

SENATE BILL 5234

State of Washington

52nd Legislature

1991 Regular Session

By Senators Bailey, Erwin, Rinehart, Oke, Pelz, Anderson, Murray, Metcalf, A. Smith, Johnson, Barr, Skratek, Sutherland and Conner.

Read first time January 24, 1991. Referred to Committee on Education.

1 AN ACT Relating to educational excellence; amending RCW 28A.305.140
2 and 28A.150.260; adding new sections to chapter 28A.630 RCW; creating
3 new sections; making appropriations; providing an expiration date; and
4 declaring an emergency.

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

6 PART I

7 REACH FOR EXCELLENCE GRANT PROGRAM

8 NEW SECTION. **Sec. 101.** (1) The legislature believes that
9 attaining the vision for excellence in education under Senate
10 Concurrent Resolution No. ____ (S-0225/91) will require new state-
11 supported opportunities for schools to implement strategies to improve
12 student learning and skills. It is the intent of the legislature to
13 provide additional support to schools or school districts to:

1 (a) Encourage students, parents, teachers, principals, classified
2 school staff, school district personnel, the school board, and other
3 citizens to become more active partners in the learning community of
4 their school or district;

5 (b) Encourage schools or districts to select and compete against
6 goals and educational outcomes tailored to their own learning
7 community; and

8 (c) Foster improvements in instruction, curriculum, and assessment.

9 (2) The reach for excellence grant program shall be:

10 (a) Responsive to local educational concerns and desires;

11 (b) Educational, focusing on improving student learning and skills
12 and encouraging the development of new measures to assess student
13 performance;

14 (c) Accountable, so that projects earn reach achievement awards
15 linked directly to progress made toward identified educational
16 outcomes;

17 (d) Collaborative, with projects reflecting a partnership between
18 students, parents, teachers, principals, and others; and

19 (e) Home-based, tailored to the needs of each participating school.

20 NEW SECTION. **Sec. 102.** Unless the context clearly requires
21 otherwise, the definitions in this section apply throughout sections
22 103 through 110 and 113 through 116 of this act.

23 (1) "Educational outcomes" and "target educational outcomes" mean
24 expected levels of student performance and achievement, including
25 student learning objectives required under RCW 28A.320.210.

26 (2) "Indicators" means institutional factors that may bear a
27 relationship to student learning and can be used to help assess
28 students' progress toward identified educational outcomes.

1 (3) "Context indicators" means variables that characterize the
2 setting in which educational programs are delivered and generally are
3 items over which schools have little control.

4 (4) "Process indicators" means variables that characterize how
5 educational programs are delivered and generally are items over which
6 schools have some control.

7 (5) "Grant" means state funds provided to a district with a
8 selected reach for excellence project for use in the planning and
9 initial implementation of the project.

10 (6) "Award" or "reach achievement award" means state funds provided
11 to a reach project for progress made toward target educational
12 outcomes.

13 NEW SECTION. **Sec. 103.** (1) From funds appropriated by the
14 legislature, the state board of education shall establish the reach for
15 excellence grant program to assist schools and school districts in
16 local efforts to improve student learning and skills. Participation in
17 the program shall be voluntary.

18 (2) The state board of education shall be responsible for final
19 decisions regarding selection and funding levels of projects and for
20 the manner in which reach achievement awards shall be distributed.
21 Reach projects may be conducted for up to six years subject to funding
22 and annual approval by the state board. No project may receive
23 continued funding for additional planning or reach achievement awards
24 without approval from the state board. The state board shall use the
25 benchmark data for the target educational outcomes required under
26 section 106(2)(e) of this act in annually assessing the progress made
27 toward the target educational outcomes to determine project eligibility
28 for annual reach achievement awards. In evaluating projects to

1 determine their continuation the state board shall emphasize giving
2 projects maximum flexibility and time to be successful.

3 (3) The superintendent of public instruction shall be responsible
4 for administration of the reach for excellence program once projects
5 and funding levels have been determined by the state board.

6 (4) The state board shall establish a working committee to assist
7 it with:

8 (a) The development of any additional grant application criteria;

9 (b) Selecting reach applicants for grant awards; and

10 (c) Determining the manner in which reach achievement awards will
11 be distributed.

12 NEW SECTION. **Sec. 104.** (1) The superintendent of public
13 instruction shall assure that the sum total of all funds allocated for
14 planning grants and for reach achievement awards does not exceed the
15 amount appropriated by the legislature for the reach for excellence
16 grant program.

