

date of said action a governmental unit affected by the decision or any person owning real property or residing in the area affected by the decision files in the superior court a notice of appeal.

The filing of such notice of appeal within such time limit shall stay the effective date of the decision of the board until such time as the appeal shall have been adjudicated or withdrawn. On appeal the superior court shall not take any evidence other than that contained in the record of the hearing before the board.

(6) The superior court may affirm the decision of the board or remand the case for further proceedings; or it may reverse the decision if any substantial rights may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions, or
- (b) In excess of the statutory authority or jurisdiction of the board, or
- (c) Made upon unlawful procedure, or
- (d) Affected by other error of law, or
- (e) Unsupported by material and substantial evidence in view of the entire record as submitted, or
- (f) Arbitrary or capricious.

An aggrieved party may secure a review of any final judgment of the superior court by appeal to the supreme court or the court of appeals. Such appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases.

Passed the Senate April 18, 1987.

Passed the House April 8, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

## CHAPTER 478

[Substitute Senate Bill No. 5632]

### LEARNING ASSISTANCE PROGRAM

AN ACT Relating to the learning assistance program; adding new sections to Title 28A RCW; and repealing RCW 28A.41.400, 28A.41.402, 28A.41.404, 28A.41.406, 28A.41.408, 28A.41.410, and 28A.41.414.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. The legislature finds that an important and effective means of improving the educational performance of many students with special needs is to improve the general education program. The legislature also finds that there is a continuum of educational program needs among students with learning problems or poor academic performance. The legislature wants to encourage school districts to serve students with special needs within the regular classroom. Therefore, the legislature intends to replace the remediation program with a broader range of program options,

without reducing special instructional programs when those services are both necessary and appropriate. The legislature intends to enhance the ability of basic education teachers to identify and address learning problems within the regular classroom. The legislature further intends to stimulate development by local school districts of innovative and effective means of serving students with special needs. The goal is to increase the achievement of students with special needs in a shorter period of time using processes that are more timely, appropriate and effective in producing better outcomes.

**NEW SECTION.** Sec. 2. There is hereby created a state-wide program designed to enhance educational opportunities for public school students who are deficient in basic skills achievement. This program shall be known as the learning assistance program.

**NEW SECTION.** Sec. 3. Unless the context clearly indicates otherwise the definitions in this section apply throughout sections 1 through 11 of this act.

(1) "Basic skills" means reading, mathematics, and language arts as well as readiness activities associated with such skills.

(2) "Placement testing" means the administration of objective measures by a school district for the purposes of diagnosing the basic skills achievement levels, determining the basic skills areas of greatest need, and establishing the learning assistance needs of individual students in conformance with instructions established by the superintendent of public instruction for such purposes.

(3) "Approved program" means a program conducted pursuant to a plan submitted by a district and approved by the superintendent of public instruction under section 4 of this act.

(4) "Participating student" means a student in kindergarten through grade nine who scores below grade level in basic skills, as determined by placement testing, and who is identified under section 5 of this act to receive additional services or support under an approved program.

(5) "Basic skills tests" means state-wide tests at the fourth and eighth grade levels established pursuant to RCW 28A.03.360.

**NEW SECTION.** Sec. 4. Each school district which applies for state funds distributed pursuant to section 7 of this act shall conduct a needs assessment and, on the basis of its findings, shall develop a plan for the use of these funds. Districts are encouraged to place special emphasis on addressing the needs of students in the early grades. The needs assessment and plan shall be updated at least biennially, and shall be determined in consultation with an advisory committee including but not limited to members of the following groups: Parents, including parents of students served by the program; teachers; principals; administrators; and school directors. The district

shall submit a biennial application specifying this plan to the office of the superintendent of public instruction for approval. Plans shall include:

(1) The means which the district will use to identify participating students to receive additional services or support under the proposed program;

(2) The specific services or activities which the funds will be used to support, and their estimated costs;

(3) A plan for annual evaluation of the program by the district, based on performance objectives related to basic skills achievement of participating students, and a plan for reporting the results of this evaluation to the superintendent of public instruction;

(4) Procedures for recordkeeping or other program documentation as may be required by the superintendent of public instruction; and

(5) The approval of the local school district board of directors.

NEW SECTION. Sec. 5. Identification of participating students for an approved program of learning assistance shall be determined in each district through the implementation of the findings of the district's needs assessment and through placement testing. School districts are encouraged to coordinate the use of funds from federal, state, and local sources in serving students who are below grade level in basic skills, and to make efficient use of these resources in meeting the needs of students with the greatest academic deficits.

NEW SECTION. Sec. 6. Services or activities which may be supported under an approved program of learning assistance shall include but not be limited to:

(1) Consultant teachers to assist classroom teachers in meeting the needs of participating students;

(2) Instructional support staff to assist classroom teachers in meeting the needs of participating students;

(3) In-service training for classroom teachers in the identification of learning problems or in instructional methods for teaching students with learning problems;

(4) Special instructional programs for participating students, of sufficient size, scope, and quality to address the needs of these students and to give reasonable promise of substantial progress towards meeting their educational objectives.

NEW SECTION. Sec. 7. Each school district which has established an approved program shall be eligible, as determined by the superintendent of public instruction, for state funds made available for the purposes of such programs. The superintendent of public instruction shall make use of data derived from the basic skills tests in determining the amount of funds for which a district may be eligible. Funds shall be distributed according to the district's total full-time equivalent enrollment in kindergarten through grade nine and the percentage of the district's students taking the basic

skills tests who scored in the lowest quartile as compared with national norms. In making this calculation, the superintendent of public instruction may use an average over the immediately preceding five or fewer years of the district's percentage scoring in the lowest quartile. The superintendent of public instruction shall also deduct the number of students at these age levels who are identified as specific learning disabled and are generating state funds for special education programs conducted pursuant to chapter 28A.13 RCW, in distributing state funds for learning assistance. The distribution formula in this section is for allocation purposes only.

NEW SECTION. Sec. 8. In order to insure that school districts are meeting the requirements of an approved program, the superintendent of public instruction shall monitor such programs no less than once every three years. The results of the evaluations required by section 4 of this act shall be transmitted to the superintendent of public instruction annually. Individual student records shall be maintained at the school district.

NEW SECTION. Sec. 9. The superintendent of public instruction shall promulgate rules pursuant to chapter 34.04 RCW which he or she deems necessary to implement sections 1 through 8 of this act.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 149, Laws of 1979 and RCW 28A.41.400;
- (2) Section 2, chapter 149, Laws of 1979 and RCW 28A.41.402;
- (3) Section 3, chapter 149, Laws of 1979 and RCW 28A.41.404;
- (4) Section 4, chapter 149, Laws of 1979 and RCW 28A.41.406;
- (5) Section 5, chapter 149, Laws of 1979 and RCW 28A.41.408;
- (6) Section 6, chapter 149, Laws of 1979 and RCW 28A.41.410; and
- (7) Section 8, chapter 149, Laws of 1979 and RCW 28A.41.414.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act are each added to Title 28A RCW.

Passed the Senate April 24, 1987.

Passed the House April 16, 1987.

Approved by the Governor May 19, 1987.

Filed in Office of Secretary of State May 19, 1987.

---

## CHAPTER 479

[Second Substitute Senate Bill No. 5986]

### OIL SPILLS

AN ACT Relating to oil spills; amending RCW 88.28.050; adding a new section to chapter 38.52 RCW; adding a new section to chapter 90.48 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington: