
SENATE BILL 5851

State of Washington

52nd Legislature

1991 Regular Session

By Senators McDonald, Anderson, Cantu, Owen, McCaslin, Craswell, L. Smith and Thorsness.

Read first time February 26, 1991. Referred to Committee on Education.

1 AN ACT Relating to quality schools; amending RCW 28A.605.020,
2 28A.230.190, 28A.230.230, 28A.230.240, 28A.410.030, 28A.400.200,
3 28A.150.040, 41.59.020, and 41.56.030; adding new sections to chapter
4 28A.230 RCW; adding a new section to chapter 28A.410 RCW; adding new
5 chapters to Title 28A RCW; creating new sections; and providing an
6 effective date.

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

8 NEW SECTION. **Sec. 1.** LEGISLATIVE INTENT. The legislature
9 recognizes that the public education system, as the foundation of our
10 society, faces critical issues that reflect the public's increasing
11 concern regarding the effectiveness and accountability of our public
12 schools. These issues can best be addressed by (1) establishing the
13 rights and responsibilities of parents to knowledgeably participate in
14 the education of their children, (2) measuring and reporting student
15 achievement in a manner that encourages public accountability, (3)

1 increasing public confidence in the professional competence of our
2 teachers by assessing instructional skills, and (4) ensuring that
3 teachers who demonstrate exemplary effectiveness are provided financial
4 rewards that are among the highest in the nation. In doing so, the
5 legislature reaffirms its constitutional mandate to provide, as its
6 paramount duty, for the education of the children of the state.

7 PART I

8 PARENTS' BILL OF RIGHTS AND RESPONSIBILITIES

9 NEW SECTION. **Sec. 101.** INTENT--DEFINITION. The legislature finds
10 that parents have the primary responsibility for the welfare of their
11 children. The successful education of these children is the product of
12 a responsive and rigorous educational system that depends on the
13 participation of informed and concerned parents and citizens. To this
14 end, RCW 28A.605.020 and sections 102 and 104 of this act are intended
15 to define certain rights of parents to be informed of, and participate
16 in, the education of their children.

17 "Parents" as used in this chapter, includes one or both parents and
18 any legal guardian.

19 NEW SECTION. **Sec. 102.** RIGHT TO PARTICIPATE IN STUDENT LEARNING.
20 Parents have the right to know what their child is being taught and are
21 encouraged to participate in their child's education.

22 (1) A school district shall encourage parental involvement by
23 making available for inspection by parents any educational or other
24 program of the district and all instructional materials relating
25 thereto, including teacher manuals, textbooks, films, tapes, and
26 supplementary material.

1 (2) Innovation and education reform should be encouraged in public
2 schools. To that end, parents and the community at large should be
3 encouraged to participate in the development and implementation of
4 experimental or pilot education programs. Prior to implementation of
5 any new programs, the school district shall consult and communicate
6 with the parents regarding the proposed program.

7 (3) No child may be placed in an experimental or pilot program in
8 a school district without prior written notification to the parent.
9 The notification shall include a detailed description of the program.
10 The parents may elect not to have their child participate in the
11 program. As used in this section, "experimental" or "pilot program" is
12 any program designed to explore or develop new or unproven teaching
13 methods or techniques.

14 (4) A school district shall not perform psychological testing of a
15 student without the written permission of the parents.

16 **Sec. 103.** RCW 28A.605.020 and 1979 ex.s. c 250 s 8 are each
17 amended to read as follows:

18 Every school district board of directors shall, (~~after following~~
19 ~~established procedure~~) in cooperation with teacher and parent
20 organizations, adopt a policy assuring parents access to their child's
21 classroom and/or school sponsored activities for purposes of observing
22 class procedure, teaching material, and class conduct: PROVIDED, That
23 such observation shall not disrupt the classroom procedure or learning
24 activity. The policy adopted under this section is not subject to
25 collective bargaining. The right of parents to visit their child's
26 classroom, as established under this section, is in addition to any
27 parent/teacher conferences offered by the school district.