17 (2) The superintendent shall award funds appropriated for the reach
18 for excellence grant program to the selected projects as follows:

19 (a) The initial grant shall be awarded to projects for planning
20 activities relating to implementation of the local reach project and
21 for initial implementation of the project. Planning and initial
22 implementation grants shall be for the 1991-92 and 1992-93 school
23 years. These grants may be used for the following purposes:

24 (i) Planning;

25 (ii) Staff development and training;

26 (iii) Purchase of instructional materials, supplies, and resources;

27 (iv) Development of new measures to assess student performance; and

28 (v) Initial implementation of the reach project.

1 (3)(a) Commencing with the end of the 1993-94 school year, and each
2 school year thereafter, projects receiving initial reach grants shall
3 be evaluated by the state board to determine their eligibility for
4 reach achievement awards as determined under section 103(2) of this
5 act.

6 (b) School staff shall determine how the reach achievement awards
7 will be used and, if applicable to the project, how much each staff
8 member shall receive.

9 (4) Reach achievement awards may be used for the following
10 purposes:

11 (a) Any of the purposes authorized under subsection (2)(a) of this
12 section;

13 (b) Stipends or salary and compensation increases for certificated
14 or classified staff under RCW 28A.400.200(4). Nothing in sections 102
15 through 110 and 113 through 116 of this act precludes the use of reach
16 achievement awards for providing stipends or salary and compensation
17 increases through a compensation model characterized by differentiated
18 levels of employment classification for certificated staff and
19 differentiated responsibilities for each level of employment
20 classification; or

21 (c) Any combination of (a) and (b) of this subsection.

22 NEW SECTION. **Sec. 105.** Use of reach achievement awards for the
23 purpose of section 104(4)(b) of this act is not an increase in salary
24 or compensation for the purposes of RCW 28A.400.200, nor may such
25 compensation be applied to the district's salary schedule or be
26 provided in a manner that would increase the state's basic education
27 funding obligation.

1 NEW SECTION. **Sec. 106.** (1) Schools or school districts

2 interested in implementing or enhancing existing local projects for
3 educational excellence shall submit a grant application to the state
4 board of education. All applications shall be submitted by the
5 district's board of directors. If possible, applicants should develop
6 their reach projects as part of the self-study process under RCW
7 28A.320.200, or otherwise link the proposed reach project to the self-
8 study results of the school or district.

9 (2) Grant applications shall include:

10 (a) Documentation that at least one public hearing was held on the
11 proposed reach project or projects. The public hearing required under
12 this subsection, and other public hearings as may be held, may be
13 conducted as part of the public hearings required under chapter 28A.505
14 RCW;

15 (b) Documentation that all parties are committed to work
16 cooperatively during the term of the project;

17 (c) A description of how the reach for excellence grant program
18 funds will be expended. The expenditure plan may be included as part
19 of the district's annual budget required under chapter 28A.505 RCW;

20 (d) Target educational outcomes for the selected basic academic,
21 workplace, and life and family skills under section 107 (1) through (3)
22 of this act. Student learning objectives required under RCW
23 28A.320.210 may be used for target educational outcomes if applicable
24 for the purposes of the reach project;

25 (e) Benchmark data for the target educational outcomes identified
26 for the selected skills under section 107 (1) through (3) of this act;

27 (f) Benchmark data for context and process indicators as provided
28 under section 108 of this act;

29 (g) Identification of the evaluation and accountability procedures
30 and activities, including potential use of context and process

1 indicators, that may be used to: (i) Assess progress toward the target
2 educational outcomes; (ii) evaluate additional educational benefits
3 received by students, building staff, and parents from implementation
4 of the reach project; and (iii) assess the overall effectiveness of the
5 project. Applicants shall identify at least one measure of assessing
6 student performance other than standardized testing that will be
7 developed or used as part of the reach project;

8 (h) A written statement that school directors and administrators
9 are willing to exempt the reach project or projects from specifically
10 identified local rules, as needed;

11 (i) A written statement that the school directors and the local
12 bargaining agents will modify those portions of their local agreements
13 as applicable for the reach project or projects;

14 (j) Written statements of support from the district's board of
15 directors, the district superintendent, and the principal and staff of
16 the school or schools requesting to implement a reach project, and
17 statements of support, willingness to participate, or concerns from any
18 interested persons or organizations; and

19 (k) Other information as may be determined necessary by the state
20 board of education.

21 NEW SECTION. **Sec. 107.** (1) Grant applications under section
22 106 of this act shall include target educational outcomes for at least
23 three of the following basic academic skill areas:

24 (a) Reading and writing of the English language;

25 (b) Speaking and listening;

26 (c) Observation and questioning;

27 (d) Studying;

28 (e) Reasoning and problem solving;

29 (f) Mathematics; and

1 (g) Computer competency.

