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ENGROSSED SUBSTITUTE HOUSE BILL 1023

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State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Education (originally sponsored by Representatives Peery, Brough, G. Fisher, Heavey, Basich, Wineberry, H. Myers, Phillips, R. Johnson, Sprenkle, Spanel, Sheldon, Wood, Ogden, Rayburn, Jones, Prentice, Kremen, Leonard, Inslee, Bray, Dorn, Cantwell, Jacobsen, Valle, Roland, Hine, Winsley, Rasmussen and Brekke; by request of Governor Gardner).

Read first time February 25, 1991.

1 AN ACT Relating to student educational performance; amending RCW  
2 28A.215.100, 28A.150.210, 28A.150.220, 28A.150.290, 28A.195.010,  
3 28A.230.090, 28A.230.100, 28A.150.260, and 28A.305.140; adding new  
4 sections to chapter 28A.150 RCW; adding a new section to chapter  
5 28A.230 RCW; creating new sections; repealing RCW 28A.230.110,  
6 28A.305.140, 28A.320.200, and 28A.320.210; providing an effective date;  
7 and declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that all children can  
10 learn, and that the mission of education is to develop flexible, self-  
11 directed, and interactive learners where all students have sufficient  
12 time, support, and resources to master and demonstrate established  
13 knowledge, attitudes, and skills; where the challenge is rigorous, and  
14 students are expected to achieve high academic and personal goals;  
15 where students, upon high school graduation, are prepared to enter the

1 work force or receive further academic or vocational training; where  
2 students are challenged to learn as much as they can as fast as they  
3 can; where students develop the confidence to assist in the creation  
4 and understanding of the knowledge, attitudes, and skills; where  
5 parents, educators, business leaders, students, and community members  
6 form strong partnerships and are actively involved in decisions,  
7 design, and delivery of successful learning experiences; and where  
8 effective learning takes place in an enjoyable, rewarding, dynamic,  
9 multicultural, student-centered environment that is part of a community  
10 that values and supports life-long learning. The legislature further  
11 finds that the realization of this vision of education will require, at  
12 a minimum, that students be ready to learn when they enter school; that  
13 a state-wide consensus be developed on the essential knowledge, skills,  
14 and attitudes expected of students; that resources provided by the  
15 state be used to the greatest degree possible in the provision of  
16 direct instructional services to students; and that school districts  
17 and communities are given more autonomy, flexibility, and support to  
18 develop unique learning strategies to achieve these essential  
19 learnings. The legislature further finds that this necessity for  
20 increased flexibility requires that unnecessary state-level  
21 requirements be modified or repealed, and that new methods of school  
22 district accountability be developed to ensure that the essential  
23 learnings are mastered. It is the intent of the legislature to embark  
24 upon a process in which citizens and educators of the state will decide  
25 what shall be expected of students; in which a state-wide performance-  
26 based assessment system shall be developed to determine if the students  
27 have mastered the expected learnings; and in which the legislature,  
28 state board of education, superintendent of public instruction, and  
29 residents of the state provide the flexibility and support that will

1 enable educators and communities to develop and implement successful  
2 learning strategies.

3 PART I

4 EARLY CHILDHOOD EDUCATION

5 **Sec. 101.** RCW 28A.215.100 and 1985 c 418 s 1 are each amended to  
6 read as follows:

7 To help ensure that all children will learn, it is the intent of  
8 the legislature to establish a preschool state education and assistance  
9 program. This special assistance program is a voluntary enrichment  
10 program to help prepare ((some)) low-income children to enter the  
11 common school system and shall be offered only as funds are available  
12 to eligible children not served by the federal head start program.  
13 This program is not a part of the basic program of education which must  
14 be fully funded by the legislature under Article IX, section 1 of the  
15 state Constitution.