1 NEW SECTION. **Sec. 104.** SCHOOL DISTRICT ANNUAL REPORT. (1) By

2 December 31st of each year, the superintendent of each school district
3 in the state shall publish a report to be distributed to the board of
4 directors of the district and each parent in the district. The report
5 shall specify, with respect to student achievement, the standing of the
6 district and the schools of the district, relative to the other
7 districts and schools in the state and nation. To the extent possible,
8 the relative standing of the schools shall be stated in terms of
9 national and state-wide standardized achievement test scores, including
10 the assessments and tests administered pursuant to chapter 28A.230 RCW;
11 the rate of drop-outs and absenteeism; the graduation rate; and any
12 measurements of the performance of the district's students in colleges
13 and universities. To the extent data are available, the report shall
14 also compare the performance data for the district from prior years.

15 The report shall also describe the academic environment of the
16 district's schools, including curriculum content, teacher turnover
17 rate, and any innovative programs undertaken by the district.

18 (2) To facilitate the report required by this section, and to
19 ensure uniform methodology, format, and comparability of data among
20 school districts, the college of education of the University of
21 Washington, in consultation with the superintendent of public
22 instruction, shall:

23 (a) Establish a uniform methodology and format to be followed by
24 school districts in calculating and compiling the data and publishing
25 the report required by this section;

26 (b) Collect from school districts the data required under
27 subsection (1) of this section; and

28 (c) Distribute to each school district of the state the local,
29 state-wide, and national data required under subsection (1) of this
30 section.

1 The superintendent of public instruction, educational service
2 districts, and the school districts of the state shall cooperate with,
3 and submit requested data to, the college of education of the
4 University of Washington.

5 NEW SECTION. **Sec. 105.** Sections 101, 102, and 104 of this act
6 shall constitute a new chapter in Title 28A RCW.

7 PART II

8 PERFORMANCE-BASED TEACHER COMPENSATION

9 NEW SECTION. **Sec. 201.** DEFINITIONS. The definitions in this
10 section apply throughout this chapter.

11 (1) "Teacher" means a certificated instructional staff person
12 employed in a public school in this state. The term includes persons
13 holding an alternative teaching certificate under section 501 of this
14 act.

15 (2) "Certificated staff" means teachers and certificated
16 administrative staff.

17 (3) "School building" means a discrete school operated by a school
18 district.

19 NEW SECTION. **Sec. 202.** PERFORMANCE-BASED SALARY INCREASES--
20 ALLOCATION OF FUNDS. The superintendent of public instruction shall
21 allocate to school districts funds to effectuate a voluntary system of
22 performance-based salary increases for the teachers and certificated
23 administrative staff of the state. In any given school year, one-third
24 of the funds appropriated by the legislature for salary increases to be
25 initiated in that school year shall be allocated solely for the
26 voluntary performance-based salary increase program. In each school

1 building, a majority vote by the certificated staff of the building is
2 required to participate in the program.

3 The funds provided for performance-based salary increases under
4 this section shall be allocated by the superintendent of public
5 instruction to each school building in the state in the same manner as
6 other teacher compensation funds are allocated to the state's school
7 districts. If, pursuant to this section, a school building does not
8 participate in the voluntary performance-based salary increase program,
9 the funds for that building shall not be allocated by the
10 superintendent of public instruction and shall remain unspent.

11 NEW SECTION. **Sec. 203.** PERFORMANCE PAY PLAN--COMMITTEE TO BE
12 ESTABLISHED IN SCHOOL BUILDING. The voluntary performance-based salary
13 increases under section 202 of this act shall be implemented in each
14 participating school building in accordance with a performance pay plan
15 adopted by a committee established in each school building as provided
16 in this section.

17 (1) The committee shall consist of no more than eleven members, who
18 shall be appointed by the school principal except as otherwise provided
19 in this section.

20 (2) A majority of the committee members shall be either parents of
21 students in the school building or representatives of the community
22 served by the school. These members shall not have a financial or
23 professional interest in the performance pay plan.

24 (3) The remainder of the committee shall consist of teachers and
25 certificated administrators employed in the school building and shall
26 include the principal of the school. At least one member of the
27 committee shall be a teacher, who shall be elected by the teachers
28 employed in the school building. A teacher who is employed in more
29 than one school building may serve on no more than one committee under

1 this section. With the exception of the school principal, no person
2 may serve more than three consecutive years on the committee.

3 NEW SECTION. **Sec. 204.** PERFORMANCE PAY PLAN--CONTENTS. (1) The
4 committee established under section 203 of this act shall be appointed
5 by January 1 of each year and shall develop and adopt a performance pay
6 plan by May 30 that shall be used to determine the certificated staff
7 in the school building who will receive performance-based salary
8 increases during the following school year and the amount of the
9 increases. The performance pay plan shall be implemented at the school
10 building level and shall identify the person or persons who will
11 implement the plan. The plan shall provide for annual written
12 evaluation of each certificated staff based on the criteria established
13 by the plan.