2 (2) Grant applications under section 106 of this act shall include
3 educational outcomes for at least two of the following workplace skill
4 areas:

5 (a) Decision making;

6 (b) Cooperation and teamwork;

7 (c) Self-directed learning; and

8 (d) Positive work habits.

9 (3) Grant applications under section 106 of this act shall include
10 educational outcomes for at least two of the following life and family
11 skill areas:

12 (a) Home and family life;

13 (b) Career planning;

14 (c) Life-long learning;

15 (d) Responsible and ethical behavior;

16 (e) Concern for others; and

17 (f) Interpersonal relationships.

18 (4) Grant applications shall indicate for subsections (1) through
19 (3) of this section the grade levels and subject matter areas in which
20 the identified skills will be addressed.

21 NEW SECTION. **Sec. 108.** (1) If possible, grant applications
22 under section 106 of this act should include benchmark data for the
23 context and process indicators listed under subsections (2) and (3) of
24 this section. However, as a condition to receiving reach for
25 excellence program grant funds, applicants selected for the reach
26 program shall submit to the state board of education the benchmark data
27 for the context and process indicators listed under subsections (2) and
28 (3) of this section.

1 (2) Applicants shall provide benchmark data for the following
2 context indicators developed by the educational outcomes and
3 measurement committee and reported to the legislature by the
4 superintendent of public instruction in 1989:

5 (a) The average percent of students absent from school each day;

6 (b) Student mobility rate;

7 (c) School growth rate;

8 (d) Teacher mobility rate;

9 (e) Administrator mobility rate;

10 (f) The percent of students from low-income families; and

11 (g) The percent of students who speak English as a second language;

12 plus

13 (h) The average percent of teachers absent from school each day.

14 (3) Applicants shall provide benchmark data for the following
15 process indicators developed by the educational outcomes and
16 measurement committee and reported to the legislature by the
17 superintendent of public instruction in 1989:

18 (a) Student-teacher ratio;

19 (b) Student-counselor ratio;

20 (c) Student-staff specialist ratio;

21 (d) The average expenditure per student;

22 (e) The average expenditure per staff member for in-service for
23 staff development;

24 (f) School accreditation status;

25 (g) The percent of students served by compensatory education
26 programs;

27 (h) The percent of students served by chapter 1 migrant education
28 programs;

29 (i) The percent of students served by special education programs;

30 and

1 (j) The percent of students served by gifted-talented programs.

2 (4) If possible and appropriate, benchmark data required under
3 section 106(2)(e) of this act and subsections (2) and (3) of this
4 section shall be provided on a by-school basis. If this is not
5 possible, the benchmark data shall be provided on a district-level
6 basis.

7 NEW SECTION. **Sec. 109.** (1) Grant applications may be submitted
8 jointly by two or more school districts or by an educational service
9 district on behalf of one or more school districts. An application may
10 include a proposal for two or more school buildings to implement
11 jointly a reach for excellence project.

12 (2) Upon request from a school district, the superintendent of
13 public instruction or the educational service district shall provide
14 the district with technical assistance to develop the grant
15 application.

16 (3) Upon request from a reach for excellence project, the
17 superintendent of public instruction or the educational service
18 district shall provide the project with technical assistance to develop
19 a measure of assessing student performance as required under section
20 106(2)(g) of this act.

21 NEW SECTION. **Sec. 110.** Applicants selected for the reach for
22 excellence grant program shall receive an automatic waiver from the
23 teacher contact hours requirements under RCW 28A.150.260 and the basic
24 education program hours offering requirements under RCW 28A.150.200
25 through 28A.150.220. The waivers shall be automatically renewed
26 subject to continued funding and approval by the state board of
27 education under section 103 of this act.

1 **Sec. 111.** RCW 28A.305.140 and 1990 c 33 s 267 are each amended to
2 read as follows:

3 (1) The state board of education may grant waivers to school
4 districts from the provisions of RCW 28A.150.200 through 28A.150.220 on
5 the basis that such waiver or waivers are necessary to implement
6 successfully a local plan to provide for all students in the district
7 an effective education system that is designed to enhance the
8 educational program for each student. The local plan may include
9 alternative ways to provide effective educational programs for students
10 who experience difficulty with the regular education program.

11 The state board shall adopt criteria to evaluate the need for the
12 waiver or waivers.

13 (2) A school or district selected to participate in the reach for
14 excellence grant program under sections 102 through 110 and 113 through
15 116 of this act shall be granted an automatic waiver from the
16 provisions of RCW 28A.150.200 through 28A.150.220.

