

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5953

Chapter 141, Laws of 1992
(partial veto)

52nd Legislature
1992 Regular Session

PERFORMANCE-BASED EDUCATION

EFFECTIVE DATE: 6/11/92 - Except Sections 501 through 507 which become effective on 9/1/98 with conditions.

Passed by the Senate March 8, 1992
Yeas 33 Nays 14

JOEL PRITCHARD

President of the Senate

Passed by the House March 6, 1992
Yeas 96 Nays 0

JOE KING

**Speaker of the
House of Representatives**

Approved April 1, 1992, with the exception of subsection 1 of section 202, which is vetoed.

BOOTH GARDNER

Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5953** as passed by the Senate and the House of Representatives on the dates hereon set forth.

GORDON A. GOLOB

Secretary

FILED

April 1, 1992 - 10:10 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5953

AS AMENDED BY THE HOUSE

Passed Legislature - 1992 Regular Session

State of Washington 52nd Legislature 1992 Regular Session

By Senate Committee on Education (originally sponsored by Senator Bailey)

Read first time 02/26/92.

1 AN ACT Relating to education; amending RCW 28A.410.040,
2 28A.410.050, 28A.405.220, 28A.305.140, 28A.150.260, 28A.230.090,
3 28A.150.210, 28A.150.220, 28A.150.290, 28A.195.010, and 28A.150.260;
4 adding new sections to chapter 28A.320 RCW; adding a new section to
5 chapter 28A.630 RCW; adding a new section to chapter 28A.230 RCW;
6 adding a new section to chapter 28A.150 RCW; creating new sections;
7 repealing RCW 28A.320.200 and 28A.230.110; providing effective dates;
8 and providing an expiration date.

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

10 NEW SECTION. **Sec. 1.** The legislature finds that the
11 educational needs of students when they leave the public school system
12 has increased dramatically in the past two decades. If young people
13 are to prosper in our democracy and if our nation is to grow

1 economically, it is imperative that the overall level of learning
2 achieved by students be significantly increased.

3 To achieve this higher level of learning, the legislature finds
4 that the state of Washington needs to develop a performance-based
5 school system. Instead of maintaining burdensome state accountability
6 laws and rules that dictate educational offerings, the state needs to
7 hold schools accountable for their performance based on what their
8 students learn.

9 The legislature further finds moving toward a performance-based
10 accountability system will require repealing state laws and rules that
11 inhibit the freedom of school boards and professional educators to
12 carry out their work, and also will require that significantly more
13 decisions be made at the school district and school building levels.
14 In addition, it will be necessary to set high expectations for
15 students, to identify what is expected of all students, and to develop
16 a rigorous academic assessment system to determine if these
17 expectations have been achieved.

18 The legislature further finds that the governor's council on
19 education reform and funding will, by December 1992, identify broad
20 student learning goals. Subject to decisions made by the 1993
21 legislature, the legislature finds that it is critical that an
22 organization be established to continue the council's work in
23 identifying necessary student skills and knowledge, to develop student
24 assessment and school accountability systems, and to take other steps
25 necessary to develop a performance-based education system.

26 The legislature further finds that there is a need for high quality
27 professional development as the state implements a performance-based
28 system. Professional development must be available to schools and
29 school districts to maintain quality control and to assure access to
30 proven research on effective teaching.

1 "PART I

2 ENHANCING THE TEACHING PROFESSION"

3 **Sec. 101.** RCW 28A.410.040 and 1990 c 33 s 406 are each amended to
4 read as follows:

5 ~~((1))~~ The state board of education shall adopt rules providing
6 that, except as provided in this section, all individuals qualifying
7 for an initial-level teaching certificate after August 31, 1992, shall
8 possess a baccalaureate degree in the arts, sciences, and/or humanities
9 and have fulfilled the requirements for teacher certification pursuant
10 to RCW 28A.305.130 (1) and (2). ~~((The state board of education shall
11 develop and adopt rules establishing baccalaureate degree equivalency
12 standards for certification of vocational instructors performing
13 instructional duties and acquiring initial level certification after
14 August 31, 1992.))~~ However, candidates for grades preschool through
15 eight certificates shall have fulfilled the requirements for a major as
16 part of their baccalaureate degree. If the major is in early childhood
17 education, elementary education, or special education, the candidate
18 must have at least thirty quarter hours or twenty semester hours in one
19 academic field.

20 ~~((2) The state board of education shall study the impact of
21 eliminating the major in education under subsection (1) of this section
22 and submit a report to the legislature by January 15, 1990. The report
23 shall include a recommendation on whether the major in education under
24 subsection (1) of this section should be eliminated.~~

25 ~~(3) The initial certificate shall be valid for two years.~~

26 ~~(4) Certificate holders may renew the certificate for a three year
27 period by providing proof of acceptance and enrollment in an approved
28 masters degree program. A second renewal, for a period of two years,
29 may be granted upon recommendation of the degree granting institution~~

1 ~~and if the certificate holder can demonstrate substantial progress~~
2 ~~toward the completion of the masters degree and that the degree will be~~
3 ~~completed within the two year extension period. Under no circumstances~~
4 ~~may an initial certificate be valid for a period of more than seven~~
5 ~~years.)~~)

6 **Sec. 102.** RCW 28A.410.050 and 1989 c 29 s 2 are each amended to
7 read as follows:

8 ~~((1) The state board of education shall implement rules providing~~
9 ~~that all teachers performing instructional duties and acquiring~~
10 ~~professional level certificate status after August 31, 1992, shall~~
11 ~~possess, as a requirement of professional status, a masters degree in~~
12 ~~teaching, or a masters degree in the arts, sciences, and/or humanities.~~

13 ~~(2))~~) The state board of education shall develop and adopt rules
14 establishing baccalaureate and masters degree equivalency standards for
15 vocational instructors performing instructional duties and acquiring
16 ((professional level)) certification after August 31, 1992.

17 **Sec. 103.** RCW 28A.405.220 and 1990 c 33 s 391 are each amended to
18 read as follows:

19 Notwithstanding the provisions of RCW 28A.405.210, every person
20 employed by a school district in a teaching or other nonsupervisory
21 certificated position shall be subject to nonrenewal of employment
22 contract as provided in this section during the first two years of
23 employment by such district, unless the employee has previously
24 completed at least two years of certificated employment in another
25 school district in the state of Washington, in which case the employee
26 shall be subject to nonrenewal of employment contract pursuant to this
27 section during the first year of employment with the new district.

1 Employees as defined in this section shall hereinafter be referred to
2 as "provisional employees".

3 In the event the superintendent of the school district determines
4 that the employment contract of any provisional employee should not be
5 renewed by the district for the next ensuing term such provisional
6 employee shall be notified thereof in writing on or before May 15th
7 preceding the commencement of such school term, which notification
8 shall state the reason or reasons for such determination. Such notice
9 shall be served upon the provisional employee personally, or by
10 certified or registered mail, or by leaving a copy of the notice at the
11 place of his or her usual abode with some person of suitable age and
12 discretion then resident therein. The determination of the
13 superintendent shall be subject to the evaluation requirements of RCW
14 28A.405.100.

15 Every such provisional employee so notified, at his or her request
16 made in writing and filed with the superintendent of the district
17 within ten days after receiving such notice, shall be given the
18 opportunity to meet informally with the superintendent for the purpose
19 of requesting the superintendent to reconsider his or her decision.
20 Such meeting shall be held no later than ten days following the receipt
21 of such request, and the provisional employee shall be given written
22 notice of the date, time and place of meeting at least three days prior
23 thereto. At such meeting the provisional employee shall be given the
24 opportunity to refute any facts upon which the superintendent's
25 determination was based and to make any argument in support of his or
26 her request for reconsideration.

27 Within ten days following the meeting with the provisional
28 employee, the superintendent shall either reinstate the provisional
29 employee or shall submit to the school district board of directors for
30 consideration at its next regular meeting a written report recommending

1 that the employment contract of the provisional employee be nonrenewed
2 and stating the reason or reasons therefor. A copy of such report
3 shall be delivered to the provisional employee at least three days
4 prior to the scheduled meeting of the board of directors. In taking
5 action upon the recommendation of the superintendent, the board of
6 directors shall consider any written communication which the
7 provisional employee may file with the secretary of the board at any
8 time prior to that meeting.

9 The board of directors shall notify the provisional employee in
10 writing of its final decision within ten days following the meeting at
11 which the superintendent's recommendation was considered. The decision
12 of the board of directors to nonrenew the contract of a provisional
13 employee shall be final and not subject to appeal.

14 This section applies to any person employed by a school district in
15 a teaching or other nonsupervisory certificated position after June 25,
16 1976. This section provides the exclusive means for nonrenewing the
17 employment contract of a provisional employee and no other provision of
18 law shall be applicable thereto, including, without limitation, RCW
19 28A.405.210 and chapter 28A.645 RCW.

20 NEW SECTION. **Sec. 104.** The state board of education, in
21 conjunction with the governor's council on education reform and
22 funding, shall study the current requirements for the certification of
23 teachers and administrators, and shall prepare a report to the
24 legislature that includes options for improving the current
25 certification system. The report, at a minimum, shall analyze
26 postinitial certification requirements, including the continuing
27 education, endorsement, and the fifth-year requirements, and shall
28 analyze the merits of requiring teachers and administrators to develop
29 personal education plans after they have obtained their initial

1 certificates. The report shall be submitted to the appropriate
2 committees of the house of representatives and senate by December 1,
3 1992.

4 NEW SECTION. **Sec. 105.** Section 103 of this act shall take
5 effect July 1, 1992.

6 "PART II

7 COMMISSION ON STUDENT LEARNING"

8 NEW SECTION. **Sec. 201.** A new section is added to chapter 28A.630
9 RCW to read as follows:

10 Unless the context clearly requires otherwise, the definitions in
11 this section apply throughout sections 201 and 202 of this act.

12 (1) "Academic assessment system" or "assessment system" means a
13 series of academic examinations and performance-based assessments
14 developed by the commission on student learning to determine if
15 students have mastered the essential academic learning requirements.