14 It is the intent of the legislature that the performance pay plan
15 should reward those educators whose performance is exemplary and is not
16 intended to result in across-the-board salary increases for all
17 certificated staff in the school building. However, under unusual
18 circumstances, the committee, by a vote of at least three-fourths of
19 its members, may adopt a performance pay plan that results in uniform
20 across-the-board salary increases.

21 (2) The plan shall include at least the following criteria by which
22 the performance-based salary increases are to be awarded:

23 (a) Demonstration of improved competency of students leaving grades
24 four, eight, eleven, and twelve in the subject matters of reading,
25 writing, mathematics, science, history, and geography. The improved
26 competency shall be measured by the assessments and tests administered
27 under chapter 28A.230 RCW;

28 (b) Development of lesson plans with understandable student
29 learning objectives that provide for measurement of student achievement

1 against those objectives, and evaluation of improved student
2 achievement resulting from the plans;

3 (c) Demonstration of staff competency in theory and content of
4 assigned subject matter, as well as principles and methods of
5 instruction;

6 (d) Maintenance of a clearly understood grading procedure that is
7 administered fairly and consistently, and is directly related to
8 student learning objective improvement;

9 (e) Demonstration of increased student motivation, self-direction,
10 and self-discipline;

11 (f) Demonstration of communication skills for improvement in
12 parent/staff relationships that effectively contribute to improved
13 student performance; and

14 (g) Decreasing rates of student absenteeism and, in the case of
15 high school buildings, demonstration of an increased graduation rate
16 for students. The plan shall include a methodology for calculating the
17 graduation rate that reflects the rate of student drop-outs as well as
18 student transfers into and out of the school.

19 (3) In developing the performance pay plan, the committee shall
20 seek input from appropriate groups, including parents, teachers,
21 administrators, students, and the public. Prior to adoption of the
22 plan, the committee shall present the plan in a public hearing with
23 prior public notice.

24 (4) The superintendent of the school district shall develop the
25 performance pay plan, consistent with this section, for those
26 certificated staff who are not employed primarily in one school
27 building.

28 NEW SECTION. **Sec. 205.** Sections 201 through 204 of this act shall
29 constitute a new chapter in Title 28A RCW.

PART III

STUDENT ACHIEVEMENT TESTS

Sec. 301. RCW 28A.230.190 and 1990 c 101 s 6 are each amended to read as follows:

(1) Every school district is encouraged to test pupils in grade two by an assessment device designed or selected by the school district. This test shall be used to help teachers in identifying those pupils in need of assistance in the skills of reading, writing, mathematics, and language arts. The test results are not to be compiled by the superintendent of public instruction, but are only to be used by the local school district.

(2) The superintendent of public instruction shall prepare and conduct, with the assistance of school districts, a standardized achievement test to be given annually to all pupils in grade four. The test shall assess students' skill in reading, mathematics, writing, science, history, geography, and language arts and shall focus upon appropriate input variables. Results of such tests shall be compiled by the superintendent of public instruction, who shall make those results available annually to the legislature, to all local school districts and subsequently to parents of those children tested. The results shall allow parents to ascertain the achievement levels and input variables of their children as compared with the other students within the district, the state and, if applicable, the nation.

(3) The superintendent of public instruction shall report annually to the legislature on the achievement levels of students in grade four.

Sec. 302. RCW 28A.230.230 and 1990 c 101 s 2 are each amended to read as follows:

1 The superintendent of public instruction shall prepare and conduct,
2 with the assistance of school districts, an annual assessment of all
3 students in the eighth grade. The purposes of the assessment are to
4 assist students, parents, and teachers in the planning and selection of
5 appropriate high school courses for students and to provide information
6 about students' current academic proficiencies both in the basic skills
7 of reading, writing, science, mathematics, economics, history,
8 geography, and language, and in the reasoning and thinking skills
9 essential for successful entry into those courses required for high
10 school graduation. The assessment shall also include the collection of
11 information about students' interests and plans for high school and
12 beyond and may include the collection of other related student and
13 school information. The superintendent of public instruction shall make
14 the results of the assessment available to all school districts which
15 shall in turn make them available to students, parents, and teachers in
16 a timely fashion and in a manner consistent with the purposes of RCW
17 28A.230.220 through 28A.230.260.

