

SENATE BILL 5239

State of Washington 52nd Legislature 1991 Regular Session

By Senators Bailey, Rinehart, Oke, Murray, Barr and Talmadge.

Read first time January 24, 1991. Referred to Committee on Education.

1 AN ACT Relating to extending the school year; amending RCW
2 28A.150.030, 28A.195.010, 28A.150.250, 28A.150.290, 28A.335.160,
3 28A.150.220, 28A.190.030, 28A.330.100, and 28A.405.210; reenacting and
4 amending RCW 28A.400.200; adding a new section to chapter 28A.150 RCW;
5 adding a new section to chapter 28A.415 RCW; and making an
6 appropriation.

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

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

10 The school year shall consist of the equivalent of one hundred
11 eighty-one school days for grades one through twelve and one hundred
12 eighty-one half days of school for kindergarten beginning in the 1992-
13 93 school year.

1 **Sec. 2.** RCW 28A.150.030 and 1971 ex.s. c 161 s 1 are each amended
2 to read as follows:

3 (1) A school day shall mean ((each)) a calendar day of the school
4 year on which day all pupils enrolled in the common schools of a school
5 district are afforded the opportunity to be engaged in educational
6 activity that is planned and conducted by ((and)) or under the
7 direction of the school district staff, as directed by the
8 administration and board of directors of the district.

9 (2) The equivalent of a school day shall mean:

10 (a) Kindergarten - full day: A minimum of the equivalent of four
11 hours of program hour offerings;

12 (b) Kindergarten - half day: A minimum of the equivalent of two
13 and one-half hours of program hour offerings;

14 (c) Primary - grades one through three: A minimum of five hours of
15 program hour offerings at each grade level;

16 (d) Elementary - grades four through six: A minimum of five and
17 one-half hours of program hour offerings at each grade level;

18 (e) Grades seven and eight: A minimum of five and one-half hours
19 of program hour offerings at each grade level;

20 (f) Grades nine through twelve: A minimum of six hours of program
21 hour offerings at each grade level;

22 (g) For purposes of this subsection, "program hour offering" has
23 the meaning under RCW 28A.150.220.

24 **Sec. 3.** RCW 28A.195.010 and 1990 c 33 s 176 are each amended to
25 read as follows:

26 The legislature hereby recognizes that private schools should be
27 subject only to those minimum state controls necessary to insure the
28 health and safety of all the students in the state and to insure a
29 sufficient basic education to meet usual graduation requirements. The

1 state, any agency or official thereof, shall not restrict or dictate
2 any specific educational or other programs for private schools except
3 as hereinafter in this section provided.

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

14 (1) The minimum school year for instructional purposes shall
15 consist of no less than ~~((one hundred eighty school days or the
16 equivalent in annual minimum program hour offerings as prescribed in
17 RCW 28A.150.220))~~ the number of school days provided under section 1 of
18 this 1991 act.

19 (2) The school day shall be the same as that required in RCW
20 28A.150.030 and 28A.150.220, except that the percentages of total
21 program hour offerings as prescribed in RCW 28A.150.220 for basic
22 skills, work skills, and optional subjects and activities shall not
23 apply to private schools or private sectarian schools.

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

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

29 (b) In exceptional cases, people of unusual competence but without
30 certification may teach students so long as a certified person

1 exercises general supervision. Annual written statements shall be
2 submitted to the office of the superintendent of public instruction
3 reporting and explaining such circumstances.

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

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

11 (b) The planning by the certified person and the parent, guardian,
12 or person having legal custody include objectives consistent with this
13 subsection and subsections (1), (2), (5), (6), and (7) of this section;

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

17 (d) Each student's progress be evaluated by the certified person;
18 and

19 (e) The certified employee shall not supervise more than thirty
20 students enrolled in the approved private school's extension program.

21 (5) Appropriate measures shall be taken to safeguard all permanent
22 records against loss or damage.

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

1 (7) Private school curriculum shall include instruction of the
2 basic skills of occupational education, science, mathematics, language,
3 social studies, history, health, reading, writing, spelling, and the
4 development of appreciation of art and music, all in sufficient units
5 for meeting state board of education graduation requirements.

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

9 All decisions of policy, philosophy, selection of books, teaching
10 material, curriculum, except as in subsection (7) above provided,
11 school rules and administration, or other matters not specifically
12 referred to in this section, shall be the responsibility of the
13 administration and administrators of the particular private school
14 involved.

