

It is unlawful for a person, in the commission or furtherance of a felony other than a violation of RCW 9A.10.010, to discharge a machine gun or to menace or threaten with a machine gun, another person. A violation of this section shall be punished as a class A felony under chapter 9A.20 RCW.

Passed the Senate March 8, 1989.

Passed the House April 14, 1989.

Approved by the Governor May 3, 1989.

Filed in Office of Secretary of State May 3, 1989.

CHAPTER 232

[Senate Bill No. 5858]

SCHOOL DISTRICTS—BOARD OF DIRECTORS MEETINGS—LOCATION

AN ACT Relating to education; amending RCW 28A.59.100; and declaring an emergency.

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

Sec. 1. Section 28A.59.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.59.100 are each amended to read as follows:

The board of directors shall maintain an office (~~where all regular meetings shall be held, and~~) where all records, vouchers and other important papers belonging to the board may be preserved. Such records, vouchers, and other important papers at all reasonable times shall be available for public inspection. The regular meetings shall be held within the district boundaries.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 18, 1989.

Passed the House April 14, 1989.

Approved by the Governor May 3, 1989.

Filed in Office of Secretary of State May 3, 1989.

CHAPTER 233

[Substitute House Bill No. 1444]

AT-RISK STUDENTS—ASSISTANCE

AN ACT Relating to students at risk; amending RCW 28A.120.010, 28A.120.016, 28A.120.020, 28A.120.022, 28A.120.032, 28A.58.217, and 28A.02.061; adding a new section to chapter 28A.41 RCW; adding new sections to Title 28A RCW; creating new sections; providing an expiration date; and making an appropriation.

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

STUDENTS AT RISK
PART I
LEARNING ASSISTANCE PROGRAM FOR STUDENTS AT RISK
OF DROPPING OUT

Sec. 1. Section 1, chapter 478, Laws of 1987 and RCW 28A.120.010 are each amended to read as follows:

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 schools and 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.

Sec. 2. Section 4, chapter 478, Laws of 1987 and RCW 28A.120.016 are each amended to read as follows:

Each school district which applies for state funds distributed pursuant to RCW 28A.120.022 shall conduct a needs assessment and, on the basis of its findings, shall develop a plan for the use of these funds. The plan may incorporate plans developed by each eligible school. 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.

Sec. 3. Section 6, chapter 478, Laws of 1987 and RCW 28A.120.020 are each amended to read as follows:

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 and instructional assistants to assist classroom teachers in meeting the needs of participating students;

(3) In-service training for classroom teachers, instructional support staff, and instructional assistants in multicultural differences and 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 toward((s)) meeting their educational objectives;

(5) Tutoring assistance during or after school or on Saturday provided by instructional support staff, a student tutor, teacher, or instructional assistant;

(6) In-service training for parents of participating students; and

(7) Counseling, with an emphasis on services for elementary students who are in need of learning assistance, provided by instructional support staff such as school counselors, school psychologists, school nurses, and school social workers. Pursuant to the provisions of section 4(2) of this act, learning assistance funds may be used to provide counseling for students who in the absence of counseling would likely become in need of such learning assistance.

**Sec. 4. Section 7, chapter 478, Laws of 1987 and RCW 28A.120.022 are each amended to read as follows:*

(1) 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.

(2) In those districts receiving learning assistance funds in which students' test scores improve, districts may retain learning assistance funds based on the state-wide average of students eligible for participation in the learning assistance program, or the district's current level of funding under the learning assistance program, whichever is higher: PROVIDED, That only those learning assistance funds which are retained but would have been reduced due to improved student test scores, may be used for district identified purposes: PROVIDED FURTHER, That districts shall consider, as the first priority, expending such retained funds on prevention and intervention programs for students in grades preschool through sixth grade.

(3) The superintendent of public instruction shall review this allocation method and submit a report to the legislature by December 1, 1991. The report shall include but is not limited to the following information:

(a) An analysis of the impact of the allocation method and any recommendations regarding the continuation or discontinuation of the allocation method;

(b) A comparison of students' test scores for each district participating in the learning assistance program for the 1988-89 and 1990-91 school years against the test scores of students in the district for the 1986-87 and 1987-88 school years; and

(c) An analysis of how districts expended unencumbered learning assistance funds, if any, resulting from the allocation method. The distribution formula in this section is for allocation purposes only.

