

addition, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense.

Passed the Senate February 6, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 13, 1990.

Filed in Office of Secretary of State March 13, 1990.

CHAPTER 32

[House Bill No. 2032]

RECREATIONAL FACILITIES DEFINED

AN ACT Relating to parks and recreation districts; and amending RCW 36.69.010.

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

Sec. 1. Section 36.69.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 94, Laws of 1972 ex. sess. and RCW 36.69.010 are each amended to read as follows:

Park and recreation districts are hereby authorized to be formed in each and every class of county as municipal corporations for the purpose of providing leisure time activities and facilities and recreational facilities, of a nonprofit nature as a public service to the residents of the geographical areas included within their boundaries.

The term "recreational facilities" means parks, playgrounds, gymnasiums, swimming pools, field houses, bathing beaches, stadiums, golf courses, automobile race tracks and drag strips, coliseums for the display of spectator sports, public campgrounds, boat ramps and launching sites, public hunting and fishing areas, arboretums, bicycle and bridle paths, senior citizen centers, community centers, and other recreational facilities.

Passed the House February 7, 1990.

Passed the Senate February 26, 1990.

Approved by the Governor March 13, 1990.

Filed in Office of Secretary of State March 13, 1990.

CHAPTER 33

[House Bill No. 2276]

TITLE 28A RCW—REORGANIZATION

AN ACT Relating to reorganization of Title 28A RCW; amending RCW 28A.01.020, 28A.01.130, 28A.41.110, 28A.58.750, 28A.58.754, 28A.58.758, 28A.41.130, 28A.41.140, 28A.41.160, 28A.41.160, 28A.41.170, 28A.41.145, 28A.41.150, 28A.41.162, 28A.41.050, 28A.41.053, 28A.41.055, 28A.41.112, 28A.41.175, 28A.13.005, 28A.13.010, 28A.13.020, 28A.13.030, 28A.13.040, 28A.13.045, 28A.13.060, 28A.13.070, 28A.13.080, 28A.03.300, 28A.03.320, 28A.03.367, 28A.24.055, 28A.24.065, 28A.24.111, 28A.24.120, 28A.24.170, 28A.24.172, 28A.24.175, 28A.58.428, 28A.58.133, 28A.41.505, 28A.41.510, 28A.41.515, 28A.41.520, 28A.41.525, 28A.41.540, 28A.41.180, 28A.120.014, 28A.120.016, 28A.120.022,

28A.120.024, 28A.120.026, 28A.120.032, 28A.120.036, 28A.120.050, 28A.120.080, 28A.120-
 .082, 28A.120.084, 28A.120.086, 28A.120.062, 28A.120.064, 28A.120.068, 28A.58.800, 28A-
 .58.802, 28A.58.808, 28A.58.809, 28A.58.810, 28A.16.050, 28A.58.217, 28A.58.765,
 28A.58.770, 28A.58.772, 28A.58.774, 28A.58.776, 28A.58.778, 28A.02.240, 28A.27.310,
 28A.27.320, 28A.97.010, 28A.97.020, 28A.97.030, 28A.97.040, 28A.97.050, 28A.97.120,
 28A.97.125, 28A.97.130, 28A.31.040, 28A.31.050, 28A.31.100, 28A.31.102, 28A.31.104,
 28A.31.106, 28A.31.110, 28A.31.112, 28A.31.114, 28A.31.115, 28A.31.116, 28A.31.118,
 28A.31.120, 28A.31.130, 28A.31.132, 28A.31.134, 28A.31.136, 28A.31.138, 28A.31.139,
 28A.31.142, 28A.31.155, 28A.31.165, 28A.34.020, 28A.34.040, 28A.34.150, 28A.34.020,
 28A.34A.090, 28A.34A.110, 28A.34.110, 28A.34.130, 28A.08.010, 28A.27.010, 28A.27.022,
 28A.27.030, 28A.27.040, 28A.27.070, 28A.27.080, 28A.27.090, 28A.27.100, 28A.27.102,
 28A.27.104, 28A.27.110, 28A.27.120, 28A.27.130, 28A.27.140, 28A.58.215, 28A.58.225,
 28A.58.230, 28A.58.242, 28A.05.005, 28A.58.255, 28A.05.062, 28A.05.064, 28A.02.070,
 28A.29.020, 28A.30.030, 28A.30.060, 28A.30.070, 28A.30.080, 28A.58.136, 28A.03.423,
 28A.58.082, 28A.03.010, 28A.03.030, 28A.03.375, 28A.03.350, 28A.03.419, 28A.03.425,
 28A.03.511, 28A.04.010, 28A.04.020, 28A.04.030, 28A.04.040, 28A.04.050, 28A.04.060,
 28A.04.070, 28A.04.080, 28A.04.100, 28A.04.127, 28A.04.176, 28A.04.178, 28A.21.020,
 28A.21.030, 28A.21.034, 28A.21.035, 28A.21.040, 28A.21.050, 28A.21.086, 28A.21.088,
 28A.21.090, 28A.21.102, 28A.21.105, 28A.21.106, 28A.21.112, 28A.21.113, 28A.21.120,
 28A.21.135, 28A.21.136, 28A.21.138, 28A.21.170, 28A.21.200, 28A.21.210, 28A.21.310,
 28A.57.010, 28A.57.020, 28A.57.029, 28A.57.032, 28A.57.034, 28A.57.040, 28A.57.050,
 28A.57.055, 28A.57.060, 28A.57.070, 28A.57.080, 28A.57.090, 28A.57.110, 28A.57.120,
 28A.57.140, 28A.57.195, 28A.57.196, 28A.57.230, 28A.57.245, 28A.57.255, 28A.57.260,
 28A.57.280, 28A.57.322, 28A.57.324, 28A.57.328, 28A.57.334, 28A.57.336, 28A.57.342,
 28A.57.355, 28A.57.356, 28A.57.357, 28A.57.358, 28A.57.390, 28A.57.410, 28A.57.415,
 28A.57.425, 28A.57.435, 28A.57.900, 28A.58.630, 28A.58.107, 28A.58.620, 28A.58.085,
 28A.58.090, 28A.58.430, 28A.58.435, 28A.58.441, 28A.58.380, 28A.58.080, 28A.58.120,
 28A.59.030, 28A.59.040, 28A.59.060, 28A.59.070, 28A.59.080, 28A.59.110, 28A.59.150,
 28A.59.180, 28A.60.010, 28A.60.070, 28A.60.310, 28A.60.328, 28A.58.032, 28A.58.033,
 28A.58.034, 28A.58.036, 28A.58.037, 28A.58.040, 28A.58.075, 28A.58.131, 28A.02.110,
 28A.58.135, 28A.60.200, 28A.60.210, 28A.60.220, 28A.100.080, 28A.100.082, 28A.100.084,
 28A.100.086, 28A.100.088, 28A.100.090, 28A.61.030, 28A.66.010, 28A.66.020, 28A.66.040,
 28A.58.137, 28A.58.140, 28A.58.150, 28A.58.201, 28A.58.170, 28A.58.0951, 28A.58.1001,
 28A.67.030, 28A.67.035, 28A.67.065, 28A.67.220, 28A.67.225, 28A.67.230, 28A.67.072,
 28A.67.073, 28A.67.074, 28A.58.445, 28A.58.450, 28A.58.455, 28A.58.460, 28A.58.470,
 28A.58.490, 28A.58.510, 28A.58.515, 28A.67.096, 28A.67.240, 28A.67.900, 28A.58.1003,
 28A.70.110, 28A.70.160, 28A.70.170, 28A.70.180, 28A.02.260, 28A.70.402, 28A.70.406,
 28A.71.100, 28A.71.110, 28A.65.405, 28A.65.420, 28A.65.425, 28A.65.430, 28A.65.445,
 28A.65.450, 28A.65.465, 28A.65.470, 28A.65.480, 28A.65.485, 28A.48.010, 28A.48.030,
 28A.48.100, 28A.02.300, 28A.02.310, 28A.47.090, 28A.47.776, 28A.47.777, 28A.47.778,
 28A.47.779, 28A.47.780, 28A.47.781, 28A.47.782, 28A.47.783, 28A.47.784, 28A.47.785,
 28A.47.786, 28A.47.787, 28A.47.788, 28A.47.789, 28A.47.790, 28A.47.791, 28A.47.792,
 28A.47.794, 28A.47.795, 28A.47.796, 28A.47.798, 28A.47.799, 28A.47.7991, 28A.47.801,
 28A.47.802, 28A.47.803, 28A.47.804, 28A.47.805, 28A.47.807, 28A.47.808, 28A.47.809,
 28A.47.810, 28A.47.811, 28A.47.830, 28A.47.842, 28A.47.843, 28A.47.844, 28A.47.845,
 28A.47.846, 28A.47B.010, 28A.47B.020, 28A.47B.040, 28A.47B.050, 28A.47B.060, 28A.47B-
 .070, 28A.47B.080, 28A.51.020, 28A.51.190, 28A.51.200, 28A.52.020, 28A.52.030, 28A.52-
 .060, 28A.52.080, 28A.56.040, 28A.56.060, 28A.56.070, 28A.44.150, 28A.44.160, 28A.44.180,
 28A.44.190, 28A.44.200, 28A.44.210, 28A.44.220, 28A.44.230, 28A.58.101, 28A.58.1011,
 28A.58.195, 28A.58.820, 28A.58.826, 28A.58.828, 28A.58.125, 28A.67.310, 28A.67.330,
 28A.130.010, 28A.130.012, 28A.130.014, 28A.58.642, 28A.58.644, 28A.58.720, 28A.58.722,
 28A.03.520, 28A.03.523, 28A.03.529, 28A.03.532, 28A.03.535, 28A.03.538, 28A.02.325,
 28A.58.842, 28A.03.438, 28A.120.094, 28A.120.096, 28A.100.025, 28A.100.032, 28A.100.034,
 28A.100.036, 28A.100.040, 28A.100.042, 28A.100.044, 28A.100.054, 28A.100.068, 28A.125-
 .020, 28A.125.030, 28A.125.040, 28A.87.010, 28A.87.090, 28A.87.130, 28A.87.135, 28A.87-
 .230, 28A.87.231, 28A.87.232, 28A.87.233, 28A.88.010, 28A.93.010, 28A.93.020, 28A.93.030,
 28A.92.010, 28A.92.030, 28A.92.040, 13.04.145, 18.71.030, 18.118.010, 18.120.010, 19.27-
 .080, 19.142.010, 28B.10.025, 28B.15.543, 28B.50.873, 28B.80.245, 28B.80.360, 29.13.020,
 29.13.060, 31.12.125, 35.13.125, 35.13.130, 39.33.070, 39.34.030, 41.04.655, 41.32.011, 41.59-
 .935, 41.59.940, 42.23.030, 43.17.205, 43.17.210, 43.19.455, 43.43.845, 43.46.095, 43.63A.066,
 43.70.900, 43.79.425, 43.99H.020, 43.230.010, 46.16.035, 46.61.385, 50.44.050, 69.50.435,

71A.20.050, 71A.20.070, 72.01.200, 72.05.130, 72.20.040, 74.09.524, 79.01.774, 84.09.037, 84.33.010, 84.33.020, 84.33.160, and 84.52.0531; reenacting and amending RCW 28A.02.201, 28A.04.120, 28A.58.099, 28A.67.070, 28A.70.040, 28A.58.246, 46.68.124, and 74.09.520; adding a new section to chapter 28A.900 RCW; creating new sections; recodifying Title 28A RCW; and decodifying RCW 28A.04.167, 28A.04.170, 28A.04.172, 28A.04.174, and 28A.70.900.

