
HOUSE BILL 1644

State of Washington

54th Legislature

1995 Regular Session

By Representatives Stevens, Koster, Boldt, D. Schmidt, Pelesky,
Lambert, B. Thomas and Thompson

Read first time 02/02/95. Referred to Committee on Education.

1 AN ACT Relating to the basic education allocation calculation;
2 amending RCW 28A.150.260, 28A.150.260, and 28A.225.010; adding a new
3 section to chapter 28A.150 RCW; creating a new section; and providing
4 a contingent effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that school attendance
7 is related to development of educational skills important to success in
8 the work force and society. The legislature finds that unnecessary
9 absences are disruptive to the educational progress of a student and
10 fellow classmates.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.150
12 RCW to read as follows:

13 For state fund allocation purposes, a district's number of annual
14 average full-time equivalent students shall be adjusted by the number
15 of days that each student is absent from school without a legitimate
16 medical reason or the written consent of a parent.

1 **Sec. 3.** RCW 28A.150.260 and 1992 c 141 s 303 are each amended to
2 read as follows:

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

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

14 (a) Certificated instructional staff and their related costs;

15 (b) Certificated administrative staff and their related costs;

16 (c) Classified staff and their related costs;

17 (d) Nonsalary costs;

18 (e) Extraordinary costs of remote and necessary schools and small
19 high schools, including costs of additional certificated and classified
20 staff; and

21 (f) The attendance of students pursuant to RCW 28A.335.160 and
22 28A.225.250 who do not reside within the servicing school district.

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

31 (b) The formula adopted by the legislature shall reflect the
32 following ratios at a minimum: (i) Forty-nine certificated
33 instructional staff to one thousand annual average full-time equivalent
34 students enrolled in grades kindergarten through three; (ii) forty-six
35 certificated instructional staff to one thousand annual average full-
36 time equivalent students in grades four through twelve; (iii) four
37 certificated administrative staff to one thousand annual average full-
38 time equivalent students in grades kindergarten through twelve; and
39 (iv) sixteen and sixty-seven one-hundredths classified personnel to one

1 thousand annual average full-time equivalent students enrolled in
2 grades kindergarten through twelve.

3 (c) In the event the legislature rejects the distribution formula
4 recommended by the governor, without adopting a new distribution
5 formula, the distribution formula for the previous school year shall
6 remain in effect: PROVIDED, That the distribution formula developed
7 pursuant to this section shall be for state apportionment and
8 equalization purposes only and shall not be construed as mandating
9 specific operational functions of local school districts other than
10 those program requirements identified in RCW 28A.150.220 and
11 28A.150.100. Except as adjusted under section 2 of this act, the
12 enrollment of any district shall be the annual average number of full-
13 time equivalent students and part time students as provided in RCW
14 28A.150.350, enrolled on the first school day of each month and shall
15 exclude full-time equivalent handicapped students recognized for the
16 purposes of allocation of state funds for programs under RCW
17 28A.155.010 through 28A.155.100. The definition of full-time
18 equivalent student shall be determined by rules ((and regulations)) of
19 the superintendent of public instruction: PROVIDED, That the
20 definition shall be included as part of the superintendent's biennial
21 budget request: PROVIDED, FURTHER, That any revision of the present
22 definition shall not take effect until approved by the house
23 appropriations committee and the senate ways and means committee:
24 PROVIDED, FURTHER, That the office of financial management shall make
25 a monthly review of the superintendent's reported full-time equivalent
26 students in the common schools in conjunction with RCW 43.62.050.

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

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

1 (4) Each annual average full-time equivalent certificated classroom
2 teacher's direct classroom contact hours shall average at least twenty-
3 five hours per week. Direct classroom contact hours shall be exclusive
4 of time required to be spent for preparation, conferences, or any other
5 nonclassroom instruction duties. Up to two hundred minutes per week
6 may be deducted from the twenty-five contact hour requirement, at the
7 discretion of the school district board of directors, to accommodate
8 authorized teacher/parent-guardian conferences, recess, passing time
9 between classes, and informal instructional activity. Implementing
10 rules to be adopted by the state board of education pursuant to RCW
11 28A.150.220(4) shall provide that compliance with the direct contact
12 hour requirement shall be based upon teachers' normally assigned weekly
13 instructional schedules, as assigned by the district administration.
14 Additional record((-))keeping by classroom teachers as a means of
15 accounting for contact hours shall not be required. Waivers from
16 contact hours may be requested under RCW 28A.305.140.

17 **Sec. 4.** RCW 28A.150.260 and 1992 c 141 s 507 are each amended to
18 read as follows:

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

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

30 (a) Certificated instructional staff and their related costs;

31 (b) Certificated administrative staff and their related costs;

32 (c) Classified staff and their related costs;

33 (d) Nonsalary costs;

34 (e) Extraordinary costs of remote and necessary schools and small
35 high schools, including costs of additional certificated and classified
36 staff; and

37 (f) The attendance of students pursuant to RCW 28A.335.160 and
38 28A.225.250 who do not reside within the servicing school district.