16 PART II

17 BASIC EDUCATION

18 **Sec. 201.** RCW 28A.150.210 and 1977 ex.s. c 359 s 2 are each  
19 amended to read as follows:

20 The goal of the Basic Education Act for the schools of the state of  
21 Washington set forth in this ((1977 amendatory act)) chapter shall be  
22 to provide all students with the opportunity to ((achieve those skills  
23 which are generally recognized as requisite to learning. Those skills  
24 shall include the ability:

25 (1) ~~To distinguish, interpret and make use of words, numbers and~~  
26 ~~other symbols, including sound, colors, shapes and textures;~~

1       ~~(2) To organize words and other symbols into acceptable verbal and~~  
2 ~~nonverbal forms of expression, and numbers into their appropriate~~  
3 ~~functions;~~

4       ~~(3) To perform intellectual functions such as problem solving,~~  
5 ~~decision making, goal setting, selecting, planning, predicting,~~  
6 ~~experimenting, ordering and evaluating; and~~

7       ~~(4) To use various muscles necessary for coordinating physical and~~  
8 ~~mental functions))~~ master the essential skills, knowledge, and  
9 attitudes necessary for their roles as citizens and potential  
10 competitors in the economic marketplace and in the marketplace of ideas  
11 identified by the commission established in section 211 of this 1991  
12 act.

13       NEW SECTION. Sec. 202. A new section is added to chapter 28A.150  
14 RCW to read as follows:

15       Unless the context clearly requires otherwise, the definitions in  
16 this section apply throughout RCW 28A.150.200 through 28A.150.295.

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

25       (2) "Instruction in work force skills" means applied learning that  
26 strengthens and reinforces an individual's academic knowledge, critical  
27 thinking, problem-solving skills, and work ethics, and thereby develops  
28 employability, occupational skills, and the ability to manage home and  
29 work responsibilities necessary for economic independence. Such

1 instruction shall include but is not limited to technology education/  
2 industrial arts, home and family life education, business education,  
3 marketing education, agricultural education, health occupations  
4 education, trade and industrial education, and technical education.

5 **Sec. 203.** RCW 28A.150.220 and 1990 c 33 s 105 are each amended to  
6 read as follows:

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

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

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

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

26 (a) Each school district shall make available to students enrolled  
27 in kindergarten at least a total ~~((program))~~ instructional offering of  
28 four hundred fifty hours. The program shall include developmentally  
29 appropriate instruction in reading, arithmetic, and language skills and

1 such other subjects and such activities as the school district shall  
2 determine to be appropriate for the education of the school district's  
3 students enrolled in such program;

4 (b) Each school district shall make available to students enrolled  
5 in grades one through ~~((three))~~ twelve, at least a district-wide annual  
6 average total ~~((program))~~ instructional hour offering of ~~((two thousand~~  
7 seven hundred)) one thousand hours. ~~((A minimum of ninety-five percent~~  
8 ~~of the total program hour offerings))~~ Effective May 1, 1992, a school  
9 district may schedule the last thirty instructional hours of any school  
10 year for noninstructional purposes in the case of students who are  
11 graduating from high school, including, but not limited to, the  
12 observance of graduation and early release from school upon the request  
13 of a student, and all such students may be claimed as full-time  
14 equivalent students to the extent they could otherwise have been so  
15 claimed for the purposes of RCW 28A.150.250 and 28A.150.260. The state  
16 board of education may define alternatives to classroom instructional  
17 time for students in grades nine through twelve enrolled in alternative  
18 learning experiences. The state board of education shall establish  
19 rules to determine annual average instructional hours for districts  
20 including fewer than twelve grades. The program shall ~~((be in the~~  
21 ~~basic skills areas of))~~ include, in one or more of the grades one  
22 through twelve, instruction in reading/language arts ~~((which may~~  
23 ~~include))~~, foreign languages~~((+))~~, mathematics, social studies,  
24 science, music, art, health ~~((and))~~, physical education, and work force  
25 skills. The requirements in this subsection may be met through  
26 interdisciplinary offerings. ~~((The remaining five percent of the total~~  
27 ~~program hour offerings may include such subjects and activities as the~~  
28 ~~school district shall determine to be appropriate for the education of~~  
29 ~~the school district's students in such grades;~~

