CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5953

Chapter 141, Laws of 1992
(partial veto)

52nd Legislature
1992 Regular Session

PERFORMANCE-BASED EDUCATION

EFFECTIVE DATE: 6/11/92 - Except Sections 501 through 507 which become effective on 9/1/98 with conditions.

Passed by the Senate March 8, 1992
Yeas 33 Nays 14

JOEL PRITCHARD
President of the Senate

Passed by the House March 6, 1992
Yeas 96 Nays 0

JOE KING
Speaker of the House of Representatives

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is SUBSTITUTE SENATE BILL 5953 as passed by the Senate and the House of Representatives on the dates hereon set forth.

GORDON A. GOLOB
Secretary

BOOTH GARDNER
Governor of the State of Washington

Approved April 1, 1992, with the exception of subsection 1 of section 202, which is vetoed.

FILED
April 1, 1992 - 10:10 a.m.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. The legislature finds that the educational needs of students when they leave the public school system has increased dramatically in the past two decades. If young people are to prosper in our democracy and if our nation is to grow...
economically, it is imperative that the overall level of learning achieved by students be significantly increased.

To achieve this higher level of learning, the legislature finds that the state of Washington needs to develop a performance-based school system. Instead of maintaining burdensome state accountability laws and rules that dictate educational offerings, the state needs to hold schools accountable for their performance based on what their students learn.

The legislature further finds moving toward a performance-based accountability system will require repealing state laws and rules that inhibit the freedom of school boards and professional educators to carry out their work, and also will require that significantly more decisions be made at the school district and school building levels. In addition, it will be necessary to set high expectations for students, to identify what is expected of all students, and to develop a rigorous academic assessment system to determine if these expectations have been achieved.

The legislature further finds that the governor’s council on education reform and funding will, by December 1992, identify broad student learning goals. Subject to decisions made by the 1993 legislature, the legislature finds that it is critical that an organization be established to continue the council’s work in identifying necessary student skills and knowledge, to develop student assessment and school accountability systems, and to take other steps necessary to develop a performance-based education system.

The legislature further finds that there is a need for high quality professional development as the state implements a performance-based system. Professional development must be available to schools and school districts to maintain quality control and to assure access to proven research on effective teaching.
Sec. 101. RCW 28A.410.040 and 1990 c 33 s 406 are each amended to read as follows:

((1)) The state board of education shall adopt rules providing that, except as provided in this section, all individuals qualifying for an initial-level teaching certificate after August 31, 1992, shall possess a baccalaureate degree in the arts, sciences, and/or humanities and have fulfilled the requirements for teacher certification pursuant to RCW 28A.305.130 (1) and (2). ((The state board of education shall develop and adopt rules establishing baccalaureate degree equivalency standards for certification of vocational instructors performing instructional duties and acquiring initial level certification after August 31, 1992.)) However, candidates for grades preschool through eight certificates shall have fulfilled the requirements for a major as part of their baccalaureate degree. If the major is in early childhood education, elementary education, or special education, the candidate must have at least thirty quarter hours or twenty semester hours in one academic field.

((2)) The state board of education shall study the impact of eliminating the major in education under subsection (1) of this section and submit a report to the legislature by January 15, 1990. The report shall include a recommendation on whether the major in education under subsection (1) of this section should be eliminated.

(3) The initial certificate shall be valid for two years.

(4) Certificate holders may renew the certificate for a three-year period by providing proof of acceptance and enrollment in an approved masters degree program. A second renewal, for a period of two years, may be granted upon recommendation of the degree-granting institution.
and if the certificate holder can demonstrate substantial progress
toward the completion of the masters degree and that the degree will be
completed within the two year extension period. Under no circumstances
may an initial certificate be valid for a period of more than seven
years.))

Sec. 102. RCW 28A.410.050 and 1989 c 29 s 2 are each amended to
read as follows:

(((1) The state board of education shall implement rules providing
that all teachers performing instructional duties and acquiring
professional level certificate status after August 31, 1992, shall
possess, as a requirement of professional status, a masters degree in
teaching, or a masters degree in the arts, sciences, and/or humanities.

