 conduct of collective bargaining, or the administration of collective
19 bargaining agreements, except that the role of such person is not
20 merely routine or clerical in nature but calls for the consistent
21 exercise of independent judgment; and

22 (ii) Any person who assists and acts in a confidential capacity to
23 such person.

24 (d) Unless included within a bargaining unit pursuant to RCW
25 41.59.080, any supervisor, which means any employee having authority,
26 in the interest of an employer, to hire, assign, promote, transfer,
27 layoff, recall, suspend, discipline, or discharge other employees, or
28 to adjust their grievances, or to recommend effectively such action, if
29 in connection with the foregoing the exercise of such authority is not
30 merely routine or clerical in nature but calls for the consistent

1 exercise of independent judgment, and shall not include any persons
2 solely by reason of their membership on a faculty tenure or other
3 governance committee or body. The term "supervisor" shall include only
4 those employees who perform a preponderance of the above-specified acts
5 of authority.

6 (e) Unless included within a bargaining unit pursuant to RCW
7 41.59.080, principals and assistant principals in school districts.

8 (5) The term "employer" means any school district.

9 (6) The term "exclusive bargaining representative" means any
10 employee organization which has:

11 (a) Been selected or designated pursuant to the provisions of this
12 chapter as the representative of the employees in an appropriate
13 collective bargaining unit; or

14 (b) Prior to January 1, 1976, been recognized under a predecessor
15 statute as the representative of the employees in an appropriate
16 collective bargaining or negotiations unit.

17 (7) The term "person" means one or more individuals, organizations,
18 unions, associations, partnerships, corporations, boards, committees,
19 commissions, agencies, or other entities, or their representatives.

20 (8) The term "nonsupervisory employee" means all educational
21 employees other than principals, assistant principals and supervisors.

22 **Sec. 1302.** RCW 41.56.030 and 1989 c 275 s 2 are each amended to
23 read as follows:

24 As used in this chapter:

25 (1) "Public employer" means any officer, board, commission,
26 council, or other person or body acting on behalf of any public body
27 governed by this chapter as designated by RCW 41.56.020, or any
28 subdivision of such public body. For the purposes of this section, the
29 public employer of district court employees for wage-related matters is

1 the respective county legislative authority, or person or body acting
2 on behalf of the legislative authority, and the public employer for
3 nonwage-related matters is the judge or judge's designee of the
4 respective district court.

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

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

21 (4) "Collective bargaining" means the performance of the mutual
22 obligations of the public employer and the exclusive bargaining
23 representative to meet at reasonable times, to confer and negotiate in
24 good faith, and to execute a written agreement with respect to
25 grievance procedures and collective negotiations on personnel matters,
26 including wages, hours and working conditions, which may be peculiar to
27 an appropriate bargaining unit of such public employer, except that by
28 such obligation neither party shall be compelled to agree to a proposal
29 or be required to make a concession unless otherwise provided in this
30 chapter. In the case of the Washington state patrol, "collective

1 bargaining" shall not include wages and wage-related matters. In the
2 case of employees of school districts, "collective bargaining" does not
3 include: (a) The schedule of days for students to attend school, as
4 established by the school district board of directors under RCW
5 28A.150.040; (b) the school district's policy assuring parental access
6 to the classroom under RCW 28A.605.020; or (c) performance pay plans
7 adopted under sections 604 through 608 of this 1991 act.

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

9 (6) "Executive director" means the executive director of the
10 commission.

11 (7) "Uniformed personnel" means (a) law enforcement officers as
12 defined in RCW 41.26.030 as now or hereafter amended, of cities with a
13 population of fifteen thousand or more or law enforcement officers
14 employed by the governing body of any county of the second class or
15 larger, or (b) fire fighters as that term is defined in RCW 41.26.030,
16 as now or hereafter amended.

17 PART XIV

18 MISCELLANEOUS

19 NEW SECTION. Sec. 1401. This act may be known and cited as the
20 bringing education home act.

21 NEW SECTION. Sec. 1402. Part headings used in this act do not
22 constitute part of the law.

23 NEW SECTION. Sec. 1403. Sections 201 through 204 of this act are
24 each added to chapter 28A.240 RCW.

1 NEW SECTION. **Sec. 1404.** Sections 402 through 414 of this act are
2 each added to chapter 28A.630 RCW.

3 NEW SECTION. **Sec. 1405.** Sections 604 through 608 of this act are
4 each added to chapter 28A.400 RCW.

5 NEW SECTION. **Sec. 1406.** Sections 609 through 611 of this act are
6 each added to chapter 28A.410 RCW.

7 NEW SECTION. **Sec. 1407.** Sections 702 through 710 of this act are
8 each added to chapter 28A.600 RCW.

9 NEW SECTION. **Sec. 1408.** Sections 802 through 812, 901 through
10 906, and 1001 through 1005 of this act are each added to chapter
11 28A.630 RCW.