17 **Sec. 112.** RCW 28A.150.260 and 1990 c 33 s 108 are each amended to
18 read as follows:

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

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

- 1 (a) Certificated instructional staff and their related costs;
- 2 (b) Certificated administrative staff and their related costs;
- 3 (c) Classified staff and their related costs;
- 4 (d) Nonsalary costs;
- 5 (e) Extraordinary costs of remote and necessary schools and small
- 6 high schools, including costs of additional certificated and classified
- 7 staff; and

8 (f) The attendance of students pursuant to RCW 28A.335.160 and
9 28A.225.250 who do not reside within the servicing school district.

10 (2)(a) This formula for distribution of basic education funds shall
11 be reviewed biennially by the superintendent and governor. The
12 recommended formula shall be subject to approval, amendment or
13 rejection by the legislature. The formula shall be for allocation
14 purposes only. While the legislature intends that the allocations for
15 additional instructional staff be used to increase the ratio of such
16 staff to students, nothing in this section shall require districts to
17 reduce the number of administrative staff below existing levels.

18 (b) The formula adopted by the legislature for the 1987-88 school
19 year shall reflect the following ratios at a minimum: (i) Forty-eight
20 certificated instructional staff to one thousand annual average full
21 time equivalent students enrolled in grades kindergarten through three;
22 (ii) forty-six certificated instructional staff to one thousand annual
23 average full time equivalent students enrolled in grades four through
24 twelve; (iii) four certificated administrative staff to one thousand
25 annual average full time equivalent students enrolled in grades
26 kindergarten through twelve; and (iv) sixteen and sixty-seven one-
27 hundredths classified personnel to one thousand annual average full
28 time equivalent students enrolled in grades kindergarten through
29 twelve.

1 (c) Commencing with the 1988-89 school year, the formula adopted by
2 the legislature shall reflect the following ratios at a minimum: (i)
3 Forty-nine certificated instructional staff to one thousand annual
4 average full time equivalent students enrolled in grades kindergarten
5 through three; (ii) forty-six certificated instructional staff to one
6 thousand annual average full time equivalent students in grades four
7 through twelve; (iii) four certificated administrative staff to one
8 thousand annual average full time equivalent students in grades
9 kindergarten through twelve; and (iv) sixteen and sixty-seven one-
10 hundredths classified personnel to one thousand annual average full
11 time equivalent students enrolled in grades kindergarten through
12 twelve.

13 (d) In the event the legislature rejects the distribution formula
14 recommended by the governor, without adopting a new distribution
15 formula, the distribution formula for the previous school year shall
16 remain in effect: PROVIDED, That the distribution formula developed
17 pursuant to this section shall be for state apportionment and
18 equalization purposes only and shall not be construed as mandating
19 specific operational functions of local school districts other than
20 those program requirements identified in RCW 28A.150.220 and
21 28A.150.100. The enrollment of any district shall be the annual
22 average number of full time equivalent students and part time students
23 as provided in RCW 28A.150.350, enrolled on the first school day of
24 each month and shall exclude full time equivalent handicapped students
25 recognized for the purposes of allocation of state funds for programs
26 under RCW 28A.155.010 through 28A.155.100. The definition of full time
27 equivalent student shall be determined by rules and regulations of the
28 superintendent of public instruction: PROVIDED, That the definition
29 shall be included as part of the superintendent's biennial budget
30 request: PROVIDED, FURTHER, That any revision of the present

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

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

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

19 (4)(a) Each annual average full time equivalent certificated
20 classroom teacher's direct classroom contact hours shall average at
21 least twenty-five hours per week. Direct classroom contact hours shall
22 be exclusive of time required to be spent for preparation, conferences,
23 or any other nonclassroom instruction duties. Up to two hundred
24 minutes per week may be deducted from the twenty-five contact hour
25 requirement, at the discretion of the school district board of
26 directors, to accommodate authorized teacher/parent-guardian
27 conferences, recess, passing time between classes, and informal
28 instructional activity. Implementing rules to be adopted by the state
29 board of education pursuant to RCW 28A.150.220(6) shall provide that
30 compliance with the direct contact hour requirement shall be based upon

1 teachers' normally assigned weekly instructional schedules, as assigned
2 by the district administration. Additional record-keeping by classroom
3 teachers as a means of accounting for contact hours shall not be
4 required.

