

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

"I am returning herewith without my approval as to twelve sections Substitute House Bill No. 791, as amended, entitled:

"AN ACT Relating to retirement from public service;"

Sections 12 through 23 of Substitute House Bill No. 791, which were added by floor amendment, are identical to sections 1 through 12 of Senate Bill No. 2378. Senate Bill No. 2378, having already passed the legislature and been approved by me, became chapter 205, Laws of 1979 1st ex. sess. and took effect on May 25, 1979. As a result, sections 12 through 23 of Substitute House Bill No. 791, as amended, are unnecessary and have been vetoed.

With the exception of these twelve sections which I have vetoed, the remainder of Substitute House Bill No. 791, as amended, is approved."

CHAPTER 250

[Engrossed Substitute Senate Bill No. 2709]

BASIC EDUCATION

AN ACT Relating to education; amending section 3, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.754; amending section 2, chapter 46, Laws of 1973 as last amended by section 4, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.130; amending section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 12, chapter 151, Laws of 1979 and RCW 28A.41.140; amending section 7, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.162; amending section 28A.58.190, chapter 223, Laws of 1969 ex. sess. as amended by section 14, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.190; amending section 19, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.760; amending section 28A.41.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 78, Laws of 1973 1st ex. sess. and RCW 28A.41.170; amending section 18, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.758; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; making an appropriation; declaring an emergency; and making an effective date for certain sections hereof.

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

Section 1. Section 3, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.754 are each amended to read as follows:

(1) For the purposes of this section and RCW 28A.41.130 and 28A.41.140, each as now or hereafter amended:

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

(b) "Instruction in work skills" shall include (~~the~~) instruction in one or more of the following areas: Industrial arts, home and family life education, business and office education, distributive education, agricultural education,

health occupations education, vocational education, trade and industrial education, technical education and career education(~~(-and shall include career-orientation)~~)).

(2) Satisfaction of the basic education goal identified in RCW 28A.58-.752 shall be considered to be implemented by the following program requirements:

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

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

(c) Each school district shall make available to students in grades four through six at least a total program hour offering of two thousand nine hundred seventy hours. A minimum of ninety percent of the total program hour offerings shall be in the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. (~~((A minimum of five percent of the total program hour offerings shall be in the area of work skills:))~~) The remaining (~~((five))~~) ten percent of the total program hour offerings may include (~~((foreign languages, or))~~) such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades;

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

(e) Each school district shall make available to students in grades nine through twelve at least a total program hour offering of four thousand three

hundred twenty hours. A minimum of sixty percent of the total program hour offerings shall be in the basic skills areas of language arts, foreign language, mathematics, social studies, science, music, art, health and physical education. A minimum of twenty percent of the total program hour offerings shall be in the area of work skills. The remaining twenty percent of the total program hour offerings may include traffic safety(~~(, foreign language,)~~) or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades, with not less than one-half thereof in basic skills and/or work skills: PROVIDED, That each school district shall have the option of including grade nine within the program hour offering requirements of grades seven and eight so long as such requirements for grades seven through nine are increased to two thousand nine hundred seventy hours and such requirements for grades ten through twelve are decreased to three thousand two hundred forty hours.

(3) In order to provide flexibility to the local school districts in the setting of their curricula, and in order to maintain the intent of this legislation, which is to stress the instruction of basic skills and work skills, any local school district may establish minimum course mix percentages that deviate by up to five percentage points above or below those minimums required by subsection (2) of this section, so long as the total program hour requirement is still met.

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

(5) Each school district's basic educational program shall be accessible to all students (~~(between the ages of)~~) who are five years of age and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.41.130 and 28A.41.140, each as now or hereafter amended.

