
ENGROSSED SENATE BILL 5276

State of Washington

54th Legislature

1995 Regular Session

By Senators McAuliffe, Drew, Bauer, Hochstatter, Sutherland, Long, Pelz, Rasmussen, Haugen, Fairley, Winsley and Kohl

Read first time 01/18/95. Referred to Committee on Education.

1 AN ACT Relating to nomenclature in the common school education
2 code; amending RCW 28A.150.220, 28A.150.260, 28A.150.260, 28A.150.275,
3 28A.150.370, 28A.150.390, 28A.155.010, 28A.155.020, 28A.155.030,
4 28A.155.040, 28A.155.050, 28A.155.060, 28A.155.070, 28A.155.080,
5 28A.155.090, 28A.160.040, 28A.160.160, 28A.160.180, 28A.190.030,
6 28A.310.190, 28A.320.080, 28A.330.100, 28A.525.030, 28A.525.162,
7 28A.545.040, 28A.545.100, 28A.630.400, 28A.630.835, 28A.630.840,
8 28A.630.845, and 28A.630.872; providing a contingent effective date;
9 providing expiration dates; and providing a contingent expiration date.

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

11 **Sec. 1.** RCW 28A.150.220 and 1993 c 371 s 1 are each amended to
12 read as follows:

13 (1) For the purposes of this section and RCW 28A.150.250 and
14 28A.150.260:

15 (a) The term "total program hour offering" shall mean those hours
16 when students are provided the opportunity to engage in educational
17 activity planned by and under the direction of school district staff,
18 as directed by the administration and board of directors of the
19 district, inclusive of intermissions for class changes, recess and

1 teacher/parent-guardian conferences which are planned and scheduled by
2 the district for the purpose of discussing students' educational needs
3 or progress, and exclusive of time actually spent for meals.

4 (b) "Instruction in work skills" shall include instruction in one
5 or more of the following areas: Industrial arts, home and family life
6 education, business and office education, distributive education,
7 agricultural education, health occupations education, vocational
8 education, trade and industrial education, technical education and
9 career education.

10 (2) Satisfaction of the basic education goal identified in RCW
11 28A.150.210 shall be considered to be implemented by the following
12 program requirements:

13 (a) Each school district shall make available to students in
14 kindergarten at least a total program offering of four hundred fifty
15 hours. The program shall include reading, arithmetic, language skills
16 and such other subjects and such activities as the school district
17 shall determine to be appropriate for the education of the school
18 district's students enrolled in such program;

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

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

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

32 (3) In order to provide flexibility to the local school districts
33 in the setting of their curricula, and in order to maintain the intent
34 of this legislation, which is to stress the instruction of basic skills
35 and work skills, any local school district may establish minimum course
36 mix percentages that deviate by up to five percentage points above or
37 below those minimums required by subsection (2) of this section, so
38 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 school year in such grades as are conducted by a school
9 district, and one hundred eighty half-days of instruction, or
10 equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a
11 school district may schedule the last five school days of the one
12 hundred and eighty day school year for noninstructional purposes in the
13 case of students who are graduating from high school, including, but
14 not limited to, the observance of graduation and early release from
15 school upon the request of a student, and all such students may be
16 claimed as a full time equivalent student to the extent they could
17 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
18 28A.150.260.

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

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

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

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

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

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

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

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

24 (c) Classified staff and their related costs;

25 (d) Nonsalary costs;

26 (e) Extraordinary costs of remote and necessary schools and small
27 high schools, including costs of additional certificated and classified
28 staff; and

29 (f) The attendance of students pursuant to RCW 28A.335.160 and
30 28A.225.250 who do not reside within the servicing school district.

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

1 (b) The formula adopted by the legislature shall reflect the
2 following ratios at a minimum: (i) Forty-nine certificated
3 instructional staff to one thousand annual average full time equivalent
4 students enrolled in grades kindergarten through three; (ii) forty-six
5 certificated instructional staff to one thousand annual average full
6 time equivalent students in grades four through twelve; (iii) four
7 certificated administrative staff to one thousand annual average full
8 time equivalent students in grades kindergarten through twelve; and
9 (iv) sixteen and sixty-seven one-hundredths classified personnel to one
10 thousand annual average full time equivalent students enrolled in
11 grades kindergarten through twelve.

12 (c) In the event the legislature rejects the distribution formula
13 recommended by the governor, without adopting a new distribution
14 formula, the distribution formula for the previous school year shall
15 remain in effect: PROVIDED, That the distribution formula developed
16 pursuant to this section shall be for state apportionment and
17 equalization purposes only and shall not be construed as mandating
18 specific operational functions of local school districts other than
19 those program requirements identified in RCW 28A.150.220 and
20 28A.150.100. The enrollment of any district shall be the annual
21 average number of full time equivalent students and part time students
22 as provided in RCW 28A.150.350, enrolled on the first school day of
23 each month and shall exclude full time equivalent (~~handicapped~~)
24 students with disabilities recognized for the purposes of allocation of
25 state funds for programs under RCW 28A.155.010 through 28A.155.100.
26 The definition of full time equivalent student shall be determined by
27 rules (~~and regulations~~) of the superintendent of public instruction:
28 PROVIDED, That the definition shall be included as part of the
29 superintendent's biennial budget request: PROVIDED, FURTHER, That any
30 revision of the present definition shall not take effect until approved
31 by the house appropriations committee and the senate ways and means
32 committee: PROVIDED, FURTHER, That the office of financial management
33 shall make a monthly review of the superintendent's reported full time
34 equivalent students in the common schools in conjunction with RCW
35 43.62.050.

