
SENATE BILL 5765

State of Washington

53rd Legislature

1993 Regular Session

By Senators Owen and A. Smith

Read first time 02/12/93. Referred to Committee on Education.

1 AN ACT Relating to deregulation of education finance; amending RCW
2 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.290, 28A.195.010,
3 28A.195.010, 28A.225.250, 28A.330.100, and 28A.335.160; creating a new
4 section; repealing RCW 28A.300.060 and 28A.510.260; providing a
5 contingent effective date; and providing a contingent expiration date.

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

7 NEW SECTION. **Sec. 1.** The superintendent of public instruction
8 shall conduct a study to review the use of the staff mix factor for the
9 allocation of funds to school districts and make recommendations to the
10 education and the appropriations committees of the house of
11 representatives and the education and the ways and means committees of
12 the senate not later than January 15, 1995, on alternative methods for
13 allocation of funds and the reporting of staff mix and whether the
14 alternative method should replace the use of the staff mix factor and
15 reporting system.

16 **Sec. 2.** RCW 28A.150.220 and 1990 c 33 s 105 are each amended to
17 read as follows:

1 (1) For the purposes of this section and RCW 28A.150.250 and
2 28A.150.260(~~(~~

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

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

18 (2) Satisfaction of the basic education goal identified in RCW
19 28A.150.210 shall be considered to be implemented by the following
20 program requirements:

21 (a) Each school district shall make available to students in
22 kindergarten at least a total program offering of four hundred fifty
23 hours. The program shall include reading, arithmetic, language skills
24 and such other subjects and such activities as the school district
25 shall determine to be appropriate for the education of the school
26 district's students enrolled in such program;

27 (b) Each school district shall make available to students in grades
28 one through three, at least a total program hour offering of two
29 thousand seven hundred hours(~~(. A minimum of ninety five percent of
30 the total program hour offerings shall be in the basic skills areas of
31 reading/language arts (which may include foreign languages),
32 mathematics, social studies, science, music, art, health and physical
33 education. The remaining five percent of the total program hour
34 offerings may include such subjects and activities as the school
35 district shall determine to be appropriate for the education of the
36 school district's students in such grades)~~);

37 (c) Each school district shall make available to students in grades
38 four through six at least a total program hour offering of two thousand
39 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
22 the 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
31 each school district shall have the option of including grade nine
32 within the program hour offering requirements of grades seven and eight
33 so long as such requirements for grades seven through nine are
34 increased to two thousand nine hundred seventy hours and such
35 requirements for grades ten through twelve are decreased to three
36 thousand two hundred forty hours.

37 (3) ((In order to provide flexibility to the local school districts
38 in the setting of their curricula, and in order to maintain the intent
39 of this legislation, which is to stress the instruction of basic skills

1 and work skills, any local school district may establish minimum course
2 mix percentages that deviate by up to five percentage points above or
3 below those minimums required by subsection (2) of this section, so
4 long as the total program hour requirement is still met.

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

8 ~~((+5))~~ (4) Each school district's kindergarten through twelfth
9 grade basic educational program shall be accessible to all students who
10 are five years of age, as provided by RCW 28A.225.160, and less than
11 twenty-one years of age and shall consist of a minimum of ~~((one hundred
12 eighty school days per school year))~~ the total program hour offerings
13 set forth in this section in such grades as are conducted by a school
14 district~~((, and one hundred eighty half days of instruction, or
15 equivalent, in kindergarten))~~: PROVIDED, That ~~((effective May 1,
16 1979,))~~ a school district may schedule the last five school days of the
17 ~~((one hundred and eighty day))~~ school year for noninstructional
18 purposes in the case of students who are graduating from high school,
19 including, but not limited to, the observance of graduation and early
20 release from school upon the request of a student, and all such
21 students may be claimed as a full time equivalent student to the extent
22 they could otherwise have been so claimed for the purposes of RCW
23 28A.150.250 and 28A.150.260.

24 ~~((+6))~~ (5) The state board of education shall adopt rules to
25 implement and ensure compliance with the program requirements imposed
26 by this section, RCW 28A.150.250 and 28A.150.260, and such related
27 supplemental program approval requirements as the state board may
28 establish~~((: PROVIDED, That each school district board of directors
29 shall establish the basis and means for determining and monitoring the
30 district's compliance with the basic skills and work skills percentage
31 and course requirements of this section. The certification of the
32 board of directors and the superintendent of a school district that the
33 district is in compliance with such basic skills and work skills
34 requirements may be accepted by the superintendent of public
35 instruction and the state board of education.~~

36 ~~(7)~~ Handicapped education programs, vocational technical institute
37 programs, state institution and state residential school programs, all
38 of which programs are conducted for the common school age, kindergarten
39 through secondary school program students encompassed by this section,

1 shall be exempt from the basic skills and work skills percentage and
2 course requirements of this section in order that the unique needs,
3 abilities or limitations of such students may be met)).