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

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

22       (e) Each school district shall make available to students in grades  
23 nine through twelve at least a total program hour offering of four  
24 thousand three hundred twenty hours. A minimum of sixty percent of the  
25 total program hour offerings shall be in the basic skills areas of  
26 language arts, foreign language, mathematics, social studies, science,  
27 music, art, health and physical education. A minimum of twenty percent  
28 of the total program hour offerings shall be in the area of work  
29 skills. The remaining twenty percent of the total program hour  
30 offerings may include traffic safety or such subjects and activities as

1 the school district shall determine to be appropriate for the education  
2 of the school district's students in such grades, with not less than  
3 one half thereof in basic skills and/or work skills: PROVIDED, That  
4 each school district shall have the option of including grade nine  
5 within the program hour offering requirements of grades seven and eight  
6 so long as such requirements for grades seven through nine are  
7 increased to two thousand nine hundred seventy hours and such  
8 requirements for grades ten through twelve are decreased to three  
9 thousand two hundred forty hours.

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

17 (4)) (2) Nothing contained in subsection ((+2)) (1) of this  
18 section shall be construed to require individual students to attend  
19 school for any particular number of hours per day or to take any  
20 particular courses.

21 ((+5)) (3) Each school district's kindergarten through twelfth  
22 grade basic educational program shall be accessible to all students who  
23 are five years of age, as provided by RCW 28A.225.160, and less than  
24 twenty-one years of age ((and shall consist of a minimum of one hundred  
25 eighty school days per school year in such grades as are conducted by  
26 a school district, and one hundred eighty half days of instruction, or  
27 equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a  
28 school district may schedule the last five school days of the one  
29 hundred and eighty day school year for noninstructional purposes in the  
30 case of students who are graduating from high school, including, but



1 not limited to, the observance of graduation and early release from  
2 school upon the request of a student, and all such students may be  
3 claimed as a full time equivalent student to the extent they could  
4 otherwise have been so claimed for the purposes of RCW 28A.150.250 and  
5 28A.150.260)).

6 ((+6)) (4) The state board of education shall adopt rules to  
7 implement and ensure compliance with the program requirements imposed  
8 by this section, RCW 28A.150.250 and 28A.150.260, and such related  
9 supplemental program approval requirements as the state board may  
10 establish( (:—PROVIDED, That each school district board of directors  
11 shall establish the basis and means for determining and monitoring the  
12 district's compliance with the basic skills and work skills percentage  
13 and course requirements of this section. The certification of the  
14 board of directors and the superintendent of a school district that the  
15 district is in compliance with such basic skills and work skills  
16 requirements may be accepted by the superintendent of public  
17 instruction and the state board of education.

18 (7) Handicapped education programs, vocational technical institute  
19 programs, state institution and state residential school programs, all  
20 of which programs are conducted for the common school age, kindergarten  
21 through secondary school program students encompassed by this section,  
22 shall be exempt from the basic skills and work skills percentage and  
23 course requirements of this section in order that the unique needs,  
24 abilities or limitations of such students may be met.

25 (8) Any school district may petition the state board of education  
26 for a reduction in the total program hour offering requirements for one  
27 or more of the grade level groupings specified in this section. The  
28 state board of education shall grant all such petitions that are  
29 accompanied by an assurance that the minimum total program hour  
30 offering requirements in one or more other grade level groupings will

1 be exceeded concurrently by no less than the number of hours of the  
2 reduction)).

3 **Sec. 204.** RCW 28A.150.290 and 1990 c 33 s 111 are each amended to  
4 read as follows:

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

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

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

27 (b) An unforeseen mechanical failure or an unforeseen action or  
28 inaction by one or more persons, including negligence and threats, that  
29 (i) is beyond the control of both a school district board of directors

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

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

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

1       **Sec. 205.** RCW 28A.195.010 and 1990 c 33 s 176 are each amended to  
2 read as follows:

3       The legislature hereby recognizes that private schools should be  
4 subject only to those minimum state controls necessary to ~~((insure))~~  
5 ensure the health and safety of all the students in the state and to  
6 ~~((insure))~~ ensure a sufficient basic education to meet usual graduation  
7 requirements. The state, any agency or official thereof, shall not  
8 restrict or dictate any specific educational or other programs for  
9 private schools except as hereinafter in this section provided.