36 (3)(a) Certificated instructional staff shall include those persons
37 employed by a school district who are nonsupervisory employees within
38 the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases,
39 people of unusual competence but without certification may teach

1 students so long as a certificated person exercises general
2 supervision: PROVIDED, FURTHER, That the hiring of such
3 noncertificated people shall not occur during a labor dispute and such
4 noncertificated people shall not be hired to replace certificated
5 employees during a labor dispute.

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

10 (4) Each annual average full time equivalent certificated classroom
11 teacher's direct classroom contact hours shall average at least twenty-
12 five hours per week. Direct classroom contact hours shall be exclusive
13 of time required to be spent for preparation, conferences, or any other
14 nonclassroom instruction duties. Up to two hundred minutes per week
15 may be deducted from the twenty-five contact hour requirement, at the
16 discretion of the school district board of directors, to accommodate
17 authorized teacher/parent-guardian conferences, recess, passing time
18 between classes, and informal instructional activity. Implementing
19 rules to be adopted by the state board of education pursuant to RCW
20 28A.150.220(4) shall provide that compliance with the direct contact
21 hour requirement shall be based upon teachers' normally assigned weekly
22 instructional schedules, as assigned by the district administration.
23 Additional record-keeping by classroom teachers as a means of
24 accounting for contact hours shall not be required. Waivers from
25 contact hours may be requested under RCW 28A.305.140.

26 **Sec. 3.** RCW 28A.150.260 and 1992 c 141 s 507 are each amended to
27 read as follows:

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

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

- 1 (a) Certificated instructional staff and their related costs;
- 2 (b) Certificated administrative staff and their related costs;
- 3 (c) Classified staff and their related costs;
- 4 (d) Nonsalary costs;
- 5 (e) Extraordinary costs of remote and necessary schools and small
- 6 high schools, including costs of additional certificated and classified
- 7 staff; and
- 8 (f) The attendance of students pursuant to RCW 28A.335.160 and
- 9 28A.225.250 who do not reside within the servicing school district.

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

18 (b) The formula adopted by the legislature shall reflect the
19 following ratios at a minimum: (i) Forty-nine certificated
20 instructional staff to one thousand annual average full time equivalent
21 students enrolled in grades kindergarten through three; (ii) forty-six
22 certificated instructional staff to one thousand annual average full
23 time equivalent students in grades four through twelve; (iii) four
24 certificated administrative staff to one thousand annual average full
25 time equivalent students in grades kindergarten through twelve; and
26 (iv) sixteen and sixty-seven one-hundredths classified personnel to one
27 thousand annual average full time equivalent students enrolled in
28 grades kindergarten through twelve.

29 (c) In the event the legislature rejects the distribution formula
30 recommended by the governor, without adopting a new distribution
31 formula, the distribution formula for the previous school year shall
32 remain in effect: PROVIDED, That the distribution formula developed
33 pursuant to this section shall be for state apportionment and
34 equalization purposes only and shall not be construed as mandating
35 specific operational functions of local school districts other than
36 those program requirements identified in RCW 28A.150.220 and
37 28A.150.100. The enrollment of any district shall be the annual
38 average number of full time equivalent students and part time students
39 as provided in RCW 28A.150.350, enrolled on the first school day of

1 each month and shall exclude full time equivalent (~~handicapped~~)
2 students with disabilities recognized for the purposes of allocation of
3 state funds for programs under RCW 28A.155.010 through 28A.155.100.
4 The definition of full time equivalent student shall be determined by
5 rules (~~and regulations~~) of the superintendent of public instruction:
6 PROVIDED, That the definition shall be included as part of the
7 superintendent's biennial budget request: PROVIDED, FURTHER, That any
8 revision of the present definition shall not take effect until approved
9 by the house appropriations committee and the senate ways and means
10 committee: PROVIDED, FURTHER, That the office of financial management
11 shall make a monthly review of the superintendent's reported full time
12 equivalent students in the common schools in conjunction with RCW
13 43.62.050.

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

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

27 **Sec. 4.** RCW 28A.150.275 and 1993 c 223 s 1 are each amended to
28 read as follows:

29 The basic education allocation, including applicable vocational
30 entitlements and (~~handicapped student~~) special education program
31 money, generated under this chapter and under state appropriation acts
32 by school districts for students enrolled in a technical college
33 program established by an interlocal agreement under RCW 28B.50.533
34 shall be allocated in amounts as determined by the superintendent of
35 public instruction to the serving college rather than to the school
36 district, unless the college chooses to continue to receive the
37 allocations through the school districts. This section does not apply
38 to students enrolled in the running start program established in RCW 28A.600.310.

1 **Sec. 5.** RCW 28A.150.370 and 1990 c 33 s 114 are each amended to
2 read as follows:

3 In addition to those state funds provided to school districts for
4 basic education, the legislature shall appropriate funds for pupil
5 transportation, in accordance with RCW 28A.150.100 through 28A.150.430,
6 28A.160.150 through ~~((28A.160.220))~~ 28A.160.210, 28A.300.035,
7 28A.300.170, and 28A.500.010, and for special education programs for
8 ~~((handicapped))~~ students with disabilities, in accordance with RCW
9 28A.155.010 through 28A.155.100. The legislature may appropriate funds
10 to be distributed to school districts for population factors such as
11 urban costs, enrollment fluctuations and for special programs,
12 including but not limited to, vocational-technical institutes,
13 compensatory programs, bilingual education, urban, rural, racial and
14 disadvantaged programs, programs for gifted students, and other special
15 programs.