16 (2) "Essential academic learning requirements" means the academic
17 and technical knowledge and skills identified by the commission on
18 student learning, as reviewed and amended by the legislature and state
19 board of education, that students are expected to know and be able to
20 do at specified intervals in their schooling. The essential academic
21 learning requirements, at a minimum, shall include knowledge and skills
22 in reading, writing, speaking, science, history, geography,
23 mathematics, and critical thinking.

24 *NEW SECTION. **Sec. 202.** A new section is added to chapter 28A.630
26 RCW to read as follows:

1 (1) *The governor's council on education reform and funding shall*
2 *submit its proposed student learning goals to the appropriate*
3 *committees of the legislature by December 1, 1992. If both houses of*
4 *the legislature do not adopt a joint memorial or legislation ratifying,*
5 *or ratifying with amendment, the student learning goals by July 1,*
6 *1993, section 202 and sections 501 through 507 of this act shall be*
7 *null and void.*

8 (2) The Washington commission on student learning is hereby
9 established. The primary purposes of the commission are to identify
10 what all students need to know and be able to do based on the student
11 learning goals of the governor's council on education reform and
12 funding, to develop student assessment and school accountability
13 systems, and to take other steps necessary to develop a performance-
14 based education system. The commission shall include three members of
15 the state board of education, three members appointed by the governor
16 before July 1, 1992, and three members appointed no later than February
17 1, 1993, by the governor elected in the November 1992 election. In
18 making the appointments, educators, business leaders, and parents shall
19 be represented, and nominations from state-wide education, business,
20 and parent organizations shall be requested. Efforts shall be made to
21 ensure that the commission reflects the cultural diversity of the
22 state's K-12 student population and that the major geographic regions
23 in the state are represented. Appointees shall be qualified
24 individuals who are supportive of educational restructuring, who have
25 a positive record of service, and who will devote sufficient time to
26 the responsibilities of the commission to ensure that the objectives of
27 the commission are achieved.

28 (3) The commission shall begin its substantive work subject to
29 subsection (1) of this section.

1 (4) The commission shall establish technical advisory committees.
2 Membership of the technical advisory committees shall include, but not
3 necessarily be limited to, professionals from the office of the
4 superintendent of public instruction and the state board of education,
5 and other state and local educational practitioners and student
6 assessment specialists.

7 (5) The commission, with the assistance of the technical advisory
8 committees, shall:

9 (a) Identify what all elementary and secondary students need to
10 know and be able to do. At a minimum, these essential academic
11 learning requirements shall include reading, writing, speaking,
12 science, history, geography, mathematics, and critical thinking. In
13 developing these essential academic learning requirements, the
14 commission shall incorporate the student learning goals identified by
15 the council on education reform and funding;

16 (b) By December 1, 1995, present to the state board of education
17 and superintendent of public instruction a state-wide academic
18 assessment system for use in the elementary grades designed to
19 determine if each student has mastered the essential academic learning
20 requirements identified in (a) of this subsection. The academic
21 assessment system shall include a variety of methodologies, including
22 performance-based measures. The assessment system shall be designed so
23 that the results under the assessment system are used by educators as
24 tools to evaluate instructional practices, and to initiate appropriate
25 educational support for students who do not master the essential
26 academic learning requirements. Mastery of each component of the
27 essential academic learning requirements shall be required before
28 students progress in subsequent components of the essential academic
29 learning requirements. The state board of education and superintendent
30 of public instruction shall implement the elementary academic

1 assessment system beginning in the 1996-97 school year, unless the
2 legislature takes action to delay or prevent implementation of the
3 assessment system and essential academic learning requirements. The
4 state board of education and superintendent of public instruction may
5 modify the academic assessment system, as needed, in subsequent school
6 years;

7 (c) By December 1, 1996, present to the state board of education
8 and superintendent of public instruction a state-wide academic
9 assessment system for use in the secondary grades designed to determine
10 if each student has mastered the essential academic learning
11 requirements identified for secondary students in (a) of this
12 subsection. The academic assessment system shall use a variety of
13 methodologies, including performance-based measures, to determine if
14 students have mastered the essential academic learning requirements,
15 and shall lead to a certificate of mastery. The certificate of mastery
16 shall be required for graduation. The assessment system shall be
17 designed so that the results are used by educators to evaluate
18 instructional practices, and to initiate appropriate educational
19 support for students who do not master the essential academic learning
20 requirements. The commission shall recommend to the state board of
21 education whether the certificate of mastery should take the place of
22 the graduation requirements or be required for graduation in addition
23 to graduation requirements. The state board of education and
24 superintendent of public instruction shall implement the secondary
25 academic assessment system beginning in the 1997-98 school year, unless
26 the legislature takes action to delay or prevent implementation of the
27 assessment system and essential academic learning requirements. The
28 state board of education and superintendent of public instruction may
29 modify the assessment system, as needed, in subsequent school years;

1 (d) Consider methods to address the unique needs of special
2 education students when developing the assessments in (b) and (c) of
3 this subsection;

4 (e) Develop strategies that will assist educators in helping
5 students master the essential academic learning requirements;

6 (f) Establish a center the primary role of which is to plan,
7 implement, and evaluate a high quality professional development
8 process. The quality schools center shall: Have an advisory council
9 composed of educators, parents, and community and business leaders; use
10 best practices research regarding instruction, management, curriculum
11 development, and assessment; coordinate its activities with the office
12 of the superintendent of public instruction and the state board of
13 education; employ and contract with individuals who have a commitment
14 to quality reform; prepare a six-year plan to be updated every two
15 years; and be able to accept resources and funding from private and
16 public sources;

17 (g) Develop recommendations for the repeal or amendment of federal,
18 state, and local laws, rules, budgetary language, regulations, and
19 other factors that inhibit schools from adopting strategies designed to
20 help students achieve the essential academic learning requirements;

21 (h) Develop recommendations on the time, support, and resources,
22 including technical assistance, needed by schools and school districts
23 to help students achieve the essential academic learning requirements.
24 These recommendations shall include an estimate for the legislature,
25 superintendent of public instruction, and governor on the expected cost
26 of implementing the elementary and secondary academic assessment
27 systems during the 1995-97 biennium and beyond;

28 (i) Develop recommendations for consideration by the higher
29 education coordinating board for adopting college and university
30 entrance requirements that would assist schools in adopting strategies

1 designed to help students achieve the essential academic learning
2 requirements;

3 (j) By December 1, 1996, recommend to the legislature, state board
4 of education, and superintendent of public instruction a state-wide
5 accountability system to evaluate accurately and fairly the level of
6 learning occurring in individual schools and school districts. The
7 commission also shall recommend to the legislature steps that should be
8 taken to assist school districts and schools in which learning is
9 significantly below expected levels of performance as measured by the
10 academic assessment systems established under this section;

11 (k) Report annually by December 1st to the legislature and the
12 state board of education on the progress, findings, and recommendations
13 of the commission; and

14 (l) Complete other tasks, as appropriate.

15 (6) The commission shall coordinate its activities with the state
16 board of education and the office of the superintendent of public
17 instruction.

18 (7) The commission shall seek advice broadly from the public and
19 all interested educational organizations in the conduct of its work,
20 including holding periodic regional public hearings.

21 (8) The commission shall select an entity to provide staff support
22 and the office of financial management shall contract with that entity.
23 The commission may direct the office of financial management to enter
24 into subcontracts with school districts, teachers, higher education
25 faculty, state agencies, business organizations, and other individuals
26 and organizations to assist the commission in its deliberations.

27 (9) Members of the commission shall be reimbursed for travel
28 expenses as provided in RCW 43.03.050 and 43.03.060.

29 ***Sec. 202 was partially vetoed, see message at end of chapter.**

1 **Sec. 302.** RCW 28A.305.140 and 1990 c 33 s 267 are each amended
2 to read as follows:

3 ~~((The state board of education may grant waivers to school~~
4 ~~districts from the provisions of))~~ (1) The self-study process
5 requirements under RCW 28A.320.200, the teacher classroom contact
6 requirements under RCW 28A.150.260(4), and the program hour offerings
7 requirements under RCW 28A.150.200 through 28A.150.220 ~~((on the basis~~
8 ~~that such waiver or waivers are necessary to implement successfully a~~
9 ~~local plan to provide for all students in the district an effective~~
10 ~~education system that is designed to enhance the educational program~~
11 ~~for each student. The local plan may include alternative ways to~~
12 ~~provide effective educational programs for students who experience~~
13 ~~difficulty with the regular education program.~~

14 ~~The state board shall adopt criteria to evaluate the need for the~~
15 ~~waiver or waivers))~~ shall be waived for school districts or individual
16 schools within a district if the school district submits to the state
17 board of education a plan for restructuring its educational program, or
18 the educational program of individual schools within the district that
19 includes:

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

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

24 (c) How the district plans to determine if the higher standards are
25 met;

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

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

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

2 (2) Waivers granted by the state board of education under this
3 section shall be renewed every three years upon the state board of
4 education receiving a renewal request from the school district board of
5 directors. Before filing the request, the school district shall
6 conduct at least one public meeting to evaluate the educational
7 programs that were implemented as a result of the waivers. The request
8 to the state board of education shall include information regarding the
9 activities and programs implemented as a result of the waivers, whether
10 the higher standards for students are being achieved, and a summary of
11 the comments received at the public meeting or meetings.

12 (3) If a school district intends to waive the program hour
13 offerings under RCW 28A.150.220, it shall make available to students
14 enrolled in kindergarten at least a total instructional offering of
15 four hundred fifty hours. Each school district also shall make
16 available to students enrolled in grades one through twelve at least a
17 district-wide annual average total instructional hour offering of one
18 thousand hours. A school district may schedule the last thirty
19 instructional hours of any school year for noninstructional purposes in
20 the case of students who are graduating from high school, including,
21 but not limited to, the observance of graduation and early release from
22 school upon the request of a student, and all such students may be
23 claimed as full-time equivalent students to the extent they could
24 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
25 28A.150.260. The state board of education may define alternatives to
26 classroom instructional time for students in grades nine through twelve
27 enrolled in alternative learning experiences. The state board of
28 education shall establish rules to determine annual average
29 instructional hours for districts having fewer than twelve grades. The
30 program shall include instruction in the essential academic learning

1 requirements under section 202 of this act and other subjects and
2 activities the school district determines to be appropriate.