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

NEW SECTION. Sec. 1. (1) The purpose of this act is to reorganize Title 28A RCW. There are three goals to this reorganization: (a) To place related sections in chapters organized by subject matter; (b) to make all terms gender neutral; and (c) to clarify existing language. This act is technical in nature and is not intended to make substantive changes in the meaning, interpretation, court construction, or constitutionality of any provision of Title 28A RCW or other statutory provisions included in this act and rules adopted under those provisions.

(2) This act shall not have the effect of terminating or in any way modifying any proceedings or liability, civil or criminal, which exists on the effective date of this section.

NEW SECTION. Sec. 2. (1) The code reviser shall correct all statutory references to code sections recodified by section 4 of this act.

(2)(a) References to "RCW 28A.47.732 through 28A.47.748" in Title 28A RCW have intentionally not been changed since those code sections were repealed by chapter 189, Laws of 1983. These references are not being eliminated because it is not the purpose of this act to correct obsolete references.

(b) References to "RCW 28A.58.095" in Title 28A RCW have intentionally not been changed since that code section was repealed by chapter 2, Laws of 1987 1st ex. sess. These references are not being eliminated because it is not the purpose of this act to correct obsolete references.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.900 RCW to read as follows:

Subheadings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 4. The following are each recodified:

PART I THE EDUCATION PROGRAMS

1. GENERAL PROVISIONS

A. Definitions

28A.01.055 as 28A.150.010;

28A.01.060 as 28A.150.020;

28A.01.010 as 28A.150.030;

28A.01.020 as 28A.150.040;

28A.02.061 as 28A.150.050;

28A.01.130 as 28A.150.060;

28A.02.020 as 28A.150.070;

28A.01.100 as 28A.150.080;

28A.01.110 as 28A.150.090;

28A.41.110 as 28A.150.100;

B. The Basic Education Act

28A.58.750 as 28A.150.200;

28A.58.752 as 28A.150.210;

28A.58.754 as 28A.150.220;

28A.58.758 as 28A.150.230;

28A.58.760 as 28A.150.240;

28A.41.130 as 28A.150.250;

28A.41.140 as 28A.150.260;

28A.41.143 as 28A.150.270;

28A.41.160 as 28A.150.280;

28A.41.170 as 28A.150.290;

28A.02.010 as 28A.150.295;

C. Appropriations and Adjustments

28A.41.145 as 28A.150.350;

28A.41.150 as 28A.150.360;

28A.41.162 as 28A.150.370;

28A.41.050 as 28A.150.380;

28A.41.053 as 28A.150.390;

28A.41.055 as 28A.150.400;

28A.41.112 as 28A.150.410;

28A.41.172 as 28A.150.420;

28A.41.175 as 28A.150.430;

2. SPECIAL EDUCATION

28A.13.005 as 28A.155.010;

28A.13.010 as 28A.155.020;

28A.13.020 as 28A.155.030;

28A.13.030 as 28A.155.040;

28A.13.040 as 28A.155.050;

28A.13.045 as 28A.155.060;

28A.13.050 as 28A.155.070;

28A.13.060 as 28A.155.080;

28A.13.070 as 28A.155.090;

28A.13.080 as 28A.155.100;

28A.03.300 as 28A.155.110;

28A.03.310 as 28A.155.120;

28A.03.320 as 28A.155.130;

28A.03.367 as 28A.155.140;

3. STUDENT TRANSPORTATION

28A.24.055 as 28A.160.010;

28A.24.065 as 28A.160.020;

28A.24.100 as 28A.160.030;

28A.24.110 as 28A.160.040;
28A.24.111 as 28A.160.050;
28A.24.112 as 28A.160.060;
28A.24.120 as 28A.160.070;
28A.24.170 as 28A.160.080;
28A.24.172 as 28A.160.090;
28A.24.175 as 28A.160.100;
28A.24.178 as 28A.160.110;
28A.24.180 as 28A.160.120;
28A.58.428 as 28A.160.130;
28A.58.133 as 28A.160.140;
28A.41.505 as 28A.160.150;
28A.41.510 as 28A.160.160;
28A.41.515 as 28A.160.170;
28A.41.520 as 28A.160.180;
28A.41.525 as 28A.160.190;
28A.41.540 as 28A.160.200;
28A.04.131 as 28A.160.210;
28A.41.180 as 28A.160.220;

4. LEARNING ASSISTANCE PROGRAM

28A.120.010 as 28A.165.010;
28A.120.012 as 28A.165.020;
28A.120.014 as 28A.165.030;
28A.120.016 as 28A.165.040;
28A.120.018 as 28A.165.050;
28A.120.020 as 28A.165.060;
28A.120.022 as 28A.165.070;
28A.120.024 as 28A.165.080;
28A.120.026 as 28A.165.090;

5. SUBSTANCE ABUSE AWARENESS PROGRAM

28A.120.030 as 28A.170.010;
28A.120.032 as 28A.170.020;
28A.120.034 as 28A.170.030;
28A.120.036 as 28A.170.040;
28A.120.038 as 28A.170.050;
28A.120.040 as 28A.170.060;
28A.120.050 as 28A.170.070;
28A.120.080 as 28A.170.075;
28A.120.082 as 28A.170.080;
28A.120.084 as 28A.170.090;
28A.120.086 as 28A.170.100;

6. DROPOUT PREVENTION AND RETRIEVAL PROGRAM

28A.58.087 as 28A.175.010;
28A.120.060 as 28A.175.020;

28A.120.062 as 28A.175.030;
28A.120.064 as 28A.175.040;
28A.120.068 as 28A.175.050;
28A.120.070 as 28A.175.060;
28A.120.072 as 28A.175.070;
28A.120.090 as 28A.175.080;
28A.120.092 as 28A.175.090;

7. TRANSITIONAL BILINGUAL INSTRUCTION PROGRAM

28A.58.800 as 28A.180.010;
28A.58.801 as 28A.180.020;
28A.58.802 as 28A.180.030;
28A.58.804 as 28A.180.040;
28A.58.806 as 28A.180.050;
28A.58.808 as 28A.180.060;
28A.58.809 as 28A.180.070;
28A.58.810 as 28A.180.080;

8. HIGHLY CAPABLE

28A.16.040 as 28A.185.010;
28A.16.050 as 28A.185.020;
28A.16.060 as 28A.185.030;
28A.58.217 as 28A.185.040;

9. RESIDENTIAL EDUCATION PROGRAMS

28A.58.765 as 28A.190.010;
28A.58.770 as 28A.190.020;
28A.58.772 as 28A.190.030;
28A.58.774 as 28A.190.040;
28A.58.776 as 28A.190.050;
28A.58.778 as 28A.190.060;

10. PRIVATE SCHOOLS

28A.02.201 as 28A.195.010;
28A.02.220 as 28A.195.020;
28A.02.230 as 28A.195.030;
28A.02.240 as 28A.195.040;
28A.02.250 as 28A.195.050;
28A.48.055 as 28A.195.060;

11. HOME-BASED INSTRUCTION

28A.27.310 as 28A.200.010;
28A.27.320 as 28A.200.020;

12. EDUCATIONAL CLINICS

28A.97.010 as 28A.205.010;
28A.97.020 as 28A.205.020;
28A.97.030 as 28A.205.030;
28A.97.040 as 28A.205.040;
28A.97.050 as 28A.205.050;

28A.97.110 as 28A.205.060;

28A.97.120 as 28A.205.070;

28A.97.125 as 28A.205.080;

28A.97.130 as 28A.205.090;

13. HEALTH—SCREENING AND REQUIREMENTS

28A.31.005 as 28A.210.005;

28A.31.010 as 28A.210.010;

28A.31.030 as 28A.210.020;

28A.31.040 as 28A.210.030;

28A.31.050 as 28A.210.040;

28A.31.060 as 28A.210.050;

28A.31.100 as 28A.210.060;

28A.31.102 as 28A.210.070;

28A.31.104 as 28A.210.080;

28A.31.106 as 28A.210.090;

28A.31.110 as 28A.210.100;

28A.31.112 as 28A.210.110;

28A.31.114 as 28A.210.120;

28A.31.115 as 28A.210.130;

28A.31.116 as 28A.210.140;

28A.31.117 as 28A.210.150;

28A.31.118 as 28A.210.160;

28A.31.120 as 28A.210.170;

28A.31.130 as 28A.210.180;

28A.31.132 as 28A.210.190;

28A.31.134 as 28A.210.200;

28A.31.136 as 28A.210.210;

28A.31.138 as 28A.210.220;

28A.31.139 as 28A.210.230;

28A.31.140 as 28A.210.240;

28A.31.142 as 28A.210.250;

28A.31.150 as 28A.210.260;

28A.31.155 as 28A.210.270;

28A.31.160 as 28A.210.280;

28A.31.165 as 28A.210.290;

28A.60.320 as 28A.210.300;

28A.31.170 as 28A.210.310;

14. EARLY CHILDHOOD, PRESCHOOLS, AND BEFORE- AND-AFTER SCHOOL CARE

A. Nursery Schools, Preschools, and Before-and-After School Care

28A.34.010 as 28A.215.010;

28A.34.020 as 28A.215.020;

28A.34.040 as 28A.215.030;

28A.34.050 as 28A.215.040;

28A.34.150 as 28A.215.050;

B. Early Childhood Assistance Program

28A.34A.010 as 28A.215.100;

28A.34A.020 as 28A.215.110;

28A.34A.030 as 28A.215.120;

28A.34A.040 as 28A.215.130;

28A.34A.050 as 28A.215.140;

28A.34A.060 as 28A.215.150;

28A.34A.070 as 28A.215.160;

28A.34A.080 as 28A.215.170;

28A.34A.090 as 28A.215.180;

28A.34A.100 as 28A.215.190;

28A.34A.110 as 28A.215.200;

28A.34A.900 as 28A.215.904;

28A.34A.904 as 28A.215.900;

28A.34A.906 as 28A.215.906;

28A.34A.908 as 28A.215.908;

C. Voluntary Accreditation of Preschools

28A.34.100 as 28A.215.300;

28A.34.110 as 28A.215.310;

28A.34.120 as 28A.215.320;

28A.34.130 as 28A.215.330;

15. TRAFFIC SAFETY

28A.08.005 as 28A.220.010;

28A.08.010 as 28A.220.020;

28A.08.020 as 28A.220.030;

28A.08.070 as 28A.220.040;

28A.08.080 as 28A.220.050;

28A.08.900 as 28A.220.900;

**16. COMPULSORY SCHOOL ATTENDANCE AND
ADMISSION**

28A.27.010 as 28A.225.010;

28A.27.020 as 28A.225.020;

28A.27.022 as 28A.225.030;

28A.27.030 as 28A.225.040;

28A.27.040 as 28A.225.050;

28A.27.070 as 28A.225.060;

28A.27.080 as 28A.225.070;

28A.27.090 as 28A.225.080;

28A.27.100 as 28A.225.090;

28A.27.102 as 28A.225.100;

28A.27.104 as 28A.225.110;

28A.27.110 as 28A.225.120;

28A.27.120 as 28A.225.130;

28A.27.130 as 28A.225.140;
28A.27.140 as 28A.225.150;
28A.58.190 as 28A.225.160;
28A.58.210 as 28A.225.170;
28A.58.215 as 28A.225.180;
28A.58.220 as 28A.225.190;
28A.58.225 as 28A.225.200;
28A.58.230 as 28A.225.210;
28A.58.235 as 28A.225.215;
28A.58.240 as 28A.225.220;
28A.58.242 as 28A.225.230;
28A.58.243 as 28A.225.240;
28A.58.245 as 28A.225.250;
28A.58.250 as 28A.225.260;