16 **Sec. 6.** RCW 28A.150.390 and 1994 c 180 s 8 are each amended to
17 read as follows:

18 The superintendent of public instruction shall submit to each
19 regular session of the legislature during an odd-numbered year a
20 programmed budget request for ~~((handicapped))~~ special education
21 programs for students with disabilities. Funding for programs operated
22 by local school districts shall be on an excess cost basis from
23 appropriations provided by the legislature for ~~((handicapped))~~ special
24 education programs for students with disabilities and shall take
25 account of state funds accruing through RCW 28A.150.250, 28A.150.260,
26 federal medical assistance and private funds accruing under RCW
27 74.09.5249 through 74.09.5253 and 74.09.5254 through 74.09.5256, and
28 other state and local funds, excluding special excess levies.

29 **Sec. 7.** RCW 28A.155.010 and 1990 c 33 s 120 are each amended to
30 read as follows:

31 It is the purpose of RCW 28A.155.010 through 28A.155.100,
32 28A.160.030, and 28A.150.390 to ensure that all ~~((handicapped))~~
33 children with disabilities as defined in RCW 28A.155.020 shall have the
34 opportunity for an appropriate education at public expense as
35 guaranteed to them by the Constitution of this state.

1 **Sec. 8.** RCW 28A.155.020 and 1990 c 33 s 121 are each amended to
2 read as follows:

3 There is established in the office of the superintendent of public
4 instruction an administrative section or unit for the education of
5 children with ((handicapping)) disabling conditions.

6 ((Handicapped)) Children with disabilities are those children in
7 school or out of school who are temporarily or permanently retarded in
8 normal educational processes by reason of physical or mental
9 ((handicap)) disability, or by reason of emotional maladjustment, or by
10 reason of other ((handicap)) disability, and those children who have
11 specific learning and language disabilities resulting from perceptual-
12 motor ((handicaps)) disabilities, including problems in visual and
13 auditory perception and integration.

14 The superintendent of public instruction shall require each school
15 district in the state to insure an appropriate educational opportunity
16 for all ((handicapped)) children with disabilities between the ages of
17 three and twenty-one, but when the twenty-first birthday occurs during
18 the school year, the educational program may be continued until the end
19 of that school year. The superintendent of public instruction, by rule
20 ((and regulation)), shall establish for the purpose of excess cost
21 funding, as provided in RCW 28A.150.390, 28A.160.030, and 28A.155.010
22 through 28A.155.100, functional definitions of the various types of
23 ((handicapping)) disabling conditions and eligibility criteria for
24 ((handicapped)) special education programs for students with
25 disabilities. For the purposes of RCW 28A.155.010 through 28A.155.100,
26 an appropriate education is defined as an education directed to the
27 unique needs, abilities, and limitations of the ((handicapped))
28 children with disabilities. School districts are strongly encouraged
29 to provide parental training in the care and education of the children
30 and to involve parents in the classroom.

31 Nothing in this section shall prohibit the establishment or
32 continuation of existing cooperative programs between school districts
33 or contracts with other agencies approved by the superintendent of
34 public instruction, which can meet the obligations of school districts
35 to provide education for ((handicapped)) children with disabilities, or
36 prohibit the continuation of needed related services to school
37 districts by the department of social and health services.

38 This section shall not be construed as in any way limiting the
39 powers of local school districts set forth in RCW 28A.155.070.

1 No child shall be removed from the jurisdiction of juvenile court
2 for training or education under RCW 28A.155.010 through 28A.155.100
3 without the approval of the superior court of the county.

4 **Sec. 9.** RCW 28A.155.030 and 1990 c 33 s 122 are each amended to
5 read as follows:

6 The superintendent of public instruction shall appoint an
7 administrative officer of the division. The administrative officer,
8 under the direction of the superintendent of public instruction, shall
9 coordinate and supervise the program of special education for (~~all~~
10 ~~handicapped~~) eligible children with disabilities in the school
11 districts of the state. He or she shall cooperate with the educational
12 service district superintendents and local school district
13 superintendents and with all other interested school officials in
14 ensuring that all school districts provide an appropriate educational
15 opportunity for all (~~handicapped~~) children with disabilities and
16 shall cooperate with the state secretary of social and health services
17 and with county and regional officers on cases where medical
18 examination or other attention is needed.

19 **Sec. 10.** RCW 28A.155.040 and 1990 c 33 s 123 are each amended to
20 read as follows:

21 The board of directors of each school district, for the purpose of
22 compliance with the provisions of RCW 28A.150.390, 28A.160.030, and
23 28A.155.010 through 28A.155.100, shall cooperate with the
24 superintendent of public instruction and with the administrative
25 officer and shall provide an appropriate educational opportunity and
26 give other appropriate aid and special attention to (~~handicapped~~)
27 children with disabilities in regular or special school facilities
28 within the district or shall contract for such services with other
29 agencies as provided in RCW 28A.155.060 or shall participate in an
30 interdistrict arrangement in accordance with RCW 28A.335.160 and
31 28A.225.220 and/or 28A.225.250 and 28A.225.260.

32 In carrying out their responsibilities under this chapter, school
33 districts severally or jointly with the approval of the superintendent
34 of public instruction are authorized to establish, operate, support
35 and/or contract for residential schools and/or homes approved by the
36 department of social and health services for aid and special attention
37 to (~~handicapped~~) children with disabilities.

