

construction of jails after February 16, 1974, and before June 23, 1977. Approval in such cases may be given retroactively.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 7, 1979.

Passed the House March 8, 1979.

Approved by the Governor March 27, 1979.

Filed in Office of Secretary of State March 27, 1979.

CHAPTER 148

[House Bill No. 25]

LIABILITY FOR DOG BITES—LAWFUL PRESENCE ON PRIVATE PROPERTY

AN ACT Relating to liability for dog bites; and amending section 2, chapter 77, Laws of 1941 and RCW 16.08.050.

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

Section 1. Section 2, chapter 77, Laws of 1941 and RCW 16.08.050 are each amended to read as follows:

A person is lawfully upon the private property of such owner within the meaning of RCW 16.08.040 (~~through 16.08.060 when he is on such property in the performance of any duty imposed upon him by the laws of the state of Washington or of the United States or the ordinances of any municipality in which such property is situated~~) when such person is upon the property of the owner with the express or implied consent of the owner: PROVIDED, That said consent shall not be presumed when the property of the owner is fenced or reasonably posted.

Passed the House March 7, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 29, 1979.

Filed in Office of Secretary of State March 29, 1979.

CHAPTER 149

[Substitute House Bill No. 663]

REMEDATION ASSISTANCE PROGRAM, BASIC SKILLS ACHIEVEMENT DEFICIENCY—IN-SERVICE TRAINING TASK FORCE, COMPOSITION

AN ACT Relating to education; creating a state-wide program designed to provide remediation assistance to public school students who are deficient in basic skills achievement; amending section 2, chapter 189, Laws of 1977 ex. sess. and RCW 28A.71.210; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW.

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

NEW SECTION. Section 1. It is the purpose of this act to create a state-wide program designed to provide remediation assistance to public school students who are deficient in basic skills achievement. The legislature intends, in establishing this new program, that the most efficient use possible be made of available testing information and of revenue for similar purposes from the federal government.

NEW SECTION. Sec. 2. As used in this act unless the context clearly indicates otherwise:

(1) "Basic skills" means reading, mathematics, and language arts.

(2) "Program of remediation" shall mean assistance in the remediation of basic skills deficiencies provided to five students or less per session by a person appropriately trained for that purpose acting under the direct supervision and control of a person certificated pursuant to chapter 28A.67 RCW.

(3) "Approved program" means a program of remediation which is designed by a public school district, or which is selected from the bank of nationally validated proven educational practices and is a diagnostic, prescriptive model in basic skills, and which is approved by the superintendent of public instruction in accordance with the following criteria:

(a) All students participating in the program shall be educationally deprived by consequence of their being below grade level in basic skills achievement;

(b) The program shall be based on performance objectives related to educational achievement and shall be annually evaluated by the district in a manner consistent with such objectives;

(c) The program shall provide supplementary services designed to meet the special educational needs of the participating students by providing a program of remediation for such participating students and supportive services consisting of supervision, materials and supplies and the training of administrators, teachers, aides and tutors;

(d) Not less than fifty percent of the funds expended in the program by any school district in any fiscal year shall be expended in school attendance areas having high concentrations of students from low-income families as defined in Section 122 of Public Law 95-561; and

(e) The school district shall keep such records and provide access thereto as is necessary to assure compliance with the foregoing approval criteria.

(4) "Basic skills tests" means tests established pursuant to RCW 28A-.03.360, as now or hereafter amended.

(5) "Placement testing" means the administration of objective tests by a school district for the purpose of diagnosing the basic skills achievement levels and remediation needs of individual students in conformance with instructions established by the superintendent of public instruction established for such purpose.

NEW SECTION. Sec. 3. 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 number of students eligible to participate in such program in each school district shall be calculated by the superintendent of public instruction through the use of data derived from the basic skills test. In making such calculations the superintendent of public instruction shall multiply the percentage of students taking the tests which scored in the lowest quartile, as compared to national norms, by the number of students enrolled in the district in grades two through six: PROVIDED, That in making this calculation the superintendent of public instruction may use an average of the percentages of the students scoring in the lowest quartile over the immediately preceding five or fewer years.

NEW SECTION. Sec. 4. Students who may participate in an approved program of remediation shall be determined by each school district through placement testing: PROVIDED, That only students in grades two through six who are behind grade level in one or more basic skills shall be eligible to participate: PROVIDED FURTHER, That the total number of students in a school district who may participate in an approved program of remediation may not exceed the total number of eligible students calculated in accordance with the provisions of section 3 of this act. No student receiving educational services from the programs conducted pursuant to chapter 28A.13 RCW shall be eligible to participate in the remediation program established by this act if the student's program is designed to address like needs.

NEW SECTION. Sec. 5. The superintendent of public instruction is empowered and directed to promulgate rules pursuant to chapter 34.04 RCW which he or she deems necessary to implement the purposes and provisions of this act.

NEW SECTION. Sec. 6. 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 2(3)(b) of this act shall be transmitted to the superintendent of public instruction annually.

NEW SECTION. Sec. 7. The remediation program provided for in sections 1 through 6 of this act shall constitute an integral portion of the state urban, rural, racial and disadvantaged program provided for in RCW 28A.41.250 through 28A.41.290, but shall not be subject to the provisions of RCW 28A.41.260 through 28A.41.280.

NEW SECTION. Sec. 8. Not less than twenty percent of any amount appropriated for the purposes of this act shall be used by districts for the implementation of nationally validated proven educational practices that are diagnostic and prescriptive models in the basic skills.

NEW SECTION. Sec. 9. Sections 1 through 7 of this act are added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW.

Sec. 10. Section 2, chapter 189, Laws of 1977 ex. sess. and RCW 28A-.71.210 are each amended to read as follows:

The superintendent of public instruction is hereby empowered to administer funds now or hereafter appropriated for the conduct of in-service training programs for public school certificated and classified personnel and to supervise the conduct of such programs. The superintendent of public instruction shall adopt rules in accordance with chapter 34.04 RCW that provide for the allocation of such funds to public school district or educational service district applicants on such conditions and for such training programs as he or she deems to be in the best interest of the public school system: **PROVIDED**, That each district requesting such funds shall have conducted a district needs assessment of certificated and classified personnel to determine identified strengths and weakness of personnel that would be strengthened by such in-service training program: **PROVIDED, FURTHER**, That each school district or educational service district requesting funds shall have established an in-service training task force and demonstrated to the superintendent of public instruction that the task force has participated in and is supportive of the request for funding of the particular in-service training program. The task force required by this section shall be composed of representatives from the ranks of administrators, building principals, teachers, classified and support personnel employed by the applicant school district or educational service district, from the public, and from an institution(s) of higher education, in such numbers as shall be established by ~~((the superintendent of public instruction: **PROVIDED FURTHER**, That the task force in each district shall be appointed by the school board in each district from residents of the district, and that no less than sixty percent of the members thereof shall be public members not employed by the school district))~~ the school district board of directors or educational service district board of directors.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House March 7, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 29, 1979.

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