17. COMPULSORY COURSEWORK AND ACTIVITIES

28A.05.005 as 28A.230.010;
28A.05.010 as 28A.230.020;
28A.05.015 as 28A.230.030;
28A.05.030 as 28A.230.040;
28A.05.040 as 28A.230.050;
28A.05.050 as 28A.230.060;
28A.05.055 as 28A.230.070;
28A.58.255 as 28A.230.080;
28A.05.060 as 28A.230.090;
28A.05.062 as 28A.230.100;
28A.05.064 as 28A.230.110;
28A.58.108 as 28A.230.120;
28A.05.070 as 28A.230.130;
28A.02.030 as 28A.230.140;
28A.02.090 as 28A.230.150;
28A.02.070 as 28A.230.160;
28A.02.080 as 28A.230.170;
28A.58.535 as 28A.230.180;
28A.03.360 as 28A.230.190;
28A.03.365 as 28A.230.200;
28A.03.370 as 28A.230.210;

18. FOOD SERVICES

28A.29.010 as 28A.235.010;
28A.29.020 as 28A.235.020;
28A.29.030 as 28A.235.030;
28A.30.010 as 28A.235.040;
28A.30.020 as 28A.235.050;
28A.30.030 as 28A.235.060;
28A.30.040 as 28A.235.070;

28A.30.050 as 28A.235.080;

28A.30.060 as 28A.235.090;

28A.30.070 as 28A.235.100;

28A.30.080 as 28A.235.110;

28A.58.136 as 28A.235.120;

28A.31.020 as 28A.235.130;

28A.29.040 as 28A.235.140;

19. SCHOOL-BASED MANAGEMENT

28A.03.423 as 28A.240.010;

28A.58.081 as 28A.240.020;

28A.58.082 as 28A.240.030;

**PART II
ORGANIZATION**

20. SUPERINTENDENT OF PUBLIC INSTRUCTION

28A.03.010 as 28A.300.010;

28A.03.020 as 28A.300.020;

28A.03.028 as 28A.300.030;

28A.03.030 as 28A.300.040;

28A.03.375 as 28A.300.050;

28A.03.350 as 28A.300.060;

28A.02.100 as 28A.300.070;

28A.03.415 as 28A.300.080;

28A.03.417 as 28A.300.090;

28A.03.419 as 28A.300.100;

28A.03.425 as 28A.300.110;

28A.03.500 as 28A.300.120;

28A.03.510 as 28A.300.130;

28A.03.511 as 28A.300.140;

28A.03.512 as 28A.300.150;

28A.03.514 as 28A.300.160;

28A.41.040 as 28A.300.170;

28A.67.270 as 28A.300.180;

21. STATE BOARD OF EDUCATION

28A.04.010 as 28A.305.010;

28A.04.020 as 28A.305.020;

28A.04.030 as 28A.305.030;

28A.04.040 as 28A.305.040;

28A.04.050 as 28A.305.050;

28A.04.060 as 28A.305.060;

28A.04.065 as 28A.305.070;

28A.04.070 as 28A.305.080;

28A.04.080 as 28A.305.090;

28A.04.090 as 28A.305.100;

28A.04.100 as 28A.305.110;
28A.04.110 as 28A.305.120;
28A.04.120 as 28A.305.130;
28A.04.127 as 28A.305.140;
28A.04.130 as 28A.305.150;
28A.04.132 as 28A.305.160;
28A.04.133 as 28A.305.170;
28A.04.134 as 28A.305.180;
28A.04.135 as 28A.305.190;
28A.04.140 as 28A.305.200;
28A.04.145 as 28A.305.210;
28A.04.155 as 28A.305.220;
28A.04.165 as 28A.305.230;
28A.04.176 as 28A.305.240;
28A.04.178 as 28A.305.250;
28A.67.250 as 28A.305.260;
28A.67.260 as 28A.305.270;

22. EDUCATIONAL SERVICE DISTRICTS

28A.21.010 as 28A.310.010;
28A.21.020 as 28A.310.020;
28A.21.030 as 28A.310.030;
28A.21.0303 as 28A.310.040;
28A.21.0304 as 28A.310.050;
28A.21.0305 as 28A.310.060;
28A.21.0306 as 28A.310.070;
28A.21.031 as 28A.310.080;
28A.21.032 as 28A.310.090;
28A.21.033 as 28A.310.100;
28A.21.034 s 28A.310.110;
28A.21.035 as 28A.310.120;
28A.21.037 as 28A.310.130;
28A.21.040 as 28A.310.140;
28A.21.050 as 28A.310.150;
28A.21.060 as 28A.310.160;
28A.21.071 as 28A.310.170;
28A.21.086 as 28A.310.180;
28A.21.088 as 28A.310.190;
28A.21.090 as 28A.310.200;
28A.21.092 as 28A.310.210;
28A.21.095 as 28A.310.220;
28A.21.100 as 28A.310.230;
28A.21.102 as 28A.310.240;
28A.21.105 as 28A.310.250;
28A.21.106 as 28A.310.260;

28A.21.110 as 28A.310.270;
28A.21.111 as 28A.310.280;
28A.21.112 as 28A.310.290;
28A.21.113 as 28A.310.300;
28A.21.120 as 28A.310.310;
28A.21.130 as 28A.310.320;
28A.21.135 as 28A.310.330;
28A.21.136 as 28A.310.340;
28A.21.137 as 28A.310.350;
28A.21.138 as 28A.310.360;
28A.21.140 as 28A.310.370;
28A.21.160 as 28A.310.380;
28A.21.170 as 28A.310.390;
28A.21.195 as 28A.310.400;
28A.21.200 as 28A.310.410;
28A.21.210 as 28A.310.420;
28A.21.220 as 28A.310.430;
28A.21.255 as 28A.310.440;
28A.21.300 as 28A.310.450;
28A.21.310 as 28A.310.460;
28A.21.350 as 28A.310.470;
28A.21.355 as 28A.310.480;
28A.21.360 as 28A.310.490;
28A.21.900 as 28A.310.900;

23. ORGANIZATION AND REORGANIZATION OF SCHOOL DISTRICTS

28A.57.010 as 28A.315.010;
28A.57.020 as 28A.315.020;
28A.57.029 as 28A.315.030;
28A.57.030 as 28A.315.040;
28A.57.031 as 28A.315.050;
28A.57.032 as 28A.315.060;
28A.57.033 as 28A.315.070;
28A.57.034 as 28A.315.080;
28A.57.035 as 28A.315.090;
28A.57.040 as 28A.315.100;
28A.57.050 as 28A.315.110;
28A.57.055 as 28A.315.120;
28A.57.057 as 28A.315.130;
28A.57.060 as 28A.315.140;
28A.57.070 as 28A.315.150;
28A.57.075 as 28A.315.160;
28A.57.080 as 28A.315.170;
28A.57.090 as 28A.315.180;

28A.57.100 as 28A.315.190;
28A.57.110 as 28A.315.200;
28A.57.120 as 28A.315.210;
28A.57.130 as 28A.315.220;
28A.57.140 as 28A.315.230;
28A.57.145 as 28A.315.240;
28A.57.150 as 28A.315.250;
28A.57.160 as 28A.315.260;
28A.57.170 as 28A.315.270;
28A.57.180 as 28A.315.280;
28A.57.190 as 28A.315.290;
28A.57.195 as 28A.315.300;
28A.57.196 as 28A.315.310;
28A.57.200 as 28A.315.320;
28A.57.210 as 28A.315.330;
28A.57.220 as 28A.315.340;
28A.57.230 as 28A.315.350;
28A.57.240 as 28A.315.360;
28A.57.245 as 28A.315.370;
28A.57.250 as 28A.315.380;
28A.57.255 as 28A.315.390;
28A.57.260 as 28A.315.400;
28A.57.270 as 28A.315.410;
28A.57.280 as 28A.315.420;
28A.57.290 as 28A.315.430;
28A.57.300 as 28A.315.440;
28A.57.312 as 28A.315.450;
28A.57.313 as 28A.315.460;
28A.57.314 as 28A.315.470;
28A.57.316 as 28A.315.480;
28A.57.318 as 28A.315.490;
28A.57.322 as 28A.315.500;
28A.57.324 as 28A.315.510;
28A.57.325 as 28A.315.520;
28A.57.326 as 28A.315.530;
28A.57.327 as 28A.315.540;
28A.57.328 as 28A.315.550;
28A.57.334 as 28A.315.560;
28A.57.336 as 28A.315.570;
28A.57.342 as 28A.315.580;
28A.57.344 as 28A.315.590;
28A.57.355 as 28A.315.600;
28A.57.356 as 28A.315.610;
28A.57.357 as 28A.315.620;

28A.57.358 as 28A.315.630;

28A.57.390 as 28A.315.640;

28A.57.410 as 28A.315.650;

28A.57.415 as 28A.315.660;

28A.57.425 as 28A.315.670;

28A.57.435 as 28A.315.680;

28A.58.600 as 28A.315.690;

28A.58.601 as 28A.315.700;

28A.58.602 as 28A.315.710;

28A.58.603 as 28A.315.720;

28A.57.900 as 28A.315.900;

24. PROVISIONS APPLICABLE TO ALL DISTRICTS

A. District Powers

28A.58.010 as 28A.320.010;

28A.58.020 as 28A.320.020;

28A.58.030 as 28A.320.030;

28A.58.110 as 28A.320.040;

28A.58.310 as 28A.320.050;

28A.58.630 as 28A.320.060;

28A.58.410 as 28A.320.070;

28A.58.107 as 28A.320.080;

28A.58.610 as 28A.320.090;

28A.58.620 as 28A.320.100;

28A.58.530 as 28A.320.110;

B. Program Evaluation

28A.58.085 as 28A.320.200;

28A.58.090 as 28A.320.210;

28A.58.094 as 28A.320.220;

28A.58.103 as 28A.320.230;

28A.58.104 as 28A.320.240;

C. Deposit, Investment of Funds, and Use of Proceeds

28A.58.430 as 28A.320.300;

28A.58.435 as 28A.320.310;

28A.58.440 as 28A.320.320;

28A.58.441 as 28A.320.330;

D. Electors—Qualifications, Voting Place, and Special Meetings

28A.58.520 as 28A.320.400;

28A.58.521 as 28A.320.410;

28A.58.370 as 28A.320.420;

28A.58.380 as 28A.320.430;

28A.58.390 as 28A.320.440;

E. Summer School, Night School, Extracurricular Activities, and Athletics

28A.58.080 as 28A.320.500;

28A.58.105 as 28A.320.510;

25. ASSOCIATED STUDENT BODIES

28A.58.113 as 28A.325.010;

28A.58.115 as 28A.325.020;

28A.58.120 as 28A.325.030;

26. PROVISIONS APPLICABLE TO SCHOOL DISTRICTS

A. Provisions Applicable Only to First Class School Districts

28A.59.030 as 28A.330.010;

28A.59.040 as 28A.330.020;

28A.59.050 as 28A.330.030;

28A.59.060 as 28A.330.040;

28A.59.070 as 28A.330.050;

28A.59.080 as 28A.330.060;

28A.59.100 as 28A.330.070;

28A.59.110 as 28A.330.080;

28A.59.150 as 28A.330.090;

28A.59.180 as 28A.330.100;

28A.59.185 as 28A.330.110;

B. Provisions Applicable Only to Second Class School Districts

28A.60.010 as 28A.330.200;

28A.60.070 as 28A.330.210;

28A.60.310 as 28A.330.220;

28A.60.328 as 28A.330.230;

28A.60.360 as 28A.330.240;

27. SCHOOL DISTRICTS' PROPERTY ACQUISITION, OPERATION, CLOSURE, AND DISPOSAL

28A.58.102 as 28A.335.010;

28A.58.031 as 28A.335.020;

28A.58.032 as 28A.335.030;

28A.58.033 as 28A.335.040;

28A.58.034 as 28A.335.050;

28A.58.035 as 28A.335.060;

28A.58.036 as 28A.335.070;

28A.58.037 as 28A.335.080;

28A.58.040 as 28A.335.090;

28A.58.0401 as 28A.335.100;

28A.58.044 as 28A.335.110;