1 The cost of board and room in facilities approved by the department
2 of social and health services shall be provided by the department of
3 social and health services for those ((handicapped)) students with
4 disabilities eligible for such aid under programs of the department.
5 The cost of approved board and room shall be provided for those
6 ((handicapped)) students with disabilities not eligible under programs
7 of the department of social and health services but deemed in need of
8 the same by the superintendent of public instruction: PROVIDED, That
9 no school district shall be financially responsible for special aid
10 programs for students who are attending residential schools operated by
11 the department of social and health services: PROVIDED FURTHER, That
12 the provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through
13 28A.155.100 shall not preclude the extension by the superintendent of
14 public instruction of special education opportunities to
15 ((handicapped)) children with disabilities in residential schools
16 operated by the department of social and health services.

17 **Sec. 11.** RCW 28A.155.050 and 1990 c 33 s 124 are each amended to
18 read as follows:

19 Any child who is not able to attend school and who is eligible for
20 special excess cost aid programs authorized under RCW 28A.155.010
21 through 28A.155.100 shall be given such aid at home or at such other
22 place as determined by the board of directors of the school district in
23 which such child resides. Any school district within which such a
24 child resides shall thereupon be granted regular apportionment of state
25 and county school funds and, in addition, allocations from state excess
26 funds made available for such special services for such period of time
27 as such special aid program is given: PROVIDED, That should such child
28 or any other ((handicapped)) child with disabilities attend and
29 participate in a special aid program operated by another school
30 district in accordance with the provisions of RCW 28A.225.210,
31 28A.225.220, and/or 28A.225.250, such regular apportionment shall be
32 granted to the receiving school district, and such receiving school
33 district shall be reimbursed by the district in which such student
34 resides in accordance with rules ((and regulations promulgated))
35 adopted by the superintendent of public instruction for the entire
36 approved excess cost not reimbursed from such regular apportionment.

1 **Sec. 12.** RCW 28A.155.060 and 1990 c 33 s 125 are each amended to
2 read as follows:

3 For the purpose of carrying out the provisions of RCW 28A.155.020
4 through 28A.155.050, the board of directors of every school district
5 shall be authorized to contract with agencies approved by the state
6 board of education for operating ((handicapped)) special education
7 programs for students with disabilities. Approval standards for such
8 agencies shall conform substantially with those promulgated for
9 approval of special education aid programs in the common schools.

10 **Sec. 13.** RCW 28A.155.070 and 1971 ex.s. c 66 s 7 are each amended
11 to read as follows:

12 Special educational and training programs provided by the state and
13 the school districts thereof for ((handicapped)) children with
14 disabilities may be extended to include children of preschool age.
15 School districts which extend such special programs to children of
16 preschool age shall be entitled to the regular apportionments from
17 state and county school funds, as provided by law, and in addition to
18 allocations from state excess cost funds made available for such
19 special services for those ((handicapped)) children with disabilities
20 who are given such special services.

21 **Sec. 14.** RCW 28A.155.080 and 1990 c 33 s 126 are each amended to
22 read as follows:

23 Where a ((handicapped)) child with disabilities as defined in RCW
24 28A.155.020 has been denied the opportunity of an educational program
25 by a local school district superintendent under the provisions of RCW
26 28A.225.010, or for any other reason there shall be an affirmative
27 showing by the school district superintendent in a writing directed to
28 the parents or guardian of such a child within ten days of such
29 decision that

30 (1) No agency or other school district with whom the district may
31 contract under RCW 28A.155.040 can accommodate such child, and

32 (2) Such child will not benefit from an alternative educational
33 opportunity as permitted under RCW 28A.155.050.

34 There shall be a right of appeal by the parent or guardian of such
35 child to the superintendent of public instruction pursuant to
36 procedures established by the superintendent and in accordance with RCW
37 28A.155.090.

1 **Sec. 15.** RCW 28A.155.090 and 1990 c 33 s 127 are each amended to
2 read as follows:

3 The superintendent of public instruction shall have the duty and
4 authority, through the administrative section or unit for the education
5 of children with (~~handicapping~~) disabling conditions, to:

6 (1) Assist school districts in the formation of total school
7 programs to meet the needs of (~~handicapped~~) children with
8 disabilities;

9 (2) Develop interdistrict cooperation programs for (~~handicapped~~)
10 children with disabilities as authorized in RCW 28A.225.250;

11 (3) Provide, upon request, to parents or guardians of
12 (~~handicapped~~) children with disabilities, information as to the
13 (~~handicapped~~) special education programs for students with
14 disabilities offered within the state;

15 (4) Assist, upon request, the parent or guardian of any
16 (~~handicapped~~) child with disabilities in the placement of any
17 (~~handicapped~~) child with disabilities who is eligible for but not
18 receiving special educational aid for (~~handicapped~~) children with
19 disabilities;

20 (5) Approve school district and agency programs as being eligible
21 for special excess cost financial aid to (~~handicapped~~) children with
22 disabilities;

23 (6) Adjudge, upon appeal by a parent or guardian of a
24 (~~handicapped~~) child with disabilities who is not receiving an
25 educational program, whether the decision of a local school district
26 superintendent under RCW 28A.155.080 to exclude such (~~handicapped~~)
27 child with disabilities was justified by the available facts and
28 consistent with the provisions of RCW 28A.150.390, 28A.160.030, and
29 28A.155.010 through 28A.155.100(~~(+[-])~~). If the superintendent of
30 public instruction shall decide otherwise he or she shall apply
31 sanctions as provided in RCW 28A.155.100 until such time as the school
32 district assures compliance with the provisions (~~(+of)~~) of RCW
33 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.100; and

34 (7) Promulgate such rules (~~and regulations~~) as are necessary to
35 implement the several provisions of RCW 28A.150.390, 28A.160.030, and
36 28A.155.010 through 28A.155.100 and to ensure educational opportunities
37 within the common school system for all (~~handicapped~~) children with
38 disabilities who are not institutionalized.