*Sec. 4 was vetoed, see message at end of chapter.

PART II SUBSTANCE ABUSE AWARENESS

Sec. 5. Section 206, chapter 518, Laws of 1987 and RCW 28A.120.032 are each amended to read as follows:

The superintendent of public instruction shall adopt rules to implement this section, RCW 28A.120.030, and ((RCW)) 28A.120.034 through 28A.120.050 and shall distribute to school districts on a grant basis, from moneys appropriated for the purposes of this section, RCW 28A.120.030 and ((RCW)) 28A.120.034 through 28A.120.050, funds for the development and implementation of educational and disciplinary policies leading to the implementation of prevention, intervention, and aftercare activities regarding the use and abuse of drugs and alcohol. The following program areas

may be funded through moneys made available for this section, RCW 28A-.120.030, and (~~RCW~~) 28A.120.034 through 28A.120.050, including but not limited to:

- (1) Comprehensive program development;
- (2) Prevention programs directed at addressing addictive substances such as alcohol, drugs, and nicotine;
- (3) Elementary identification and intervention programs including counseling programs;
- (4) Secondary identification and intervention programs including counseling programs;
- (5) School drug and alcohol core team development and training;
- (6) Development of referral and preassessment procedures;
- (7) Aftercare;
- (8) Drug and alcohol specialist;
- (9) Staff, parent, student, and community training; and
- (10) Coordination with law enforcement, community service providers, other school districts, educational service districts, and drug and alcohol treatment facilities.

NEW SECTION. Sec. 6. A new section is added to Title 28A RCW to read as follows:

To protect children in the public schools of this state from exposure to the addictive substance of nicotine, each school district board of directors shall adopt a written policy mandating a prohibition on the use of all tobacco products on public school property. A total ban on the use of all tobacco products shall be enforced by September 1, 1991. The policy may allow for exemptions from this prohibition with regard to alternative educational programs.

PART III

HIGH SCHOOL DROP-OUT RATE REDUCTION

NEW SECTION. Sec. 7. The legislature finds that high schools and high school programs designed to meet the diverse needs of students can be an important factor in decreasing the dropout rate. The development of alternative high schools, schools-within-schools, student-centered collaborative learning communities utilizing interdisciplinary strategies, and subject-matter-related schools is encouraged.

High schools are also encouraged to develop programs providing for flexibility in daily, weekly, monthly, and yearly schedules. High schools are further encouraged to develop flexible teaching arrangements, including tutor programs which may include the use of adults, high school students, or college students as tutors, with particular encouragement to consider seeking persons from ethnic and racial minority groups to serve as tutors.

High schools are also encouraged to use research that has been proven effective and has produced significant outcomes in working with both potential dropouts and dropouts.

NEW SECTION. Sec. 8. (1) Beginning with the 1989-1990 school year and concluding at the end of the 1993-1994 school year, any student who has dropped out of high school for six weeks or longer, or has returned from participation in a substance abuse treatment program, or is about to become or is a teen parent, or has returned from hospitalization due to a mental health problem may choose to attend any other high school in the state regardless of residence. Students may attend high school in a nonresident school district only if they are accepted by the high school and pursuant to policies and procedures of the nonresident school district. Receiving school districts may not charge nonresident students tuition. Schools and districts are encouraged to accept students who choose to transfer if they meet these conditions. Basic education funding allocations from the state shall follow the students.

(2) The superintendent of public instruction shall report to the legislature and the governor by December 1, 1994, on the student enrollment patterns pursuant to the provisions of this section.

(3) This section shall expire December 31, 1994.

Sec. 9. Section 222, chapter 518, Laws of 1987 and RCW 28A.58.217 are each amended to read as follows:

(1) ~~((School districts are hereby authorized to))~~ The superintendent of public instruction shall contract with the University of Washington for the education of ((eligible academically)) highly capable ((high school)) students below eighteen years of age who are admitted or enrolled at such early entrance program or transition school((s)) as are now or hereafter established and maintained by the University of Washington.