(2))) The state board of education shall develop and adopt rules
establishing baccalaureate and masters degree equivalency standards for
vocational instructors performing instructional duties and acquiring
((professional level)) certification after August 31, 1992.

Sec. 103. RCW 28A.405.220 and 1990 c 33 s 391 are each amended to
read as follows:

Notwithstanding the provisions of RCW 28A.405.210, every person
employed by a school district in a teaching or other nonsupervisory
certificated position shall be subject to nonrenewal of employment
contract as provided in this section during the first two years of
employment by such district, unless the employee has previously
completed at least two years of certificated employment in another
school district in the state of Washington, in which case the employee
shall be subject to nonrenewal of employment contract pursuant to this
section during the first year of employment with the new district.
Employees as defined in this section shall hereinafter be referred to as "provisional employees".

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

Every such provisional employee so notified, at his or her request made in writing and filed with the superintendent of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the superintendent for the purpose of requesting the superintendent to reconsider his or her decision. Such meeting shall be held no later than ten days following the receipt of such request, and the provisional employee shall be given written notice of the date, time and place of meeting at least three days prior thereto. At such meeting the provisional employee shall be given the opportunity to refute any facts upon which the superintendent’s determination was based and to make any argument in support of his or her request for reconsideration.

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

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

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

NEW SECTION. Sec. 104. The state board of education, in
conjunction with the governor’s council on education reform and
funding, shall study the current requirements for the certification of
teachers and administrators, and shall prepare a report to the
legislature that includes options for improving the current
certification system. The report, at a minimum, shall analyze
postinitial certification requirements, including the continuing
education, endorsement, and the fifth-year requirements, and shall
analyze the merits of requiring teachers and administrators to develop
personal education plans after they have obtained their initial
certificates. The report shall be submitted to the appropriate committees of the house of representatives and senate by December 1, 1992.

NEW SECTION. Sec. 105. Section 103 of this act shall take effect July 1, 1992.

"PART II

COMMISSION ON STUDENT LEARNING"

NEW SECTION. Sec. 201. A new section is added to chapter 28A.630 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 201 and 202 of this act.

(1) "Academic assessment system" or "assessment system" means a series of academic examinations and performance-based assessments developed by the commission on student learning to determine if students have mastered the essential academic learning requirements.

(2) "Essential academic learning requirements" means the academic and technical knowledge and skills identified by the commission on student learning, as reviewed and amended by the legislature and state board of education, that students are expected to know and be able to do at specified intervals in their schooling. The essential academic learning requirements, at a minimum, shall include knowledge and skills in reading, writing, speaking, science, history, geography, mathematics, and critical thinking.

NEW SECTION. Sec. 202. A new section is added to chapter 28A.630 RCW to read as follows:
(1) The governor’s council on education reform and funding shall submit its proposed student learning goals to the appropriate committees of the legislature by December 1, 1992. If both houses of the legislature do not adopt a joint memorial or legislation ratifying, or ratifying with amendment, the student learning goals by July 1, 1993, section 202 and sections 501 through 507 of this act shall be null and void.

(2) The Washington commission on student learning is hereby established. The primary purposes of the commission are to identify what all students need to know and be able to do based on the student learning goals of the governor’s council on education reform and funding, to develop student assessment and school accountability systems, and to take other steps necessary to develop a performance-based education system. The commission shall include three members of the state board of education, three members appointed by the governor before July 1, 1992, and three members appointed no later than February 1, 1993, by the governor elected in the November 1992 election. In making the appointments, educators, business leaders, and parents shall be represented, and nominations from state-wide education, business, and parent organizations shall be requested. Efforts shall be made to ensure that the commission reflects the cultural diversity of the state’s K-12 student population and that the major geographic regions in the state are represented. Appointees shall be qualified individuals who are supportive of educational restructuring, who have a positive record of service, and who will devote sufficient time to the responsibilities of the commission to ensure that the objectives of the commission are achieved.