1 **Sec. 16.** RCW 28A.160.040 and 1973 c 45 s 2 are each amended to
2 read as follows:

3 The directors of school districts are authorized to lease school
4 buses to nonprofit organizations to transport (~~handicapped~~) children
5 with disabilities and elderly persons to and from the site of
6 activities or programs deemed beneficial to such persons by such
7 organizations: PROVIDED, That commercial bus transportation is not
8 reasonably available for such purposes.

9 **Sec. 17.** RCW 28A.160.160 and 1990 c 33 s 142 are each amended to
10 read as follows:

11 For purposes of RCW 28A.160.150 through 28A.160.190, except where
12 the context shall clearly indicate otherwise, the following definitions
13 apply:

14 (1) "Eligible student" means any student served by the
15 transportation program of a school district or compensated for
16 individual transportation arrangements authorized by RCW 28A.160.030
17 whose route stop is more than one radius mile from the student's
18 school, except if the student to be transported: (a) Is
19 (~~handicapped~~) disabled under RCW 28A.155.020 and is either not
20 ambulatory or not capable of protecting his or her own welfare while
21 traveling to or from the school or agency where special education
22 services are provided, in which case no mileage distance restriction
23 applies; or (b) qualifies for an exemption due to hazardous walking
24 conditions.

25 (2) "Superintendent" means the superintendent of public
26 instruction.

27 (3) "To and from school" means the transportation of students for
28 the following purposes:

29 (a) Transportation to and from route stops and schools;

30 (b) Transportation to and from schools pursuant to an interdistrict
31 agreement pursuant to RCW 28A.335.160;

32 (c) Transportation of students between schools and learning centers
33 for instruction specifically required by statute; and

34 (d) Transportation of (~~handicapped~~) students with disabilities to
35 and from schools and agencies for special education services.

36 Extended day transportation shall not be considered part of
37 transportation of students "to and from school" for the purposes of
38 (~~this 1983 act~~) chapter 61, Laws of 1983 1st ex. sess.

1 (4) "Hazardous walking conditions" means those instances of the
2 existence of dangerous walkways documented by the board of directors of
3 a school district which meet criteria specified in rules adopted by the
4 superintendent of public instruction. A school district that receives
5 an exemption for hazardous walking conditions should demonstrate that
6 good faith efforts are being made to alleviate the problem and that the
7 district, in cooperation with other state and local governing
8 authorities, is attempting to reduce the incidence of hazardous walking
9 conditions. The superintendent of public instruction shall appoint an
10 advisory committee to prepare guidelines and procedures for determining
11 the existence of hazardous walking conditions. The committee shall
12 include but not be limited to representatives from law enforcement
13 agencies, school districts, the department of transportation, city and
14 county government, the insurance industry, parents, school directors
15 and legislators.

16 **Sec. 18.** RCW 28A.160.180 and 1990 c 33 s 144 are each amended to
17 read as follows:

18 Each district's annual student transportation allocation shall be
19 based on differential rates determined by the superintendent of public
20 instruction in the following manner:

21 (1) The superintendent shall annually calculate a standard student
22 mile allocation rate for determining the transportation allocation for
23 those services provided for in RCW 28A.160.150. "Standard student mile
24 allocation rate," as used in this chapter, means the per mile
25 allocation rate for transporting an eligible student. The standard
26 student mile allocation rate may be adjusted to include such additional
27 differential factors as distance; restricted passenger load;
28 circumstances that require use of special types of transportation
29 vehicles; (~~handicapped~~) student with disabilities load; and small
30 fleet maintenance.

31 (2) The superintendent of public instruction shall annually
32 calculate allocation rate(s), which shall include vehicle amortization,
33 for determining the transportation allocation for transporting students
34 in district-owned passenger cars, as defined in RCW 46.04.382, pursuant
35 to RCW 28A.160.010 for services provided for in RCW 28A.160.150 if a
36 school district deems it advisable to use such vehicles after the
37 school district board of directors has considered the safety of the

1 students being transported as well as the economy of utilizing a
2 district-owned passenger car in lieu of a school bus.

3 (3) Prior to June 1st of each year the superintendent shall submit
4 to the office of financial management, and the committees on education
5 and ways and means of the senate and house of representatives a report
6 outlining the methodology and rationale used in determining the
7 allocation rates to be used the following year.

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

10 Each school district within which there is located a residential
11 school shall, singly or in concert with another school district
12 pursuant to RCW 28A.335.160 and 28A.225.250 or pursuant to chapter
13 39.34 RCW, conduct a program of education, including related student
14 activities, for residents of the residential school. Except as
15 otherwise provided for by contract pursuant to RCW 28A.190.050, the
16 duties and authority of a school district and its employees to conduct
17 such a program shall be limited to the following:

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

21 (2) The purchase, lease or rental and provision of textbooks, maps,
22 audio-visual equipment, paper, writing instruments, physical education
23 equipment and other instructional equipment, materials and supplies,
24 deemed necessary by the school district for the conduct of the program
25 of education;

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

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

34 (a) Not less than one hundred and eighty school days each school
35 year;

36 (b) Special education pursuant to RCW 28A.155.010 through
37 28A.155.100, and vocational education, as necessary to address the
38 unique needs and limitations of residents; and

1 (c) Such courses of instruction and school related student
2 activities as are provided by the school district for nonresidential
3 school students to the extent it is practical and judged appropriate
4 for the residents by the school district after consultation with the
5 superintendent or chief administrator of the residential school:
6 PROVIDED, That a preschool special education program may be provided
7 for (~~handicapped~~) residential school students with disabilities;

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

12 (6) The expenditure of funds for the direct and indirect costs of
13 maintaining and operating the program of education that are
14 appropriated by the legislature and allocated by the superintendent of
15 public instruction for the exclusive purpose of maintaining and
16 operating residential school programs of education, and funds from
17 federal and private grants, bequests and gifts made for the purpose of
18 maintaining and operating the program of education.