4 ((+8)) (6) Any school district may petition the state board of
5 education for a reduction in the total program hour offering
6 requirements for one or more of the grade level groupings specified in
7 this section. The state board of education shall grant all such
8 petitions that are accompanied by an assurance that the minimum total
9 program hour offering requirements in one or more other grade level
10 groupings will be exceeded concurrently by no less than the number of
11 hours of the reduction.

12 **Sec. 3.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to
13 read as follows:

14 From those funds made available by the legislature for the current
15 use of the common schools, the superintendent of public instruction
16 shall distribute annually as provided in RCW 28A.510.250 to each school
17 district of the state operating a program approved by the state board
18 of education an amount which, when combined with an appropriate portion
19 of such locally available revenues, other than receipts from federal
20 forest revenues distributed to school districts pursuant to RCW
21 28A.520.010 and 28A.520.020, as the superintendent of public
22 instruction may deem appropriate for consideration in computing state
23 equalization support, excluding excess property tax levies, will
24 constitute a basic education allocation in dollars for each annual
25 average full time equivalent student enrolled, based upon ((one full
26 school year of one hundred eighty days, except that for kindergartens
27 one full school year shall be one hundred eighty half days of
28 instruction, or the equivalent as)) the total program hour offering
29 provided in RCW 28A.150.220.

30 Basic education shall be considered to be fully funded by those
31 amounts of dollars appropriated by the legislature pursuant to RCW
32 28A.150.250 and 28A.150.260 to fund those program requirements
33 identified in RCW 28A.150.220 in accordance with the formula and ratios
34 provided in RCW 28A.150.260 and those amounts of dollars appropriated
35 by the legislature to fund the salary requirements of RCW 28A.150.100
36 and 28A.150.410.

37 Operation of a program approved by the state board of education,
38 for the purposes of this section, shall include a finding that the

1 ratio of students per classroom teacher in grades kindergarten through
2 three is not greater than the ratio of students per classroom teacher
3 in grades four and above for such district: PROVIDED, That for the
4 purposes of this section, "classroom teacher" shall be defined as an
5 instructional employee possessing at least a provisional certificate,
6 but not necessarily employed as a certificated employee, whose primary
7 duty is the daily educational instruction of students: PROVIDED
8 FURTHER, That the state board of education shall adopt rules and
9 regulations to insure compliance with the student/teacher ratio
10 provisions of this section, and such rules and regulations shall allow
11 for exemptions for those special programs and/or school districts which
12 may be deemed unable to practicably meet the student/teacher ratio
13 requirements of this section by virtue of a small number of students.

14 If a school district's basic education program fails to meet the
15 basic education requirements enumerated in RCW 28A.150.250,
16 28A.150.260, and 28A.150.220, the state board of education shall
17 require the superintendent of public instruction to withhold state
18 funds in whole or in part for the basic education allocation until
19 program compliance is assured: PROVIDED, That the state board of
20 education may waive this requirement in the event of substantial lack
21 of classroom space.

22 **Sec. 4.** RCW 28A.150.260 and 1992 c 141 s 303 are each amended to
23 read as follows:

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

27 (1) The governor shall and the superintendent of public instruction
28 may recommend to the legislature a formula based on a ratio of students
29 to staff for the distribution of a basic education allocation for each
30 annual average full time equivalent student enrolled in a common
31 school. The distribution formula shall have the primary objective of
32 equalizing educational opportunities and shall provide appropriate
33 recognition of the following costs among the various districts within
34 the state:

- 35 (a) Certificated instructional staff and their related costs;
- 36 (b) Certificated administrative staff and their related costs;
- 37 (c) Classified staff and their related costs;
- 38 (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) The formula adopted by the legislature shall reflect the
15 following ratios at a minimum: (i) Forty-nine certificated
16 instructional staff to one thousand annual average full time equivalent
17 students enrolled in grades kindergarten through three; (ii) forty-six
18 certificated instructional staff to one thousand annual average full
19 time equivalent students in grades four through twelve; (iii) four
20 certificated administrative staff to one thousand annual average full
21 time equivalent students in grades kindergarten through twelve; and
22 (iv) sixteen and sixty-seven one-hundredths classified personnel to one
23 thousand annual average full time equivalent students enrolled in
24 grades kindergarten through twelve.