(3) The commission shall begin its substantive work subject to subsection (1) of this section.
(4) The commission shall establish technical advisory committees. Membership of the technical advisory committees shall include, but not necessarily be limited to, professionals from the office of the superintendent of public instruction and the state board of education, and other state and local educational practitioners and student assessment specialists.

(5) The commission, with the assistance of the technical advisory committees, shall:

(a) Identify what all elementary and secondary students need to know and be able to do. At a minimum, these essential academic learning requirements shall include reading, writing, speaking, science, history, geography, mathematics, and critical thinking. In developing these essential academic learning requirements, the commission shall incorporate the student learning goals identified by the council on education reform and funding;

(b) By December 1, 1995, present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the elementary grades designed to determine if each student has mastered the essential academic learning requirements identified in (a) of this subsection. The academic assessment system shall include a variety of methodologies, including performance-based measures. The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who do not master the essential academic learning requirements. Mastery of each component of the essential academic learning requirements shall be required before students progress in subsequent components of the essential academic learning requirements. The state board of education and superintendent of public instruction shall implement the elementary academic
assessment system beginning in the 1996-97 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. The state board of education and superintendent of public instruction may modify the academic assessment system, as needed, in subsequent school years;

(c) By December 1, 1996, present to the state board of education and superintendent of public instruction a state-wide academic assessment system for use in the secondary grades designed to determine if each student has mastered the essential academic learning requirements identified for secondary students in (a) of this subsection. The academic assessment system shall use a variety of methodologies, including performance-based measures, to determine if students have mastered the essential academic learning requirements, and shall lead to a certificate of mastery. The certificate of mastery shall be required for graduation. The assessment system shall be designed so that the results are used by educators to evaluate instructional practices, and to initiate appropriate educational support for students who do not master the essential academic learning requirements. The commission shall recommend to the state board of education whether the certificate of mastery should take the place of the graduation requirements or be required for graduation in addition to graduation requirements. The state board of education and superintendent of public instruction shall implement the secondary academic assessment system beginning in the 1997-98 school year, unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements. The state board of education and superintendent of public instruction may modify the assessment system, as needed, in subsequent school years;
(d) Consider methods to address the unique needs of special education students when developing the assessments in (b) and (c) of this subsection;

(e) Develop strategies that will assist educators in helping students master the essential academic learning requirements;

(f) Establish a center the primary role of which is to plan, implement, and evaluate a high quality professional development process. The quality schools center shall: Have an advisory council composed of educators, parents, and community and business leaders; use best practices research regarding instruction, management, curriculum development, and assessment; coordinate its activities with the office of the superintendent of public instruction and the state board of education; employ and contract with individuals who have a commitment to quality reform; prepare a six-year plan to be updated every two years; and be able to accept resources and funding from private and public sources;

(g) Develop recommendations for the repeal or amendment of federal, state, and local laws, rules, budgetary language, regulations, and other factors that inhibit schools from adopting strategies designed to help students achieve the essential academic learning requirements;

(h) Develop recommendations on the time, support, and resources, including technical assistance, needed by schools and school districts to help students achieve the essential academic learning requirements. These recommendations shall include an estimate for the legislature, superintendent of public instruction, and governor on the expected cost of implementing the elementary and secondary academic assessment systems during the 1995-97 biennium and beyond;

(i) Develop recommendations for consideration by the higher education coordinating board for adopting college and university entrance requirements that would assist schools in adopting strategies
designed to help students achieve the essential academic learning
requirements;

(j) By December 1, 1996, recommend to the legislature, state board
of education, and superintendent of public instruction a state-wide
accountability system to evaluate accurately and fairly the level of
learning occurring in individual schools and school districts. The
commission also shall recommend to the legislature steps that should be
taken to assist school districts and schools in which learning is
significantly below expected levels of performance as measured by the
academic assessment systems established under this section;

(k) Report annually by December 1st to the legislature and the
state board of education on the progress, findings, and recommendations
of the commission; and

(l) Complete other tasks, as appropriate.