(2) ~~((School districts may authorize))~~ The superintendent of public instruction ((to)) shall allocate directly to the University of Washington all ((or a portion)) of the state basic education allocation moneys, state categorical moneys excepting categorical moneys provided for the highly capable students program under chapter 28A.16 RCW, and federal moneys generated by a student while attending ((α)) an early entrance program or transition school at the University of Washington ((early entrance or transition school pursuant to this section directly to the university. PROVIDED; That)). The allocations shall be according to each student's school district of residence. The expenditure of such ((state)) moneys shall be ((expended exclusively for instruction and related activities necessary for students to fulfill the high school graduation requirements established by their school district of enrollment)) limited to selection of students, precollege instruction, special advising, and related activities necessary for the support of students while attending a transition school or early entrance program at the University of Washington. Such allocations may be supplemented with such

additional payments by other parties as necessary to cover the actual and full costs of such instruction and other activities.

(3) The provisions of subsections (1) and (2) of this section shall apply during the first three years a student is attending a transition school or early entrance program at the University of Washington or through the academic school year in which the student turns eighteen, whichever occurs first. No more than thirty students shall be admitted and enrolled in the transition school at the University of Washington in any one year.

((3)) (4) The superintendent of public instruction shall adopt or amend rules pursuant to chapter ((34.04)) 34.05 RCW implementing subsection (2) of this section before August 31, 1989.

PART IV FLEXIBLE SCHEDULING

NEW SECTION. Sec. 10. A new section is added to chapter 28A.41 RCW to read as follows:

The superintendent of public instruction shall establish procedures to allow school districts to claim basic education allocation funds for students attending classes that are provided outside the regular school year to the extent such attendance is in lieu of attendance during the regular school year: PROVIDED, That nothing in this section shall be construed to alter the basic education allocation for which the district is otherwise eligible.

Sec. 11. Section 13, chapter 283, Laws of 1969 ex. sess. as last amended by section 2, chapter 189, Laws of 1985 and RCW 28A.02.061 are each amended to read as follows:

The following are school holidays, and school shall not be taught on these days: ~~((Saturday;))~~ Sunday; the first day of January, commonly called New Year's Day; the third Monday of January, being celebrated as the anniversary of the birth of Martin Luther King, Jr.; the third Monday in February to be known as Presidents' Day and to be celebrated as the anniversary of the births of Abraham Lincoln and George Washington; the last Monday in May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the eleventh day of November, to be known as Veterans' Day, the fourth Thursday in November, commonly known as Thanksgiving Day; the day immediately following Thanksgiving Day; the twenty-fifth day of December, commonly called Christmas Day: PROVIDED, That no reduction from the teacher's time or salary shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught.

PART V
CORE COMPETENCIES

NEW SECTION. Sec. 12. (1) The state board of education, in consultation with the superintendent of public instruction, the higher education coordinating board, the state board for community college education, the state board for vocational education in the office of the governor, institutions of higher education, and other appropriate agencies, shall study and evaluate strategies to replace the use of carnegie units (seat time) with core competencies, including critical thinking skills, to evaluate student performance.

(2) The study shall take into consideration relevant information from projects under the schools for the twenty-first century program pursuant to RCW 28A.100.030 through 28A.100.038, the report of the temporary committee on the assessment and accountability of educational outcomes pursuant to section 4, chapter 401, Laws of 1987, and information as may be available from any field tests of educational outcomes and indicators as may be established pursuant to RCW 28A.100.017.

(3) The state board of education shall report the study findings and recommendations to the legislature, the governor, the superintendent of public instruction, the higher education coordinating board, the state board for community college education, and the state board for vocational education in the office of the governor by December 1, 1990.

(4) This section shall expire December 31, 1990.

PART VI
PILOT PROGRAM FOR PREVENTION OF LEARNING
PROBLEMS

NEW SECTION. Sec. 13. (1) The superintendent of public instruction may select up to five school districts to participate in a pilot program for prevention of learning problems and academic delays. The program shall begin with the 1989-90 school year and conclude at the end of the 1990-91 school year.

(2) If at the end of a pilot school year the number of specific learning disabled students served by a participating school district in handicapped education programs has decreased as a result of the pilot project, the district shall be reimbursed based upon the number of specific learning disabled students served in special education during the school year prior to commencement of the pilot project. These funds will be used to support the pilot project for prevention of learning problems and academic delays: PROVIDED, That school districts participating in the pilot prevention program established under this section who have ongoing pilot projects previously approved by the superintendent of public instruction shall utilize the school year prior to initiation of such pilot project as the base for the reimbursement calculation under this subsection when the number of specific

learning disabled students identified has decreased as a result of participation in the pilot program established under this section.