5 ~~((However,))~~ (b) Upon request from the board of directors of any
6 school district, the provisions relating to direct classroom contact
7 hours for individual teachers in that district may be waived by the
8 state board of education if the waiver is necessary to implement a
9 locally approved plan for educational excellence and the waiver is
10 limited to those individual teachers approved in the local plan for
11 educational excellence. The state board of education shall develop
12 criteria to evaluate the need for the waiver. Granting of the waiver
13 shall depend upon verification that:

14 ~~((a))~~ (i) The students' classroom instructional time will not be
15 reduced; and

16 ~~((b))~~ (ii) The teacher's expertise is critical to the success of
17 the local plan for excellence.

18 (c) A school or district selected to participate in the reach for
19 excellence grant program under sections 102 through 110 and 113 through
20 116 of this act shall be granted an automatic waiver under (a) of this
21 subsection.

22 NEW SECTION. Sec. 113. Applications for participation in the
23 reach for excellence grant program shall be subject to chapter 41.59
24 RCW. As provided for in section 106(2)(i) of this act, this
25 requirement does not apply if there is a written agreement between the
26 district board of directors and the exclusive bargaining
27 representatives in the district to waive the provisions of chapter
28 41.59 RCW for purposes of applying for participation in the reach for
29 excellence grant program.

1 (4) The state board of education shall submit a final report on the
2 reach for excellence grant program to the legislature and the governor
3 not later than December 1, 1998.

4 NEW SECTION. **Sec. 115.** The superintendent of public
5 instruction shall provide for the sharing of information between reach
6 projects and with schools and districts not selected or not
7 participating in the reach for excellence grant program.

8 NEW SECTION. **Sec. 116.** (1) The state board of education and
9 the superintendent of public instruction shall adopt rules as necessary
10 under chapter 34.05 RCW to implement sections 102 through 110 and 113
11 through 116 of this act. The rules shall be adopted not later than
12 December 1, 1991.

13 (2) The rules shall include the following dates to govern
14 administration of the reach for excellence grant program:

15 (a) Initial applications must be received by the state board of
16 education not later than March 15, 1992;

17 (b) The state board of education shall evaluate the applications
18 and select the initial projects for grants by May 31, 1992; and

19 (c) After planning, initial implementation of the first reach
20 projects shall commence no later than the start of the 1993-94 school
21 year.

22 (3) The state board shall establish an annual date by which
23 subsequent applications must be submitted.

24 (4) The state board shall establish a date by which the annual
25 report required under section 114(1) of this act shall be submitted.

26 (5) The state board shall establish an annual date by which the
27 board shall notify each project of the amount of any eligible reach
28 achievement award and status to continue.

1 (k) State board of education teacher assignment and certificate
2 endorsement policies;

3 (l) Certification requirements under chapter 28A.410 RCW;

4 (m) The Washington award for excellence in education program under
5 RCW 28A.625.020 through 28A.625.070, and particularly the Christa
6 McAuliffe award under that program under RCW 28A.625.030;

7 (n) Local education program enhancement funds; and

8 (o) The results of the studies by the state board of education on
9 internships and alternative classification.

10 (2) Based on the results of the study findings, the superintendent
11 shall submit to the legislature and the governor not later than
12 December 1, 1991, a plan to bring educational employees' salaries to a
13 level that places Washington in the top ten states by the beginning of
14 the 1997-98 school year.

15 PART III

16 COMPENSATION MAINTENANCE PLAN

17 NEW SECTION. **Sec. 301.** The superintendent of public
18 instruction, in consultation with teachers, classified employees,
19 administrators, school directors, business, labor, parents, and
20 legislators shall study and recommend to the legislature and the
21 governor not later than December 1, 1991, a plan to maintain salaries
22 for educational employees in Washington at the levels to be established
23 under section 202(2) of this act. The plan may include the use of peer
24 states or peer professions.

25 PART IV

26 MISCELLANEOUS

1 NEW SECTION. **Sec. 401.** (1) The sum of thirty-four million
2 dollars, or as much thereof as may be necessary, is appropriated for
3 the biennium ending June 30, 1993, from the general fund to the
4 superintendent of public instruction for the purposes of sections 101
5 through 116 of this act.

6 (2) Not more than one and one-half percent of the appropriation
7 under subsection (1) of this section shall be expended by the
8 superintendent for administrative activities related to implementing
9 sections 101 through 116 of this act.

10 NEW SECTION. **Sec. 402.** The sum of one hundred thousand
11 dollars, or as much thereof as may be necessary, is appropriated for
12 the biennium ending June 30, 1993, from the general fund to the
13 superintendent of public instruction for the purposes of sections 202
14 and 301 of this act.

15 NEW SECTION. **Sec. 403.** If any provision of this act or its
16 application to any person or circumstances is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

19 NEW SECTION. **Sec. 404.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and shall take
22 effect immediately.