28A.58.045 as 28A.335.120;

28A.58.0461 as 28A.335.130;

28A.58.047 as 28A.335.140;

28A.58.048 as 28A.335.150;

28A.58.075 as 28A.335.160;

28A.58.131 as 28A.335.170;

28A.02.110 as 28A.335.180;

28A.58.135 as 28A.335.190;
 28A.58.550 as 28A.335.200;
 28A.58.055 as 28A.335.210;
 28A.58.070 as 28A.335.220;
 28A.47.105 as 28A.335.230;
 28A.60.181 as 28A.335.240;
 28A.60.190 as 28A.335.250;
 28A.60.200 as 28A.335.260;
 28A.60.210 as 28A.335.270;
 28A.60.220 as 28A.335.280;
 28A.60.350 as 28A.335.290;

28. SMALL HIGH SCHOOL COOPERATIVE PROJECTS

28A.100.080 as 28A.340.010;
 28A.100.082 as 28A.340.020;
 28A.100.084 as 28A.340.030;
 28A.100.086 as 28A.340.040;
 28A.100.088 as 28A.340.050;
 28A.100.090 as 28A.340.060;
 28A.100.092 as 28A.340.070;

29. WASHINGTON STATE SCHOOL DIRECTORS' ASSOCIATION

28A.61.010 as 28A.345.010;
 28A.61.020 as 28A.345.020;
 28A.61.030 as 28A.345.030;
 28A.61.040 as 28A.345.040;
 28A.61.050 as 28A.345.050;
 28A.61.070 as 28A.345.060;
 28A.61.900 as 28A.345.900;
 28A.61.910 as 28A.345.902;

30. SCHOOL DISTRICT WARRANTS—AUDITORS' DUTIES

28A.66.010 as 28A.350.010;
 28A.66.020 as 28A.350.020;
 28A.66.030 as 28A.350.030;
 28A.66.040 as 28A.350.040;
 28A.66.050 as 28A.350.050;
 28A.66.070 as 28A.350.060;
 28A.66.080 as 28A.350.070;

**PART III
 EMPLOYEES**

31. EMPLOYEES

A. Superintendents

28A.58.137 as 28A.400.010;
 28A.58.140 as 28A.400.020;

28A.58.150 as 28A.400.030;

B. Principals

28A.58.160 as 28A.400.100;

28A.58.201 as 28A.400.110;

C. Delivery of Materials to Successors

28A.58.170 as 28A.400.150;

D. Salary and Compensation

28A.58.0951 as 28A.400.200;

28A.58.096 as 28A.400.210;

28A.58.098 as 28A.400.220;

28A.58.730 as 28A.400.230;

28A.58.740 as 28A.400.240;

28A.58.560 as 28A.400.250;

28A.58.565 as 28A.400.260;

E. Hiring and Discharge

28A.58.099 as 28A.400.300;

28A.02.050 as 28A.400.310;

28A.58.1001 as 28A.400.320;

28A.58.1002 as 28A.400.330;

F. Insurance

28A.58.420 as 28A.400.350;

28A.58.423 as 28A.400.360;

28A.58.425 as 28A.400.370;

28A.58.0991 as 28A.400.380;

32. CERTIFICATED EMPLOYEES

A. Qualifications

28A.67.010 as 28A.405.010;

28A.67.020 as 28A.405.020;

28A.67.110 as 28A.405.030;

28A.67.030 as 28A.405.040;

28A.67.035 as 28A.405.050;

28A.67.060 as 28A.405.060;

28A.58.580 as 28A.405.070;

B. Criteria for Evaluation and Model Programs

28A.67.065 as 28A.405.100;

28A.67.205 as 28A.405.110;

28A.67.210 as 28A.405.120;

28A.67.215 as 28A.405.130;

28A.67.220 as 28A.405.140;

28A.67.225 as 28A.405.150;

28A.67.230 as 28A.405.160;

C. Conditions and Contracts of Employment

28A.67.066 as 28A.405.200;

28A.67.070 as 28A.405.210;

28A.67.072 as 28A.405.220;

28A.67.073 as 28A.405.230;

28A.67.074 as 28A.405.240;

28A.58.445 as 28A.405.250;

D. Adverse Change in Contract

28A.58.450 as 28A.405.300;

28A.58.455 as 28A.405.310;

28A.58.460 as 28A.405.320;

28A.58.470 as 28A.405.330;

28A.58.480 as 28A.405.340;

28A.58.490 as 28A.405.350;

28A.58.500 as 28A.405.360;

28A.58.510 as 28A.405.370;

28A.58.515 as 28A.405.380;

E. Payroll Deduction

28A.67.095 as 28A.405.400;

28A.67.096 as 28A.405.410;

F. Teacher Assistance Program

28A.67.240 as 28A.405.450;

28A.58.275 as 28A.405.460;

28A.67.900 as 28A.405.900;

G. Termination of Certificated Staff

28A.58.1003 as 28A.405.470;

33. CERTIFICATION

28A.70.005 as 28A.410.010;

28A.04.122 as 28A.410.020;

28A.70.010 as 28A.410.030;

28A.70.040 as 28A.410.040;

28A.70.042 as 28A.410.050;

28A.70.110 as 28A.410.060;

28A.70.130 as 28A.410.070;

28A.01.025 as 28A.410.080;

28A.70.160 as 28A.410.090;

28A.70.170 as 28A.410.100;

28A.70.180 as 28A.410.110;

28A.02.260 as 28A.410.120;

28A.87.020 as 28A.410.130;

28A.70.395 as 28A.410.140;

28A.70.400 as 28A.410.150;

28A.70.402 as 28A.410.160;

28A.70.404 as 28A.410.170;

28A.70.406 as 28A.410.180;

28A.70.408 as 28A.410.190;

28A.70.900 as 28A.410.900;

34. TEACHERS' INSTITUTES, WORKSHOPS, AND OTHER
IN-SERVICE TRAINING

28A.71.100 as 28A.415.010;
28A.71.110 as 28A.415.020;
28A.71.200 as 28A.415.030;
28A.71.210 as 28A.415.040;
28A.71.220 as 28A.415.050;

PART IV
FINANCE

35. LOCAL EFFORT ASSISTANCE

28A.41.155 as 28A.500.010;

36. SCHOOL DISTRICT BUDGETS

28A.65.400 as 28A.505.010;
28A.65.405 as 28A.505.020;
28A.65.410 as 28A.505.030;
28A.65.415 as 28A.505.040;
28A.65.420 as 28A.505.050;
28A.65.425 as 28A.505.060;
28A.65.430 as 28A.505.070;
28A.65.435 as 28A.505.080;
28A.65.440 as 28A.505.090;
28A.65.445 as 28A.505.100;
28A.65.450 as 28A.505.110;
28A.65.455 as 28A.505.120;
28A.65.460 as 28A.505.130;
28A.65.465 as 28A.505.140;
28A.65.470 as 28A.505.150;
28A.65.475 as 28A.505.160;
28A.65.480 as 28A.505.170;
28A.65.485 as 28A.505.180;
28A.65.490 as 28A.505.190;

37. APPORTIONMENT TO DISTRICT—DISTRICT
ACCOUNTING

28A.48.010 as 28A.510.250;
28A.48.030 as 28A.510.260;
28A.48.100 as 28A.510.270;

38. COMMON SCHOOL CONSTRUCTION FUND

28A.40.010 as 28A.515.300;
28A.40.020 as 28A.515.310;
28A.40.100 as 28A.515.320;

39. FOREST RESERVE FUNDS DISTRIBUTION

28A.02.300 as 28A.520.010;
28A.02.310 as 28A.520.020;

40. BOND ISSUES

28A.47.050 as 28A.525.010;
28A.47.060 as 28A.525.020;
28A.47.073 as 28A.525.030;
28A.47.075 as 28A.525.040;
28A.47.080 as 28A.525.050;
28A.47.090 as 28A.525.060;
28A.47.100 as 28A.525.070;
28A.47.120 as 28A.525.080;
28A.47.775 as 28A.525.100;
28A.47.776 as 28A.525.102;
28A.47.777 as 28A.525.104;
28A.47.778 as 28A.525.106;
28A.47.779 as 28A.525.108;
28A.47.780 as 28A.525.110;
28A.47.781 as 28A.525.112;
28A.47.782 as 28A.525.114;
28A.47.783 as 28A.525.116;
28A.47.784 as 28A.525.120;
28A.47.785 as 28A.525.122;
28A.47.786 as 28A.525.124;
28A.47.787 as 28A.525.126;
28A.47.788 as 28A.525.128;
28A.47.789 as 28A.525.130;
28A.47.790 as 28A.525.132;
28A.47.791 as 28A.525.134;
28A.47.792 as 28A.525.140;
28A.47.793 as 28A.525.142;
28A.47.794 as 28A.525.144;
28A.47.795 as 28A.525.146;
28A.47.796 as 28A.525.148;
28A.47.797 as 28A.525.150;
28A.47.798 as 28A.525.152;
28A.47.799 as 28A.525.154;
28A.47.7991 as 28A.525.156;
28A.47.7992 as 28A.525.158;
28A.47.800 as 28A.525.160;
28A.47.801 as 28A.525.162;
28A.47.802 as 28A.525.164;
28A.47.803 as 28A.525.166;
28A.47.804 as 28A.525.168;
28A.47.805 as 28A.525.170;
28A.47.806 as 28A.525.172;
28A.47.807 as 28A.525.174;

28A.47.808 as 28A.525.176;
28A.47.809 as 28A.525.178;
28A.47.810 as 28A.525.180;
28A.47.811 as 28A.525.182;
28A.47.820 as 28A.525.190;
28A.47.830 as 28A.525.200;
28A.47.840 as 28A.525.210;
28A.47.841 as 28A.525.212;
28A.47.842 as 28A.525.214;
28A.47.843 as 28A.525.216;
28A.47.844 as 28A.525.218;
28A.47.845 as 28A.525.220;
28A.47.846 as 28A.525.222;
28A.47B.010 as 28A.525.230;
28A.47B.020 as 28A.525.240;
28A.47B.030 as 28A.525.250;
28A.47B.040 as 28A.525.260;
28A.47B.050 as 28A.525.270;
28A.47B.060 as 28A.525.280;
28A.47B.070 as 28A.525.290;
28A.47B.080 as 28A.525.300;

41. DISTRICT BONDS FOR LAND, BUILDINGS, AND EQUIPMENT

28A.51.010 as 28A.530.010;
28A.51.020 as 28A.530.020;
28A.51.070 as 28A.530.030;
28A.51.180 as 28A.530.040;
28A.51.190 as 28A.530.050;
28A.51.200 as 28A.530.060;
28A.51.220 as 28A.530.070;

42. VALIDATING INDEBTEDNESS

28A.52.010 as 28A.535.010;
28A.52.020 as 28A.535.020;
28A.52.030 as 28A.535.030;
28A.52.040 as 28A.535.040;
28A.52.050 as 28A.535.050;
28A.52.060 as 28A.535.060;
28A.52.070 as 28A.535.070;
28A.52.080 as 28A.535.080;

43. CAPITAL FUND AID BY NONHIGH DISTRICTS

28A.56.005 as 28A.540.010;
28A.56.010 as 28A.540.020;
28A.56.020 as 28A.540.030;
28A.56.030 as 28A.540.040;

28A.56.040 as 28A.540.050;

28A.56.050 as 28A.540.060;

28A.56.060 as 28A.540.070;

28A.56.070 as 28A.540.080;

28A.56.075 as 28A.540.090;

28A.56.170 as 28A.540.100;

28A.56.200 as 28A.540.110;

44. PAYMENT TO HIGH SCHOOL DISTRICTS

28A.44.045 as 28A.545.010;

28A.44.095 as 28A.545.020;

28A.44.150 as 28A.545.030;

28A.44.160 as 28A.545.040;

28A.44.170 as 28A.545.050;

28A.44.180 as 28A.545.060;

28A.44.190 as 28A.545.070;

28A.44.200 as 28A.545.080;

28A.44.210 as 28A.545.090;

28A.44.220 as 28A.545.100;

28A.44.230 as 28A.545.110;

45. STATE SCHOOL EQUALIZATION FUND

28A.46.010 as 28A.550.010;

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46. STUDENTS

28A.58.101 as 28A.600.010;

28A.58.1011 as 28A.600.020;

28A.58.195 as 28A.600.030;

28A.58.200 as 28A.600.040;

28A.03.440 as 28A.600.050;

28A.03.442 as 28A.600.060;

28A.03.444 as 28A.600.070;

28A.03.446 as 28A.600.080;

28A.58.820 as 28A.600.100;

28A.58.822 as 28A.600.110;

28A.58.824 as 28A.600.120;

28A.58.826 as 28A.600.130;

28A.58.828 as 28A.600.140;

28A.58.830 as 28A.600.150;

28A.58.125 as 28A.600.200;

28A.67.300 as 28A.600.210;

28A.67.310 as 28A.600.220;

28A.67.320 as 28A.600.230;

28A.67.330 as 28A.600.240;

47. PARENT ACCESS

28A.58.050 as 28A.605.010;

28A.58.053 as 28A.605.020;

48. PROJECT EVEN START

28A.130.010 as 28A.610.010;

28A.130.012 as 28A.610.020;

28A.130.014 as 28A.610.030;

28A.130.016 as 28A.610.040;

28A.130.018 as 28A.610.050;

28A.130.020 as 28A.610.060;

49. SCHOOL INVOLVEMENT PROGRAM

28A.58.640 as 28A.615.010;

28A.58.642 as 28A.615.020;

28A.58.644 as 28A.615.030;

28A.58.646 as 28A.615.040;

28A.58.648 as 28A.615.050;

28A.03.550 as 28A.615.060;

50. COMMUNITY EDUCATION PROGRAM

28A.58.246 as 28A.620.010;

28A.58.247 as 28A.620.020;

51. MEAL PROGRAM FOR THE ELDERLY

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PART VI

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52. AWARDS

A. Excellence in Education Awards

28A.03.520 as 28A.625.010;

28A.03.523 as 28A.625.020;

28A.03.526 as 28A.625.030;

28A.03.529 as 28A.625.040;

28A.03.532 as 28A.625.050;

28A.03.535 as 28A.625.060;

28A.03.538 as 28A.625.070;

B. Employee Suggestion Program

28A.02.320 as 28A.625.100;

28A.02.325 as 28A.625.110;

C. Commendable Employee Service and Recognition Award

28A.58.842 as 28A.625.150;

D. Mathematics, Engineering, and Science Achievement Award

28A.03.430 as 28A.625.200;

28A.03.432 as 28A.625.210;

28A.03.434 as 28A.625.220;

28A.03.436 as 28A.625.230;

28A.03.438 as 28A.625.240;

E. School Improvement and Research Projects

28A.67.115 as 28A.625.300;

53. TEMPORARY PROVISIONS—SPECIAL PROJECTS

A. Educational Outcomes

28A.100.017 as 28A.630.010;

28A.100.018 as 28A.630.020;

28A.100.019 as 28A.630.030;

28A.100.020 as 28A.630.040;

28A.120.094 as 28A.630.050;

28A.120.096 as 28A.630.060;

28A.100.025 as 28A.630.090;

28A.100.026 as 28A.630.091;

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28A.100.030 as 28A.630.100;

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28A.100.034 as 28A.630.120;

28A.100.036 as 28A.630.130;

28A.100.038 as 28A.630.140;

28A.100.040 as 28A.630.150;

28A.100.042 as 28A.630.160;

28A.100.044 as 28A.630.170;

28A.100.048 as 28A.630.180;

28A.100.050 as 28A.630.190;

28A.100.052 as 28A.630.200;

28A.100.054 as 28A.630.210;

28A.100.056 as 28A.630.220;

28A.100.058 as 28A.630.230;

28A.100.068 as 28A.630.290;

C. International Education

28A.125.010 as 28A.630.300;

28A.125.020 as 28A.630.310;

28A.125.030 as 28A.630.320;

28A.125.040 as 28A.630.330;

28A.125.100 as 28A.630.340;

28A.125.900 as 28A.630.390;

D. Development of Educational Paraprofessional Training Program

28A.04.180 as 28A.630.400;

E. Temporary Provisions

28A.67.120 as 28A.630.800;

28A.120.800 as 28A.630.810;

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54. OFFENSES RELATING TO SCHOOLS AND SCHOOL PERSONNEL—PENALTIES

28A.87.010 as 28A.635.010;
28A.87.055 as 28A.635.020;
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28A.87.070 as 28A.635.040;
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28A.87.120 as 28A.635.060;
28A.87.130 as 28A.635.070;
28A.87.135 as 28A.635.080;
28A.87.230 as 28A.635.090;
28A.87.231 as 28A.635.100;
28A.87.232 as 28A.635.110;
28A.87.233 as 28A.635.120;

55. SEXUAL EQUALITY MANDATED FOR PUBLIC SCHOOLS

28A.85.010 as 28A.640.010;
28A.85.020 as 28A.640.020;
28A.85.030 as 28A.640.030;
28A.85.040 as 28A.640.040;
28A.85.050 as 28A.640.050;
28A.85.900 as 28A.640.900;

56. APPEALS FROM BOARD ACTION OR NONACTION

28A.88.010 as 28A.645.010;
28A.88.013 as 28A.645.020;
28A.88.015 as 28A.645.030;
28A.88.090 as 28A.645.040;

57. AGREEMENT ON QUALIFICATIONS OF PERSONNEL

28A.93.010 as 28A.690.010;
28A.93.020 as 28A.690.020;
28A.93.030 as 28A.690.030;

58. COMPACT FOR EDUCATION

28A.92.010 as 28A.695.010;
28A.92.020 as 28A.695.020;
28A.92.030 as 28A.695.030;
28A.92.040 as 28A.695.040;
28A.92.050 as 28A.695.050;
28A.92.060 as 28A.695.060;
28A.92.070 as 28A.695.070; and
28A.92.080 as 28A.695.080.

PART I THE EDUCATION PROGRAMS

1. General Provisions

A. Definitions

Sec. 101. Section 28A.01.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 158, Laws of 1982 and RCW 28A.01-.020 are each amended to read as follows:

The school year shall begin on the first day of September and end with the last day of August: **PROVIDED**, That any school district may elect to commence the minimum annual school term as required under RCW ((28A.58.754)) 28A.150.220 in the month of August of any calendar year and in such case the operation of a school district for such period in August shall be credited by the superintendent of public instruction to the succeeding school year for the purpose of the allocation and distribution of state funds for the support of such school district.

Sec. 102. Section 1, chapter 105, Laws of 1973 1st ex. sess. as last amended by section 17, chapter 359, Laws of 1977 ex. sess. and RCW 28A.01.130 are each amended to read as follows:

The term "certificated employee" as used in RCW ((28A.02.201; 28A.41.140, 28A.58.450 through 28A.58.515, 28A.58.445, 28A.67.065; 28A.67.070, 28A.67.074 and 28A.01.130)) 28A.195.010, 28A.150.060, 28A.150.260, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, ((each as now or hereafter amended;)) shall include those persons who hold certificates as authorized by rule or regulation of the state board of education or the superintendent of public instruction.

Sec. 103. Section 203, chapter 2, Laws of 1987 1st ex. sess. and RCW 28A.41.110 are each amended to read as follows:

(1) For the purposes of this section and RCW ((28A.41.112 and 28A.58.095)) 28A.150.410 and 28A.400.200, "basic education certificated instructional staff" shall mean all full time equivalent certificated instructional staff in the following programs as defined for state-wide school district accounting purposes: Basic education, secondary vocational education, general instructional support, and general supportive services.

(2) In the 1988-89 school year and thereafter, each school district shall maintain a ratio of at least forty-six basic education certificated instructional staff to one thousand annual average full time equivalent students.

B. The Basic Education Act

Sec. 104. Section 1, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.750 are each amended to read as follows:

This 1977 amendatory act shall be known and may be cited as "The Washington Basic Education Act of 1977⁽¹⁾." The program evolving from the Basic Education Act shall include (1) the goal of the school system as defined in RCW (~~(28A.58.752)~~) 28A.150.210, (2) those program requirements enumerated in RCW (~~(28A.58.754)~~) 28A.150.220, and (3) the determination and distribution of state resources as defined in RCW (~~(28A.41.130 and 28A.41.140)~~) 28A.150.250 and 28A.150.260.

The requirements of the Basic Education Act are deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution, which states that "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex⁽²⁾," and are adopted pursuant to Article IX, section 2 of the state Constitution, which states that "The legislature shall provide for a general and uniform system of public schools⁽³⁾."

Sec. 105. Section 3, chapter 359, Laws of 1977 ex. sess. as last amended by section 1, chapter 158, Laws of 1982 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)~~) 28A.150.250 and 28A.150.260:

(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, 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 time actually spent for meals.

(b) "Instruction in work skills" shall include 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.

(2) Satisfaction of the basic education goal identified in RCW (~~(28A.58.752)~~) 28A.150.210 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 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. The remaining ten percent of the total program hour offerings may include 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 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 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 kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW (~~((28A.58.190))~~) 28A.225.160, 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))~~) 28A.150.250 and 28A.150.260.

(6) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW (~~((28A.41.130 and 28A.41.140, each as now or hereafter amended))~~) 28A.150.250 and 28A.150.260, 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. 106. Section 18, chapter 359, Laws of 1977 ex. sess. as amended by section 7, chapter 250, Laws of 1979 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 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)) 28A.150.220, 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((-)); and

(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~~)) 28A.405.100;

(b) A summary of program objectives pursuant to RCW ((~~28A.58-090~~)) 28A.320.210;

(c) Results of comparable testing for all schools within the district((-));
and

(d) Budget information which will include the following:

(i) Student enrollment((-));

(ii) Number of full time equivalent personnel per school in the district itemized according to classroom teachers, instructional support, and building 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((-)); and

(v) Special levy budget request presented by program and expenditure for purposes over and above those requirements identified in RCW ((~~28A-58.754~~)) 28A.150.220.

Sec. 107. Section 2, chapter 46, Laws of 1973 as last amended by section 201, chapter 2, Laws of 1987 1st 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~~)) 28A.510.250 to each school district of the state operating a program approved by the state board of education an amount which, when combined with an appropriate portion of such locally available revenues, other than receipts from federal forest revenues distributed to school districts pursuant to RCW ((~~28A.02.300 and 28A.02.310~~)) 28A.520.010 and 28A.520.020, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, 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 shall be one hundred eighty half days of instruction, or the equivalent as provided in RCW (~~(28A.58.754, as now or hereafter amended)~~) 28A.150.220.

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)~~) 28A.150.250 and 28A.150.260 to fund those program requirements identified in RCW (~~(28A.58.754)~~) 28A.150.220 in accordance with the formula and ratios provided in RCW (~~(28A.41.140)~~) 28A.150.260 and those amounts of dollars appropriated by the legislature to fund the salary requirements of RCW (~~(28A.41.110 and 28A.41.112)~~) 28A.150.100 and 28A.150.410.

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, 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.

If a school district's basic education program fails to meet the basic education requirements enumerated in RCW (~~(28A.41.130, 28A.41.140 and 28A.58.754)~~) 28A.150.250, 28A.150.260, and 28A.150.220, 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 the state board of education may waive this requirement in the event of substantial lack of classroom space.