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

20       (1) The ~~((minimum—school—year—for))~~ total instructional  
21 ~~((purposes))~~ hour offerings shall consist of no less than ~~((one hundred~~  
22 ~~eighty—school—days—or—the—equivalent—in))~~ the annual minimum  
23 ~~((program))~~ instructional hour offerings as prescribed in RCW  
24 28A.150.220.

25       (2) ~~((The school day shall be the same as that required in RCW~~  
26 ~~28A.150.030 and 28A.150.220, except that the percentages of total~~  
27 ~~program hour offerings as prescribed in RCW 28A.150.220 for basic~~  
28 ~~skills, work skills, and optional subjects and activities shall not~~  
29 ~~apply to private schools or private sectarian schools.~~

1       ~~(3)~~) All classroom teachers shall hold appropriate Washington  
2 state certification except as follows:

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

6       (b) In exceptional cases, people of unusual competence but without  
7 certification may teach students so long as a certified person  
8 exercises general supervision. Annual written statements shall be  
9 submitted to the office of the superintendent of public instruction  
10 reporting and explaining such circumstances.

11       ~~((4))~~ (3) An approved private school may operate an extension  
12 program for parents, guardians, or persons having legal custody of a  
13 child to teach children in their custody. The extension program shall  
14 require at a minimum that:

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

18       (b) The planning by the certified person and the parent, guardian,  
19 or person having legal custody include objectives consistent with this  
20 subsection and subsections (1), ~~((2))~~ (4), (5), and (6)~~((, and (7))~~)  
21 of this section;

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

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

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

29       ~~((5))~~ (4) Appropriate measures shall be taken to safeguard all  
30 permanent records against loss or damage.

1       (~~(6)~~) (5) The physical facilities of the school or district shall  
2 be adequate to meet the program offered by the school or district:  
3 PROVIDED, That each school building shall meet reasonable health and  
4 fire safety requirements. A residential dwelling of the parent,  
5 guardian, or custodian shall be deemed to be an adequate physical  
6 facility when a parent, guardian, or person having legal custody is  
7 instructing his or her child under subsection (~~(4)~~) (3) of this  
8 section.

9       (~~(7)~~) (6) Private school curriculum shall include instruction of  
10 the basic skills of occupational education, science, mathematics,  
11 language, social studies, history, health, reading, writing, spelling,  
12 and the development of appreciation of art and music, all in sufficient  
13 units for meeting state board of education graduation requirements.

14       (~~(8)~~) (7) Each school or school district shall be required to  
15 maintain up-to-date policy statements related to the administration and  
16 operation of the school or school district.

17       All decisions of policy, philosophy, selection of books, teaching  
18 material, curriculum, except as provided in subsection (~~(7)~~—above  
19 ~~provided~~) (6) of this section, school rules and administration, or  
20 other matters not specifically referred to in this section, shall be  
21 the responsibility of the administration and administrators of the  
22 particular private school involved.

23       **Sec. 206.** RCW 28A.230.090 and 1990 1st ex.s. c 9 s 301 are each  
24 amended to read as follows:

25       (1) The state board of education shall establish high school  
26 graduation requirements or equivalencies for students (~~who commence~~  
27 ~~the ninth grade subsequent to July 1, 1985, that meet or exceed the~~  
28 ~~following~~:-

1	SUBJECT	CREDITS
2	English	3
3	Mathematics	2
4	Social Studies	
5	United States history	
6	and government	1
7	Washington state	
8	history and government	1/2
9	Contemporary world	
10	history, geography,	
11	and problems	1
12	Science (1 credit	
13	must be in	
14	laboratory science)	2
15	Occupational Education	1
16	Physical Education	2
17	Electives	5 1/2
18	Total	18

19       (2) For the purposes of this section one credit is equivalent to  
20 one year of study.

21       (3) The Washington state history and government requirement may be  
22 fulfilled by students in grades seven or eight or both. Students who  
23 have completed the Washington state history and government requirement  
24 in grades seven or eight or both shall be considered to have fulfilled  
25 the Washington state history and government requirement.