18 **Sec. 303.** RCW 28A.230.240 and 1990 c 101 s 3 are each amended to
19 read as follows:

20 The superintendent of public instruction shall prepare and conduct,
21 with the assistance of local school districts, an annual assessment of
22 all students in the eleventh grade beginning with the 1991-92 school
23 year. The purposes of the assessment are to provide achievement and
24 guidance information to students, parents, and teachers that will
25 assist in reviewing students' current performance and planning
26 effectively for their initial years beyond high school. The
27 achievement measures shall assess students' strengths and deficiencies
28 in the broad content areas common to the high school curriculum and
29 those thinking and reasoning skills essential for completing high

1 school graduation requirements and for success beyond high school. The
2 assessment shall include measurements of the students' skills in
3 reading, writing, mathematics, language, history, geography, economics,
4 and science and technology. The assessment shall also collect
5 information about students' career interests and plans and other
6 related student and school information including students' high school
7 course selection patterns, course credits, and grades. The
8 superintendent of public instruction shall make the results of the
9 assessment available to all local school districts which shall in turn
10 make them available to students, parents, and teachers in a timely
11 fashion and in a manner consistent with the purposes of RCW 28A.230.220
12 through 28A.230.260. No grade ten students shall be tested in the fall
13 of 1990 and the funds already appropriated for such testing shall be
14 used for the planning and preliminary development work necessary to
15 implement RCW 28A.230.220 through 28A.230.260.

16 NEW SECTION. Sec. 304. A new section is added to chapter 28A.230
17 RCW to read as follows:

18 The superintendent of public instruction shall prepare and conduct,
19 with the assistance of local school districts, a standardized
20 achievement test to be given annually to all students in grade twelve.
21 The purpose of the test is to determine the competence of students in
22 the subject matters of reading, writing, mathematics, language, science
23 and technology, economics, history, geography, and reasoning and
24 thinking skills.

25 NEW SECTION. Sec. 305. A new section is added to chapter 28A.230
26 RCW to read as follows:

27 (1) The superintendent of public instruction shall establish
28 standards by which successful completion of the achievement assessments

1 and tests under this chapter are to be measured. In preparing the
2 assessments, tests, and standards, the superintendent of public
3 instruction shall consider the special needs of students in special
4 programs such as the handicapped and bilingual education programs.
5 Each school district shall notify the parents of each student of their
6 child's performance on the assessments and tests conducted under this
7 chapter relative to the other students of the district and the
8 standards established by the superintendent of public instruction under
9 this section.

10 (2) A school district shall not advance a student beyond the
11 fourth, eighth, or eleventh grade without the student having
12 successfully completed the respective assessment or test under this
13 chapter unless the school district determines that the educational
14 interests of the student are best served by advancement to the next
15 grade. In making this determination, the school district shall consult
16 with the parents of the student. If the parents desire that the
17 student not be advanced, the school district shall not advance the
18 student.

19 (3) After October 1, 1997, no student may graduate from a high
20 school in this state unless the student has successfully completed the
21 test conducted under section 304 of this act.

22 (4) If a student fails to successfully complete a test or
23 assessment under this chapter, the school district shall offer
24 additional educational opportunities to prepare the student to
25 successfully retake all or part of the test or assessment. Such
26 educational opportunities may include learning assistance programs,
27 tutoring, summer school, or after-school classes.

28 (5) Each school district shall establish an administrative process,
29 including an appeal to the district superintendent, by which parents
30 may appeal decisions of the school district under this section.

1 PART IV

2 EXAMINATION OF CANDIDATES FOR TEACHER CERTIFICATION

3 **Sec. 401.** RCW 28A.410.030 and 1987 c 525 s 203 are each amended to
4 read as follows:

5 The state board of education shall require a uniform state exit
6 examination or examinations for teacher certification candidates.

7 Commencing August 31, 1993, teacher certification candidates
8 completing a teacher preparation program or an alternative certificate
9 preservice training program shall be required to pass an exit
10 examination before being granted an initial certificate. The
11 examination shall test knowledge and competence in the subjects
12 ~~((including, but not limited to,))~~ covered by the assessments and
13 achievement tests conducted under RCW 28A.230.190, 28A.230.230,
14 28A.230.240, and section 304 of this 1991 act. The examination may
15 also test instructional skills, classroom management, and student
16 behavior and development. ~~((The examination shall consist primarily of~~
17 ~~essay questions.))~~ In appropriate instances, the examination may test
18 knowledge and competence in the particular subject matter to be taught
19 by the teacher. The state board of education shall adopt such rules as
20 may be necessary to implement this section.

21 PART V

22 ALTERNATIVE TEACHER CERTIFICATION

23 NEW SECTION. **Sec. 501.** A new section is added to chapter 28A.410
24 RCW to read as follows:

25 ALTERNATIVE TEACHER CERTIFICATION--ELIGIBILITY--PRESERVICE AND
26 INSERVICE TRAINING. (1) By January 1, 1992, the state board of
27 education shall adopt rules under chapter 34.05 RCW establishing

1 standards and procedures for alternative teacher certification. In
2 developing the standards, the board shall emphasize maximum flexibility
3 and local control by school districts in the training, employment,
4 supervision, and evaluation of teachers with alternative certificates.
5 The standards shall include but are not limited to standards for
6 eligibility, preservice training, inservice training, supervision, and
7 evaluation.

8 (2) The eligibility standards for persons to receive an alternative
9 certificate require that the person:

10 (a) Hold a baccalaureate degree in the arts, sciences, or
11 humanities from an accredited college or university;

12 (b) Have completed a minimum number of years, as determined by the
13 state board of education, of occupational experience that contributes
14 to the person's effectiveness as a teacher; and

15 (c) Complete a background check by the Washington state patrol
16 under RCW 28A.410.010.

17 (3) The preservice training standards shall require completion of
18 a program in professional education knowledge and skills developed
19 jointly by at least one school district and one institution of higher
20 education operating a state-approved teacher preparation program. The
21 preservice training program shall consist of no more than fifteen
22 quarter credit hours and, in the case of a state institution of higher
23 education, shall be operated on a self-supporting basis. Upon
24 successful completion of the program, the state board of education
25 shall issue an initial alternative certificate to the teacher.

26 (4) The inservice training standards shall include but are not
27 limited to:

28 (a) Assignment of a mentor teacher to the alternative certificate
29 teacher pursuant to the teacher assistance program under RCW
30 28A.405.450;

1 (b) Participation by the alternative certificate teacher in the
2 teacher assistance program; and

3 (c) Local provision of necessary assistance and reasonable planning
4 and study time for the alternative certificate teacher, including
5 preservice planning.

6 (5) Upon completion of the inservice training program, the state
7 board of education shall issue an alternative certificate to the
8 teacher.

9 PART VI

10 SUPPLEMENTAL CONTRACTS

11 **Sec. 601.** RCW 28A.400.200 and 1987 1st ex.s. c 2 s 205 are each
12 amended to read as follows:

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

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

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

24 (3)(a) The actual average salary paid to basic education
25 certificated instructional staff shall not exceed the district's
26 average basic education certificated instructional staff salary used
27 for the state basic education allocations for that school year as
28 determined pursuant to RCW 28A.150.410.

1 (b) Fringe benefit contributions for basic education certificated
2 instructional staff shall be included as salary under (a) of this
3 subsection to the extent that the district's actual average benefit
4 contribution exceeds the greater of: (i) The formula amount for
5 insurance benefits provided per certificated instructional staff unit
6 in the state operating appropriations act in effect at the time the
7 compensation is payable; or (ii) the actual average amount provided by
8 the school district in the 1986-87 school year. For purposes of this
9 section, fringe benefits shall not include payment for unused leave for
10 illness or injury under RCW 28A.400.210, or employer contributions for
11 old age survivors insurance, workers' compensation, unemployment
12 compensation, and retirement benefits under the Washington state
13 retirement system.

14 (c) Salary and benefits for certificated instructional staff in
15 programs other than basic education shall be consistent with the salary
16 and benefits paid to certificated instructional staff in the basic
17 education program.

18 (4) Salaries and benefits for certificated instructional staff may
19 exceed the limitations in subsection (3) of this section only by
20 separate contract for additional time((7)) or additional
21 responsibilities(~~(7-or-incentives)~~). Supplemental contracts shall not
22 cause the state to incur any present or future funding obligation.
23 Supplemental contracts shall be subject to the collective bargaining
24 provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240,
25 shall not exceed one year, and if not renewed shall not constitute
26 adverse change in accordance with RCW 28A.405.300 through 28A.405.380.
27 No district may enter into a supplemental contract under this
28 subsection for the provision of services which are a part of the basic
29 education program required by Article IX, section 3 of the state
30 Constitution.