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

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

1 school days provided under section 1 of this 1991 act, except that for
2 kindergartens one ((full)) school year shall ((be one hundred eighty))
3 consist of the number of half days of instruction under section 1 of
4 this 1991 act, or the equivalent as provided in RCW 28A.150.220.

5 Basic education shall be considered to be fully funded by those
6 amounts of dollars appropriated by the legislature pursuant to RCW
7 28A.150.250 and 28A.150.260 to fund those program requirements
8 identified in RCW 28A.150.220 in accordance with the formula and ratios
9 provided in RCW 28A.150.260 and those amounts of dollars appropriated
10 by the legislature to fund the salary requirements of RCW 28A.150.100
11 and 28A.150.410.

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

27 If a school district's basic education program fails to meet the
28 basic education requirements enumerated in RCW 28A.150.250,
29 28A.150.260, and 28A.150.220, the state board of education shall
30 require the superintendent of public instruction to withhold state

1 funds in whole or in part for the basic education allocation until
2 program compliance is assured: PROVIDED, That the state board of
3 education may waive this requirement in the event of substantial lack
4 of classroom space.

5 **Sec. 5.** RCW 28A.150.290 and 1990 c 33 s 111 are each amended to
6 read as follows:

7 (1) The superintendent of public instruction shall have the power
8 and duty to make such rules and regulations as are necessary for the
9 proper administration of this chapter and RCW 28A.160.150 through
10 28A.160.220, 28A.300.170, and 28A.500.010 not inconsistent with the
11 provisions thereof, and in addition to require such reports as may be
12 necessary to carry out his or her duties under this chapter and RCW
13 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010.

14 (2) The superintendent of public instruction shall have the
15 authority to make rules and regulations which establish the terms and
16 conditions for allowing school districts to receive state basic
17 education moneys as provided in RCW 28A.150.250 when said districts are
18 unable to fulfill for one or more schools as officially scheduled the
19 requirement of a full school year ~~((of one hundred eighty days))~~
20 consisting of the number of school days provided under section 1 of
21 this 1991 act or the total program hour offering, teacher contact hour,
22 or course mix and percentage requirements imposed by RCW 28A.150.030,
23 28A.150.220, and 28A.150.260 due to one or more of the following
24 conditions:

25 (a) An unforeseen natural event, including, but not necessarily
26 limited to, a fire, flood, explosion, storm, earthquake, epidemic, or
27 volcanic eruption that has the direct or indirect effect of rendering
28 one or more school district facilities unsafe, unhealthy, inaccessible,
29 or inoperable; and

1 (b) An unforeseen mechanical failure or an unforeseen action or
2 inaction by one or more persons, including negligence and threats, that
3 (i) is beyond the control of both a school district board of directors
4 and its employees and (ii) has the direct or indirect effect of
5 rendering one or more school district facilities unsafe, unhealthy,
6 inaccessible, or inoperable. Such actions, inactions or mechanical
7 failures may include, but are not necessarily limited to, arson,
8 vandalism, riots, insurrections, bomb threats, bombings, delays in the
9 scheduled completion of construction projects, and the discontinuance
10 or disruption of utilities such as heating, lighting and water:
11 PROVIDED, That an unforeseen action or inaction shall not include any
12 labor dispute between a school district board of directors and any
13 employee of the school district.

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

24 (3) The superintendent of public instruction shall make every
25 effort to reduce the amount of paperwork required in administration of
26 this chapter and RCW 28A.160.150 through 28A.160.220, 28A.300.170, and
27 28A.500.010; to simplify the application, monitoring and evaluation
28 processes used; to eliminate all duplicative requests for information
29 from local school districts; and to make every effort to integrate and
30 standardize information requests for other state education acts and

1 federal aid to education acts administered by the superintendent of
2 public instruction so as to reduce paperwork requirements and
3 duplicative information requests.

4 **Sec. 6.** RCW 28A.335.160 and 1990 c 33 s 359 are each amended to
5 read as follows:

6 Any school district may cooperate with one or more school districts
7 in the following:

8 (1) The joint financing, planning, construction, equipping and
9 operating of any educational facility otherwise authorized by law:
10 PROVIDED, That any cooperative financing plan involving the
11 construction of school plant facilities must be approved by the state
12 board of education pursuant to such rules as may now or hereafter be
13 promulgated relating to state approval of school construction.