19 **Sec. 20.** RCW 28A.310.190 and 1990 c 33 s 277 are each amended to
20 read as follows:

21 In addition to other powers and duties as provided by law, every
22 educational service district board shall:

23 (1) If the district board deems necessary, hold each year one or
24 more teachers' institutes as provided for in RCW 28A.415.010 and one or
25 more school directors' meetings.

26 (2) Cooperate with the state supervisor of special aid for
27 (~~handicapped~~) children with disabilities as provided in RCW
28 28A.155.010 through 28A.155.100.

29 (3) Certify statistical data as basis for apportionment purposes to
30 county and state officials as provided in chapter 28A.545 RCW.

31 (4) Perform such other duties as may be prescribed by law or rule
32 (~~or regulation~~) of the state board of education and/or the
33 superintendent of public instruction as provided in RCW 28A.300.030 and
34 28A.305.210.

35 **Sec. 21.** RCW 28A.320.080 and 1990 c 33 s 331 are each amended to
36 read as follows:

1 Every board of directors, unless otherwise specifically provided by
2 law, shall:

3 (1) Provide for the expenditure of a reasonable amount for suitable
4 commencement exercises;

5 (2) In addition to providing free instruction in lip reading for
6 children (~~((handicapped))~~) disabled by defective hearing, make
7 arrangements for free instruction in lip reading to adults
8 (~~((handicapped))~~) disabled by defective hearing whenever in its judgment
9 such instruction appears to be in the best interests of the school
10 district and adults concerned;

11 (3) Join with boards of directors of other school districts or an
12 educational service district pursuant to RCW 28A.310.180(3), or both
13 such school districts and educational service district in buying
14 supplies, equipment and services by establishing and maintaining a
15 joint purchasing agency, or otherwise, when deemed for the best
16 interests of the district, any joint agency formed hereunder being
17 herewith authorized and empowered to issue interest bearing warrants in
18 payment of any obligation owed: PROVIDED, HOWEVER, That those agencies
19 issuing interest bearing warrants shall assign accounts receivable in
20 an amount equal to the amount of the outstanding interest bearing
21 warrants to the county treasurer issuing such interest bearing
22 warrants: PROVIDED FURTHER, That the joint purchasing agency shall
23 consider the request of any one or more private schools requesting the
24 agency to jointly buy supplies, equipment, and services including but
25 not limited to school bus maintenance services, and, after considering
26 such request, may cooperate with and jointly make purchases with
27 private schools of supplies, equipment, and services, including but not
28 limited to school bus maintenance services, so long as such private
29 schools pay in advance their proportionate share of the costs or
30 provide a surety bond to cover their proportionate share of the costs
31 involved in such purchases;

32 (4) Consider the request of any one or more private schools
33 requesting the board to jointly buy supplies, equipment and services
34 including but not limited to school bus maintenance services, and,
35 after considering such request, may provide such joint purchasing
36 services: PROVIDED, That such private schools pay in advance their
37 proportionate share of the costs or provide a surety bond to cover
38 their proportionate share of the costs involved in such purchases; and

39 (5) Prepare budgets as provided for in chapter 28A.505 RCW.

1 **Sec. 22.** RCW 28A.330.100 and 1991 c 116 s 17 are each amended to
2 read as follows:

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

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

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

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

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

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

20 (6) To, in addition to the minimum requirements imposed by this
21 title establish and maintain such grades and departments, including
22 night, high, kindergarten, vocational training and, except as otherwise
23 provided by law, industrial schools, and schools and departments for
24 the education and training of any class or classes of (~~handicapped~~)
25 youth with disabilities, as in the judgment of the board, best shall
26 promote the interests of education in the district.

27 (7) To determine the length of time over and above one hundred
28 eighty days that school shall be maintained: PROVIDED, That for
29 purposes of apportionment no district shall be credited with more than
30 one hundred and eighty-three days' attendance in any school year; and
31 to fix the time for annual opening and closing of schools and for the
32 daily dismissal of pupils before the regular time for closing schools.

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

36 (9) To provide free textbooks and supplies for all children
37 attending school.

38 (10) To require of the officers or employees of the district to
39 give a bond for the honest performance of their duties in such penal

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

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

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

18 **Sec. 23.** RCW 28A.525.030 and 1980 c 154 s 17 are each amended to
19 read as follows:

20 Whenever funds are appropriated for modernization of existing
21 school facilities, the state board of education is authorized to
22 approve the use of such funds for modernization of existing facilities,
23 modernization being limited to major structural changes in such
24 facilities and, as necessary to bring such facilities into compliance
25 with the ((handicapped)) barrier free access requirements of section
26 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and
27 rules implementing the act, both major and minor structural changes,
28 and may include as incidental thereto the replacement of fixtures,
29 fittings, furnishings and service systems of a building in order to
30 bring it up to a contemporary state consistent with the needs of
31 changing educational programs. The allocation of such funds shall be
32 made upon the same basis as funds used for the financing of a new
33 school plant project utilized for a similar purpose.