(6) The state board of education (~~(pursuant to its authority in RCW 28A.04.120 and 28A.41.130, as now or hereafter amended;)~~) shall adopt (~~(the necessary)~~) rules (~~(and regulations)~~) to implement and ensure (~~(program)~~) compliance with the (~~(provisions of)~~) program requirements imposed by this section, RCW 28A.41.130 and 28A.41.140, each as now or

hereafter amended, and such related supplemental program approval requirements as the state board may establish: PROVIDED, That each school district board of directors shall establish the basis and means for determining and monitoring the district's compliance with the basic skills and work skills percentage and course requirements of this section. The certification of the board of directors and the superintendent of a school district that the district is in compliance with such basic skills and work skills requirements may be accepted by the superintendent of public instruction and the state board of education.

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

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

Sec. 2. Section 2, chapter 46, Laws of 1973 as last amended by section 4, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.130 are each amended to read as follows:

From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 to each school district of the state operating a program approved by the state board of education an amount which, when combined with the following revenues, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full time equivalent student enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year may be ninety days as provided by RCW 28A.58.180:

(1) The receipts from the one percent tax on real estate transactions pursuant to chapter 28A.45 RCW; and

(2) One hundred percent of the receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090; and

(3) One hundred percent of the receipts from federal forest revenues distributed to school districts pursuant to RCW 36.33.110; and

(4) One hundred percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support.

Basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW 28A.41.130 and 28A.41.140, each as now or hereafter amended, to fund those program requirements identified in RCW 28A.58.754, as now or hereafter amended, in accordance with the formula and ratios provided in RCW 28A.41.140, as now or hereafter amended.

Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of students per classroom teacher in grades kindergarten through three is not greater than the ratio of students per classroom teacher in grades four and above for such district: PROVIDED, That for the purposes of this section, "classroom teacher" shall be defined as an instructional employee possessing ((at least a provisional certificate, but not necessarily employed as a certificated employee;)) a valid teaching certificate or permit issued by the superintendent of public instruction whose primary duty is the daily educational instruction of students: PROVIDED FURTHER, That the state board of education shall adopt rules and regulations to insure compliance with the student/teacher ratio provisions of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practicably meet the student/teacher ratio requirements of this section by virtue of a small number of students: PROVIDED, FURTHER, That these rules and regulations shall provide that any district that has a ratio of no greater than twenty-five students per classroom teacher in grades kindergarten through three shall be in conformance with ((this section)) the foregoing student/teacher ratio requirements.

If a school district's basic education program fails to meet the basic education program requirements enumerated in RCW 28A.41.130, 28A.41.140 and 28A.58.754, each as now or hereafter amended, or established by rule pursuant thereto, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured: PROVIDED, That for the school years 1978 through 1981 the state board of education may waive this requirement in the event of levy failure: PROVIDED FURTHER, That the state board of education may waive this requirement in the event of substantial lack of classroom space: PROVIDED FURTHER, That effective July 1, 1979, those school districts which have been found by the state board of education to be out of compliance with the basic education program requirements enumerated in RCW 28A.58.754 during the 1978 and 1979 school year shall be deemed to be in compliance

if such districts are in compliance with those basic education program requirements enumerated in section 1 of this amendatory act as of the effective date of this act.

Sec. 3. Section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 12, chapter 151, Laws of 1979 and RCW 28A.41.140 are each amended to read as follows:

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

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

- (1) Certificated staff and their related costs;
- (2) Classified staff and their related costs;
- (3) Nonsalary costs; ~~((and))~~
- (4) Extraordinary costs of remote and necessary schools and small high schools; and
- (5) The attendance of students pursuant to RCW 28A.58.075 and 28A-.58.245, each as now or hereafter amended, who do not reside within the servicing school district.

This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. Commencing with the 1980-81 school year, the formula adopted by the legislature shall reflect a ratio of not less than fifty certificated personnel to one thousand annual average full time equivalent students and one classified person to three certificated personnel. In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous ~~((biennium))~~ school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.58.754. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.41.145, as now or hereafter amended, enrolled on the first school day of each month. The definition of full time equivalent student shall be determined by rules and regulations of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request:

PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

Certificated staff shall include those persons employed by a school district in a teaching, instructional, educational staff associate, learning resources specialist, administrative or supervisory capacity and who hold positions as certificated employees as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent: PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such noncertificated people shall not occur during a labor dispute and such noncertificated people shall not be hired to replace certificated employees during a labor dispute(~~(: PROVIDED, FURTHER, That the hiring of such noncertificated persons shall be subject to disapproval by the superintendent of public instruction. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances)).~~ Each annual average full time equivalent certificated classroom teacher's direct classroom contact hours shall ~~((be))~~ average at least twenty-five hours per week. Direct classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. ((Classified staff shall include those persons employed by a school district other than certificated staff as defined in this section in a capacity for which certification is not required.)) Up to two hundred minutes per week may be deducted from the twenty-five contact hour requirement, at the discretion of the school district board of directors, to accommodate authorized teacher/parent-guardian conferences, recess, passing time between classes, and informal instructional activity.

Sec. 4. Section 28A.58.190, chapter 223, Laws of 1969 ex. sess. as amended by section 14, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.190 are each amended to read as follows:

Except as otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons ~~((between the ages of))~~ who are five years of age and less than twenty-one years residing in that school district. Except as otherwise provided by law, the state board of education is hereby authorized to adopt rules in accordance with chapter 34.04 RCW which establish uniform entry qualifications, including but not limited to birth date requirements, for admission to kindergarten and first grade programs of the common schools. Such rules may

provide for exceptions based upon the ability, or the need, or both, of an individual student.

Sec. 5. Section 19, chapter 359, Laws of 1977 ex. sess. and RCW 28A-.58.760 are each amended to read as follows:

(1) It is the intended purpose of this section to guarantee that the certificated teaching and administrative staff in each common school district be held accountable for the proper and efficient conduct of classroom teaching in their school which will ~~((meet the individual and collective needs of the particular students enrolled therein))~~ provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the other provisions of Title 28A RCW, it shall be the responsibility of the certificated teaching and administrative staff in each common school to:

(a) Implement the district's prescribed curriculum and enforce, within their area of responsibility, the rules and regulations of the school district, the state superintendent of public instruction, and the state board of education, taking into due consideration individual differences among students, and maintain and render appropriate records and reports pertaining thereto.

(b) Maintain good order and discipline in their classrooms at all times.

(c) Hold students to a strict accountability while in school for any disorderly conduct while under their supervision.

(d) Require excuses from the parents, guardians, or custodians of minor students in all cases of absence, ~~((tardiness))~~ late arrival to school, or early dismissal.

(e) Give careful attention to the maintenance of a healthful atmosphere in the classroom.

(f) Give careful attention to the safety of the student in the classroom and report any doubtful or unsafe conditions to the building administrator.

(g) Evaluate each student's educational growth and development and make periodic reports thereon to parents, guardians, or custodians and to school administrators.

Failure to carry out such requirements as set forth in subsection (2) (a) through (g) above shall constitute sufficient cause for discharge of any member of such teaching or administrative staff.

Sec. 6. Section 28A.41.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 78, Laws of 1973 1st ex. sess. and RCW 28A.41.170 are each amended to read as follows:

The superintendent of public instruction shall have the power and duty to make such rules and regulations as are necessary for the proper administration of this chapter not inconsistent with the provisions thereof, and in addition to require such reports as may be necessary to carry out his duties under this chapter: PROVIDED, That the superintendent of public instruction shall have the authority to make rules and regulations allowing school

districts to receive state (~~(apportionment)~~) basic education moneys as provided in RCW 28A.41.130 when said districts are unable to fulfill the requirement(~~(s)~~) of a full school year of one hundred eighty days or the total program hour offering requirements imposed by RCW 28A.58.754 due to an unforeseen emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, community disaster, or act of God; PROVIDED FURTHER, That the superintendent of public instruction shall make every effort to reduce the amount of paperwork required in administration of this chapter; to simplify the application, monitoring and evaluation processes used; to eliminate all duplicative requests for information from local school districts; and to make every effort to integrate and standardize information requests for other state education acts and federal aid to education acts administered by the superintendent of public instruction so as to reduce paperwork requirements and duplicative information requests.