(3) School districts applying to participate in the pilot program established under this section shall submit to the superintendent of public instruction a proposed program budget for the 1989-90 school year and a preliminary budget plan for the 1990-91 school year. These proposed budgets or budget plans shall outline the resources to be used by the district in the identification and early prevention of learning problems. Districts selected to participate shall submit an updated budget proposal to the superintendent of public instruction prior to the 1990-91 school year.

(4) Applications submitted by school districts shall also include:

(a) Assurances that the school district will not deny access to special education programs for handicapped students entitled to services under chapter 28A.13 RCW;

(b) A description of methods to be used by the district to identify students for additional instruction or other services provided under the pilot project;

(c) A description of the types of instructional programs or services to be used in prevention of learning problems;

(d) A plan for evaluating the effectiveness of the district's project at the end of the 1990-91 school year, using student test scores and other indicators of academic progress and, as appropriate, vocational progress, as determined by the district; and

(e) Other information as may be required by the superintendent of public instruction.

(5) For the purposes of this section, "state allocation for handicapped students" includes state handicapped education moneys allocated for students served in special education programs provided under chapter 28A.13 RCW and basic education allocations generated by such students under the state funding formula adopted pursuant to RCW 28A.41.140.

(6) This section shall expire December 31, 1991.

NEW SECTION. Sec. 14. (1) Prior to December 1, 1991, the superintendent of public instruction shall submit a report on the pilot program established under section 13 of this act to the legislature and the governor. The report shall include an analysis of the effectiveness of the program and recommendations on whether the program should be continued or expanded to other districts.

(2) This section shall expire December 31, 1991.

***PART VII**

OUTCOMES-BASED LEARNING ASSISTANCE EDUCATION RECOGNITION AWARD PROGRAM

NEW SECTION. Sec. 15. (1) *The superintendent of public instruction shall develop and implement by December 1, 1991, an outcomes-based*

learning assistance education recognition program to recognize schools, or school districts, or both, for the development and use of outcomes-based learning assistance education programs which have resulted in significant and continuous improvement in students' basic and work skills performance.

(2) The superintendent of public instruction shall develop separate awards under the recognition program for each basic skills and work skills category as defined under RCW 28A.58.754, including an award for outcomes-based health and physical education learning assistance education programs. The superintendent shall also develop an award for interdisciplinary outcomes-based learning assistance education programs and an award for outcomes-based positive discipline learning assistance education programs.

The superintendent may develop a separate award for other desired outcomes identified by school districts and communities pursuant to local student learning objectives required under RCW 28A.58.090 and self-study processes required under RCW 28A.58.085.

(3) In developing the recognition program, the superintendent shall consult with school districts and take into consideration:

(a) Relevant information from projects under the schools for the twenty-first century program pursuant to RCW 28A.100.030 through 28A.100.038;

(b) The report of the temporary committee on the assessment and accountability of educational outcomes pursuant to section 4, chapter 401, Laws of 1987;

(c) Information as might become available from any field tests of educational outcomes and indicators as may be established pursuant to RCW 28A.100.017;

(d) The results of the core competencies study pursuant to section 12 of this act; and

(e) Information from the model curriculum programs or curriculum guidelines developed pursuant to RCW 28A.03.425.

(4) The superintendent of public instruction is encouraged to link the outcomes-based learning assistance education recognition program with student learning objectives required under RCW 28A.58.090 and school and school district progress under the self-study requirements pursuant to RCW 28A.58.085.

(5) The superintendent of public instruction is encouraged to review the relationship between poverty and student performance and, as appropriate, incorporate such relationship as an element in proposed criteria or guidelines for selecting schools or districts for awards under the outcomes-based learning assistance education recognition program.