34 **Sec. 24.** RCW 28A.525.162 and 1990 c 33 s 455 are each amended to
35 read as follows:

36 (1) Funds appropriated to the state board of education from the
37 common school construction fund shall be allotted by the state board of

1 education in accordance with student enrollment and the provisions of
2 RCW 28A.525.200.

3 (2) No allotment shall be made to a school district until such
4 district has provided matching funds equal to or greater than the
5 difference between the total approved project cost and the amount of
6 state assistance to the district for financing the project computed
7 pursuant to RCW 28A.525.166, with the following exceptions:

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

14 (b) No such matching funds shall be required as a condition to the
15 allotment of funds for the purpose of making major or minor structural
16 changes to existing school facilities in order to bring such facilities
17 into compliance with the ((handicapped)) barrier free access
18 requirements of section 504 of the federal rehabilitation act of 1973
19 (29 U.S.C. Sec. 706) and rules implementing the act.

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

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

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

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

1 (iii) The number of preschool (~~handicapped~~) students with
2 disabilities included in the enrollment count shall be multiplied by
3 one-half;

4 (b) In the case of construction or modernization of high school
5 facilities in districts serving students from nonhigh school districts,
6 the adjusted valuation per pupil shall be computed using the combined
7 adjusted valuations and enrollments of each district, each weighted by
8 the percentage of the district's resident high school students served
9 by the high school district; and

10 (c) The number of kindergarten students included in the enrollment
11 count shall be multiplied by one-half.

12 (4) The state board of education shall prescribe and make effective
13 such rules (~~and regulations~~) as are necessary to equate insofar as
14 possible the efforts made by school districts to provide capital funds
15 by the means aforesaid.

16 (5) For the purposes of this section, "preschool (~~handicapped~~)
17 students with disabilities" means developmentally disabled children of
18 preschool age who are entitled to services under RCW 28A.155.010
19 through 28A.155.100 and are not included in the kindergarten enrollment
20 count of the district.

21 **Sec. 25.** RCW 28A.545.040 and 1990 c 33 s 489 are each amended to
22 read as follows:

23 The term "student residing in a nonhigh school district" and its
24 equivalent as used in RCW 28A.545.030 through 28A.545.110 and
25 84.52.0531 shall mean any (~~handicapped or nonhandicapped~~) common
26 school age person with or without disabilities who resides within the
27 boundaries of a nonhigh school district that does not conduct the
28 particular kindergarten through grade twelve grade which the person has
29 not yet successfully completed and is eligible to enroll in.

30 **Sec. 26.** RCW 28A.545.100 and 1990 c 33 s 494 are each amended to
31 read as follows:

32 Unless otherwise agreed to by the board of directors of a nonhigh
33 school district, the amounts which are established as due by a nonhigh
34 school district pursuant to RCW 28A.545.030 through 28A.545.110 and
35 84.52.0531, as now or hereafter amended, shall constitute the entire
36 amount which is due by a nonhigh school district for the school year
37 for the education of any and all (~~handicapped and nonhandicapped~~)

1 students with or without disabilities residing in the nonhigh school
2 district who attend a high school district pursuant to RCW 28A.225.210,
3 and for the transportation of such students by a high school district.

4 **Sec. 27.** RCW 28A.630.400 and 1991 c 285 s 2 are each amended to
5 read as follows:

6 (1) The state board of education and the state board for community
7 and technical colleges (~~(education)~~), in consultation with the
8 superintendent of public instruction, the higher education coordinating
9 board, the state apprenticeship training council, and community
10 colleges, shall work cooperatively to develop by September 1, 1992, an
11 educational paraprofessional associate of arts degree.

12 (2) As used in this section, an "educational paraprofessional" is
13 an individual who has completed an associate of arts degree for an
14 educational paraprofessional. The educational paraprofessional may be
15 hired by a school district to assist certificated instructional staff
16 in the direct instruction of children in small and large groups,
17 individualized instruction, testing of children, recordkeeping, and
18 preparation of materials. The educational paraprofessional shall work
19 under the direction of instructional certificated staff.

20 (3) The training program for an educational paraprofessional
21 associate of arts degree shall include, but is not limited to, the
22 general requirements for receipt of an associate of arts degree and
23 training in the areas of introduction to childhood education,
24 orientation to (~~(handicapped)~~) children with disabilities, fundamentals
25 of childhood education, creative activities for children, instructional
26 materials for children, fine art experiences for children, the
27 psychology of learning, introduction to education, child health and
28 safety, child development and guidance, first aid, and a practicum in
29 a school setting.

30 (3) The training program for an educational paraprofessional
31 associate of arts degree shall include, but is not limited to, the
32 general requirements for receipt of an associate of arts degree and
33 training in the areas of introduction to childhood education,
34 orientation to (~~(handicapped)~~) children with disabilities, fundamentals
35 of childhood education, creative activities for children, instructional
36 materials for children, fine art experiences for children, the
37 psychology of learning, introduction to education, child health and

1 safety, child development and guidance, first aid, and a practicum in
2 a school setting.

3 (4) In developing the program, consideration shall be given to
4 transferability of credit earned in this program to teacher preparation
5 programs at colleges and universities.

6 (5) The agencies identified under subsection (1) of this section
7 shall adopt rules as necessary under chapter 34.05 RCW to implement
8 this section.

9 **Sec. 28.** RCW 28A.630.835 and 1991 c 265 s 4 are each amended to
10 read as follows:

11 School districts with demonstration projects shall:

12 (1) Confer on a regular basis during project planning and
13 implementation with teachers, support staff, parents of ((handicapped))
14 students with disabilities, and parents of other students served in the
15 project;

16 (2) Administer annual achievement tests to all students served in
17 the project if required in the project contract; and

18 (3) Cooperate in providing all information needed for the
19 evaluation.