(6) The commission shall coordinate its activities with the state
board of education and the office of the superintendent of public
instruction.

(7) The commission shall seek advice broadly from the public and
all interested educational organizations in the conduct of its work,
including holding periodic regional public hearings.

(8) The commission shall select an entity to provide staff support
and the office of financial management shall contract with that entity.
The commission may direct the office of financial management to enter
into subcontracts with school districts, teachers, higher education
faculty, state agencies, business organizations, and other individuals
and organizations to assist the commission in its deliberations.

(9) Members of the commission shall be reimbursed for travel
expenses as provided in RCW 43.03.050 and 43.03.060.

*Sec. 202 was partially vetoed, see message at end of chapter.
NEW SECTION. Sec. 203. Section 202 of this act shall expire September 1, 1998.

"PART III

SCHOOL BOARD POWERS"

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

(1) The board of directors of each school district may exercise the following:

(a) The broad discretionary power to determine and adopt written policies not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that the board determines will:

(i) Promote the education of kindergarten through twelfth grade students in the public schools; or

(ii) Promote the effective, efficient, or safe management and operation of the school district;

(b) Such powers as are expressly authorized by law; and

(c) Such powers as are necessarily or fairly implied in the powers expressly authorized by law.

(2) Before adopting a policy under subsection (1)(a) of this section, the school district board of directors shall comply with the notice requirements of the open public meetings act, chapter 42.30 RCW, and shall in addition include in that notice a statement that sets forth or reasonably describes the proposed policy. The board of directors shall provide a reasonable opportunity for public written and oral comment and consideration of the comment by the board of directors.
Sec. 302. RCW 28A.305.140 and 1990 c 33 s 267 are each amended to read as follows:

((The state board of education may grant waivers to school districts from the provisions of)) (1) The self-study process requirements under RCW 28A.320.200, the teacher classroom contact requirements under RCW 28A.150.260(4), and the program hour offerings requirements under RCW 28A.150.200 through 28A.150.220 ((on the basis that such waiver or waivers are necessary to implement successfully a local plan to provide for all students in the district an effective education system that is designed to enhance the educational program for each student. The local plan may include alternative ways to provide effective educational programs for students who experience difficulty with the regular education program.

The state board shall adopt criteria to evaluate the need for the waiver or waivers)) shall be waived for school districts or individual schools within a district if the school district submits to the state board of education a plan for restructuring its educational program, or the educational program of individual schools within the district that includes:

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

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

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

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

(e) Evidence that opportunities were provided for parents and citizens to be involved in the development of the plan; and
(f) Identification of the state requirements that will be waived.

(2) Waivers granted by the state board of education under this section shall be renewed every three years upon the state board of education receiving a renewal request from the school district board of directors. Before filing the request, the school district shall conduct at least one public meeting to evaluate the educational programs that were implemented as a result of the waivers. The request to the state board of education shall include information regarding the activities and programs implemented as a result of the waivers, whether the higher standards for students are being achieved, and a summary of the comments received at the public meeting or meetings.

(3) If a school district intends to waive the program hour offerings under RCW 28A.150.220, it shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours. Each school district also shall make available to students enrolled in grades one through twelve at least a district-wide annual average total instructional hour offering of one thousand hours. A school district may schedule the last thirty instructional hours of any school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as full-time equivalent students to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260. The state board of education may define alternatives to classroom instructional time for students in grades nine through twelve enrolled in alternative learning experiences. The state board of education shall establish rules to determine annual average instructional hours for districts having fewer than twelve grades. The program shall include instruction in the essential academic learning
requirements under section 202 of this act and other subjects and
activities the school district determines to be appropriate.

