
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~~) 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 with disabilities 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

1 to students enrolled in the running start program established in RCW
2 28A.600.310.

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

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

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

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

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

32 It is the purpose of RCW 28A.155.010 through 28A.155.100,
33 28A.160.030, and 28A.150.390 to ensure that all ~~((handicapped))~~
34 children with disabilities as defined in RCW 28A.155.020 shall have the

1 opportunity for an appropriate education at public expense as
2 guaranteed to them by the Constitution of this state.

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

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

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

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

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

1 prohibit the continuation of needed related services to school
2 districts by the department of social and health services.

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

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

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

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

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

25 The board of directors of each school district, for the purpose of
26 compliance with the provisions of RCW 28A.150.390, 28A.160.030, and
27 28A.155.010 through 28A.155.100, shall cooperate with the
28 superintendent of public instruction and with the administrative
29 officer and shall provide an appropriate educational opportunity and
30 give other appropriate aid and special attention to ((handicapped))
31 children with disabilities in regular or special school facilities
32 within the district or shall contract for such services with other
33 agencies as provided in RCW 28A.155.060 or shall participate in an
34 interdistrict arrangement in accordance with RCW 28A.335.160 and
35 28A.225.220 and/or 28A.225.250 and 28A.225.260.

36 In carrying out their responsibilities under this chapter, school
37 districts severally or jointly with the approval of the superintendent

1 of public instruction are authorized to establish, operate, support
2 and/or contract for residential schools and/or homes approved by the
3 department of social and health services for aid and special attention
4 to ((handicapped)) children with disabilities.

5 The cost of board and room in facilities approved by the department
6 of social and health services shall be provided by the department of
7 social and health services for those ((handicapped)) students with
8 disabilities eligible for such aid under programs of the department.
9 The cost of approved board and room shall be provided for those
10 ((handicapped)) students with disabilities not eligible under programs
11 of the department of social and health services but deemed in need of
12 the same by the superintendent of public instruction: PROVIDED, That
13 no school district shall be financially responsible for special aid
14 programs for students who are attending residential schools operated by
15 the department of social and health services: PROVIDED FURTHER, That
16 the provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through
17 28A.155.100 shall not preclude the extension by the superintendent of
18 public instruction of special education opportunities to
19 ((handicapped)) children with disabilities in residential schools
20 operated by the department of social and health services.

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

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

1 adopted by the superintendent of public instruction for the entire
2 approved excess cost not reimbursed from such regular apportionment.

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

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

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

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

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

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

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

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

1 There shall be a right of appeal by the parent or guardian of such
2 child to the superintendent of public instruction pursuant to
3 procedures established by the superintendent and in accordance with RCW
4 28A.155.090.

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

7 The superintendent of public instruction shall have the duty and
8 authority, through the administrative section or unit for the education
9 of children with ~~((handicapped))~~ disabling conditions, to:

10 (1) Assist school districts in the formation of total school
11 programs to meet the needs of ~~((handicapped))~~ children with
12 disabilities;

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

15 (3) Provide, upon request, to parents or guardians of
16 ~~((handicapped))~~ children with disabilities, information as to the
17 ~~((handicapped))~~ programs for students with disabilities offered within
18 the state;

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

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

27 (6) Adjudge, upon appeal by a parent or guardian of a
28 ~~((handicapped))~~ child with disabilities who is not receiving an
29 educational program, whether the decision of a local school district
30 superintendent under RCW 28A.155.080 to exclude such ~~((handicapped))~~
31 child with disabilities was justified by the available facts and
32 consistent with the provisions of RCW 28A.150.390, 28A.160.030, and
33 28A.155.010 through 28A.155.100~~((+[-]))~~. If the superintendent of
34 public instruction shall decide otherwise he or she shall apply
35 sanctions as provided in RCW 28A.155.100 until such time as the school
36 district assures compliance with the provisions ~~((+[-]))~~ of RCW
37 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.100; and

1 (7) Promulgate such rules ((and regulations)) as are necessary to
2 implement the several provisions of RCW 28A.150.390, 28A.160.030, and
3 28A.155.010 through 28A.155.100 and to ensure educational opportunities
4 within the common school system for all ((handicapped)) children with
5 disabilities who are not institutionalized.

