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SENATE BILL 5950

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State of Washington                      52nd Legislature                      1991 Regular Session

By Senators Moore, Rinehart and Talmadge.

Read first time March 22, 1991. Referred to Committee on Education.

1            AN ACT Relating to improving education; amending RCW 28A.150.260  
2 and 82.08.020; creating a new section; making an appropriation;  
3 providing an effective date; and declaring an emergency.

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

5            **Sec. 1.** RCW 28A.150.260 and 1990 c 33 s 108 are each amended to  
6 read as follows:

7            The basic education allocation for each annual average full time  
8 equivalent student shall be determined in accordance with the following  
9 procedures:

10            (1) The governor shall and the superintendent of public instruction  
11 may recommend to the legislature a formula based on a ratio of students  
12 to staff for the distribution of a basic education allocation for each  
13 annual average full time equivalent student enrolled in a common  
14 school. The distribution formula shall have the primary objective of  
15 equalizing educational opportunities and shall provide appropriate

1 recognition of the following costs among the various districts within  
2 the state:

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

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

5 (c) Classified staff and their related costs;

6 (d) Nonsalary costs;

7 (e) Extraordinary costs of remote and necessary schools and small  
8 high schools, including costs of additional certificated and classified  
9 staff; and

10 (f) The attendance of students pursuant to RCW 28A.335.160 and  
11 28A.225.250 who do not reside within the servicing school district.

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

20 (b) The formula adopted by the legislature for the 1987-88 school  
21 year shall reflect the following ratios at a minimum: (i) Forty-eight  
22 certificated instructional staff to one thousand annual average full  
23 time equivalent students enrolled in grades kindergarten through three;  
24 (ii) forty-six certificated instructional staff to one thousand annual  
25 average full time equivalent students enrolled in grades four through  
26 twelve; (iii) four certificated administrative staff to one thousand  
27 annual average full time equivalent students enrolled in grades  
28 kindergarten through twelve; and (iv) sixteen and sixty-seven one-  
29 hundredths classified personnel to one thousand annual average full

1 time equivalent students enrolled in grades kindergarten through  
2 twelve.

3 (c) Commencing with the 1988-89 school year, the formula adopted by  
4 the legislature shall reflect the following ratios at a minimum: (i)  
5 Forty-nine certificated instructional staff to one thousand annual  
6 average full time equivalent students enrolled in grades kindergarten  
7 through three; (ii) forty-six certificated instructional staff to one  
8 thousand annual average full time equivalent students in grades four  
9 through twelve; (iii) four certificated administrative staff to one  
10 thousand annual average full time equivalent students in grades  
11 kindergarten through twelve; and (iv) sixteen and sixty-seven one-  
12 hundredths classified personnel to one thousand annual average full  
13 time equivalent students enrolled in grades kindergarten through  
14 twelve.

15 (d) Commencing with the 1991-92 school year, the formula adopted by  
16 the legislature shall reflect the following ratios at a minimum: (i)  
17 Fifty-three and three-tenths certificated instructional staff to one  
18 thousand annual average full time equivalent students enrolled in  
19 grades kindergarten through three; (ii) forty-seven certificated  
20 instructional staff to one thousand annual average full time equivalent  
21 students enrolled in grades four through twelve; (iii) four  
22 certificated administrative staff to one thousand annual average full  
23 time equivalent students in grades kindergarten through twelve; and  
24 (iv) sixteen and sixty-seven one-hundredths classified personnel to one  
25 thousand annual average full time equivalent students enrolled in  
26 grades kindergarten through twelve.