25 (c) In the event the legislature rejects the distribution formula
26 recommended by the governor, without adopting a new distribution
27 formula, the distribution formula for the previous school year shall
28 remain in effect: PROVIDED, That the distribution formula developed
29 pursuant to this section shall be for state apportionment and
30 equalization purposes only and shall not be construed as mandating
31 specific operational functions of local school districts other than
32 those program requirements identified in RCW 28A.150.220 and
33 28A.150.100. The enrollment of any district shall be the annual
34 average number of full time equivalent students and part time students
35 as provided in RCW 28A.150.350, enrolled on the first school day of
36 each month and shall exclude full time equivalent handicapped students
37 recognized for the purposes of allocation of state funds for programs
38 under RCW 28A.155.010 through 28A.155.100. The definition of full time
39 equivalent student shall be determined by rules and regulations of the

1 superintendent of public instruction: PROVIDED, That the definition
2 shall be included as part of the superintendent's biennial budget
3 request: PROVIDED, FURTHER, That any revision of the present
4 definition shall not take effect until approved by the house
5 appropriations committee and the senate ways and means committee:
6 PROVIDED, FURTHER, That the office of financial management shall make
7 a monthly review of the superintendent's reported full time equivalent
8 students in the common schools in conjunction with RCW 43.62.050.

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

18 (b) Certificated administrative staff shall include all those
19 persons who are chief executive officers, chief administrative
20 officers, confidential employees, supervisors, principals, or assistant
21 principals within the meaning of RCW 41.59.020(4).

22 ~~((4) Each annual average full time equivalent certificated
23 classroom teacher's direct classroom contact hours shall average at
24 least twenty five hours per week. Direct classroom contact hours shall
25 be exclusive of time required to be spent for preparation, conferences,
26 or any other nonclassroom instruction duties. Up to two hundred
27 minutes per week may be deducted from the twenty five contact hour
28 requirement, at the discretion of the school district board of
29 directors, to accommodate authorized teacher/parent guardian
30 conferences, recess, passing time between classes, and informal
31 instructional activity. Implementing rules to be adopted by the state
32 board of education pursuant to RCW 28A.150.220(4) shall provide that
33 compliance with the direct contact hour requirement shall be based upon
34 teachers' normally assigned weekly instructional schedules, as assigned
35 by the district administration. Additional record keeping by classroom
36 teachers as a means of accounting for contact hours shall not be
37 required. Waivers from contact hours may be requested under RCW
38 28A.305.140.))~~

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

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

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

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

24 (b) An unforeseen mechanical failure or an unforeseen action or
25 inaction by one or more persons, including negligence and threats, that
26 (i) is beyond the control of both a school district board of directors
27 and its employees and (ii) has the direct or indirect effect of
28 rendering one or more school district facilities unsafe, unhealthy,
29 inaccessible, or inoperable. Such actions, inactions or mechanical
30 failures may include, but are not necessarily limited to, arson,
31 vandalism, riots, insurrections, bomb threats, bombings, delays in the
32 scheduled completion of construction projects, and the discontinuance
33 or disruption of utilities such as heating, lighting and water:
34 PROVIDED, That an unforeseen action or inaction shall not include any
35 labor dispute between a school district board of directors and any
36 employee of the school district.

37 A condition is foreseeable for the purposes of this subsection to
38 the extent a reasonably prudent person would have anticipated prior to
39 August first of the preceding school year that the condition probably

1 would occur during the ensuing school year because of the occurrence of
2 an event or a circumstance which existed during such preceding school
3 year or a prior school year. A board of directors of a school district
4 is deemed for the purposes of this subsection to have knowledge of
5 events and circumstances which are a matter of common knowledge within
6 the school district and of those events and circumstances which can be
7 discovered upon prudent inquiry or inspection.

8 (3) The superintendent of public instruction shall make every
9 effort to reduce the amount of paperwork required in administration of
10 this chapter and RCW 28A.160.150 through 28A.160.220, 28A.300.170, and
11 28A.500.010; to simplify the application, monitoring and evaluation
12 processes used; to eliminate all duplicative requests for information
13 from local school districts; and to make every effort to integrate and
14 standardize information requests for other state education acts and
15 federal aid to education acts administered by the superintendent of
16 public instruction so as to reduce paperwork requirements and
17 duplicative information requests.

18 **Sec. 6.** RCW 28A.195.010 and 1990 c 33 s 176 are each amended to
19 read as follows:

20 The legislature hereby recognizes that private schools should be
21 subject only to those minimum state controls necessary to insure the
22 health and safety of all the students in the state and to insure a
23 sufficient basic education to meet usual graduation requirements. The
24 state, any agency or official thereof, shall not restrict or dictate
25 any specific educational or other programs for private schools except
26 as hereinafter in this section provided.