Sec. 108. Section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 202, chapter 2, Laws of 1987 1st ex. sess. 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:

(1) 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:

- (a) Certificated instructional staff and their related costs;
- (b) Certificated administrative staff and their related costs;
- (c) Classified staff and their related costs;
- (d) Nonsalary costs;
- (e) Extraordinary costs of remote and necessary schools and small high schools, including costs of additional certificated and classified staff; and
- (f) The attendance of students pursuant to RCW (~~((28A.58.075 and 28A.58.245, each as now or hereafter amended;))~~) 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.

(2)(a) 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. The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

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

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

(d) 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 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 and 28A.41.110~~)) 28A.150.220 and 28A.150.100. 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~~)) 28A.150.350, enrolled on the first school day of each month and shall exclude full time equivalent handicapped students recognized for the purposes of allocation of state funds for programs under ((~~chapter 28A.13~~)) RCW 28A.155.010 through 28A.155.100. 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.

(3) (a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8): 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.

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

(4) Each annual average full time equivalent certificated classroom teacher's direct classroom contact hours shall 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. 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. Implementing rules to be adopted by the

state board of education pursuant to RCW ((28A.58.754(6))) 28A.150.220(6) shall provide that compliance with the direct contact hour requirement shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional record-keeping by classroom teachers as a means of accounting for contact hours shall not be required. However, upon request from the board of directors of any school district, the provisions relating to direct classroom contact hours for individual teachers in that district may be waived by the state board of education if the waiver is necessary to implement a locally approved plan for educational excellence and the waiver is limited to those individual teachers approved in the local plan for educational excellence. The state board of education shall develop criteria to evaluate the need for the waiver. Granting of the waiver shall depend upon verification that: (a) The students' classroom instructional time will not be reduced; and (b) the teacher's expertise is critical to the success of the local plan for excellence.

Sec. 109. Section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 9, chapter 265, Laws of 1981 and RCW 28A.41-.160 are each amended to read as follows:

Costs of acquisition of approved transportation equipment purchased prior to September 1, 1982, shall be reimbursed up to one hundred percent of the cost to be reimbursed over the anticipated life of the vehicle, as determined by the state superintendent: PROVIDED, That commencing with the 1980-81 school year, reimbursement shall be at one hundred percent or as close thereto as reasonably possible: PROVIDED FURTHER, That reimbursements for the acquisition of approved transportation equipment received by school districts shall be placed in the transportation vehicle fund for the current or future purchase of approved transportation equipment and for major transportation equipment repairs consistent with rules and regulations authorized in RCW ((28A.58.428)) 28A.160.130.

Sec. 110. Section 28A.41.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 343, Laws of 1981 and RCW 28A.41-.160 are each amended to read as follows:

Reimbursement for transportation costs shall be in addition to the basic education allocation. Transportation costs shall be reimbursed as follows:

(1) School districts shall be reimbursed up to one hundred percent of the operational costs for established bus routes for the transportation of students to and from common schools as recommended by the educational service district superintendent or his or her designee, and as approved by the state superintendent: PROVIDED, That commencing with the 1980-81 school year, reimbursement shall be at one hundred percent or as close thereto as reasonably possible: PROVIDED FURTHER, That commencing on September 1, 1982, no school district shall be reimbursed under this section for any portion of the cost to transport any student, except handicapped children as defined under RCW ((28A.13.010, as now or hereafter

amended)) 28A.155.020, to or from any school other than one which is geographically located nearest or next-nearest to the student's place of residence within the district offering the appropriate grade level, course of study, or special academic program as designated by the local school board: PROVIDED FURTHER, That notwithstanding the provisions of section 94, chapter 340, Laws of 1981, any moneys not reimbursed to a school district for transportation costs pursuant to this subsection shall be allocated to the school district for block grants under section 100, chapter 340, Laws of 1981: PROVIDED FURTHER, That the superintendent of public instruction, when so requested by the appropriate educational service district superintendent or his or her designee, may waive the requirements of this 1981 provision, if natural geographic boundaries or safety factors would make this provision unworkable and/or more costly to the district or to the state; and

(2) Costs of acquisition of approved transportation equipment shall be reimbursed up to one hundred percent of the cost to be reimbursed over the anticipated life of the vehicle, as determined by the state superintendent: PROVIDED, That commencing with the 1980-81 school year, reimbursement shall be at one hundred percent or as close thereto as reasonably possible: PROVIDED FURTHER, That reimbursements for the acquisition of approved transportation equipment received by school districts shall be held within the general fund exclusively for the future purchase of approved transportation equipment and for major transportation equipment repairs consistent with rules and regulations authorized and promulgated under RCW ((~~28A.41.170~~)) 28A.150.290 and chapter ((~~28A.65~~)) 28A.505 RCW.

Sec. 111. Section 28A.41.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 285, Laws of 1981 and RCW 28A.41.170 are each amended to read as follows:

(1) 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 and RCW 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010 not inconsistent with the provisions thereof, and in addition to require such reports as may be necessary to carry out his or her duties under this chapter and RCW 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010.

(2) The superintendent of public instruction shall have the authority to make rules and regulations which establish the terms and conditions for allowing school districts to receive state basic education moneys as provided in RCW ((~~28A.41.130~~)) 28A.150.250 when said districts are unable to fulfill for one or more schools as officially scheduled the requirement of a full school year of one hundred eighty days or the total program hour offering, teacher contact hour, or course mix and percentage requirements imposed by RCW ((~~28A.58.754 and 28A.41.140~~)) 28A.150.220 and 28A.150.260 due to one or more of the following conditions:

(a) An unforeseen natural event, including, but not necessarily limited to, a fire, flood, explosion, storm, earthquake, epidemic, or volcanic eruption that has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable; and

(b) An unforeseen mechanical failure or an unforeseen action or inaction by one or more persons, including negligence and threats, that (i) is beyond the control of both a school district board of directors and its employees and (ii) has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable. Such actions, inactions or mechanical failures may include, but are not necessarily limited to, arson, vandalism, riots, insurrections, bomb threats, bombings, delays in the scheduled completion of construction projects, and the discontinuance or disruption of utilities such as heating, lighting and water: **PROVIDED**, That an unforeseen action or inaction shall not include any labor dispute between a school district board of directors and any employee of the school district.

A condition is foreseeable for the purposes of this subsection to the extent a reasonably prudent person would have anticipated prior to August first of the preceding school year that the condition probably would occur during the ensuing school year because of the occurrence of an event or a circumstance which existed during such preceding school year or a prior school year. A board of directors of a school district is deemed for the purposes of this subsection to have knowledge of events and circumstances which are a matter of common knowledge within the school district and of those events and circumstances which can be discovered upon prudent inquiry or inspection.

(3) The superintendent of public instruction shall make every effort to reduce the amount of paperwork required in administration of this chapter and RCW 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010; 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.

C. Appropriations and Adjustments

Sec. 112. Section 4, chapter 217, Laws of 1969 ex. sess. as last amended by section 5, chapter 441, Laws of 1985 and RCW 28A.41.145 are each amended to read as follows:

(1) For purposes of this section, the following definitions shall apply:

(a) "Private school student" shall mean any student enrolled full time in a private school;

(b) "School" shall mean any primary, secondary or vocational school;

(c) "School funding authority" shall mean any nonfederal governmental authority which provides moneys to common schools;

(d) "Part time student" shall mean and include: Any student enrolled in a course of instruction in a private school and taking courses at and/or receiving ancillary services offered by any public school not available in such private school; or any student who is not enrolled in a private school and is receiving home-based instruction under RCW ((~~28A.27.010~~)) 28A.225.010 which instruction includes taking courses at or receiving ancillary services from the local school district or both; or any student involved in any work training program and taking courses in any public school, which work training program is approved by the school board of the district in which such school is located.

(2) The board of directors of any school district is authorized and, in the same manner as for other public school students, shall permit the enrollment of and provide ancillary services for part time students: PROVIDED, That this section shall only apply to part time students who would be otherwise eligible for full time enrollment in the school district.

(3) The superintendent of public instruction shall recognize the costs to each school district occasioned by enrollment of and/or ancillary services provided for part time students authorized by subsection (2) of this section and shall include such costs in the distribution of funds to school districts pursuant to RCW ((~~28A.41.140~~)) 28A.150.260. Each school district shall be reimbursed for the costs or a portion thereof, occasioned by attendance of and/or ancillary services provided for part time students on a part time basis, by the superintendent of public instruction, according to law.

(4) Each school funding authority shall recognize the costs occasioned to each school district by enrollment of and ancillary services provided for part time students authorized by subsection (2) of this section, and shall include said costs in funding the activities of said school districts.

(5) The superintendent of public instruction is authorized to adopt rules and regulations to carry out the purposes of RCW ((~~28A.41.140 and 28A.41.145~~)) 28A.150.260 and 28A.150.350.

Sec. 113. Section 28A.41.150, chapter 223, Laws of 1969 ex. sess. and RCW 28A.41.150 are each amended to read as follows:

In the event of an unforeseen emergency, in the nature of either an unavoidable cost to a district or unexpected variation in anticipated revenues to a district, the state superintendent is authorized, for not to exceed two years, to make such an adjustment in the allocation of funds as is consistent with the intent of ((~~this chapter~~)) RCW 28A.150.100 through 28A.150.430, 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010 in providing an equal educational opportunity for the children of such district or districts.

Sec. 114. Section 7, chapter 359, Laws of 1977 ex. sess. as amended by section 1, chapter 24, Laws of 1982 1st ex. sess. and RCW 28A.41.162 are each amended to read as follows:

In addition to those state funds provided to school districts for basic education, the legislature shall appropriate funds for pupil transportation, in accordance with ~~((this chapter))~~ RCW 28A.150.100 through 28A.150.430, 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010, and for programs for handicapped students, in accordance with ~~((chapter 28A.13))~~ RCW 28A.155.010 through 28A.155.100. The legislature may appropriate funds to be distributed to school districts for population factors such as urban costs, enrollment fluctuations and for special programs, including but not limited to, vocational-technical institutes, compensatory programs, bilingual education, urban, rural, racial and disadvantaged programs, programs for gifted students, and other special programs.

Sec. 115. Section 28A.41.050, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 6, Laws of 1980 and RCW 28A.41.050 are each amended to read as follows:

The state legislature shall, at each regular session in an odd-numbered year, appropriate from the state general fund for the current use of the common schools such amounts as needed for state support to the common schools during the ensuing biennium as ~~((in this chapter))~~ provided in RCW 28A.150.100 through 28A.150.430, 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010.

Sec. 116. Section 11, chapter 66, Laws of 1971 ex. sess. as last amended by section 2, chapter 400, Laws of 1989 and RCW 28A.41.053 are each amended to read as follows:

The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for handicapped programs. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for handicapped programs and shall take account of state funds accruing through RCW ~~((28A.41.130, 28A.41.140))~~ 28A.150.250, 28A.150.260, and other state and local funds, excluding special excess levies. Funding for local district programs may include payments from state and federal funds for medical assistance provided under RCW 74.09.500 through 74.09.910. However, the superintendent of public instruction shall reimburse the department of social and health services from state appropriations for handicapped education programs for the state-funded portion of any medical assistance payment made by the department for services provided under an individualized education program established pursuant to ~~((chapter 28A.13))~~ RCW 28A.155.010 through 28A.155.100. The amount of such interagency reimbursement shall be deducted by the superintendent of public instruction in determining additional allocations to districts for handicapped education programs under this section.

Sec. 117. Section 28A.41.055, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 26, Laws of 1972 ex. sess. and RCW 28A.41.055 are each amended to read as follows:

State and county funds which may become due and apportionable to school districts shall be apportioned in such a manner that any apportionment factors used shall utilize data and statistics derived in the school year that such funds are paid: PROVIDED, That the superintendent of public instruction may make necessary administrative provision for the use of estimates, and corresponding adjustments to the extent necessary: PROVIDED FURTHER, That as to those revenues used in determining the amount of state funds to be apportioned to school districts pursuant to RCW ((~~28A.41.130~~) 28A.150.250, any apportionment factors shall utilize data and statistics derived in an annual period established pursuant to rules and regulations promulgated by the superintendent of public instruction in cooperation with the department of revenue.