27 (e) In the event the legislature rejects the distribution formula  
28 recommended by the governor, without adopting a new distribution  
29 formula, the distribution formula for the previous school year shall  
30 remain in effect: PROVIDED, That the distribution formula developed

1 pursuant to this section shall be for state apportionment and  
2 equalization purposes only and shall not be construed as mandating  
3 specific operational functions of local school districts other than  
4 those program requirements identified in RCW 28A.150.220 and  
5 28A.150.100. The enrollment of any district shall be the annual  
6 average number of full time equivalent students and part time students  
7 as provided in RCW 28A.150.350, enrolled on the first school day of  
8 each month and shall exclude full time equivalent handicapped students  
9 recognized for the purposes of allocation of state funds for programs  
10 under RCW 28A.155.010 through 28A.155.100. The definition of full time  
11 equivalent student shall be determined by rules and regulations of the  
12 superintendent of public instruction: PROVIDED, That the definition  
13 shall be included as part of the superintendent's biennial budget  
14 request: PROVIDED, FURTHER, That any revision of the present  
15 definition shall not take effect until approved by the house  
16 appropriations committee and the senate ways and means committee:  
17 PROVIDED, FURTHER, That the office of financial management shall make  
18 a monthly review of the superintendent's reported full time equivalent  
19 students in the common schools in conjunction with RCW 43.62.050.

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

29 (b) Certificated administrative staff shall include all those  
30 persons who are chief executive officers, chief administrative

1 officers, confidential employees, supervisors, principals, or assistant  
2 principals within the meaning of RCW 41.59.020(4).

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

1        NEW SECTION.    **Sec. 2.**        (1)    The superintendent of public  
2 instruction shall develop a salary schedule for the 1991-92 and 1992-93  
3 school years that increases salaries for instructional staff by 5.4  
4 percent, effective September 1, 1991, and 10.46 percent, effective  
5 September 1, 1992. The superintendent shall use the 1990-91 state-wide  
6 salary allocation schedule for instructional staff, under section 504,  
7 chapter 16, Laws of 1990 1st ex. sess. (uncodified), as the base for  
8 calculating the salary schedule.

9        (2) For the 1991-92 and 1992-93 school years, effective September  
10 1, 1991, and September 1, 1992, respectively, the allocation for each  
11 certificated administrative staff unit shall be increased by 5.4  
12 percent and 10.46 percent, respectively, of the state-wide average  
13 certificated administrative salary shown on LEAP Document 12 as  
14 increased by 2.5 percent and multiplied by incremental fringe benefits.

15        (3) For the 1991-92 and 1992-93 school years, effective September  
16 1, 1991, and September 1, 1992, respectively, the allocation for each  
17 classified staff unit shall be increased by 5.4 percent and 10.46  
18 percent, respectively, of the 1988-89 state-wide average classified  
19 salary shown on LEAP Document 12 as increased by 8.16 percent and  
20 multiplied by incremental fringe benefits.

21        **Sec. 3.**    RCW 82.08.020 and 1985 c 32 s 1 are each amended to read  
22 as follows:

23        (1) There is levied and there shall be collected a tax on each  
24 retail sale in this state equal to six and (~~five-tenths~~) six-tenths  
25 percent of the selling price.

26        (2) The tax imposed under this chapter shall apply to successive  
27 retail sales of the same property.

28        (3) The rate provided in this section applies to taxes imposed  
29 under chapter 82.12 RCW as provided in RCW 82.12.020.

1        NEW SECTION.    **Sec. 4.**        (1) The sum of one hundred nineteen  
2 million dollars, or as much thereof as may be necessary, is  
3 appropriated for the biennium ending June 30, 1993, from the general  
4 fund to the superintendent of public instruction for the purposes of  
5 this act.

6        (2) The appropriation under subsection (1) of this section is in  
7 addition to the appropriations for salary increases and class size  
8 reductions in Senate Bill No. 5396 or House Bill No. 1330 or  
9 substantially similar legislation. The appropriation may not be used  
10 to supplant funding from any other appropriation for salary increases.

11        NEW SECTION.    **Sec. 5.**        Sections 3 and 4 of this act are  
12 necessary for the immediate preservation of the public peace, health,  
13 or safety, or support of the state government and its existing public  
14 institutions, and shall take effect July 1, 1991.