14 (2) The joint maintenance and operation of educational programs or
15 services (a) either as a part of the operation of a joint facility or
16 otherwise, (b) either on a full or part time attendance basis, and (c)
17 either on a regular (~~one hundred eighty day~~) school year consisting
18 of the number of school days provided under section 1 of this 1991 act
19 or extended school year: PROVIDED, That any such joint program or
20 service must be operated pursuant to a written agreement approved by
21 the superintendent of public instruction pursuant to rules and
22 regulations promulgated therefor. In establishing rules and
23 regulations the state superintendent shall consider, among such other
24 factors as the superintendent deems appropriate, the economic
25 feasibility of said services and programs, the educational and
26 administrative scope of said agreement and the need for said programs
27 or services.

28 Notwithstanding any other provision of the law, the state
29 superintendent of public instruction shall establish rules and

1 regulations for the apportionment of attendance credits for such
2 students as are enrolled in a jointly operated facility or program,
3 including apportionment for approved part time and extended school year
4 attendance.

5 **Sec. 7.** RCW 28A.150.220 and 1990 c 33 s 105 are each amended to
6 read as follows:

7 (1) For the purposes of this section and RCW 28A.150.250 and
8 28A.150.260:

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

17 (b) "Instruction in work skills" shall include instruction in one
18 or more of the following areas: Industrial arts, home and family life
19 education, business and office education, distributive education,
20 agricultural education, health occupations education, vocational
21 education, trade and industrial education, technical education and
22 career education.

23 (2) Satisfaction of the basic education goal identified in RCW
24 28A.150.210 shall be considered to be implemented by the following
25 program requirements:

26 (a) Each school district shall make available to students in
27 kindergarten at least a total program offering (~~of four hundred fifty~~
28 ~~hours. The program shall include~~) including reading, arithmetic,
29 language skills and such other subjects and such activities as the

1 school district shall determine to be appropriate for the education of
2 the school district's students enrolled in such program;

3 (b) Each school district shall make available to students in grades
4 one through three, at least a total program hour offering of (~~two~~
5 ~~thousand seven hundred hours.~~) which a minimum of ninety-five percent
6 of the total program hour offerings shall be in the basic skills areas
7 of reading/language arts (which may include foreign languages),
8 mathematics, social studies, science, music, art, health and physical
9 education. The remaining five percent of the total program hour
10 offerings may include such subjects and activities as the school
11 district shall determine to be appropriate for the education of the
12 school district's students in such grades;

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

23 (d) Each school district shall make available to students in grades
24 seven through eight, at least a total program hour offering of (~~one~~
25 ~~thousand nine hundred eighty hours.~~) which a minimum of eighty-five
26 percent of the total program hour offerings shall be in the basic
27 skills areas of reading/language arts (which may include foreign
28 languages), mathematics, social studies, science, music, art, health
29 and physical education. A minimum of ten percent of the total program
30 hour offerings shall be in the area of work skills. The remaining five

1 percent of the total program hour offerings may include such subjects
2 and activities as the school district shall determine to be appropriate
3 for the education of the school district's students in such grades;

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

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

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

4 (5) Each school district's kindergarten through twelfth grade basic
5 educational program shall be accessible to all students who are five
6 years of age, as provided by RCW 28A.225.160, and less than twenty-one
7 years of age and shall consist of ~~((a minimum of one hundred eighty
8 school days per))~~ the number of school days in a school year as
9 provided under section 1 of this 1991 act in such grades as are
10 conducted by a school district, and ~~((one hundred eighty))~~ the number
11 of half-days of instruction during the school year as provided under
12 section 1 of this 1991 act, or equivalent, in kindergarten: PROVIDED,
13 That effective May 1, 1979, a school district may schedule the last
14 five school days of the ~~((one hundred and eighty day))~~ school year for
15 noninstructional purposes in the case of students who are graduating
16 from high school, including, but not limited to, the observance of
17 graduation and early release from school upon the request of a student,
18 and all such students may be claimed as a full time equivalent student
19 to the extent they could otherwise have been so claimed for the
20 purposes of RCW 28A.150.250 and 28A.150.260.

