
HOUSE BILL 2329

State of Washington

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1998 Regular Session

By Representatives Hickel, Johnson, Linville, Wolfe, Ogden, Appelwick, Kessler, Costa, Anderson, Constantine, Mason and Sullivan

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1 AN ACT Relating to kindergarten; amending RCW 28A.150.220,
2 28A.150.220, 28A.150.250, 28A.305.140, and 28A.525.162; adding a new
3 section to chapter 28A.150 RCW; providing a contingent effective date;
4 and providing a contingent expiration date.

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

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

8 School districts may expand basic educational kindergarten programs
9 in one or more schools to full-day kindergarten programs beginning in
10 the 1998-99 school year. The superintendent of public instruction
11 shall adopt deadlines for a school district to notify the
12 superintendent of public instruction that the district intends to
13 operate a full-day kindergarten program in one or more schools to
14 ensure that the superintendent of public instruction has sufficient
15 time to allocate funds appropriately.

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

1 (1) For the purposes of this section and RCW 28A.150.250 and
2 28A.150.260:

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

11 (b) "Instruction in work skills" shall include instruction in one
12 or more of the following areas: Industrial arts, home and family life
13 education, business and office education, distributive education,
14 agricultural education, health occupations education, vocational
15 education, trade and industrial education, technical education and
16 career education.

17 (2) Satisfaction of the basic education goal identified in RCW
18 28A.150.210 shall be considered to be implemented by the following
19 program requirements:

20 (a) Each school district shall make available to students in a
21 half-day kindergarten program at least a total program offering of four
22 hundred fifty hours. Each school district shall make available to
23 students in a full-day kindergarten program at least a total program
24 offering of nine hundred hours. The program shall include reading,
25 arithmetic, language skills and such other subjects and such activities
26 as the school district shall determine to be appropriate for the
27 education of the school district's students enrolled in such program;

28 (b) Each school district shall make available to students in grades
29 one through three, at least a total program hour offering of two
30 thousand seven hundred hours. A minimum of ninety-five percent of the
31 total program hour offerings shall be in the basic skills areas of
32 reading/language arts (which may include languages other than English,
33 including American Indian languages), mathematics, social studies,
34 science, music, art, health and physical education. The remaining five
35 percent of the total program hour offerings may include such subjects
36 and activities as the school district shall determine to be appropriate
37 for the education of the school district's students in such grades;

38 (c) Each school district shall make available to students in grades
39 four through six at least a total program hour offering of two thousand

1 nine hundred seventy hours. A minimum of ninety percent of the total
2 program hour offerings shall be in the basic skills areas of reading/
3 language arts (which may include languages other than English,
4 including American Indian languages), mathematics, social studies,
5 science, music, art, health and physical education. The remaining ten
6 percent of the total program hour offerings may include such subjects
7 and activities as the school district shall determine to be appropriate
8 for the education of the school district's students in such grades;

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

21 (e) Each school district shall make available to students in grades
22 nine through twelve at least a total program hour offering of four
23 thousand three hundred twenty hours. A minimum of sixty percent of the
24 total program hour offerings shall be in the basic skills areas of
25 language arts, languages other than English, which may be American
26 Indian languages, mathematics, social studies, science, music, art,
27 health and physical education. A minimum of twenty percent of the
28 total program hour offerings shall be in the area of work skills. The
29 remaining twenty percent of the total program hour offerings may
30 include traffic safety or such subjects and activities as the school
31 district shall determine to be appropriate for the education of the
32 school district's students in such grades, with not less than one-half
33 thereof in basic skills and/or work skills: PROVIDED, That each school
34 district shall have the option of including grade nine within the
35 program hour offering requirements of grades seven and eight so long as
36 such requirements for grades seven through nine are increased to two
37 thousand nine hundred seventy hours and such requirements for grades
38 ten through twelve are decreased to three thousand two hundred forty
39 hours.

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

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

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

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

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

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

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

19 (1) Satisfaction of the basic education program requirements
20 identified in RCW 28A.150.210 shall be considered to be implemented by
21 the following program:

22 (a) Each school district shall make available to students enrolled
23 in a half-day kindergarten program at least a total instructional
24 offering of four hundred fifty hours. Each school district shall make
25 available to students in a full-day kindergarten program at least a
26 total program offering of nine hundred hours. The program shall
27 include instruction in the essential academic learning requirements
28 under RCW 28A.630.885 and such other subjects and such activities as
29 the school district shall determine to be appropriate for the education
30 of the school district's students enrolled in such program;

31 (b) Each school district shall make available to students enrolled
32 in grades one through twelve, at least a district-wide annual average
33 total instructional hour offering of one thousand hours. The state
34 board of education may define alternatives to classroom instructional
35 time for students in grades nine through twelve enrolled in alternative
36 learning experiences. The state board of education shall establish
37 rules to determine annual average instructional hours for districts
38 including fewer than twelve grades. The program shall include the

1 essential academic learning requirements under RCW 28A.630.885 and such
2 other subjects and such activities as the school district shall
3 determine to be appropriate for the education of the school district's
4 students enrolled in such group;

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

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

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

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

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

35 From those funds made available by the legislature for the current
36 use of the common schools, the superintendent of public instruction
37 shall distribute annually as provided in RCW 28A.510.250 to each school
38 district of the state operating a program approved by the state board

1 of education an amount which, when combined with an appropriate portion
2 of such locally available revenues, other than receipts from federal
3 forest revenues distributed to school districts pursuant to RCW
4 28A.520.010 and 28A.520.020, as the superintendent of public
5 instruction may deem appropriate for consideration in computing state
6 equalization support, excluding excess property tax levies, will
7 constitute a basic education allocation in dollars for each annual
8 average full time equivalent student enrolled, based upon one full
9 school year of one hundred eighty days, except that for school
10 districts operating half-day kindergartens in one or more schools one
11 full school year shall be one hundred eighty half days of instruction,
12 or the equivalent as provided in RCW 28A.150.220.