1 (5) Funds allocated under chapter 28A.--- RCW (sections 201 through
2 204 of this 1991 act) shall be used to implement performance-based
3 salary increases pursuant to section 204 of this 1991 act.

4 PART VII

5 SCHOOL CALENDAR

6 **Sec. 701.** RCW 28A.150.040 and 1990 c 33 s 101 are each amended to
7 read as follows:

8 (1) The school year shall begin on the first day of September and
9 end with the last day of August: PROVIDED, That any school district
10 may elect to commence the minimum annual school term as required under
11 RCW 28A.150.220 in the month of August of any calendar year and in such
12 case the operation of a school district for such period in August shall
13 be credited by the superintendent of public instruction to the
14 succeeding school year for the purpose of the allocation and
15 distribution of state funds for the support of such school district.

16 (2) By May 30 of each year, the board of directors of each school
17 district shall, following a public hearing, establish the schedule of
18 days for students to attend school during the succeeding school year.
19 The days so designated shall be employee work days and shall not be
20 subject to collective bargaining. However, employee work days beyond
21 those scheduled for student attendance may be a subject of collective
22 bargaining.

23 **Sec. 702.** RCW 41.59.020 and 1989 c 11 s 11 are each amended to
24 read as follows:

25 As used in this chapter:

26 (1) The term "employee organization" means any organization, union,
27 association, agency, committee, council, or group of any kind in which

1 employees participate, and which exists for the purpose, in whole or in
2 part, of collective bargaining with employers.

3 (2) The term "collective bargaining" or "bargaining" means the
4 performance of the mutual obligation of the representatives of the
5 employer and the exclusive bargaining representative to meet at
6 reasonable times in light of the time limitations of the budget-making
7 process, and to bargain in good faith in an effort to reach agreement
8 with respect to the wages, hours, and terms and conditions of
9 employment: PROVIDED, That prior law, practice or interpretation shall
10 be neither restrictive, expansive, nor determinative with respect to
11 the scope of bargaining. A written contract incorporating any
12 agreements reached shall be executed if requested by either party. The
13 obligation to bargain does not compel either party to agree to a
14 proposal or to make a concession.

15 In the event of a dispute between an employer and an exclusive
16 bargaining representative over the matters that are terms and
17 conditions of employment, the commission shall decide which item(s) are
18 mandatory subjects for bargaining and which item(s) are nonmandatory.
19 The following shall not be a subject of collective bargaining: (a) The
20 school district's policy assuring parental access to the classroom
21 under RCW 28A.605.020; (b) performance pay plans adopted under section
22 204 of this 1991 act; and (c) the schedule of days for students to
23 attend school, as established by the school district board of directors
24 under RCW 28A.150.040.

25 (3) The term "commission" means the public employment relations
26 commission established by RCW 41.58.010.

27 (4) The terms "employee" and "educational employee" means any
28 certificated employee of a school district, except:

29 (a) The chief executive officer of the employer.

1 (b) The chief administrative officers of the employer, which shall
2 mean the superintendent of the district, deputy superintendents,
3 administrative assistants to the superintendent, assistant
4 superintendents, and business manager. Title variation from all
5 positions enumerated in this subsection (b) may be appealed to the
6 commission for determination of inclusion in, or exclusion from, the
7 term "educational employee".

8 (c) Confidential employees, which shall mean:

9 (i) Any person who participates directly on behalf of an employer
10 in the formulation of labor relations policy, the preparation for or
11 conduct of collective bargaining, or the administration of collective
12 bargaining agreements, except that the role of such person is not
13 merely routine or clerical in nature but calls for the consistent
14 exercise of independent judgment; and

15 (ii) Any person who assists and acts in a confidential capacity to
16 such person.

17 (d) Unless included within a bargaining unit pursuant to RCW
18 41.59.080, any supervisor, which means any employee having authority,
19 in the interest of an employer, to hire, assign, promote, transfer,
20 layoff, recall, suspend, discipline, or discharge other employees, or
21 to adjust their grievances, or to recommend effectively such action, if
22 in connection with the foregoing the exercise of such authority is not
23 merely routine or clerical in nature but calls for the consistent
24 exercise of independent judgment, and shall not include any persons
25 solely by reason of their membership on a faculty tenure or other
26 governance committee or body. The term "supervisor" shall include only
27 those employees who perform a preponderance of the above-specified acts
28 of authority.