21 (6) The state board of education shall adopt rules to implement and
22 ensure compliance with the program requirements imposed by this
23 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental
24 program approval requirements as the state board may establish:
25 PROVIDED, That each school district board of directors shall establish
26 the basis and means for determining and monitoring the district's
27 compliance with the basic skills and work skills percentage and course
28 requirements of this section. The certification of the board of
29 directors and the superintendent of a school district that the district
30 is in compliance with such basic skills and work skills requirements

1 may be accepted by the superintendent of public instruction and the
2 state board of education.

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

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

18 **Sec. 8.** RCW 28A.190.030 and 1990 c 33 s 172 are each amended to
19 read as follows:

20 Each school district within which there is located a residential
21 school shall, singly or in concert with another school district
22 pursuant to RCW 28A.335.160 and 28A.225.250 or pursuant to chapter
23 39.34 RCW, conduct a program of education, including related student
24 activities, for residents of the residential school. Except as
25 otherwise provided for by contract pursuant to RCW 28A.190.050, the
26 duties and authority of a school district and its employees to conduct
27 such a program shall be limited to the following:

1 (1) The employment, supervision and control of administrators,
2 teachers, specialized personnel and other persons, deemed necessary by
3 the school district for the conduct of the program of education;

4 (2) The purchase, lease or rental and provision of textbooks, maps,
5 audio-visual equipment, paper, writing instruments, physical education
6 equipment and other instructional equipment, materials and supplies,
7 deemed necessary by the school district for the conduct of the program
8 of education;

9 (3) The development and implementation, in consultation with the
10 superintendent or chief administrator of the residential school or his
11 or her designee, of the curriculum;

12 (4) The conduct of a program of education, including related
13 student activities, for residents who are three years of age and less
14 than twenty-one years of age, and have not met high school graduation
15 requirements as now or hereafter established by the state board of
16 education and the school district which includes:

17 (a) Not less than (~~one hundred and eighty school days~~) the number
18 of school days provided under section 1 of this 1991 act each school
19 year;

20 (b) Special education pursuant to RCW 28A.155.010 through
21 28A.155.100, and vocational education, as necessary to address the
22 unique needs and limitations of residents; and

23 (c) Such courses of instruction and school related student
24 activities as are provided by the school district for nonresidential
25 school students to the extent it is practical and judged appropriate
26 for the residents by the school district after consultation with the
27 superintendent or chief administrator of the residential school:
28 PROVIDED, That a preschool special education program may be provided
29 for handicapped residential school students;

1 (5) The control of students while participating in a program of
2 education conducted pursuant to this section and the discipline,
3 suspension or expulsion of students for violation of reasonable rules
4 of conduct adopted by the school district; and

5 (6) The expenditure of funds for the direct and indirect costs of
6 maintaining and operating the program of education that are
7 appropriated by the legislature and allocated by the superintendent of
8 public instruction for the exclusive purpose of maintaining and
9 operating residential school programs of education, and funds from
10 federal and private grants, bequests and gifts made for the purpose of
11 maintaining and operating the program of education.

12 **Sec. 9.** RCW 28A.330.100 and 1990 c 33 s 348 are each amended to
13 read as follows:

14 Every board of directors of a school district of the first class,
15 in addition to the general powers for directors enumerated in this
16 title, shall have the power:

17 (1) To employ for a term of not exceeding three years a
18 superintendent of schools of the district, and for cause to dismiss him
19 or her; and to fix his or her duties and compensation.

20 (2) To employ, and for cause dismiss one or more assistant
21 superintendents and to define their duties and fix their compensation.

22 (3) To employ a business manager, attorneys, architects, inspectors
23 of construction, superintendents of buildings and a superintendent of
24 supplies, all of whom shall serve at the board's pleasure, and to
25 prescribe their duties and fix their compensation.

26 (4) To employ, and for cause dismiss, supervisors of instruction
27 and to define their duties and fix their compensation.

1 (5) To prescribe a course of study and a program of exercises which
2 shall be consistent with the course of study prepared by the state
3 board of education for the use of the common schools of this state.

4 (6) To, in addition to the minimum requirements imposed by this
5 title establish and maintain such grades and departments, including
6 night, high, kindergarten, vocational training and, except as otherwise
7 provided by law, industrial schools, and schools and departments for
8 the education and training of any class or classes of handicapped
9 youth, as in the judgment of the board, best shall promote the
10 interests of education in the district.