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

Sec. 303. RCW 28A.150.260 and 1991 c 116 s 10 are each amended to
read as follows:

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

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

(a) Certificated instructional staff and their related costs;
(b) Certificated administrative staff and their related costs;
(c) Classified staff and their related costs;
(d) Nonsalary costs;
(e) Extraordinary costs of remote and necessary schools and small high schools, including costs of additional certificated and classified staff; and

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

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

(b) ((Commencing with the 1988-89 school year,)) The formula adopted by the legislature shall reflect the following ratios at a minimum: (i) Forty-nine certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full time equivalent students in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve.

(c) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and
equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.150.350, enrolled on the first school day of each month and shall exclude full time equivalent handicapped students recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100. The definition of full time equivalent student shall be determined by rules and regulations of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent’s biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent’s reported full time equivalent students in the common schools in conjunction with RCW 43.62.050. 

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

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

(4) Each annual average full time equivalent certificated classroom teacher’s direct classroom contact hours shall average at least twenty-five hours per week. Direct classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. Up to two hundred minutes per week may be deducted from the twenty-five contact hour requirement, at the discretion of the school district board of directors, to accommodate authorized teacher/parent-guardian conferences, recess, passing time between classes, and informal instructional activity. Implementing rules to be adopted by the state board of education pursuant to RCW 28A.150.220(4) shall provide that compliance with the direct contact hour requirement shall be based upon teachers’ normally assigned weekly instructional schedules, as assigned by the district administration. Additional record-keeping by classroom teachers as a means of accounting for contact hours shall not be required.

(However, upon request from the board of directors of any school district, the provisions relating to direct classroom contact hours for individual teachers in that district may be waived by the state board of education if the waiver is necessary to implement a locally approved plan for educational excellence and the waiver is limited to those individual teachers approved in the local plan for educational excellence. The state board of education shall develop criteria to evaluate the need for the waiver. Granting of the waiver shall depend upon verification that: (a) The students’ classroom instructional time will not be reduced; and (b) the teacher’s expertise is critical to the success of the local plan for excellence.) Waivers from contact hours may be requested under RCW 28A.305.140.
NEW SECTION. Sec. 304. RCW 28A.320.210 and 1990 c 33 s 334, 1988 c 256 s 1, 1987 c 505 s 9, 1986 c 137 s 1, 1984 c 278 s 3, 1977 ex.s. c 305 s 1, & 1975-'76 2nd ex.s. c 90 s 1 are each repealed.

"PART IV

STUDENT ASSESSMENT AND LEARNING OPPORTUNITIES"

NEW SECTION. Sec. 401. A new section is added to chapter 28A.230 RCW to read as follows:

(1) If students’ scores on the test or assessments under RCW 28A.230.190, 28A.230.230, and 28A.230.240 indicate that students need help in identified areas, the school district shall adjust the curriculum in the identified areas.

(2) Each school district shall notify the parents of each student of their child’s performance on the test and assessments conducted under this chapter.

Sec. 402. RCW 28A.230.090 and 1990 1st ex.s. c 9 s 301 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students ((who commence the ninth grade subsequent to July 1, 1985, that meet or exceed the following:)

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(2) For the purposes of this section one credit is equivalent to one year of study.

(3) The Washington state history and government requirement may be fulfilled by students in grades seven or eight or both. Students who have completed the Washington state history and government requirement in grades seven or eight or both shall be considered to have fulfilled the Washington state history and government requirement.

(4) A candidate for graduation must have in addition earned a minimum of 18 credits including all required courses. These credits shall consist of the state requirements listed above and such additional requirements and electives as shall be established by each district.

((5)) (2) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate
the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

((6)) (3) Pursuant to any foreign language requirement established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in sign language shall be considered to have satisfied the state or local school district foreign language graduation requirement.

((7)) (4) If requested by the student and his or her family, a student who has completed high school courses ((while in seventh and eighth grade)) before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

((8)) (5) Students who have taken and successfully completed high school courses under the circumstances in subsection ((7)) (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit. Subsection ((7)) (4) of this section shall also apply to students enrolled in high school on April 11, 1990, who took the courses ((while they were in seventh and eighth grade)) before attending high school.
NEW SECTION. Sec. 403. RCW 28A.230.110 and 1990 c 33 s 240 &
1985 c 384 s 4 are each repealed.