26       (4) A candidate for graduation must have in addition earned a  
27 minimum of 18 credits including all required courses. These credits  
28 shall consist of the state requirements listed above and such

1 ~~additional requirements and electives as shall be established by each~~  
2 ~~district~~)).

3 ((+5+)) (2) In recognition of the statutory authority of the state  
4 board of education to establish and enforce minimum high school  
5 graduation requirements, the state board shall periodically reevaluate  
6 the graduation requirements and shall report such findings to the  
7 legislature in a timely manner as determined by the state board.

8 ((+6+)) (3) Pursuant to any foreign language requirement  
9 established by the state board of education or a local school district,  
10 or both, for purposes of high school graduation, students who receive  
11 instruction in sign language shall be considered to have satisfied the  
12 state or local school district foreign language graduation requirement.

13 ((+7+)) (4) If requested by the student and his or her family, a  
14 student who has completed high school courses (~~while in seventh and~~  
15 ~~eighth grade~~) before attending high school shall be given high school  
16 credit which shall be applied to fulfilling high school graduation  
17 requirements if:

18 (a) The course was taken with high school students and the student  
19 has successfully passed by completing the same course requirements and  
20 examinations as the high school students enrolled in the class; or

21 (b) The course would qualify for high school credit, because the  
22 course is similar or equivalent to a course offered at a high school in  
23 the district as determined by the school district board of directors.

24 ((+8+)) (5) Students who have taken and successfully completed high  
25 school courses under the circumstances in subsection ((+7+)) (4) of  
26 this section shall not be required to take an additional competency  
27 examination or perform any other additional assignment to receive  
28 credit. Subsection ((+7+)) (4) of this section shall also apply to  
29 students enrolled in high school on April 11, 1990, who took the  
30 courses while they were in seventh and eighth grade.



1       **Sec. 207.** RCW 28A.230.100 and 1990 c 33 s 239 are each amended to  
2 read as follows:

3       The state board of education shall adopt rules pursuant to chapter  
4 34.05 RCW, to implement the course requirements set forth (~~(in)~~)  
5 pursuant to RCW 28A.230.090. Such rules shall include, as the state  
6 board deems necessary, granting equivalencies for and temporary  
7 exemptions from the course requirements (~~(in RCW 28A.230.090 and~~  
8 ~~special alterations of the course requirements in RCW 28A.230.090)~~)  
9 established. In developing such rules the state board shall recognize  
10 the relevance of instruction in work force skills through vocational  
11 education and applied courses and allow such courses to fulfill in  
12 whole or in part the courses required for graduation (~~(in RCW~~  
13 ~~28A.230.090)~~). Such rules may include provisions for competency  
14 testing in lieu of such courses required for graduation (~~(in)~~) pursuant  
15 to RCW 28A.230.090.

16       NEW SECTION. **Sec. 208.** A new section is added to chapter 28A.150  
17 RCW to read as follows:

18       To implement RCW 28A.150.200 through 28A.150.295 and section 202 of  
19 this act, the superintendent of public instruction shall provide, or  
20 contract to provide, technical assistance as requested by school  
21 districts in areas including, but not limited to, curriculum  
22 development, assessment of student performance, and program evaluation.

23       **Sec. 209.** RCW 28A.150.260 and 1990 c 33 s 108 are each amended to  
24 read as follows:

25       The basic education allocation for each annual average full time  
26 equivalent student shall be determined in accordance with the following  
27 procedures:

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

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

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

11 (c) Classified staff and their related costs;

12 (d) Nonsalary costs;

13 (e) Extraordinary costs of remote and necessary schools and small  
14 high schools, including costs of additional certificated and classified  
15 staff; and

16 (f) The attendance of students pursuant to RCW 28A.335.160 and  
17 28A.225.250 who do not reside within the servicing school district.