27 Principals of private schools or superintendents of private school
28 districts shall file each year with the state superintendent of public
29 instruction a statement certifying that the minimum requirements
30 hereinafter set forth are being met, noting any deviations. After
31 review of the statement, the state superintendent will notify schools
32 or school districts of those deviations which must be corrected. In
33 case of major deviations, the school or school district may request and
34 the state board of education may grant provisional status for one year
35 in order that the school or school district may take action to meet the
36 requirements. Minimum requirements shall be as follows:

37 (1) The minimum school year for instructional purposes shall
38 consist of no less than (~~one hundred eighty school days or the~~

1 equivalent in annual minimum)) the total program hour offerings as
2 prescribed in RCW 28A.150.220.

3 ~~((The school day shall be the same as that required in RCW
4 28A.150.030 and 28A.150.220, except that the percentages of total
5 program hour offerings as prescribed in RCW 28A.150.220 for basic
6 skills, work skills, and optional subjects and activities shall not
7 apply to private schools or private sectarian schools.~~

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

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

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

18 ~~((4))~~ (3) An approved private school may operate an extension
19 program for parents, guardians, or persons having legal custody of a
20 child to teach children in their custody. The extension program shall
21 require at a minimum that:

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

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

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

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

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

36 ~~((5))~~ (4) Appropriate measures shall be taken to safeguard all
37 permanent records against loss or damage.

38 ~~((6))~~ (5) The physical facilities of the school or district shall
39 be adequate to meet the program offered by the school or district:

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

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

12 (~~((+8))~~) (7) Each school or school district shall be required to
13 maintain up-to-date policy statements related to the administration and
14 operation of the school or school district.

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

21 **Sec. 7.** RCW 28A.195.010 and 1992 c 141 s 505 are each amended to
22 read as follows:

23 The legislature hereby recognizes that private schools should be
24 subject only to those minimum state controls necessary to ensure the
25 health and safety of all the students in the state and to ensure a
26 sufficient basic education to meet usual graduation requirements. The
27 state, any agency or official thereof, shall not restrict or dictate
28 any specific educational or other programs for private schools except
29 as hereinafter in this section provided.

30 Principals of private schools or superintendents of private school
31 districts shall file each year with the state superintendent of public
32 instruction a statement certifying that the minimum requirements
33 hereinafter set forth are being met, noting any deviations. After
34 review of the statement, the state superintendent will notify schools
35 or school districts of those deviations which must be corrected. In
36 case of major deviations, the school or school district may request and
37 the state board of education may grant provisional status for one year

1 in order that the school or school district may take action to meet the
2 requirements. Minimum requirements shall be as follows:

3 (1) The minimum school year for instructional purposes shall
4 consist of no less than (~~one hundred eighty school days or the~~
5 ~~equivalent in annual minimum instructional~~) the total program hour
6 offerings as prescribed in RCW 28A.150.220.

7 (2) All classroom teachers shall hold appropriate Washington state
8 certification except as follows:

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

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

17 (3) An approved private school may operate an extension program for
18 parents, guardians, or persons having legal custody of a child to teach
19 children in their custody. The extension program shall require at a
20 minimum that:

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

24 (b) The planning by the certified person and the parent, guardian,
25 or person having legal custody include objectives consistent with this
26 subsection and subsections (1), (4), (5), and (6) of this section;

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

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

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

34 (4) Appropriate measures shall be taken to safeguard all permanent
35 records against loss or damage.

36 (5) The physical facilities of the school or district shall be
37 adequate to meet the program offered by the school or district:
38 PROVIDED, That each school building shall meet reasonable health and
39 fire safety requirements. A residential dwelling of the parent,

1 guardian, or custodian shall be deemed to be an adequate physical
2 facility when a parent, guardian, or person having legal custody is
3 instructing his or her child under subsection (3) of this section.

4 (6) Private school curriculum shall include, but not be limited to,
5 instruction in the basic skills of occupational education, science,
6 mathematics, language, social studies, history, health, reading,
7 writing, spelling, and the development of appreciation of art and
8 music, all in sufficient units so that students are able to master the
9 essential academic learning requirements under RCW 28A.630.885 and meet
10 state board of education graduation requirements.

11 (7) Each school or school district shall be required to maintain
12 up-to-date policy statements related to the administration and
13 operation of the school or school district.