"PART V
BASIC EDUCATION AMENDMENTS--EFFECTIVE 1998"

Sec. 501. RCW 28A.150.210 and 1977 ex.s. c 359 s 2 are each
amended to read as follows:

The goal of the Basic Education Act for the schools of the state of
Washington set forth in this ((1977 amendatory act)) chapter shall be
to provide students with the opportunity to ((achieve those skills
which are generally recognized as requisite to learning. Those skills
shall include the ability:

(1) To distinguish, interpret and make use of words, numbers and
other symbols, including sound, colors, shapes and textures;

(2) To organize words and other symbols into acceptable verbal and
nonverbal forms of expression, and numbers into their appropriate
functions;

(3) To perform intellectual functions such as problem solving,
decision making, goal setting, selecting, planning, predicting,
experimenting, ordering and evaluating; and

(4) To use various muscles necessary for coordinating physical and
mental functions)) master the essential academic learning requirements
necessary for their roles as citizens and potential participants in the
economic marketplace and in the marketplace of ideas identified by the
commission established in section 202 of this act.

NEW SECTION. Sec. 502. A new section is added to chapter 28A.150
RCW to read as follows:
Unless the context clearly requires otherwise, the definition in this section applies throughout RCW 28A.150.200 through 28A.150.295.

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

Sec. 503. RCW 28A.150.220 and 1990 c 33 s 105 are each amended to read as follows:

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

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

(b) "Instruction in work skills" shall include instruction in one or more of the following areas: Industrial arts, home and family life education, business and office education, distributive education, agricultural education, health occupations education, vocational education, trade and industrial education, technical education and career education.
Satisfaction of the basic education program requirements identified in RCW 28A.150.210 shall be considered to be implemented by the following program:

(a) Each school district shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours. The program shall include instruction in the essential academic learning requirements under section 202 of this act and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district’s students enrolled in such program;

(b) Each school district shall make available to students enrolled in grades one through twelve, at least a district-wide annual average total instructional hour offering of one thousand hours. The state board of education may define alternatives to classroom instructional time for students in grades nine through twelve enrolled in alternative learning experiences. The state board of education shall establish rules to determine annual average instructional hours for districts including fewer than twelve grades. The program shall be in the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district’s students in such grades;

(c) Each school district shall make available to students in grades four through six at least a total program hour offering of two thousand nine hundred seventy hours. A minimum of ninety percent of the total
program hour offerings shall be in the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. The remaining ten percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district’s students in such grades;

(d) Each school district shall make available to students in grades seven through eight, at least a total program hour offering of one thousand nine hundred eighty hours. A minimum of eighty-five percent of the total program hour offerings shall be in the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. A minimum of ten percent of the total program hour offerings shall be in the area of work skills. The remaining five percent of the total program hour offerings may include such subjects and activities as the school district shall determine to be appropriate for the education of the school district’s students in such grades;

(e) Each school district shall make available to students in grades nine through twelve at least a total program hour offering of four thousand three hundred twenty hours. A minimum of sixty percent of the total program hour offerings shall be in the basic skills areas of language arts, foreign language, mathematics, social studies, science, music, art, health and physical education. A minimum of twenty percent of the total program hour offerings shall be in the area of work skills. The remaining twenty percent of the total program hour offerings may include traffic safety or such subjects and activities as the school district shall determine to be appropriate for the education of the school district’s students in such grades, with not less than one-half thereof in basic skills and/or work skills: PROVIDED, That
each school district shall have the option of including grade nine within the program hour offering requirements of grades seven and eight so long as such requirements for grades seven through nine are increased to two thousand nine hundred seventy hours and such requirements for grades ten through twelve are decreased to three thousand two hundred forty hours.