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

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

20 (c) In the event the legislature rejects the distribution formula
21 recommended by the governor, without adopting a new distribution
22 formula, the distribution formula for the previous school year shall
23 remain in effect: PROVIDED, That the distribution formula developed
24 pursuant to this section shall be for state apportionment and
25 equalization purposes only and shall not be construed as mandating
26 specific operational functions of local school districts other than
27 those program requirements identified in RCW 28A.150.220 and
28 28A.150.100. Except as adjusted under section 2 of this act, the
29 enrollment of any district shall be the annual average number of full-
30 time equivalent students and part time students as provided in RCW
31 28A.150.350, enrolled on the first school day of each month and shall
32 exclude full-time equivalent handicapped students recognized for the
33 purposes of allocation of state funds for programs under RCW
34 28A.155.010 through 28A.155.100. The definition of full-time
35 equivalent student shall be determined by rules ((and regulations)) of
36 the superintendent of public instruction: PROVIDED, That the
37 definition shall be included as part of the superintendent's biennial
38 budget request: PROVIDED, FURTHER, That any revision of the present
39 definition shall not take effect until approved by the house

1 appropriations committee and the senate ways and means committee:
2 PROVIDED, FURTHER, That the office of financial management shall make
3 a monthly review of the superintendent's reported full-time equivalent
4 students in the common schools in conjunction with RCW 43.62.050.

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

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

18 **Sec. 5.** RCW 28A.225.010 and 1990 c 33 s 219 are each amended to
19 read as follows:

20 (1) All parents in this state of any child eight years of age and
21 under eighteen years of age shall cause such child to attend the public
22 school of the district in which the child resides and such child shall
23 have the responsibility to and therefore shall attend for the full time
24 when such school may be in session unless:

25 (a) The child is attending an approved private school for the same
26 time or is enrolled in an extension program as provided in RCW
27 28A.195.010(4);

28 (b) The child is receiving home-based instruction as provided in
29 subsection (4) of this section; or

30 (c) The school district superintendent of the district in which the
31 child resides shall have excused such child from attendance because the
32 child is physically or mentally unable to attend school, is attending
33 a residential school operated by the department of social and health
34 services, or has been temporarily excused upon the request of his or
35 her parents for purposes agreed upon by the school authorities and the
36 parent: PROVIDED, That such excused absences shall not be permitted if
37 deemed to cause a serious adverse effect upon the student's educational
38 progress: PROVIDED FURTHER, That except as provided in section 2 of

1 this act, students excused for such temporary absences may be claimed
2 as full-time equivalent students to the extent they would otherwise
3 have been so claimed for the purposes of RCW 28A.150.250 and
4 28A.150.260 and shall not affect school district compliance with the
5 provisions of RCW 28A.150.220;

6 (d) The child is fifteen years of age or older and:

7 (i) The school district superintendent determines that such child
8 has already attained a reasonable proficiency in the branches required
9 by law to be taught in the first nine grades of the public schools of
10 this state;

11 (ii) The child is regularly and lawfully engaged in a useful or
12 remunerative occupation;

13 (iii) The child has already met graduation requirements in
14 accordance with state board of education rules (~~and regulations~~); or

15 (iv) The child has received a certificate of educational competence
16 under rules (~~and regulations~~) established by the state board of
17 education under RCW 28A.305.190.

18 (2) A parent for the purpose of this chapter means a parent,
19 guardian, or person having legal custody of a child.

20 (3) An approved private school for the purposes of this chapter and
21 chapter 28A.200 RCW shall be one approved under (~~regulations~~) rules
22 established by the state board of education pursuant to RCW
23 28A.305.130.

24 (4) For the purposes of this chapter and chapter 28A.200 RCW,
25 instruction shall be home-based if it consists of planned and
26 supervised instructional and related educational activities, including
27 a curriculum and instruction in the basic skills of occupational
28 education, science, mathematics, language, social studies, history,
29 health, reading, writing, spelling, and the development of an
30 appreciation of art and music, provided for a number of hours
31 equivalent to the total annual program hours per grade level
32 established for approved private schools under RCW 28A.195.010 and
33 28A.195.040 and if such activities are:

34 (a) Provided by a parent who is instructing his or her child only
35 and are supervised by a certificated person. A certificated person for
36 purposes of this chapter and chapter 28A.200 RCW shall be a person
37 certified under chapter 28A.410 RCW. For purposes of this section,
38 "supervised by a certificated person" means: The planning by the
39 certificated person and the parent of objectives consistent with this

1 subsection; a minimum each month of an average of one contact hour per
2 week with the child being supervised by the certificated person; and
3 evaluation of such child's progress by the certificated person. The
4 number of children supervised by the certificated person shall not
5 exceed thirty for purposes of this subsection; or

6 (b) Provided by a parent who is instructing his or her child only
7 and who has either earned forty-five college level quarter credit hours
8 or its equivalent in semester hours or has completed a course in home-
9 based instruction at a postsecondary institution or a vocational-
10 technical institute; or

11 (c) Provided by a parent who is deemed sufficiently qualified to
12 provide home-based instruction by the superintendent of the local
13 school district in which the child resides.

14 (5) The legislature recognizes that home-based instruction is less
15 structured and more experiential than the instruction normally provided
16 in a classroom setting. Therefore, the provisions of subsection (4) of
17 this section relating to the nature and quantity of instructional and
18 related educational activities shall be liberally construed.

19 NEW SECTION. **Sec. 6.** Section 4 of this act shall take effect
20 September 1, 2000. However, this section shall not take effect if, by
21 September 1, 2000, a law is enacted stating that a school
22 accountability and academic assessment system is not in place.

--- END ---