Sec. 7. Section 18, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.758 are each amended to read as follows:

(1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of Title 28A RCW, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program (~~(meet the individual and collective needs of the particular students enrolled therein)~~) provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the provisions of Title 28A RCW, as now or hereafter amended, it shall be the responsibility of each common school district board of directors, acting through its respective administrative staff, to:

(a) Establish performance criteria and an evaluation process for its certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum.

(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs.

(c) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less than an amount otherwise required in RCW 28A.58.754, or rules and regulations of the state board of education.

(d) Determine the allocation of staff time, whether certificated or classified.

(e) Establish final curriculum standards consistent with law and rules and regulations of the state board of education, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district.

(f) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable.

(3) In keeping with the accountability purpose expressed in this section and to insure that the local community and electorate have access to information on the educational programs in the school districts, each school district's board of directors shall annually publish a descriptive guide to the district's common schools. This guide shall be made available at each school in the district for examination by the public. The guide shall include, but not be limited to, the following:

(a) Criteria used for written evaluations of staff members pursuant to RCW 28A.67.065.

(b) A summary of program objectives pursuant to RCW 28A.58.090.

(c) Results of comparable testing for all schools within the district.

(d) Budget information which will include the following:

(i) Student (~~(attendance)~~) enrollment.

(ii) Number of full time equivalent personnel per school in the district itemized according to classroom teachers, instructional support, and building (~~(and central)~~) administration and support services, including itemization of such personnel by program.

(iii) Number of full time equivalent personnel assigned in the district to central administrative offices, itemized according to instructional support, building and central administration, and support services, including itemization of such personnel by program.

(iv) Total number of full time equivalent personnel itemized by classroom teachers, instructional support, building and central administration, and support services, including itemization of such personnel by program.

(v) Special levy budget request presented by program and expenditure for purposes over and above those requirements identified in RCW 28A.58.754.

NEW SECTION. Sec. 8. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Every school district board of directors shall, after following established procedure, adopt a policy assuring parents access to their child's classroom and/or school sponsored activities for purposes of observing class procedure, teaching material, and class conduct: PROVIDED, That such observation shall not disrupt the classroom procedure or learning activity.

*NEW SECTION. Sec. 9. There is hereby appropriated to the superintendent of public instruction from the state general fund for the biennium

ending June 30, 1981, the sum of ten thousand dollars plus an amount to be determined by the legislature, through the budgeting process, as may be necessary to carry out the purposes of this amendatory act.

*Sec. 9. was vetoed, see message at end of chapter.

NEW SECTION. Sec. 10. This amendatory 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 except as otherwise provided in subsection (5) of section 1, and section 2 of this amendatory act, shall take effect August 15, 1979.

NEW SECTION. Sec. 11. If any provision of this amendatory 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 Senate May 31, 1979.

Passed the House May 31, 1979.

Approved by the Governor June 15, 1979, with the exception of Section 9, which is vetoed.

Filed in Office of Secretary of State June 15, 1979.

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

"I am returning herewith without my approval as to one section Substitute Senate Bill No. 2709 entitled:

"AN ACT Relating to education;"

I have vetoed Section 9 of Substitute Senate Bill No. 2709 which amends the Basic Education Act. Section 9 contains an appropriation of \$10,000. Sufficient funding was included in the biennial appropriation for the administration of this bill.

With the exception of Section 9, which I have vetoed, the remainder of Substitute Senate Bill No. 2709 is approved."

CHAPTER 251

[Substitute Senate Bill No. 2071]

MOTOR VEHICLE DEALERS' AND SALESPERSONS' LICENSES

AN ACT Relating to motor vehicle dealers' and salespersons' licenses; and amending section 13, chapter 74, Laws of 1967 ex. sess. as amended by section 7, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.061.

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

Section 1. Section 13, chapter 74, Laws of 1967 ex. sess. as amended by section 7, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.061 are each amended to read as follows:

(1) The fees for original licenses issued for a calendar year or any portion thereof pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: ((Fifty)) Sixty dollars;