(3) In order to provide flexibility to the local school districts in the setting of their curricula, and in order to maintain the intent of this legislation, which is to stress the instruction of basic skills and work skills, any local school district may establish minimum course mix percentages that deviate by up to five percentage points above or below those minimums required by subsection (2) of this section, so long as the total program hour requirement is still met) include the essential academic learning requirements under section 202 of this act and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district’s students enrolled in such group.

((4))) (2) Nothing contained in subsection ((4))) (1) of this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

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

((4)) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish. PROVIDED, That each school district board of directors shall establish the basis and means for determining and monitoring the district’s compliance with the basic skills and work skills percentage and course requirements of this section. The certification of the board of directors and the superintendent of a school district that the district is in compliance with such basic skills and work skills requirements may be accepted by the superintendent of public instruction and the state board of education.

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

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

Sec. 504. RCW 28A.150.290 and 1990 c 33 s 111 are each amended to read as follows:
(1) The superintendent of public instruction shall have the power and duty to make such rules and regulations as are necessary for the proper administration of this chapter and RCW 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010 not inconsistent with the provisions thereof, and in addition to require such reports as may be necessary to carry out his or her duties under this chapter and RCW 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010.
(2) The superintendent of public instruction shall have the authority to make rules and regulations which establish the terms and conditions for allowing school districts to receive state basic education moneys as provided in RCW 28A.150.250 when said districts are unable to fulfill for one or more schools as officially scheduled the requirement of a full school year of one hundred eighty days or the annual average total ((program)) instructional hour offering((, teacher contact hour, or course mix and percentage requirements)) imposed by RCW 28A.150.220 and 28A.150.260 due to one or more of the following conditions:
(a) An unforeseen natural event, including, but not necessarily limited to, a fire, flood, explosion, storm, earthquake, epidemic, or volcanic eruption that has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable; and
(b) An unforeseen mechanical failure or an unforeseen action or inaction by one or more persons, including negligence and threats, that
(i) is beyond the control of both a school district board of directors and its employees and (ii) has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable. Such actions, inactions or mechanical failures may include, but are not necessarily limited to, arson, vandalism, riots, insurrections, bomb threats, bombings, delays in the scheduled completion of construction projects, and the discontinuance or disruption of utilities such as heating, lighting and water: PROVIDED, That an unforeseen action or inaction shall not include any labor dispute between a school district board of directors and any employee of the school district.

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

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

Sec. 505. RCW 28A.195.010 and 1990 c 33 s 176 are each amended to read as follows:

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

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

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

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

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

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

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

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

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

(b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (4), (5), and (6) of this section;

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

(d) Each student’s progress be evaluated by the certified person; and

(e) The certified employee shall not supervise more than thirty students enrolled in the approved private school’s extension program.
Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection ((4)) (3) of this section.

Private school curriculum shall include, but not be limited to, instruction ((of)) in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units ((for meeting)) so that students are able to master the essential academic learning requirements under section 202 of this act and meet state board of education graduation requirements.

Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as provided in subsection ((7) above provided) (6) of this section, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.
Sec. 507. RCW 28A.150.260 and 1992 c ... s 303 (section 303 of this act) are each amended to read as follows:

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

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

(a) Certificated instructional staff and their related costs;
(b) Certificated administrative staff and their related costs;
(c) Classified staff and their related costs;
(d) Nonsalary costs;
(e) Extraordinary costs of remote and necessary schools and small high schools, including costs of additional certificated and classified staff; and
(f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.

(2)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.
(b) The formula adopted by the legislature shall reflect the following ratios at a minimum: (i) Forty-nine certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full time equivalent students in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve.

(c) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.150.350, enrolled on the first school day of each month and shall exclude full time equivalent handicapped students recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100. The definition of full time equivalent student shall be determined by rules and regulations of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent’s biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house
appropriations committee and the senate ways and means committee:

PROVIDED, FURTHER, That the office of financial management shall make
a monthly review of the superintendent’s reported full time equivalent
students in the common schools in conjunction with RCW 43.62.050.

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

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

((4) Each annual average full time equivalent certificated
classroom teacher’s direct classroom contact hours shall average at
least twenty-five hours per week. Direct classroom contact hours shall
be exclusive of time required to be spent for preparation, conferences,
or any other nonclassroom instruction duties. Up to two hundred
minutes per week may be deducted from the twenty-five contact hour
requirement, at the discretion of the school district board of
directors, to accommodate authorized teacher/parent guardian
conferences, recess, passing time between classes, and informal
instructional activity. Implementing rules to be adopted by the state
board of education pursuant to RCW 28A.150.220(4) shall provide that
compliance with the direct contact hour requirement shall be based upon
teachers’ normally assigned weekly instructional schedules, as assigned
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by the district administration. Additional record-keeping by classroom
teachers as a means of accounting for contact hours shall not be
required. However, upon request from the board of directors of any
school district, the provisions relating to direct classroom contact
hours for individual teachers in that district may be waived by the
state board of education if the waiver is necessary to implement a
locally approved plan for educational excellence and the waiver is
limited to those individual teachers approved in the local plan for
educational excellence. The state board of education shall develop
criteria to evaluate the need for the waiver. Granting of the waiver
shall depend upon verification that: (a) The students’ classroom
instructional time will not be reduced; and (b) the teacher’s expertise
is critical to the success of the local plan for excellence. Waivers
from contact hours may be requested under RCW 28A.305.140.)

NEW SECTION. Sec. 508. Section 302 of this act shall expire
September 1, 1998. However, this section shall not take effect if, by
September 1, 1998, a law is enacted stating that a school
accountability and academic assessment system is not in place.

NEW SECTION. Sec. 509. Sections 501 through 507 of this act
shall take effect September 1, 1998. However, these sections shall not
take effect if, by September 1, 1998, a law is enacted stating that a
school accountability and academic assessment system is not in place.

"PART VI
MISCELLANEOUS"

NEW SECTION. Sec. 601. Part headings as used in this act
constitute no part of the law.
NEW SECTION. Sec. 602. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 8, 1992.
Passed the House March 6, 1992.
Approved by the Governor April 1, 1992, with the exception of certain items which were vetoed.
Filed in Office of Secretary of State April 1, 1992.

Note: Governor’s explanation of partial veto is as follows:

"I am returning herewith, without my approval as to subsection 1 of section 202, Substitute Senate Bill No. 5953 entitled:

"AN ACT Relating to education."

Substitute Senate Bill No. 5953 sets our public education system on a new course by moving to a system that emphasizes excellence in student performance. It creates the Commission on Student Learning to establish the capacity to immediately begin implementation of the recommendations of the Governor’s Council on Education Reform and Funding. Simultaneously, it creates a mechanism to waive a number of existing state rules that impede local restructuring activities. I strongly support these and other provisions in the bill and congratulate the legislature for its far-sightedness in setting the stage for these important changes.

Section 202 establishes the Commission on Student Learning and defines its activities and timelines. Subsection 1 of section 202 creates a procedure which may eliminate not only the commission, but major revisions to the Basic Education Act as well. The continued viability of these sections of law rests on the passage or failure to pass a joint resolution in the future. This process is a legislative veto that violates basic constitutional checks and balances. Through this mechanism, one House of the Legislature is given the power to nullify constitutionally enacted legislation. Furthermore, the legislature is given the power to amend the law by resolution without presenting it to the executive.

I have vetoed this subsection solely because it is an infringement on the constitutional doctrine of separation of powers. The Legislature is an equal partner in the creation of education policy, including student learning goals. This veto protects the integrity of the legislative process and assures adequate bicameral review, including public scrutiny and executive approval, before future enactments or amendments can occur. Not withstanding this veto, it is important that the Legislature affirm the student learning goals put forward by the Governor’s Council on Education Reform and Funding during the 1993 Legislature. I encourage you to do so.

For the reasons stated above, I have vetoed subsection 1 of section 202 of Substitute Senate Bill No. 5953.
With the exception of subsection 1 of section 202, Substitute Senate Bill No. 5953 is approved."