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

26 (b) (~~The formula adopted by the legislature for the 1987-88 school~~  
27 ~~year shall reflect the following ratios at a minimum:—(i) Forty-eight~~  
28 ~~certificated instructional staff to one thousand annual average full~~  
29 ~~time equivalent students enrolled in grades kindergarten through three;~~  
30 ~~(ii) forty-six certificated instructional staff to one thousand annual~~

1 average full time equivalent students enrolled in grades four through  
2 twelve; (iii) four certificated administrative staff to one thousand  
3 annual average full time equivalent students enrolled in grades  
4 kindergarten through twelve; and (iv) sixteen and sixty seven  
5 one hundredths classified personnel to one thousand annual average full  
6 time equivalent students enrolled in grades kindergarten through  
7 twelve.

8 (c) Commencing with the 1988-89 school year,)) The formula adopted  
9 by the legislature shall reflect the following ratios at a minimum:

10 (i) Forty-nine certificated instructional staff to one thousand annual  
11 average full time equivalent students enrolled in grades kindergarten  
12 through three; (ii) forty-six certificated instructional staff to one  
13 thousand annual average full time equivalent students in grades four  
14 through twelve; (iii) four certificated administrative staff to one  
15 thousand annual average full time equivalent students in grades  
16 kindergarten through twelve; and (iv) sixteen and sixty-seven  
17 one-hundredths classified personnel to one thousand annual average full  
18 time equivalent students enrolled in grades kindergarten through  
19 twelve.

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

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

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

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

26 ~~((4) Each annual average full time equivalent certificated~~  
27 ~~classroom teacher's direct classroom contact hours shall average at~~  
28 ~~least twenty five hours per week. Direct classroom contact hours shall~~  
29 ~~be exclusive of time required to be spent for preparation, conferences,~~  
30 ~~or any other nonclassroom instruction duties. Up to two hundred~~

1 minutes per week may be deducted from the twenty-five contact hour  
2 requirement, at the discretion of the school district board of  
3 directors, to accommodate authorized teacher/parent guardian  
4 conferences, recess, passing time between classes, and informal  
5 instructional activity. Implementing rules to be adopted by the state  
6 board of education pursuant to RCW 28A.150.220(6) shall provide that  
7 compliance with the direct contact hour requirement shall be based upon  
8 teachers' normally assigned weekly instructional schedules, as assigned  
9 by the district administration. Additional record keeping by classroom  
10 teachers as a means of accounting for contact hours shall not be  
11 required. However, upon request from the board of directors of any  
12 school district, the provisions relating to direct classroom contact  
13 hours for individual teachers in that district may be waived by the  
14 state board of education if the waiver is necessary to implement a  
15 locally approved plan for educational excellence and the waiver is  
16 limited to those individual teachers approved in the local plan for  
17 educational excellence. The state board of education shall develop  
18 criteria to evaluate the need for the waiver. Granting of the waiver  
19 shall depend upon verification that: (a) The students' classroom  
20 instructional time will not be reduced; and (b) the teacher's expertise  
21 is critical to the success of the local plan for excellence.)

22 **Sec. 210.** RCW 28A.305.140 and 1990 c 33 s 267 are each amended to  
23 read as follows:

24 ((The state board of education may grant waivers to school  
25 districts from the provisions of)) (1) School districts shall be  
26 exempted from the self-study process requirements under RCW  
27 28A.320.200, the student learning objective requirements under RCW  
28 28A.320.210, the teacher classroom contact requirements under RCW  
29 28A.150.260(4), and the minimum one hundred eighty day school year

1 requirement and program hour offerings under RCW 28A.150.200 through  
2 28A.150.220 ((on the basis that such waiver or waivers are necessary to  
3 implement successfully a local plan to provide for all students in the  
4 district an effective education system that is designed to enhance the  
5 educational program for each student. The local plan may include  
6 alternative ways to provide effective educational programs for students  
7 who experience difficulty with the regular education program.