3 (4) "Instructional hours" means those hours students are provided
4 the opportunity to engage in educational activity planned by and under
5 the direction of school district staff, as directed by the
6 administration and board of directors of the district, inclusive of
7 intermissions for class changes, recess, and teacher/parent-guardian
8 conferences that are planned and scheduled by the district for the
9 purpose of discussing students' educational needs or progress, and
10 exclusive of time actually spent for meals.

11 **Sec. 303.** RCW 28A.150.260 and 1991 c 116 s 10 are each amended to
12 read as follows:

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

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

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

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

26 (c) Classified staff and their related costs;

27 (d) Nonsalary costs;

1 (e) Extraordinary costs of remote and necessary schools and small
2 high schools, including costs of additional certificated and classified
3 staff; and

4 (f) The attendance of students pursuant to RCW 28A.335.160 and
5 28A.225.250 who do not reside within the servicing school district.

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

14 (b) (~~Commencing with the 1988-89 school year,~~) The formula
15 adopted by the legislature shall reflect the following ratios at a
16 minimum: (i) Forty-nine certificated instructional staff to one
17 thousand annual average full time equivalent students enrolled in
18 grades kindergarten through three; (ii) forty-six certificated
19 instructional staff to one thousand annual average full time equivalent
20 students in grades four through twelve; (iii) four certificated
21 administrative staff to one thousand annual average full time
22 equivalent students in grades kindergarten through twelve; and (iv)
23 sixteen and sixty-seven one-hundredths classified personnel to one
24 thousand annual average full time equivalent students enrolled in
25 grades kindergarten through twelve.

26 (c) In the event the legislature rejects the distribution formula
27 recommended by the governor, without adopting a new distribution
28 formula, the distribution formula for the previous school year shall
29 remain in effect: PROVIDED, That the distribution formula developed
30 pursuant to this section shall be for state apportionment and

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

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

28 (b) Certificated administrative staff shall include all those
29 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))~~) (4) shall provide that compliance with the direct
14 contact hour requirement shall be based upon teachers' normally
15 assigned weekly instructional schedules, as assigned by the district
16 administration. Additional record-keeping by classroom teachers as a
17 means of accounting for contact hours shall not be required.
18 (~~((However, upon request from the board of directors of any school
19 district, the provisions relating to direct classroom contact hours for
20 individual teachers in that district may be waived by the state board
21 of education if the waiver is necessary to implement a locally approved
22 plan for educational excellence and the waiver is limited to those
23 individual teachers approved in the local plan for educational
24 excellence. The state board of education shall develop criteria to
25 evaluate the need for the waiver. Granting of the waiver shall depend
26 upon verification that: (a) The students' classroom instructional time
27 will not be reduced; and (b) the teacher's expertise is critical to the
28 success of the local plan for excellence.)) Waivers from contact hours
29 may be requested under RCW 28A.305.140.~~

1 NEW SECTION. **Sec. 304.** RCW 28A.320.210 and 1990 c 33 s 334,
2 1988 c 256 s 1, 1987 c 505 s 9, 1986 c 137 s 1, 1984 c 278 s 3, 1977
3 ex.s. c 305 s 1, & 1975-'76 2nd ex.s. c 90 s 1 are each repealed.

4 "PART IV
5 STUDENT ASSESSMENT AND LEARNING OPPORTUNITIES"

6 NEW SECTION. **Sec. 401.** A new section is added to chapter 28A.230
7 RCW to read as follows:

8 (1) If students' scores on the test or assessments under RCW
9 28A.230.190, 28A.230.230, and 28A.230.240 indicate that students need
10 help in identified areas, the school district shall adjust the
11 curriculum in the identified areas.

12 (2) Each school district shall notify the parents of each student
13 of their child's performance on the test and assessments conducted
14 under this chapter.

15 **Sec. 402.** RCW 28A.230.090 and 1990 1st ex.s. c 9 s 301 are each
16 amended to read as follows:

17 (1) The state board of education shall establish high school
18 graduation requirements or equivalencies for students (~~who commence~~
19 ~~the ninth grade subsequent to July 1, 1985, that meet or exceed the~~
20 ~~following:~~

21 ~~————— SUBJECT ————— CREDITS~~

22 ~~English ————— 3~~

23 ~~Mathematics ————— 2~~

24 ~~Social Studies~~

25 ~~United States history~~

1	and government	1
2	Washington state	
3	history and government	1/2
4	Contemporary world	
5	history, geography,	
6	and problems	1
7	Science (1 credit	
8	must be in	
9	laboratory science)	2
10	Occupational Education	1
11	Physical Education	2
12	Electives	5 1/2
13	Total	18

14 ~~(2) For the purposes of this section one credit is equivalent to~~
15 ~~one year of study.~~

16 ~~(3) The Washington state history and government requirement may be~~
17 ~~fulfilled by students in grades seven or eight or both. Students who~~
18 ~~have completed the Washington state history and government requirement~~
19 ~~in grades seven or eight or both shall be considered to have fulfilled~~
20 ~~the Washington state history and government requirement.~~

21 ~~(4) A candidate for graduation must have in addition earned a~~
22 ~~minimum of 18 credits including all required courses. These credits~~
23 ~~shall consist of the state requirements listed above and such~~
24 ~~additional requirements and electives as shall be established by each~~
25 ~~district)).~~

26 ~~((5))~~ (2) In recognition of the statutory authority of the state
27 board of education to establish and enforce minimum high school
28 graduation requirements, the state board shall periodically reevaluate

1 the graduation requirements and shall report such findings to the
2 legislature in a timely manner as determined by the state board.