29 (e) Unless included within a bargaining unit pursuant to RCW
30 41.59.080, principals and assistant principals in school districts.

1 (5) The term "employer" means any school district.

2 (6) The term "exclusive bargaining representative" means any
3 employee organization which has:

4 (a) Been selected or designated pursuant to the provisions of this
5 chapter as the representative of the employees in an appropriate
6 collective bargaining unit; or

7 (b) Prior to January 1, 1976, been recognized under a predecessor
8 statute as the representative of the employees in an appropriate
9 collective bargaining or negotiations unit.

10 (7) The term "person" means one or more individuals, organizations,
11 unions, associations, partnerships, corporations, boards, committees,
12 commissions, agencies, or other entities, or their representatives.

13 (8) The term "nonsupervisory employee" means all educational
14 employees other than principals, assistant principals and supervisors.

15 **Sec. 703.** RCW 41.56.030 and 1989 c 275 s 2 are each amended to
16 read as follows:

17 As used in this chapter:

18 (1) "Public employer" means any officer, board, commission,
19 council, or other person or body acting on behalf of any public body
20 governed by this chapter as designated by RCW 41.56.020, or any
21 subdivision of such public body. For the purposes of this section, the
22 public employer of district court employees for wage-related matters is
23 the respective county legislative authority, or person or body acting
24 on behalf of the legislative authority, and the public employer for
25 nonwage-related matters is the judge or judge's designee of the
26 respective district court.

27 (2) "Public employee" means any employee of a public employer
28 except any person (a) elected by popular vote, or (b) appointed to
29 office pursuant to statute, ordinance or resolution for a specified

1 term of office by the executive head or body of the public employer, or
2 (c) whose duties as deputy, administrative assistant or secretary
3 necessarily imply a confidential relationship to the executive head or
4 body of the applicable bargaining unit, or any person elected by
5 popular vote or appointed to office pursuant to statute, ordinance or
6 resolution for a specified term of office by the executive head or body
7 of the public employer, or (d) who is a personal assistant to a
8 district judge or court commissioner. For the purpose of (d) of this
9 subsection, no more than one assistant for each judge or commissioner
10 may be excluded from a bargaining unit.

11 (3) "Bargaining representative" means any lawful organization which
12 has as one of its primary purposes the representation of employees in
13 their employment relations with employers.

14 (4) "Collective bargaining" means the performance of the mutual
15 obligations of the public employer and the exclusive bargaining
16 representative to meet at reasonable times, to confer and negotiate in
17 good faith, and to execute a written agreement with respect to
18 grievance procedures and collective negotiations on personnel matters,
19 including wages, hours and working conditions, which may be peculiar to
20 an appropriate bargaining unit of such public employer, except that by
21 such obligation neither party shall be compelled to agree to a proposal
22 or be required to make a concession unless otherwise provided in this
23 chapter. In the case of the Washington state patrol, "collective
24 bargaining" shall not include wages and wage-related matters. In the
25 case of employees of school districts, "collective bargaining" does not
26 include: (a) The schedule of days for students to attend school, as
27 established by the school district board of directors under RCW
28 28A.150.040; or (b) the school district's policy assuring parental
29 access to the classroom under RCW 28A.605.020.

30 (5) "Commission" means the public employment relations commission.

1 (6) "Executive director" means the executive director of the
2 commission.

3 (7) "Uniformed personnel" means (a) law enforcement officers as
4 defined in RCW 41.26.030 as now or hereafter amended, of cities with a
5 population of fifteen thousand or more or law enforcement officers
6 employed by the governing body of any county of the second class or
7 larger, or (b) fire fighters as that term is defined in RCW 41.26.030,
8 as now or hereafter amended.

9 PART VIII

10 MISCELLANEOUS

11 NEW SECTION. **Sec. 801.** SHORT TITLE. This act may be known and
12 cited as the quality schools act.

13 NEW SECTION. **Sec. 802.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 803.** EFFECTIVE DATE. Section 305 of this act
18 shall take effect October 1, 1993.

19 NEW SECTION. **Sec. 804.** SUBHEADINGS AND CAPTIONS NOT LAW.
20 Subheadings and section captions as used in this act do not constitute
21 any part of the law.