8 The state board shall adopt criteria to evaluate the need for the  
9 waiver or waivers)) if the school district submits to the state board  
10 of education a plan for restructuring its educational program that  
11 includes:

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

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

16 (c) How the district plans to determine if the higher standards are  
17 met;

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

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

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

24 (2) If a school district intends to waive the program hour  
25 offerings under RCW 28A.150.220, it shall make available to students  
26 enrolled in kindergarten at least a total instructional offering of  
27 four hundred fifty hours. The program shall include instruction in  
28 reading, arithmetic, language skills, and other subjects and activities  
29 as the school district determines to be appropriate. Each school  
30 district also shall make available to students enrolled in grades one

1 through twelve at least a district-wide annual average total  
2 instructional hour offering of one thousand hours. Effective May 1,  
3 1992, a school district may schedule the last thirty instructional  
4 hours of any school year for noninstructional purposes in the case of  
5 students who are graduating from high school, including, but not  
6 limited to, the observance of graduation and early release from school  
7 upon the request of a student, and all such students may be claimed as  
8 full-time equivalent students to the extent they could otherwise have  
9 been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.  
10 The state board of education may define alternatives to classroom  
11 instructional time for students in grades nine through twelve enrolled  
12 in alternative learning experiences. The state board of education  
13 shall establish rules to determine annual average instructional hours  
14 for districts having fewer than twelve grades. The program shall  
15 include, in one or more of the grades one through twelve, instruction  
16 in reading and language arts, foreign languages, mathematics, social  
17 studies, science, music, art, health, physical education, and work  
18 force skills.

19 (3) If a school district intends to waive the minimum one hundred  
20 eighty day school year requirement under RCW 28A.150.220, it shall make  
21 available to its students the instructional offerings under subsection  
22 (2) of this section.

23 NEW SECTION. Sec. 211. A new section is added to chapter 28A.230  
24 RCW to read as follows:

25 (1) The Washington commission on student learning is hereby  
26 established. The objectives of the commission are to identify the  
27 essential knowledge, skills, and attitudes expected to be achieved by  
28 all students; to develop a state-wide assessment system; and to develop

1 strategies that will assist schools in ensuring that the essential  
2 knowledge, skills, and attitudes are mastered.

3 (2) The governor shall appoint nine persons to the commission and  
4 shall appoint a chair from the commissioners. Of the nine persons  
5 appointed by the governor, the governor shall select at least one  
6 person representing the following groups from a list of names submitted  
7 by their appropriate state-wide organizations: Teachers, principals,  
8 school district superintendents, school board members, business, and  
9 parents. In addition, the commission shall include the superintendent  
10 of public instruction; the president of the state board of education;  
11 the chair of the higher education coordinating board; the chair of the  
12 state board for vocational education; and a representative of the  
13 state's teacher preparation programs, who shall be selected by the  
14 deans of the state's teacher preparation education programs. To help  
15 ensure that the commission reflects the cultural diversity of the  
16 state's K-12 student population, when making appointments the governor  
17 shall ensure that the membership on the commission closely reflects the  
18 percentage of racial minorities enrolled in the state's public K-12  
19 school student population.

20 (3) The commission shall establish technical advisory committees.  
21 To the maximum extent possible, members of the technical advisory  
22 committees shall include both state and local educational  
23 practitioners.

24 (4) The commission, with the assistance of technical advisory  
25 committees, shall:

26 (a) Identify what is essential for all elementary and secondary  
27 students to know and be able to do. At a minimum, these essential  
28 skills and knowledge shall include reading, writing, speaking,  
29 mathematics, and critical thinking. If deemed appropriate by the



1 commission, these essential learnings may be expanded to include other  
2 areas, including attitudes;

3 (b) By June 30, 1992, develop recommendations for the repeal or  
4 amendment of federal, state, and local laws, rules, regulations,  
5 budgetary language, and other factors that inhibit schools from  
6 adopting strategies designed to ensure that students achieve the  
7 essential knowledge, skills, and attitudes;

8 (c) By June 30, 1992, recommend to the appropriate committees of  
9 the legislature accurate and fair indicators to measure the level of  
10 student learning occurring in schools and school districts. The  
11 commission also shall recommend steps that should be taken to assist  
12 those school districts and schools in which student learning is below  
13 expected levels of performance;

14 (d) By November 1, 1992, develop recommendations for eliminating or  
15 modifying college and university entrance requirements that inhibit  
16 schools from adopting strategies that are designed to ensure that  
17 students achieve the essential knowledge, skills, and attitudes;