13 Basic education shall be considered to be fully funded by those
14 amounts of dollars appropriated by the legislature pursuant to RCW
15 28A.150.250 and 28A.150.260 to fund those program requirements
16 identified in RCW 28A.150.220 in accordance with the formula and ratios
17 provided in RCW 28A.150.260 and those amounts of dollars appropriated
18 by the legislature to fund the salary requirements of RCW 28A.150.100
19 and 28A.150.410.

20 Operation of a program approved by the state board of education,
21 for the purposes of this section, shall include a finding that the
22 ratio of students per classroom teacher in grades kindergarten through
23 three is not greater than the ratio of students per classroom teacher
24 in grades four and above for such district: PROVIDED, That for the
25 purposes of this section, "classroom teacher" shall be defined as an
26 instructional employee possessing at least a provisional certificate,
27 but not necessarily employed as a certificated employee, whose primary
28 duty is the daily educational instruction of students: PROVIDED
29 FURTHER, That the state board of education shall adopt rules and
30 regulations to insure compliance with the student/teacher ratio
31 provisions of this section, and such rules and regulations shall allow
32 for exemptions for those special programs and/or school districts which
33 may be deemed unable to practicably meet the student/teacher ratio
34 requirements of this section by virtue of a small number of students.

35 If a school district's basic education program fails to meet the
36 basic education requirements enumerated in RCW 28A.150.250,
37 28A.150.260, and 28A.150.220, the state board of education shall
38 require the superintendent of public instruction to withhold state
39 funds in whole or in part for the basic education allocation until

1 program compliance is assured: PROVIDED, That the state board of
2 education may waive this requirement in the event of substantial lack
3 of classroom space.

4 **Sec. 5.** RCW 28A.305.140 and 1992 c 141 s 302 are each amended to
5 read as follows:

6 (1) The (~~self-study process requirements under RCW 28A.320.200,~~
7 the)) teacher classroom contact requirements under RCW
8 28A.150.260(4)((7)) and the program hour offerings requirements under
9 RCW 28A.150.200 through 28A.150.220 shall be waived for school
10 districts or individual schools within a district if the school
11 district submits to the state board of education a plan for
12 restructuring its educational program, or the educational program of
13 individual schools within the district that includes:

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

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

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

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

23 (e) Evidence that opportunities were provided for parents and
24 citizens to be involved in the development of the plan; and

25 (f) Identification of the state requirements that will be waived.

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

36 (3) If a school district intends to waive the program hour
37 offerings under RCW 28A.150.220, it shall make available to students
38 enrolled in a half-day kindergarten program at least a total

1 instructional offering of four hundred fifty hours. Each school
2 district shall make available to students in a full-day kindergarten
3 program at least a total program offering of nine hundred hours. Each
4 school district also shall make available to students enrolled in
5 grades one through twelve at least a district-wide annual average total
6 instructional hour offering of one thousand hours. A school district
7 may schedule the last thirty instructional hours of any school year for
8 noninstructional purposes in the case of students who are graduating
9 from high school, including, but not limited to, the observance of
10 graduation and early release from school upon the request of a student,
11 and all such students may be claimed as full-time equivalent students
12 to the extent they could otherwise have been so claimed for the
13 purposes of RCW 28A.150.250 and 28A.150.260. The state board of
14 education may define alternatives to classroom instructional time for
15 students in grades nine through twelve enrolled in alternative learning
16 experiences. The state board of education shall establish rules to
17 determine annual average instructional hours for districts having fewer
18 than twelve grades. The program shall include instruction in the
19 essential academic learning requirements under RCW 28A.630.885 and
20 other subjects and activities the school district determines to be
21 appropriate.

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

30 **Sec. 6.** RCW 28A.525.162 and 1995 c 77 s 24 are each amended to
31 read as follows:

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

36 (2) No allotment shall be made to a school district until such
37 district has provided matching funds equal to or greater than the
38 difference between the total approved project cost and the amount of

1 state assistance to the district for financing the project computed
2 pursuant to RCW 28A.525.166, with the following exceptions:

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

9 (b) No such matching funds shall be required as a condition to the
10 allotment of funds for the purpose of making major or minor structural
11 changes to existing school facilities in order to bring such facilities
12 into compliance with the barrier free access requirements of section
13 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and
14 rules implementing the act.

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

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

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

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

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

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

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

3 (c) The number of kindergarten students included in the enrollment
4 count shall be multiplied by one-half if the school district operates
5 a half-day kindergarten program in one or more schools.

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

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

15 NEW SECTION. Sec. 7. Section 3 of this act shall take effect
16 September 1, 2000. However, section 3 of this act shall not take
17 effect if, by September 1, 2000, a law is enacted stating that a school
18 accountability and academic assessment system is not in place.

19 NEW SECTION. Sec. 8. Sections 2 and 5 of this act shall expire
20 September 1, 2000. However, sections 2 and 5 of this act shall not
21 expire if, by September 1, 2000, a law is not enacted stating that a
22 school accountability and academic assessment system is not in place.

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