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

8 ~~((7))~~ (4) If requested by the student and his or her family, a
9 student who has completed high school courses ~~((while in seventh and
10 eighth grade))~~ before attending high school shall be given high school
11 credit which shall be applied to fulfilling high school graduation
12 requirements if:

13 (a) The course was taken with high school students, if the academic
14 level of the course exceeds the requirements for seventh and eighth
15 grade classes, and the student has successfully passed by completing
16 the same course requirements and examinations as the high school
17 students enrolled in the class; or

18 (b) The academic level of the course exceeds the requirements for
19 seventh and eighth grade classes and the course would qualify for high
20 school credit, because the course is similar or equivalent to a course
21 offered at a high school in the district as determined by the school
22 district board of directors.

23 ~~((8))~~ (5) Students who have taken and successfully completed high
24 school courses under the circumstances in subsection ~~((7))~~ (4) of
25 this section shall not be required to take an additional competency
26 examination or perform any other additional assignment to receive
27 credit. Subsection ~~((7))~~ (4) of this section shall also apply to
28 students enrolled in high school on April 11, 1990, who took the
29 courses ~~((while they were in seventh and eighth grade))~~ before
30 attending high school.

1 NEW SECTION. **Sec. 403.** RCW 28A.230.110 and 1990 c 33 s 240 &
2 1985 c 384 s 4 are each repealed.

3 "PART V
4 BASIC EDUCATION AMENDMENTS--EFFECTIVE 1998"

5 **Sec. 501.** RCW 28A.150.210 and 1977 ex.s. c 359 s 2 are each
6 amended to read as follows:

7 The goal of the Basic Education Act for the schools of the state of
8 Washington set forth in this (~~(1977 amendatory act)~~) chapter shall be
9 to provide students with the opportunity to (~~(achieve those skills~~
10 ~~which are generally recognized as requisite to learning.~~ Those skills
11 ~~shall include the ability:~~

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

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

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

20 ~~(4) To use various muscles necessary for coordinating physical and~~
21 ~~mental functions)) master the essential academic learning requirements~~
22 ~~necessary for their roles as citizens and potential participants in the~~
23 ~~economic marketplace and in the marketplace of ideas identified by the~~
24 ~~commission established in section 202 of this act.~~

25 NEW SECTION. **Sec. 502.** A new section is added to chapter 28A.150
26 RCW to read as follows:

1 Unless the context clearly requires otherwise, the definition in
2 this section applies throughout RCW 28A.150.200 through 28A.150.295.

3 "Instructional hours" means those hours students are provided the
4 opportunity to engage in educational activity planned by and under the
5 direction of school district staff, as directed by the administration
6 and board of directors of the district, inclusive of intermissions for
7 class changes, recess, and teacher/parent-guardian conferences that are
8 planned and scheduled by the district for the purpose of discussing
9 students' educational needs or progress, and exclusive of time actually
10 spent for meals.

11 **Sec. 503.** RCW 28A.150.220 and 1990 c 33 s 105 are each amended to
12 read as follows:

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

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

23 ~~(b) "Instruction in work skills" shall include instruction in one~~
24 ~~or more of the following areas: Industrial arts, home and family life~~
25 ~~education, business and office education, distributive education,~~
26 ~~agricultural education, health occupations education, vocational~~
27 ~~education, trade and industrial education, technical education and~~
28 ~~career education.~~

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

4 (a) Each school district shall make available to students enrolled
5 in kindergarten at least a total ~~((program))~~ instructional offering of
6 four hundred fifty hours. The program shall include ~~((reading,~~
7 ~~arithmetic, language skills))~~ instruction in the essential academic
8 learning requirements under section 202 of this act and such other
9 subjects and such activities as the school district shall determine to
10 be appropriate for the education of the school district's students
11 enrolled in such program;

12 (b) Each school district shall make available to students enrolled
13 in grades one through ~~((three))~~ twelve, at least a district-wide annual
14 average total ~~((program))~~ instructional hour offering of ~~((two thousand~~
15 ~~seven hundred))~~ one thousand hours. ~~((A minimum of ninety five percent~~
16 ~~of the total program hour offerings))~~ The state board of education may
17 define alternatives to classroom instructional time for students in
18 grades nine through twelve enrolled in alternative learning
19 experiences. The state board of education shall establish rules to
20 determine annual average instructional hours for districts including
21 fewer than twelve grades. The program shall ~~((be in the basic skills~~
22 ~~areas of reading/language arts (which may include foreign languages),~~
23 ~~mathematics, social studies, science, music, art, health and physical~~
24 ~~education.~~ The remaining five percent of the total program hour
25 offerings may include such subjects and activities as the school
26 district shall determine to be appropriate for the education of the
27 school district's students in such grades;