20 **Sec. 29.** RCW 28A.630.840 and 1994 c 13 s 6 are each amended to
21 read as follows:

22 (1) Funding used in demonstration projects may include state,
23 federal, and local funds, as determined by the district.

24 (2) State ((handicapped)) special education allocations shall be
25 calculated for districts with demonstration projects according to the
26 ((handicapped)) special education funding formula in use for other
27 districts, except for the provisions of RCW 28A.630.845 and with the
28 following changes:

29 (a) Funding for school districts that had pilot projects approved
30 under section 13, chapter 233, Laws of 1989, and that were
31 participating in projects under this section on January 31, 1992, shall
32 be based for the duration of a project on four percent of the
33 kindergarten through twelfth grade enrollment considered as specific
34 learning disabled, without regard to the actual number of students so
35 identified. The legislature recognizes the importance of continuing
36 and developing the pilot projects.

1 (b) The funding percentages for districts with demonstration
2 projects specified in (a) of this subsection and in RCW 28A.630.845
3 shall be used to adjust basic education allocations under RCW
4 28A.150.260 and learning assistance program allocations under RCW
5 28A.165.070.

6 (c) State (~~handicapped~~) special education allocations up to the
7 level required by federal maintenance of effort rules shall be expended
8 for special education services to (~~handicapped~~) students with
9 disabilities. Allocations greater than the amount needed to comply
10 with federal maintenance of effort rules may at the option of the
11 district be designated as noncategorical project funds and may be
12 expended on services to any student served in the project.

13 (3) Learning assistance program allocations shall be calculated for
14 districts with demonstration projects according to the funding formula
15 in use for other districts, except that any increases in the district
16 allocation above the fiscal year 1991 amount shall be designated as
17 noncategorical project funds and may be expended on services to any
18 student served in the project.

19 (4) Transitional bilingual program allocations shall be calculated
20 for districts with demonstration projects according to the funding
21 formula in use for other districts, except that any increases in the
22 district allocation above the fiscal year 1991 amount shall be
23 designated as noncategorical project funds and may be expended on
24 services to any student served in the project.

25 (5) Expenditures of noncategorical project funds under subsections
26 (2)(c), (3), and (4) of this section shall be accounted for in new and
27 discrete program or subprogram codes designated by the superintendent
28 of public instruction. The codes shall take effect by September 1,
29 1991.

30 **Sec. 30.** RCW 28A.630.845 and 1994 c 13 s 1 are each amended to
31 read as follows:

32 (1) The legislature finds that the state system of funding
33 (~~handicapped~~) special education has fiscal incentives to label
34 children as (~~handicapped~~) disabled and that unnecessary labeling can
35 be detrimental to children. The legislature encourages demonstration
36 projects that provide needed services without unnecessary labeling. To
37 test this approach, the legislature intends to maintain the funding

1 level for innovative special services programs that reduce the
2 incidence of unnecessary labeling.

3 (2) School districts may propose demonstration projects under this
4 subsection to provide needed services and achieve major reductions in
5 the percentage of district students labeled as ((handicapped)) disabled
6 in one or more specified categories. State ((handicapped)) special
7 education funding for districts with such projects shall be based for
8 the duration of the project on the average percentage of the
9 kindergarten through twelfth grade enrollment in the specified
10 categories during the school year before the start of the project.

11 (3) School districts with specific learning disabled enrollment at
12 or above four percent of the district's kindergarten through twelfth
13 grade enrollment may propose demonstration projects under this
14 subsection to provide needed services and reduce unnecessary labeling
15 to below the four percent level. When the specific learning disabled
16 enrollment is below the four percent level, funding for the district
17 shall be based on four percent of the kindergarten through twelfth
18 grade enrollment considered as specific learning disabled, without
19 regard to the actual number of students so identified.

20 (4) Funding under subsections (2) and (3) of this section is
21 contingent on the following: (a) The funding is spent on children
22 needing special services; and (b) the overall percentage of first
23 through twelfth grade students in the district labeled as
24 ((handicapped)) disabled declines each year of the project, excluding
25 ((handicapped)) students with disabilities who transfer into the
26 district.

27 **Sec. 31.** RCW 28A.630.872 and 1992 c 137 s 8 are each amended to
28 read as follows:

29 (1) The state board of education, where appropriate, or the
30 superintendent of public instruction, where appropriate, may grant
31 waivers to pilot project districts consistent with law if necessary to
32 implement a pilot project proposal.

33 (2) State rules dealing with public health, safety, and civil
34 rights, including accessibility by the ((handicapped)) disabled, shall
35 not be waived. A school district may request the state board of
36 education or the superintendent of public instruction to ask the United
37 States department of education or other federal agencies to waive

1 certain federal regulations necessary to fully implement the proposed
2 pilot project.

3 NEW SECTION. **Sec. 32.** Section 1 of this act shall expire
4 September 1, 2000. However, section 1 of this act shall not expire if,
5 by September 1, 2000, a law is not enacted stating that a school
6 accountability and academic assessment system is not in place.

7 NEW SECTION. **Sec. 33.** Section 3 of this act shall take effect
8 September 1, 2000. However, section 3 of this act shall not take
9 effect if, by September 1, 2000, a law is enacted stating that a school
10 accountability and academic assessment system is not in place.

11 NEW SECTION. **Sec. 34.** Sections 28 through 30 of this act expire
12 September 1, 2001.

13 NEW SECTION. **Sec. 35.** Section 31 of this act expires June 30,
14 1999.

--- END ---