12 NEW SECTION. **Sec. 1409.** Sections 816 through 820 of this act
13 shall constitute a new chapter in Title 28C RCW.

14 NEW SECTION. **Sec. 1410.** Section 105 of this act shall take
15 effect September 1, 1992.

16 NEW SECTION. **Sec. 1411.** Section 504 of this act shall take
17 effect October 1, 1997.

18 NEW SECTION. **Sec. 1412.** Section 1202 of this act shall take
19 effect January 1, 1992.

20 NEW SECTION. **Sec. 1413.** Sections 301, 302, 401 through 414, 501
21 through 503, 601 through 603, 701 through 710, 802 through 822, 901

1 through 905, 1001 through 1005, 1301, and 1302 of this act are
2 necessary for the immediate preservation of the public peace, health,
3 or safety, or support of the state government and its existing public
4 institutions, and shall take effect immediately.

5 NEW SECTION. **Sec. 1414.** Sections 401 through 414 of this act
6 shall expire December 31, 1998.

7 NEW SECTION. **Sec. 1415.** Sections 601 through 603 of this act
8 shall expire December 31, 1991.

9 NEW SECTION. **Sec. 1416.** The sum of thirty-four million dollars,
10 or as much thereof as may be necessary, is appropriated for the
11 biennium ending June 30, 1993, from the general fund to the
12 superintendent of public instruction for the purposes of sections 401
13 through 414 of this act.

14 NEW SECTION. **Sec. 1417.** The sum of one hundred thousand dollars,
15 or as much thereof as may be necessary, is appropriated for the
16 biennium ending June 30, 1993, from the general fund to the
17 superintendent of public instruction for the purposes of sections 601
18 through 603 of this act.

19 NEW SECTION. **Sec. 1418.** The sum of ten million dollars, or as
20 much thereof as may be necessary, is appropriated for the biennium
21 ending June 30, 1993, from the general fund to the superintendent of
22 public instruction for the purposes of sections 604 through 608 of this
23 act.

1 NEW SECTION. **Sec. 1419.** The sum of twenty-five million dollars,
2 or as much thereof as may be necessary, is appropriated for the
3 biennium ending June 30, 1993, from the general fund to the
4 superintendent of public instruction for the purposes of sections 701
5 through 710 of this act.

6 NEW SECTION. **Sec. 1420.** The sum of ten million dollars, or as
7 much thereof as may be necessary, is appropriated for the biennium
8 ending June 30, 1993, from the general fund to the superintendent of
9 public instruction for the purposes of sections 801 through 827 of this
10 act.

11 NEW SECTION. **Sec. 1421.** The sum of ten million dollars, or as
12 much thereof as may be necessary, is appropriated for the biennium
13 ending June 30, 1993, from the general fund to the superintendent of
14 public instruction for the purposes of sections 901 through 906 of this
15 act.

16 NEW SECTION. **Sec. 1422.** The sum of five million five hundred
17 thousand dollars, or as much thereof as may be necessary, is
18 appropriated for the biennium ending June 30, 1993, from the general
19 fund to the superintendent of public instruction for the purposes of
20 sections 1001 through 1005 of this act.

21 NEW SECTION. **Sec. 1423.** The sum of nineteen million dollars, or
22 as much thereof as may be necessary, is appropriated for the biennium
23 ending June 30, 1993, from the general fund to the superintendent of
24 public instruction for the purposes of section 1202 of this act.

1 NEW SECTION. **Sec. 1424.** The sum of fifty-eight million dollars,
2 or as much thereof as may be necessary, is appropriated for the
3 biennium ending June 30, 1993, from the general fund to the
4 superintendent of public instruction for the purposes of the block
5 grant program.

6 NEW SECTION. **Sec. 1425.** If any provision of this act or its
7 application to any person or circumstance is held invalid, the
8 remainder of the act or the application of the provision to other
9 persons or circumstances is not affected.