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

20 **Sec. 8.** RCW 28A.225.250 and 1969 c 130 s 11 are each amended to
21 read as follows:

22 Notwithstanding any other provision of law, the state
23 superintendent of public instruction (~~((is directed and authorized to
24 develop and))~~) may adopt rules (~~((and regulations to implement such))~~) for
25 voluntary, tuition free attendance programs among school districts
26 (~~((that he deems necessary))~~) for (~~((the expressed purpose of))~~):

27 (1) Providing educational opportunities, including vocational
28 skills programs, not otherwise provided;

29 (2) Avoiding unnecessary duplication of specialized or unusually
30 expensive educational programs and facilities; or

31 (3) Improving racial balance within and among school districts:
32 PROVIDED, That no voluntary, tuition free attendance program among
33 school districts (~~((developed by the superintendent of public
34 instruction))~~) shall be instituted unless such program receives the
35 approval of the boards of directors of the districts. Approval of the
36 superintendent of public instruction is also required if the program
37 will have capital construction implications.

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

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

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

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

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

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

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

20 (6) To, in addition to the minimum requirements imposed by this
21 title establish and maintain such grades and departments, including
22 night, high, kindergarten, vocational training and, except as otherwise
23 provided by law, industrial schools, and schools and departments for
24 the education and training of any class or classes of handicapped
25 youth, as in the judgment of the board, best shall promote the
26 interests of education in the district.

27 (7) To determine the length of time over and above (~~one hundred~~
28 ~~eighty days~~) the total program hour offerings under RCW 28A.150.220
29 that school shall be maintained: PROVIDED, That for purposes of
30 apportionment no district shall be credited with more than (~~one~~
31 ~~hundred and eighty three days' attendance in any school year~~) the
32 required total program hour offerings; and to fix the time for annual
33 opening and closing of schools and for the daily dismissal of pupils
34 before the regular time for closing schools.

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

38 (9) To provide free textbooks and supplies for all children
39 attending school.

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

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

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

20 **Sec. 10.** RCW 28A.335.160 and 1990 c 33 s 359 are each amended to
21 read as follows:

22 Any school district may cooperate with one or more school districts
23 in the following:

24 (1) The joint financing, planning, construction, equipping and
25 operating of any educational facility otherwise authorized by law:
26 PROVIDED, That any cooperative financing plan involving the
27 construction of school plant facilities must be approved by the state
28 board of education pursuant to such rules as may now or hereafter be
29 promulgated relating to state approval of school construction.

30 (2) The joint (~~(maintenance and)~~) operation of educational programs
31 or services (~~((a) either)~~) as a part of the operation of a joint
32 facility or otherwise (~~(, (b) either on a full or part time attendance~~
33 ~~basis, and (c) either on a regular one hundred eighty day school year~~
34 ~~or extended school year))): PROVIDED, That any such joint program or
35 service must be operated pursuant to a written agreement (~~(approved by~~
36 ~~the superintendent of public instruction pursuant to)~~) in compliance
37 with rules (~~(and regulations promulgated therefor)~~) adopted by the
38 superintendent of public instruction. (~~(In establishing rules and~~~~

1 regulations)) The state superintendent shall (~~consider, among such~~
2 ~~other factors as the superintendent deems appropriate, the economic~~
3 ~~feasibility of said services and programs, the educational and~~
4 ~~administrative scope of said agreement and the need for said programs~~
5 ~~or services.~~

6 ~~Notwithstanding any other provision of the law, the state~~
7 ~~superintendent of public instruction shall~~) establish rules (~~and~~
8 ~~regulations~~) for (~~the~~) apportionment (~~of attendance credits~~) for
9 such students (~~as~~) who are enrolled in a jointly operated facility or
10 program, including apportionment for (~~approved~~) part time and
11 extended school year (~~attendance~~) enrollment.

12 NEW SECTION. Sec. 11. The following acts or parts of acts are
13 each repealed:

14 (1) RCW 28A.300.060 and 1991 c 116 s 3, 1990 c 33 s 253, 1975-'76
15 2nd ex.s. c 118 s 23, & 1975 1st ex.s. c 5 s 1; and

16 (2) RCW 28A.510.260 and 1990 c 33 s 427, 1983 c 56 s 5, 1975 1st
17 ex.s. c 275 s 68, 1969 ex.s. c 176 s 109, & 1969 ex.s. c 223 s
18 28A.48.030.

19 NEW SECTION. Sec. 12. Section 7 of this act shall take effect
20 September 1, 1998. However, this section shall not take effect if, by
21 September 1, 1998, a law is enacted stating that a school
22 accountability and academic assessment system is not in place.

23 NEW SECTION. Sec. 13. Sections 2 and 5 of this act shall expire
24 September 1, 1998. However, these sections shall not expire if, by
25 September 1, 1998, a law is enacted stating that a school
26 accountability and academic assessment system is not in place.

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