Sec. 118. Section 204, chapter 2, Laws of 1987 1st ex. sess. as last amended by section 1, chapter 16, Laws of 1989 1st ex. sess. and RCW 28A.41.112 are each amended to read as follows:

(1) The legislature shall establish for each school year in the appropriations act a state-wide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW ((~~28A.41.140~~) 28A.150.260.

(2) The superintendent of public instruction shall calculate salary allocations for state funded basic education certificated instructional staff by determining the district average salary for basic education instructional staff using the salary allocation schedule established pursuant to this section. However, no district shall receive an allocation based upon an average basic education certificated instructional staff salary which is less than the average of the district's 1986-87 actual basic education certificated instructional staff salaries, as reported to the superintendent of public instruction prior to June 1, 1987, and the legislature may grant minimum salary increases on that base: PROVIDED, That the superintendent of public instruction may adjust this allocation based upon the education and experience of the district's certificated instructional staff.

(3) Beginning January 1, 1992, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the biennial appropriations act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

Sec. 119. Section 2, chapter 146, Laws of 1972 ex. sess. and RCW 28A.41.175 are each amended to read as follows:

Each school district shall estimate and report to the superintendent of public instruction by June 15, of each year the amount of moneys the district will fail to receive during their present fiscal year due to the nonpayment of local property taxes from the regular levy within the school district less an estimated amount for delinquent payments from prior year regular levies; such net estimate shall be based upon the amount of moneys the district failed to receive because of nonpayment of regular levy property taxes during the first six months of the then fiscal year and during the last six months of the preceding fiscal year. The superintendent of public instruction shall present in his budget submittal to the governor an amount sufficient to reimburse the school districts for moneys lost due to such nonpayment of taxes as described in this section, which moneys shall be deemed amounts needed for state support to the common schools under RCW (~~28A.41-050~~) 28A.150.380.

2. Special Education

Sec. 120. Section 1, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.005 are each amended to read as follows:

It is the purpose of (~~this chapter,~~) RCW (~~(28A.24.100 and 28A.41-053)~~) 28A.155.010 through 28A.155.100, 28A.160.030, and 28A.150.390 to ensure that all handicapped children as defined in RCW (~~(28A.13.010)~~) 28A.155.020 shall have the opportunity for an appropriate education at public expense as guaranteed to them by the Constitution of this state.

Sec. 121. Section 28A.13.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 341, Laws of 1985 and RCW 28A.13.010 are each amended to read as follows:

There is established in the office of the superintendent of public instruction an administrative section or unit for the education of children with handicapping conditions.

Handicapped children are those children in school or out of school who are temporarily or permanently retarded in normal educational processes by reason of physical or mental handicap, or by reason of emotional maladjustment, or by reason of other handicap, and those children who have specific learning and language disabilities resulting from perceptual-motor handicaps, including problems in visual and auditory perception and integration.

The superintendent of public instruction shall require each school district in the state to insure an appropriate educational opportunity for all handicapped children between the ages of three and twenty-one, but when the twenty-first birthday occurs during the school year, the educational program may be continued until the end of that school year. The superintendent of public instruction, by rule and regulation, shall establish for the purpose of excess cost funding, as provided in (~~this chapter, RCW 28A.24.100 and 28A.41-053~~) RCW 28A.150.390, 28A.160.030, and

28A.155.010 through 28A.155.100, functional definitions of the various types of handicapping conditions and eligibility criteria for handicapped programs. For the purposes of ~~((this chapter))~~ RCW 28A.155.010 through 28A.155.100, an appropriate education is defined as an education directed to the unique needs, abilities, and limitations of the handicapped children. School districts are strongly encouraged to provide parental training in the care and education of the children and to involve parents in the classroom.

Nothing in this section shall prohibit the establishment or continuation of existing cooperative programs between school districts or contracts with other agencies approved by the superintendent of public instruction, which can meet the obligations of school districts to provide education for handicapped children, or prohibit the continuation of needed related services to school districts by the department of social and health services.

This section shall not be construed as in any way limiting the powers of local school districts set forth in RCW ~~((28A.13.050))~~ 28A.155.070.

No child shall be removed from the jurisdiction of juvenile court for training or education under ~~((this chapter))~~ RCW 28A.155.010 through 28A.155.100 without the approval of the superior court of the county.

Sec. 122. Section 1, chapter 10, Laws of 1972 ex. sess. as amended by section 52, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.13.020 are each amended to read as follows:

The superintendent of public instruction shall appoint an administrative officer of the division. The administrative officer, under the direction of the superintendent of public instruction, shall coordinate and supervise the program of special education for all handicapped children in the school districts of the state. He or she shall cooperate with the educational service district superintendents and local school district superintendents and with all other interested school officials in ensuring that all school districts provide an appropriate educational opportunity for all handicapped children and shall cooperate with the state secretary of social and health services and with county and regional officers on cases where medical examination or other attention is needed.

Sec. 123. Section 28A.13.030, chapter 223, Laws of 1969 ex. sess. as amended by section 4, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.030 are each amended to read as follows:

The board of directors of each school district, for the purpose of compliance with the provisions of ~~((this chapter, RCW 28A.24.100 and 28A.41.053))~~ RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.100, shall cooperate with the superintendent of public instruction and with the administrative officer and shall provide an appropriate educational opportunity and give other appropriate aid and special attention to handicapped children in regular or special school facilities within the district or shall contract for such services with other agencies as provided in RCW ~~((28A.13.045))~~ 28A.155.060 or shall participate in an interdistrict

arrangement in accordance with RCW (~~((28A.58.075 and 28A.58.240))~~
28A.335.160 and 28A.225.220 and/or (~~((28A.58.245 and 28A.58.250))~~
28A.225.250 and 28A.225.260.

In carrying out their responsibilities under this chapter, school districts severally or jointly with the approval of the superintendent of public instruction are authorized to establish, operate, support and/or contract for residential schools and/or homes approved by the department of social and health services for aid and special attention to handicapped children.

The cost of board and room in facilities approved by the department of social and health services shall be provided by the department of social and health services for those handicapped students eligible for such aid under programs of the department. The cost of approved board and room shall be provided for those handicapped students not eligible under programs of the department of social and health services but deemed in need of the same by the superintendent of public instruction: PROVIDED, That no school district shall be financially responsible for special aid programs for students who are attending residential schools operated by the department of social and health services: PROVIDED FURTHER, That the provisions of (~~(this chapter, RCW 28A.24.100 and 28A.41.053))~~ RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.100 shall not preclude the extension by the superintendent of public instruction of special education opportunities to handicapped children in residential schools operated by the department of social and health services.

Sec. 124. Section 28A.13.040, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 66, Laws of 1971 ex. sess. and RCW 28A-.13.040 are each amended to read as follows:

Any child who is not able to attend school and who is eligible for special excess cost aid programs authorized under (~~(this chapter))~~ RCW 28A.155.010 through 28A.155.100 shall be given such aid at home or at such other place as determined by the board of directors of the school district in which such child resides. Any school district within which such a child resides shall thereupon be granted regular apportionment of state and county school funds and, in addition, allocations from state excess funds made available for such special services for such period of time as such special aid program is given: PROVIDED, That should such child or any other handicapped child attend and participate in a special aid program operated by another school district in accordance with the provisions of RCW (~~((28A.58.230, 28A.58.240))~~ 28A.225.210, 28A.225.220, and/or ((28A.58-245)) 28A.225.250, such regular apportionment shall be granted to the receiving school district, and such receiving school district shall be reimbursed by the district in which such student resides in accordance with rules and regulations promulgated by the superintendent of public instruction for the entire approved excess cost not reimbursed from such regular apportionment.

Sec. 125. Section 6, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.045 are each amended to read as follows:

For the purpose of carrying out the provisions of RCW ((28A.13.010 through 28A.13.040)) 28A.155.020 through 28A.155.050, the board of directors of every school district shall be authorized to contract with agencies approved by the state board of education for operating handicapped programs. Approval standards for such agencies shall conform substantially with those promulgated for approval of special education aid programs in the common schools.

Sec. 126. Section 8, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.060 are each amended to read as follows:

Where a handicapped child as defined in RCW ((28A.13.010)) 28A.155.020 has been denied the opportunity of an educational program by a local school district superintendent under the provisions of RCW ((28A.27.010)) 28A.225.010, or for any other reason there shall be an affirmative showing by the school district superintendent in a writing directed to the parents or guardian of such a child within ten days of such decision that

(1) No agency or other school district with whom the district may contract under RCW ((28A.13.030)) 28A.155.040 can accommodate such child, and

(2) Such child will not benefit from an alternative educational opportunity as permitted under RCW ((28A.13.040)) 28A.155.050.

There shall be a right of appeal by the parent or guardian of such child to the superintendent of public instruction pursuant to procedures established by ((him)) the superintendent and in accordance with RCW ((28A.13.070)) 28A.155.090.

Sec. 127. Section 9, chapter 66, Laws of 1971 ex. sess. as amended by section 5, chapter 341, Laws of 1985 and RCW 28A.13.070 are each amended to read as follows:

The superintendent of public instruction shall have the duty and authority, through the administrative section or unit for the education of children with handicapping conditions, to:

(1) Assist school districts in the formation of total school programs to meet the needs of handicapped children((-));

(2) Develop interdistrict cooperation programs for handicapped children as authorized in RCW ((28A.58.245-)) 28A.225.250;

(3) Provide, upon request, to parents or guardians of handicapped children, information as to the handicapped programs offered within the state((-));

(4) Assist, upon request, the parent or guardian of any handicapped child in the placement of any handicapped child who is eligible for but not receiving special educational aid for handicapped children((-));

(5) Approve school district and agency programs as being eligible for special excess cost financial aid to handicapped children((-));

(6) Adjudge, upon appeal by a parent or guardian of a handicapped child who is not receiving an educational program, whether the decision of a local school district superintendent under RCW ~~((28A.13.060))~~ 28A.155.080 to exclude such handicapped child was justified by the available facts and consistent with the provisions of ~~((this chapter, RCW 28A.24.100 and 28A.41.053.))~~ RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.100; If the superintendent of public instruction shall decide otherwise ~~he or she~~ shall apply sanctions as provided in RCW ~~((28A.13.080))~~ 28A.155.100 until such time as the school district assures compliance with the provisions ~~((of this chapter, RCW 28A.24.100 and 28A.41.053.))~~ RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.100; and

(7) Promulgate such rules and regulations as are necessary to implement the several provisions of ~~((this chapter, RCW 28A.24.100 and 28A.41.053))~~ RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.100 and to ensure educational opportunities within the common school system for all handicapped children who are not institutionalized.

Sec. 128. Section 12, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.080 are each amended to read as follows:

The superintendent of public instruction is hereby authorized and directed to establish appropriate sanctions to be applied to any school district of the state failing to comply with the provisions of ~~((this chapter, RCW 28A.24.100 and 28A.41.053))~~ RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.100 to be applied beginning upon the effective date thereof, which sanctions shall include withholding of any portion of state aid to such district until such time as compliance is assured.

Sec. 129. Section 1, chapter 78, Laws of 1975 1st ex. sess. and RCW 28A.03.300 are each amended to read as follows:

The legislature recognizes as its initial duty in carrying out its responsibility to see to the education of the children of this state the importance of screening children within the schools to determine if there be any of such children with learning/language disabilities. It is the intent and purpose of RCW ~~((28A.03.300 through 28A.03.320))~~ 28A.155.110 through 28A.155.130 to identify the number of children with recognizable learning/language disabilities, the type thereof, and to determine educational methods appropriate thereto.