18 (e) By November 1, 1993, present to the state board of education  
19 the essential learnings the commission has identified for elementary  
20 students, and a state-wide performance-based assessment system for use  
21 in the elementary grades. The assessment system shall use a variety of  
22 methodologies to determine if students have mastered the essential  
23 learnings, and shall be administered at least once in the elementary  
24 grades. The commission shall recommend how schools should use the  
25 results of the assessment. The state board of education and  
26 superintendent of public instruction shall implement the elementary  
27 assessment beginning in the 1994-95 school year. The state board of  
28 education and superintendent of public instruction may modify the  
29 assessment, as needed, in subsequent school years;

1 (f) By November 1, 1994, present to the state board of education  
2 the essential learnings the commission has identified for secondary  
3 students, and a state-wide performance-based assessment system for use  
4 in the secondary grades. The assessment system shall: (i) Use a  
5 variety of methodologies to determine if students have mastered the  
6 essential learnings; (ii) be administered at least once in the  
7 secondary grades; and (iii) lead to a certificate of initial mastery.  
8 The commission shall recommend to the state board of education whether  
9 the certificate should take the place of the graduation requirements,  
10 be required for graduation in addition to graduation requirements, or  
11 be an additional indicator of student learning that is not connected to  
12 graduation. The state board of education and superintendent of public  
13 instruction shall implement the secondary assessment beginning in the  
14 1995-96 school year. The state board of education and superintendent  
15 of public instruction may modify the assessment, as needed, in  
16 subsequent school years;

17 (g) Identify the time, support, and resources, including technical  
18 assistance, needed by schools and school districts to ensure students  
19 achieve the essential knowledge, skills, and attitudes;

20 (h) Estimate for the superintendent of public instruction and  
21 governor the expected cost of implementing the assessment system during  
22 the 1993-95 biennium; and

23 (i) Complete other tasks, as appropriate.

24 (5) The commission shall seek advice broadly from the public and  
25 all interested educational organizations in the conduct of its work.

26 (6) The office of financial management, at the direction of the  
27 commission, shall select and contract with an educational organization  
28 to provide staff support for the commission. The office of financial  
29 management and its contractors, at the direction of the commission,  
30 also may enter into subcontracts with school districts, teachers,

1 higher education faculty, state agencies, and other individuals and  
2 organizations to assist the commission in its deliberations. Funds  
3 also may be granted to local school districts to pilot assessment  
4 methodologies and approaches to school district restructuring.

5 (7) The first meeting of the commission shall be before July 15,  
6 1991.

7 (8) This section and the authority for the commission shall expire  
8 on June 30, 1995.

9 NEW SECTION. **Sec. 212.** RCW 28A.230.110 and 1990 c 33 s 240 &  
10 1985 c 384 s 4 are each repealed.

11 NEW SECTION. **Sec. 213.** The following acts or parts of acts as  
12 now existing or hereafter amended are each repealed effective September  
13 1, 1995:

14 (1) RCW 28A.305.140 and 1991 c -- s 210 (section 210 of this act),  
15 1990 c 33 s 267 & 1985 c 349 s 6;

16 (2) RCW 28A.320.200 and 1990 c 33 s 333, 1989 c 83 s 1, 1988 c 256  
17 s 2, & 1985 c 349 s 2; and

18 (3) RCW 28A.320.210 and 1990 c 33 s 334, 1988 c 256 s 1, 1987 c 505  
19 s 9, 1986 c 137 s 1, 1984 c 278 s 3, 1977 ex.s. c 305 s 1, & 1975-'76  
20 2nd ex.s. c 90 s 1.

21 NEW SECTION. **Sec. 214.** Section 211 of this act is necessary  
22 for the immediate preservation of the public peace, health, or safety,  
23 or support of the state government and its existing public  
24 institutions, and shall take effect immediately.

25 NEW SECTION. **Sec. 215.** Sections 201 through 205 and 209 of  
26 this act shall take effect September 1, 1995.

1        NEW SECTION.    **Sec. 216.**        If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 217.**        If specific funding for the purposes of  
6 this act, referencing this act by bill number, is not provided by June  
7 30, 1991, in the omnibus appropriations act, this act shall be null and  
8 void.