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

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

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

16 For purposes of RCW 28A.160.150 through 28A.160.190, except where
17 the context shall clearly indicate otherwise, the following definitions
18 apply:

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

30 (2) "Superintendent" means the superintendent of public
31 instruction.

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

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

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

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

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

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

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

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

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

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

1 (2) The superintendent of public instruction shall annually
2 calculate allocation rate(s), which shall include vehicle amortization,
3 for determining the transportation allocation for transporting students
4 in district-owned passenger cars, as defined in RCW 46.04.382, pursuant
5 to RCW 28A.160.010 for services provided for in RCW 28A.160.150 if a
6 school district deems it advisable to use such vehicles after the
7 school district board of directors has considered the safety of the
8 students being transported as well as the economy of utilizing a
9 district-owned passenger car in lieu of a school bus.

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

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

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

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

28 (2) The purchase, lease or rental and provision of textbooks, maps,
29 audio-visual equipment, paper, writing instruments, physical education
30 equipment and other instructional equipment, materials and supplies,
31 deemed necessary by the school district for the conduct of the program
32 of education;

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

36 (4) The conduct of a program of education, including related
37 student activities, for residents who are three years of age and less
38 than twenty-one years of age, and have not met high school graduation

1 requirements as now or hereafter established by the state board of
2 education and the school district which includes:

3 (a) Not less than one hundred and eighty school days each school
4 year;

5 (b) Special education pursuant to RCW 28A.155.010 through
6 28A.155.100, and vocational education, as necessary to address the
7 unique needs and limitations of residents; and

8 (c) Such courses of instruction and school related student
9 activities as are provided by the school district for nonresidential
10 school students to the extent it is practical and judged appropriate
11 for the residents by the school district after consultation with the
12 superintendent or chief administrator of the residential school:
13 PROVIDED, That a preschool special education program may be provided
14 for ((handicapped)) residential school students with disabilities;

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

19 (6) The expenditure of funds for the direct and indirect costs of
20 maintaining and operating the program of education that are
21 appropriated by the legislature and allocated by the superintendent of
22 public instruction for the exclusive purpose of maintaining and
23 operating residential school programs of education, and funds from
24 federal and private grants, bequests and gifts made for the purpose of
25 maintaining and operating the program of education.

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

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

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

33 (2) Cooperate with the state supervisor of special aid for
34 ((handicapped)) children with disabilities as provided in RCW
35 28A.155.010 through 28A.155.100.

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

1 (4) Perform such other duties as may be prescribed by law or rule
2 ((or—regulation)) of the state board of education and/or the
3 superintendent of public instruction as provided in RCW 28A.300.030 and
4 28A.305.210.

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

7 Every board of directors, unless otherwise specifically provided by
8 law, shall:

9 (1) Provide for the expenditure of a reasonable amount for suitable
10 commencement exercises;

11 (2) In addition to providing free instruction in lip reading for
12 children ((handicapped)) disabled by defective hearing, make
13 arrangements for free instruction in lip reading to adults
14 ((handicapped)) disabled by defective hearing whenever in its judgment
15 such instruction appears to be in the best interests of the school
16 district and adults concerned;

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

1 (4) Consider the request of any one or more private schools
2 requesting the board to jointly buy supplies, equipment and services
3 including but not limited to school bus maintenance services, and,
4 after considering such request, may provide such joint purchasing
5 services: PROVIDED, That such private schools pay in advance their
6 proportionate share of the costs or provide a surety bond to cover
7 their proportionate share of the costs involved in such purchases; and
8 (5) Prepare budgets as provided for in chapter 28A.505 RCW.

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

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

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

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

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

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

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

28 (6) To, in addition to the minimum requirements imposed by this
29 title establish and maintain such grades and departments, including
30 night, high, kindergarten, vocational training and, except as otherwise
31 provided by law, industrial schools, and schools and departments for
32 the education and training of any class or classes of ((handicapped))
33 youth with disabilities, as in the judgment of the board, best shall
34 promote the interests of education in the district.

35 (7) To determine the length of time over and above one hundred
36 eighty days that school shall be maintained: PROVIDED, That for
37 purposes of apportionment no district shall be credited with more than
38 one hundred and eighty-three days' attendance in any school year; and

1 to fix the time for annual opening and closing of schools and for the
2 daily dismissal of pupils before the regular time for closing schools.