**Sec. 15 was vetoed, see message at end of chapter.*

**NEW SECTION. Sec. 16. A new section is added to Title 28A RCW to read as follows:*

(1) The superintendent of public instruction shall develop by September 1, 1990, a model curriculum or curriculum guidelines for an outcomes-based health and physical education learning assistance education program. The purpose of the model curriculum or curriculum guidelines is to assist school districts in coordinating the current health and physical education requirements under Title 28A RCW and to assist school districts in the appropriate offering of those requirements to students enrolled in kindergarten through grade twelve. The model curriculum or curriculum guidelines shall be available for use at district's discretion.

(2) Every school district board of directors shall consider adopting an outcomes-based health and physical education program by September 1, 1991.

(3) School districts may adopt or modify the model curriculum or curriculum guidelines developed pursuant to subsection (1) of this section, develop a curriculum locally, or adopt or modify any other existing curriculum: PROVIDED, That no provision of this subsection or subsections (1) and (2) of this section shall be construed to authorize the development of school-based health clinics.

(4) For the purposes of this section the term "outcomes-based" means the establishment of skills and/or knowledge the district determines students should learn from the curriculum developed for their local outcomes-based health and physical education program.

*Sec. 16 was vetoed, see message at end of chapter.

PART VIII MISCELLANEOUS

NEW SECTION. Sec. 17. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to carry out the provisions of this act.

NEW SECTION. Sec. 18. The sum of thirty thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund for the biennium ending June 30, 1991, to the superintendent of public instruction to carry out the purpose of section 15 of this act.

NEW SECTION. Sec. 19. Subchapter headings used in this act do not constitute any part of the law.

Passed the House April 20, 1989.

Passed the Senate April 14, 1989.

Approved by the Governor May 4, 1989, with the exception of sections 4, 15 and 16, which are vetoed.

Filed in Office of Secretary of State May 4, 1989.

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

"I am returning herewith, without my approval as to sections 4, 15, and 16, Engrossed Substitute House Bill No. 1444 entitled:

"AN ACT Relating to students at risk."

I requested this bill as a part of my effort to restructure our public education system and improve student performance. Most of the bill will improve the ability of the office of the Superintendent of Public Instruction and local school districts to respond to the diverse needs of students at risk of dropping out of high school.

Under the learning assistance program, as student's test scores improve, school districts receive less funds. Section 4 of the bill attempts to eliminate this disincentive. Unfortunately, a technical drafting error creates both confusion and potentially higher program costs.

Section 6 provides a broad prohibition on the use of tobacco products on public school property. I strongly support the goal of reducing the number of children who become addicted to cigarettes and other tobacco products which cause health problems. Although there have been some concerns raised about the ban, the provision does have an effective date of September 1, 1991. The delay will allow local districts to plan for implementation and allow the legislature the opportunity to address any technical concerns, such as whether it applies to property leased to private parties, before the effective date. Hence, I have decided not to remove this section.

Section 15 requires the Superintendent of Public Instruction to establish an awards program related to outcomes-based education programs. Although I support the concept of establishing an awards program for outcomes-based education programs, this section is overly specific and directive. I have retained the appropriation in section 18 to allow the Superintendent of Public Instruction to design an awards program for the recognition of schools in school districts that have shown significant and continuous improvement in student basic skills performance as well as other desired outcomes identified by the school district and community.

Section 16 requires the Superintendent of Public Instruction to develop a model curriculum for an outcomes-based health and physical education learning assistance education program. No funds are provided for this activity in the bill or in the House or Senate draft budgets.

With the exception of sections 4, 15, and 16, Engrossed Substitute House Bill No. 1444 is approved.*

CHAPTER 234

[Substitute House Bill No. 1254]

IMMUNITY FROM CIVIL LIABILITY—REPORTS OF POSSIBLE WRONGDOING TO GOVERNMENT AGENCIES

AN ACT Relating to immunity from civil liability; and adding new sections to chapter 4.24 RCW.

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

NEW SECTION. Sec. 1. Information provided by citizens concerning potential wrongdoing is vital to effective law enforcement and the efficient operation of government. The legislature finds that the threat of a civil action for damages can act as a deterrent to citizens who wish to report information to federal, state, or local agencies. The costs of defending against such suits can be severely burdensome. The purpose of sections 1 through 4 of this act is to protect individuals who make good-faith reports to appropriate governmental bodies.

NEW SECTION. Sec. 2. A person who in good faith communicates a complaint or information to any agency of federal, state, or local government regarding any matter reasonably of concern to that agency shall be