11 (7) To determine the length of time over and above (~~one hundred~~
12 ~~eighty~~) the number of school days provided under section 1 of this
13 1991 act that school shall be maintained: PROVIDED, That for purposes
14 of apportionment no district shall be credited with more than (~~one~~
15 ~~hundred and eighty three days' attendance~~) the number of school days
16 under section 1 of this 1991 act in any school year; and to fix the
17 time for annual opening and closing of schools and for the daily
18 dismissal of pupils before the regular time for closing schools.

19 (8) To maintain a shop and repair department, and to employ, and
20 for cause dismiss, a foreman and the necessary help for the maintenance
21 and conduct thereof.

22 (9) To provide free textbooks and supplies for all children
23 attending school, when so ordered by a vote of the electors; or if the
24 free textbooks are not voted by the electors, to provide books for
25 children of indigent parents, on the written statement of the city
26 superintendent that the parents of such children are not able to
27 purchase them.

28 (10) To require of the officers or employees of the district to
29 give a bond for the honest performance of their duties in such penal
30 sum as may be fixed by the board with good and sufficient surety, and

1 to cause the premium for all bonds required of all such officers or
2 employees to be paid by the district: PROVIDED, That the board may, by
3 written policy, allow that such bonds may include a deductible proviso
4 not to exceed two percent of the officer's or employee's annual salary.

5 (11) To prohibit all secret fraternities and sororities among the
6 students in any of the schools of the said districts.

7 (12) To appoint a practicing physician, resident of the school
8 district, who shall be known as the school district medical inspector,
9 and whose duty it shall be to decide for the board of directors all
10 questions of sanitation and health affecting the safety and welfare of
11 the public schools of the district who shall serve at the board's
12 pleasure; the school district medical inspector or authorized deputies
13 shall make monthly inspections of each school in the district and
14 report the condition of the same to the board of education and board of
15 health: PROVIDED, That children shall not be required to submit to
16 vaccination against the will of their parents or guardian.

17 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.415
18 RCW to read as follows:

19 Beginning with the 1992-93 school year, basic education
20 certificated instructional staff shall be provided with the equivalent
21 of two additional days each contract year for in-service training and
22 staff development. The compensation for these days shall be at the
23 regular salary rates and shall constitute part of the salary
24 requirements under RCW 28A.150.250.

25 **Sec. 11.** RCW 28A.400.200 and 1990 1st ex.s. c 11 s 2 and 1990 c 33
26 s 381 are each reenacted and amended to read as follows:

1 (1) Every school district board of directors shall fix, alter,
2 allow, and order paid salaries and compensation for all district
3 employees in conformance with this section.

4 (2)(a) Salaries for certificated instructional staff shall not be
5 less than the salary provided in the appropriations act in the state-
6 wide salary allocation schedule for an employee with a baccalaureate
7 degree and zero years of service; and

8 (b) Salaries for certificated instructional staff with a masters
9 degree shall not be less than the salary provided in the appropriations
10 act in the state-wide salary allocation schedule for an employee with
11 a masters degree and zero years of service;

12 (3)(a) The actual average salary paid to basic education
13 certificated instructional staff shall not exceed the district's
14 average basic education certificated instructional staff salary used
15 for the state basic education allocations for that school year as
16 determined pursuant to RCW 28A.150.410 and shall be in proportion to
17 the number of days in the contract year including the time for in-
18 service training and staff development provided under section 10 of
19 this 1991 act.

20 (b) Fringe benefit contributions for basic education certificated
21 instructional staff shall be included as salary under (a) of this
22 subsection to the extent that the district's actual average benefit
23 contribution exceeds the greater of: (i) The formula amount for
24 insurance benefits provided per certificated instructional staff unit
25 in the state operating appropriations act in effect at the time the
26 compensation is payable; or (ii) the actual average amount provided by
27 the school district in the 1986-87 school year. For purposes of this
28 section, fringe benefits shall not include payment for unused leave for
29 illness or injury under RCW 28A.400.210, or employer contributions for
30 old age survivors insurance, workers' compensation, unemployment

1 compensation, and retirement benefits under the Washington state
2 retirement system.

3 (c) Salary and benefits for certificated instructional staff in
4 programs other than basic education shall be consistent with the salary
5 and benefits paid to certificated instructional staff in the basic
6 education program.