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

6 (9) To provide free textbooks and supplies for all children
7 attending school.

8 (10) To require of the officers or employees of the district to
9 give a bond for the honest performance of their duties in such penal
10 sum as may be fixed by the board with good and sufficient surety, and
11 to cause the premium for all bonds required of all such officers or
12 employees to be paid by the district: PROVIDED, That the board may, by
13 written policy, allow that such bonds may include a deductible proviso
14 not to exceed two percent of the officer's or employee's annual salary.

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

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

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

29 Whenever funds are appropriated for modernization of existing
30 school facilities, the state board of education is authorized to
31 approve the use of such funds for modernization of existing facilities,
32 modernization being limited to major structural changes in such
33 facilities and, as necessary to bring such facilities into compliance
34 with the ((handicapped)) barrier free access requirements of section
35 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and
36 rules implementing the act, both major and minor structural changes,
37 and may include as incidental thereto the replacement of fixtures,
38 fittings, furnishings and service systems of a building in order to

1 bring it up to a contemporary state consistent with the needs of
2 changing educational programs. The allocation of such funds shall be
3 made upon the same basis as funds used for the financing of a new
4 school plant project utilized for a similar purpose.

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

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

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

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

22 (b) No such matching funds shall be required as a condition to the
23 allotment of funds for the purpose of making major or minor structural
24 changes to existing school facilities in order to bring such facilities
25 into compliance with the ((handicapped)) barrier free access
26 requirements of section 504 of the federal rehabilitation act of 1973
27 (29 U.S.C. Sec. 706) and rules implementing the act.

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

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

36 (i) For districts which have been designated as serving high school
37 districts under RCW 28A.540.110, students residing in the nonhigh
38 district so designating shall be excluded from the enrollment count if

1 the student is enrolled in any grade level not offered by the nonhigh
2 district;

3 (ii) The enrollment of nonhigh school districts shall be increased
4 by the number of students residing within the district who are enrolled
5 in a serving high school district so designated by the nonhigh school
6 district under RCW 28A.540.110, including only students who are
7 enrolled in grade levels not offered by the nonhigh school district;
8 and

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

12 (b) In the case of construction or modernization of high school
13 facilities in districts serving students from nonhigh school districts,
14 the adjusted valuation per pupil shall be computed using the combined
15 adjusted valuations and enrollments of each district, each weighted by
16 the percentage of the district's resident high school students served
17 by the high school district; and

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

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

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

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

31 The term "student residing in a nonhigh school district" and its
32 equivalent as used in RCW 28A.545.030 through 28A.545.110 and
33 84.52.0531 shall mean any (~~handicapped or nonhandicapped~~) common
34 school age person with or without disabilities who resides within the
35 boundaries of a nonhigh school district that does not conduct the
36 particular kindergarten through grade twelve grade which the person has
37 not yet successfully completed and is eligible to enroll in.

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

3 Unless otherwise agreed to by the board of directors of a nonhigh
4 school district, the amounts which are established as due by a nonhigh
5 school district pursuant to RCW 28A.545.030 through 28A.545.110 and
6 84.52.0531, as now or hereafter amended, shall constitute the entire
7 amount which is due by a nonhigh school district for the school year
8 for the education of any and all (~~handicapped and nonhandicapped~~)
9 students with or without disabilities residing in the nonhigh school
10 district who attend a high school district pursuant to RCW 28A.225.210,
11 and for the transportation of such students by a high school district.

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

14 (1) The state board of education and the state board for community
15 and technical colleges (~~education~~), in consultation with the
16 superintendent of public instruction, the higher education coordinating
17 board, the state apprenticeship training council, and community
18 colleges, shall work cooperatively to develop by September 1, 1992, an
19 educational paraprofessional associate of arts degree.

20 (2) As used in this section, an "educational paraprofessional" is
21 an individual who has completed an associate of arts degree for an
22 educational paraprofessional. The educational paraprofessional may be
23 hired by a school district to assist certificated instructional staff
24 in the direct instruction of children in small and large groups,
25 individualized instruction, testing of children, recordkeeping, and
26 preparation of materials. The educational paraprofessional shall work
27 under the direction of instructional certificated staff.