28 ~~(c)~~ Each school district shall make available to students in grades
29 ~~four through six~~ at least a total program hour offering of two thousand
30 ~~nine hundred seventy~~ hours. ~~A minimum of ninety percent of the total~~

1 program hour offerings shall be in the basic skills areas of
2 reading/language arts (which may include foreign languages),
3 mathematics, social studies, science, music, art, health and physical
4 education. The remaining ten percent of the total program hour
5 offerings may include such subjects and activities as the school
6 district shall determine to be appropriate for the education of the
7 school district's students in such grades;

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

19 (e) Each school district shall make available to students in grades
20 nine through twelve at least a total program hour offering of four
21 thousand three hundred twenty hours. A minimum of sixty percent of the
22 total program hour offerings shall be in the basic skills areas of
23 language arts, foreign language, mathematics, social studies, science,
24 music, art, health and physical education. A minimum of twenty percent
25 of the total program hour offerings shall be in the area of work
26 skills. The remaining twenty percent of the total program hour
27 offerings may include traffic safety or such subjects and activities as
28 the school district shall determine to be appropriate for the education
29 of the school district's students in such grades, with not less than
30 one half thereof in basic skills and/or work skills: PROVIDED, That

1 each school district shall have the option of including grade nine
2 within the program hour offering requirements of grades seven and eight
3 so long as such requirements for grades seven through nine are
4 increased to two thousand nine hundred seventy hours and such
5 requirements for grades ten through twelve are decreased to three
6 thousand two hundred forty hours.

7 ~~(3)~~ In order to provide flexibility to the local school districts
8 in the setting of their curricula, and in order to maintain the intent
9 of this legislation, which is to stress the instruction of basic skills
10 and work skills, any local school district may establish minimum course
11 mix percentages that deviate by up to five percentage points above or
12 below those minimums required by subsection ~~(2)~~ of this section, so
13 long as the total program hour requirement is still met)) include the
14 essential academic learning requirements under section 202 of this act
15 and such other subjects and such activities as the school district
16 shall determine to be appropriate for the education of the school
17 district's students enrolled in such group.

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

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

1 case of students who are graduating from high school, including, but
2 not limited to, the observance of graduation and early release from
3 school upon the request of a student, and all such students may be
4 claimed as a full time equivalent student to the extent they could
5 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
6 28A.150.260.

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

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

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

1 offering requirements in one or more other grade level groupings will
2 be exceeded concurrently by no less than the number of hours of the
3 reduction)).

4 **Sec. 504.** RCW 28A.150.290 and 1990 c 33 s 111 are each amended to
5 read as follows:

6 (1) The superintendent of public instruction shall have the power
7 and duty to make such rules and regulations as are necessary for the
8 proper administration of this chapter and RCW 28A.160.150 through
9 28A.160.220, 28A.300.170, and 28A.500.010 not inconsistent with the
10 provisions thereof, and in addition to require such reports as may be
11 necessary to carry out his or her duties under this chapter and RCW
12 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010.

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

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

28 (b) An unforeseen mechanical failure or an unforeseen action or
29 inaction by one or more persons, including negligence and threats, that

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

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

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

1 public instruction so as to reduce paperwork requirements and
2 duplicative information requests.

3 **Sec. 505.** RCW 28A.195.010 and 1990 c 33 s 176 are each amended to
4 read as follows:

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

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

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

26 (2) ~~((The school day shall be the same as that required in RCW
27 28A.150.030 and 28A.150.220, except that the percentages of total
28 program hour offerings as prescribed in RCW 28A.150.220 for basic~~

1 ~~skills, work skills, and optional subjects and activities shall not~~
2 ~~apply to private schools or private sectarian schools.~~

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

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

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

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

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

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

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

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

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

1 ~~((5))~~ (4) Appropriate measures shall be taken to safeguard all
2 permanent records against loss or damage.

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

11 ~~((7))~~ (6) Private school curriculum shall include, but not be
12 limited to, instruction ~~((ef))~~ in the basic skills of occupational
13 education, science, mathematics, language, social studies, history,
14 health, reading, writing, spelling, and the development of appreciation
15 of art and music, all in sufficient units ~~((for meeting))~~ so that
16 students are able to master the essential academic learning
17 requirements under section 202 of this act and meet state board of
18 education graduation requirements.

19 ~~((8))~~ (7) Each school or school district shall be required to
20 maintain up-to-date policy statements related to the administration and
21 operation of the school or school district.

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

28 NEW SECTION. Sec. 506. RCW 28A.320.200 and 1990 c 33 s 333,
29 1989 c 83 s 1, 1988 c 256 s 2, & 1985 c 349 s 2 are each repealed.

1 **Sec. 507.** RCW 28A.150.260 and 1992 c ... s 303 (section 303 of
2 this act) are each amended to read as follows:

3 The basic education allocation for each annual average full time
4 equivalent student shall be determined in accordance with the following
5 procedures:

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

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

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

16 (c) Classified staff and their related costs;

17 (d) Nonsalary costs;

18 (e) Extraordinary costs of remote and necessary schools and small
19 high schools, including costs of additional certificated and classified
20 staff; and

21 (f) The attendance of students pursuant to RCW 28A.335.160 and
22 28A.225.250 who do not reside within the servicing school district.