7 (4) Salaries and benefits for certificated instructional staff may
8 exceed the limitations in subsection (3) of this section only by
9 separate contract for additional time, additional responsibilities, or
10 incentives. Supplemental contracts shall not cause the state to incur
11 any present or future funding obligation. Supplemental contracts shall
12 be subject to the collective bargaining provisions of chapter 41.59 RCW
13 and the provisions of RCW 28A.405.240, shall not exceed one year, and
14 if not renewed shall not constitute adverse change in accordance with
15 RCW 28A.405.300 through 28A.405.380. No district may enter into a
16 supplemental contract under this subsection for the provision of
17 services which are a part of the basic education program required by
18 Article IX, section 3 of the state Constitution.

19 (5) Employee benefit plans offered by any district shall comply
20 with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

21 **Sec. 12.** RCW 28A.405.210 and 1990 c 33 s 390 are each amended to
22 read as follows:

23 No teacher, principal, supervisor, superintendent, or other
24 certificated employee, holding a position as such with a school
25 district, hereinafter referred to as "employee", shall be employed
26 except by written order of a majority of the directors of the district
27 at a regular or special meeting thereof, nor unless he or she is the
28 holder of an effective teacher's certificate or other certificate

1 required by law or the state board of education for the position for
2 which the employee is employed.

3 The board shall make with each employee employed by it a written
4 contract, which shall be in conformity with the laws of this state, and
5 except as otherwise provided by law, limited to a term of not more than
6 one year. Each contract for every full-time basic education
7 certificated instructional staff as defined in RCW 28A.150.100 shall
8 include a provision for the equivalent of the number of days for time
9 for in-service training and staff development provided under section 10
10 of this 1991 act. Each contract for every part-time basic education
11 certificated instructional staff as defined in RCW 28A.150.100 shall
12 include a provision for the time for in-service training and staff
13 development in the same proportion as that provided for eligible full-
14 time employees. Every such contract shall be made in duplicate, one
15 copy to be retained by the school district superintendent or secretary
16 and one copy to be delivered to the employee. No contract shall be
17 offered by any board for the employment of any employee who has
18 previously signed an employment contract for that same term in another
19 school district of the state of Washington unless such employee shall
20 have been released from his or her obligations under such previous
21 contract by the board of directors of the school district to which he
22 or she was obligated. Any contract signed in violation of this
23 provision shall be void.

24 In the event it is determined that there is probable cause or
25 causes that the employment contract of an employee should not be
26 renewed by the district for the next ensuing term such employee shall
27 be notified in writing on or before May 15th preceding the commencement
28 of such term of that determination, which notification shall specify
29 the cause or causes for nonrenewal of contract. Such determination of
30 probable cause for certificated employees, other than the

1 superintendent, shall be made by the superintendent. Such notice shall
2 be served upon the employee personally, or by certified or registered
3 mail, or by leaving a copy of the notice at the house of his or her
4 usual abode with some person of suitable age and discretion then
5 resident therein. Every such employee so notified, at his or her
6 request made in writing and filed with the president, chair or
7 secretary of the board of directors of the district within ten days
8 after receiving such notice, shall be granted opportunity for hearing
9 pursuant to RCW 28A.405.310 to determine whether there is sufficient
10 cause or causes for nonrenewal of contract: PROVIDED, That any
11 employee receiving notice of nonrenewal of contract due to an
12 enrollment decline or loss of revenue may, in his or her request for a
13 hearing, stipulate that initiation of the arrangements for a hearing
14 officer as provided for by RCW 28A.405.310(4) shall occur within ten
15 days following July 15 rather than the day that the employee submits
16 the request for a hearing. If any such notification or opportunity for
17 hearing is not timely given, the employee entitled thereto shall be
18 conclusively presumed to have been reemployed by the district for the
19 next ensuing term upon contractual terms identical with those which
20 would have prevailed if his or her employment had actually been renewed
21 by the board of directors for such ensuing term.

22 This section shall not be applicable to "provisional employees" as
23 so designated in RCW 28A.405.220; transfer to a subordinate
24 certificated position as that procedure is set forth in RCW 28A.405.230
25 shall not be construed as a nonrenewal of contract for the purposes of
26 this section.

27 NEW SECTION. **Sec. 13.** The sum of thirty-eight million
28 dollars, or as much thereof as may be necessary, is appropriated for
29 the biennium ending June 30, 1993, from the general fund to the

1 superintendent of public instruction for the purposes of this act.