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

1 (3) The training program for an educational paraprofessional
2 associate of arts degree shall include, but is not limited to, the
3 general requirements for receipt of an associate of arts degree and
4 training in the areas of introduction to childhood education,
5 orientation to ((handicapped)) children with disabilities, fundamentals
6 of childhood education, creative activities for children, instructional
7 materials for children, fine art experiences for children, the
8 psychology of learning, introduction to education, child health and
9 safety, child development and guidance, first aid, and a practicum in
10 a school setting.

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

14 (5) The agencies identified under subsection (1) of this section
15 shall adopt rules as necessary under chapter 34.05 RCW to implement
16 this section.

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

19 School districts with demonstration projects shall:

20 (1) Confer on a regular basis during project planning and
21 implementation with teachers, support staff, parents of ((handicapped))
22 students with disabilities, and parents of other students served in the
23 project;

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

26 (3) Cooperate in providing all information needed for the
27 evaluation.

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

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

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

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

9 (b) The funding percentages for districts with demonstration
10 projects specified in (a) of this subsection and in RCW 28A.630.845
11 shall be used to adjust basic education allocations under RCW
12 28A.150.260 and learning assistance program allocations under RCW
13 28A.165.070.

14 (c) State (~~handicapped~~) special education allocations up to the
15 level required by federal maintenance of effort rules shall be expended
16 for services to (~~handicapped~~) students with disabilities.
17 Allocations greater than the amount needed to comply with federal
18 maintenance of effort rules may at the option of the district be
19 designated as noncategorical project funds and may be expended on
20 services to any student served in the project.

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

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

33 (5) Expenditures of noncategorical project funds under subsections
34 (2)(c), (3), and (4) of this section shall be accounted for in new and
35 discrete program or subprogram codes designated by the superintendent
36 of public instruction. The codes shall take effect by September 1,
37 1991.

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

3 (1) The legislature finds that the state system of funding
4 (~~handicapped~~) special education has fiscal incentives to label
5 children as (~~handicapped~~) disabled and that unnecessary labeling can
6 be detrimental to children. The legislature encourages demonstration
7 projects that provide needed services without unnecessary labeling. To
8 test this approach, the legislature intends to maintain the funding
9 level for innovative special services programs that reduce the
10 incidence of unnecessary labeling.

11 (2) School districts may propose demonstration projects under this
12 subsection to provide needed services and achieve major reductions in
13 the percentage of district students labeled as (~~handicapped~~) disabled
14 in one or more specified categories. State (~~handicapped~~) special
15 education funding for districts with such projects shall be based for
16 the duration of the project on the average percentage of the
17 kindergarten through twelfth grade enrollment in the specified
18 categories during the school year before the start of the project.

19 (3) School districts with specific learning disabled enrollment at
20 or above four percent of the district's kindergarten through twelfth
21 grade enrollment may propose demonstration projects under this
22 subsection to provide needed services and reduce unnecessary labeling
23 to below the four percent level. When the specific learning disabled
24 enrollment is below the four percent level, funding for the district
25 shall be based on four percent of the kindergarten through twelfth
26 grade enrollment considered as specific learning disabled, without
27 regard to the actual number of students so identified.

28 (4) Funding under subsections (2) and (3) of this section is
29 contingent on the following: (a) The funding is spent on children
30 needing special services; and (b) the overall percentage of first
31 through twelfth grade students in the district labeled as
32 (~~handicapped~~) disabled declines each year of the project, excluding
33 (~~handicapped~~) students with disabilities who transfer into the
34 district.

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

37 (1) The state board of education, where appropriate, or the
38 superintendent of public instruction, where appropriate, may grant

1 waivers to pilot project districts consistent with law if necessary to
2 implement a pilot project proposal.

3 (2) State rules dealing with public health, safety, and civil
4 rights, including accessibility by the ((handicapped)) disabled, shall
5 not be waived. A school district may request the state board of
6 education or the superintendent of public instruction to ask the United
7 States department of education or other federal agencies to waive
8 certain federal regulations necessary to fully implement the proposed
9 pilot project.

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

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

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

20 NEW SECTION. **Sec. 35.** Section 31 of this act expires June 30,
21 1999.

--- END ---