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

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

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

1 appropriations committee and the senate ways and means committee:
2 PROVIDED, FURTHER, That the office of financial management shall make
3 a monthly review of the superintendent's reported full time equivalent
4 students in the common schools in conjunction with RCW 43.62.050.

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

14 (b) Certificated administrative staff shall include all those
15 persons who are chief executive officers, chief administrative
16 officers, confidential employees, supervisors, principals, or assistant
17 principals within the meaning of RCW 41.59.020(4).

18 ~~((4) Each annual average full time equivalent certificated~~
19 ~~classroom teacher's direct classroom contact hours shall average at~~
20 ~~least twenty five hours per week. Direct classroom contact hours shall~~
21 ~~be exclusive of time required to be spent for preparation, conferences,~~
22 ~~or any other nonclassroom instruction duties. Up to two hundred~~
23 ~~minutes per week may be deducted from the twenty five contact hour~~
24 ~~requirement, at the discretion of the school district board of~~
25 ~~directors, to accommodate authorized teacher/parent guardian~~
26 ~~conferences, recess, passing time between classes, and informal~~
27 ~~instructional activity. Implementing rules to be adopted by the state~~
28 ~~board of education pursuant to RCW 28A.150.220(4) shall provide that~~
29 ~~compliance with the direct contact hour requirement shall be based upon~~
30 ~~teachers' normally assigned weekly instructional schedules, as assigned~~

1 by the district administration. Additional record keeping by classroom
2 teachers as a means of accounting for contact hours shall not be
3 required. However, upon request from the board of directors of any
4 school district, the provisions relating to direct classroom contact
5 hours for individual teachers in that district may be waived by the
6 state board of education if the waiver is necessary to implement a
7 locally approved plan for educational excellence and the waiver is
8 limited to those individual teachers approved in the local plan for
9 educational excellence. The state board of education shall develop
10 criteria to evaluate the need for the waiver. Granting of the waiver
11 shall depend upon verification that: (a) The students' classroom
12 instructional time will not be reduced; and (b) the teacher's expertise
13 is critical to the success of the local plan for excellence. Waivers
14 from contact hours may be requested under RCW 28A.305.140.))

15 NEW SECTION. **Sec. 508.** Section 302 of this act shall expire
16 September 1, 1998. However, this section shall not take effect if, by
17 September 1, 1998, a law is enacted stating that a school
18 accountability and academic assessment system is not in place.

19 NEW SECTION. **Sec. 509.** Sections 501 through 507 of this act
20 shall take effect September 1, 1998. However, these sections shall not
21 take effect if, by September 1, 1998, a law is enacted stating that a
22 school accountability and academic assessment system is not in place.

23 "PART VI
24 MISCELLANEOUS"

25 NEW SECTION. **Sec. 601.** Part headings as used in this act
26 constitute no part of the law.

1 NEW SECTION. **Sec. 602.** 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.

 Passed the Senate March 8, 1992.

 Passed the House March 6, 1992.

 Approved by the Governor April 1, 1992, with the exception of
 certain items which were vetoed.

 Filed in Office of Secretary of State April 1, 1992.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to subsection 1 of
3 section 202, Substitute Senate Bill No. 5953 entitled:

4 "AN ACT Relating to education."

5 Substitute Senate Bill No. 5953 sets our public education system on
6 a new course by moving to a system that emphasizes excellence in
7 student performance. It creates the Commission on Student Learning to
8 establish the capacity to immediately begin implementation of the
9 recommendations of the Governor's Council on Education Reform and
10 Funding. Simultaneously, it creates a mechanism to waive a number of
11 existing state rules that impede local restructuring activities. I
12 strongly support these and other provisions in the bill and
13 congratulate the legislature for its far-sightedness in setting the
14 stage for these important changes.

15 Section 202 establishes the Commission on Student Learning and
16 defines its activities and timelines. Subsection 1 of section 202
17 creates a procedure which may eliminate not only the commission, but
18 major revisions to the Basic Education Act as well. The continued
19 viability of these sections of law rests on the passage or failure to
20 pass a joint resolution in the future. This process is a legislative
21 veto that violates basic constitutional checks and balances. Through
22 this mechanism, one House of the Legislature is given the power to
23 nullify constitutionally enacted legislation. Furthermore, the
24 legislature is given the power to amend the law by resolution without
25 presenting it to the executive.

26 I have vetoed this subsection solely because it is an infringement
27 on the constitutional doctrine of separation of powers. The
28 Legislature is an equal partner in the creation of education policy,
29 including student learning goals. This veto protects the integrity of
30 the legislative process and assures adequate bicameral review,
31 including public scrutiny and executive approval, before future
32 enactments or amendments can occur. Notwithstanding this veto, it is
33 important that the Legislature affirm the student learning goals put
34 forward by the Governor's Council on Education Reform and Funding
35 during the 1993 Legislature. I encourage you to do so.

36 For the reasons stated above, I have vetoed subsection 1 of section
37 202 of Substitute Senate Bill No. 5953.

1 With the exception of subsection 1 of section 202, Substitute
2 Senate Bill No. 5953 is approved."