Sec. 130. Section 3, chapter 78, Laws of 1975 1st ex. sess. and RCW 28A.03.320 are each amended to read as follows:

RCW ~~((28A.03.300 through 28A.03.320))~~ 28A.155.110 through 28A.155.130 shall be known and may be cited as the "screening for learning/language disabilities act(([#]))."

Sec. 131. Section 1, chapter 398, Laws of 1987 and RCW 28A.03.367 are each amended to read as follows:

By July 1, 1989, the superintendent of public instruction shall complete a study and, as may be necessary, adopt rules providing for the appropriate use of curriculum-based assessment procedures as a component of assessment procedures provided by (~~chapter 28A.13~~) RCW 28A.155.010 through 28A.155.100. School districts may use curriculum-based assessment procedures as measures for developing academic early intervention programs and curriculum planning: PROVIDED, That the use of curriculum-based assessment procedures shall not deny a student the right to an assessment to determine eligibility or participation in learning disabilities programs as provided by (~~chapter 28A.13~~) RCW 28A.155.010 through 28A.155.100.

3. Student Transportation

Sec. 132. Section 28A.24.055, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 32, Laws of 1986 and RCW 28A.24.055 are each amended to read as follows:

The operation of each local school district's student transportation program is declared to be the responsibility of the respective board of directors, and each board of directors shall determine such matters as which individual students shall be transported and what routes shall be most efficiently utilized. State moneys allocated to local districts for student transportation shall be spent only for student transportation activities, but need not be spent by the local district in the same manner as calculated and allocated by the state.

A school district is authorized to provide for the transportation of students enrolled in the school or schools of the district both in the case of students who reside within the boundaries of the district and of students who reside outside the boundaries of the district.

When children are transported from one school district to another the board of directors of the respective districts may enter into a written contract providing for a division of the cost of such transportation between the districts.

School districts may use school buses and drivers hired by the district or commercial chartered bus service for the transportation of school children and the school employees necessary for their supervision to and from any school activities within or without the school district during or after school hours and whether or not a required school activity, so long as the school board has officially designated it as a school activity. For any extra-curricular uses, the school board shall charge an amount sufficient to reimburse the district for its cost.

In addition to the right to contract for the use of buses provided in RCW (~~(28A.24.170 and 28A.24.172)~~) 28A.160.080 and 28A.160.090, any

school district may contract to furnish the use of school buses of that district to other users who are engaged in conducting an educational or recreational program supported wholly or in part by tax funds or programs for elderly persons at times when those buses are not needed by that district and under such terms as will fully reimburse such school district for all costs related or incident thereto: **PROVIDED, HOWEVER,** That no such use of school district buses shall be permitted except where other public or private transportation certificated or licensed by the Washington utilities and transportation commission is not reasonably available to the user: **PROVIDED FURTHER,** That no user shall be required to accept any charter bus for services which the user believes might place the health or safety of the children or elderly persons in jeopardy.

Whenever any persons are transported by the school district in its own motor vehicles and by its own employees, the board may provide insurance to protect the district against loss, whether by reason of theft, fire or property damage to the motor vehicle or by reason of liability of the district to persons from the operation of such motor vehicle.

The board may provide insurance by contract purchase for payment of hospital and medical expenses for the benefit of persons injured while they are on, getting on, or getting off any vehicles enumerated herein without respect to any fault or liability on the part of the school district or operator. This insurance may be provided without cost to the persons notwithstanding the provisions of RCW ((28A.58.420)) 28A.400.350.

If the transportation of children or elderly persons is arranged for by contract of the district with some person, the board may require such contractor to procure such insurance as the board deems advisable.

Sec. 133. Section 1, chapter 307, Laws of 1981 and RCW 28A.24.065 are each amended to read as follows:

Every school district board of directors may authorize children attending a private school approved in accordance with RCW ((28A.02.201)) 28A.195.010 to ride a school bus or other student transportation vehicle to and from school so long as the following conditions are met:

- (1) The board of directors shall not be required to alter those bus routes or stops established for transporting public school students;
- (2) Private school students shall be allowed to ride on a seat-available basis only; and
- (3) The board of directors shall charge an amount sufficient to reimburse the district for the actual per seat cost of providing such transportation.

Sec. 134. Section 2, chapter 78, Laws of 1971 and RCW 28A.24.111 are each amended to read as follows:

The directors of school districts may authorize leases under RCW ((28A.24.110 through 28A.24.112)) 28A.160.040 through 28A.160.060: **PROVIDED,** That such leases do not conflict with regular school purposes.

Sec. 135. Section 3, chapter 45, Laws of 1973 and RCW 28A.24.120 are each amended to read as follows:

For purposes of RCW (~~28A.24.055, 28A.24.110 and this section~~) 28A.160.010 and 28A.160.040, "elderly person" shall mean a person who is at least sixty years of age. No school district funds may be used for the operation of such a program.

Sec. 136. Section 1, chapter 24, Laws of 1971 and RCW 28A.24.170 are each amended to read as follows:

It is the intent of the legislature and the purpose of RCW (~~28A.24.055, 28A.24.170 and 28A.24.172~~) 28A.160.010, 28A.160.080, and 28A.160.090 that in the event of major forest fires, floods, or other natural emergencies that boards of directors of school districts, in their discretion, may rent or lease school buses to governmental agencies for the purposes of transporting personnel, supplies and/or evacuees.

Sec. 137. Section 2, chapter 24, Laws of 1971 as last amended by section 21, chapter 266, Laws of 1986 and RCW 28A.24.172 are each amended to read as follows:

Each school district board shall determine its own policy as to whether or not its school buses will be rented or leased for the purposes of RCW (~~28A.24.170~~) 28A.160.080, and if the board decision is to rent or lease, under what conditions, subject to the following:

(1) Such renting or leasing may take place only after the state director of community development or any of his or her agents so authorized has, at the request of an involved governmental agency, declared that an emergency exists in a designated area insofar as the need for additional transport is concerned.

(2) The agency renting or leasing the school buses must agree, in writing, to reimburse the school district for all costs and expenses related to their use and also must provide an indemnity agreement protecting the district against any type of claim or legal action whatsoever, including all legal costs incident thereto.

Sec. 138. Section 1, chapter 91, Laws of 1980 and RCW 28A.24.175 are each amended to read as follows:

In addition to the authority otherwise provided in (~~this chapter~~) RCW 28A.160.010 through 28A.160.120 to school districts for the transportation of persons, whether school children, school personnel, or otherwise, any school district authorized to use school buses and drivers hired by the district for the transportation of school children to and from a school activity, along with such school employees as necessary for their supervision, shall, if such school activity be an interscholastic activity, be authorized to transport members of the general public to such event and utilize the school district's buses, transportation equipment and facilities, and employees therefor: PROVIDED, That provision shall be made for the reimbursement

and payment to the school district by such members of the general public of not less than the district's actual costs and the reasonable value of the use of the district's buses and facilities provided in connection with such transportation: **PROVIDED FURTHER**, That wherever private transportation certified or licensed by the utilities and transportation commission or public transportation is reasonably available as determined by rule and regulation of the state board of education, this section shall not apply.

Sec. 139. Section 7, chapter 265, Laws of 1981 and RCW 28A.58.428 are each amended to read as follows:

(1) There is created a fund on deposit with each county treasurer for each school district of the county, which shall be known as the transportation vehicle fund. Money to be deposited into the transportation vehicle fund shall include, but is not limited to, the following:

(a) The balance of accounts held in the general fund of each school district for the purchase of approved transportation equipment and for major transportation equipment repairs under RCW (~~((28A.41.160, as now or hereafter amended))~~) 28A.150.280. The amount transferred shall be the balance of the account as of September 1, 1982;

(b) Reimbursement payments provided for in RCW (~~((28A.41.540))~~) 28A.160.200 except those provided under RCW (~~((28A.41.540(4)))~~) 28A.160.200(4) that are necessary for contracted payments to private carriers;

(c) Earnings from transportation vehicle fund investments as authorized in RCW (~~((28A.58.430, as now or hereafter amended))~~) 28A.320.300; and

(d) The district's share of the proceeds from the sale of transportation vehicles, as determined by the superintendent of public instruction.

(2) Funds in the transportation vehicle fund may be used for the following purposes:

(a) Purchase of pupil transportation vehicles pursuant to RCW (~~((28A.41.540 and RCW 28A.41.160, as now or hereafter amended))~~) 28A.160.200 and 28A.150.280;

(b) Payment of conditional sales contracts for the purchase of pupil transportation vehicles as authorized in RCW (~~((28A.58.550, as now or hereafter amended))~~) 28A.335.200;

(c) Major repairs to pupil transportation vehicles.

The superintendent of public instruction shall promulgate rules which shall establish the standards, conditions, and procedures governing the establishment and use of the transportation vehicle fund. The rules shall not permit the transfer of funds from the transportation vehicle fund to any other fund of the district.

Sec. 140. Section 2, chapter 141, Laws of 1987 and RCW 28A.58.133 are each amended to read as follows:

As a condition of entering into a pupil transportation services contract with a private nongovernmental entity, each school district shall engage in an open competitive process at least once every five years. This requirement shall not be construed to prohibit a district from entering into a pupil transportation services contract of less than five years in duration with a district option to renew, extend, or terminate the contract, if the district engages in an open competitive process at least once every five years after July 26, 1987. As used in this section:

(1) "Open competitive process" means either one of the following, at the choice of the school district:

(a) The solicitation of bids or quotations and the award of contracts under RCW ((28A.58.135)) 28A.335.190; or

(b) The competitive solicitation of proposals and their evaluation consistent with the process and criteria recommended or required, as the case may be, by the office of financial management for state agency acquisition of personal service contractors;

(2) "Pupil transportation services contract" means a contract for the operation of privately owned or school district owned school buses, and the services of drivers or operators, management and supervisory personnel, and their support personnel such as secretaries, dispatchers, and mechanics, or any combination thereof, to provide students with transportation to and from school on a regular basis; and

(3) "School bus" means a motor vehicle as defined in RCW 46.04.521 and under the rules of the superintendent of public instruction.

Sec. 141. Section 1, chapter 265, Laws of 1981 as amended by section 2, chapter 61, Laws of 1983 1st ex. sess. and RCW 28A.41.505 are each amended to read as follows:

Funds allocated for transportation costs shall be in addition to the basic education allocation. The distribution formula developed in RCW ((~~28A.41.505 through 28A.41.520~~)) 28A.160.150 through 28A.160.180 shall be for allocation purposes only and shall not be construed as mandating specific levels of pupil transportation services by local districts. Operating costs as determined under RCW ((~~28A.41.505 through 28A.41.520~~)) 28A.160.150 through 28A.160.180 shall be funded at one hundred percent or as close thereto as reasonably possible for transportation of an eligible student to and from school as defined in RCW ((~~28A.41.510(3)~~)) 28A.160.160(3).

Sec. 142. Section 2, chapter 265, Laws of 1981 as amended by section 3, chapter 61, Laws of 1983 1st ex. sess. and RCW 28A.41.510 are each amended to read as follows:

For purposes of RCW ((~~28A.41.505 through 28A.41.525~~)) 28A.160.150 through 28A.160.190, except where the context shall clearly indicate otherwise, the following definitions apply:

(1) "Eligible student" means any student served by the transportation program of a school district or compensated for individual transportation arrangements authorized by RCW (~~(28A.24.100)~~) 28A.160.030 whose route stop is more than one radius mile from the student's school, except if the student to be transported: (a) Is handicapped under RCW (~~(28A.13.010, as now or hereafter amended;)~~) 28A.155.020 and is either not ambulatory or not capable of protecting his or her own welfare while traveling to or from the school or agency where special education services are provided, in which case no mileage distance restriction applies; or (b) qualifies for an exemption due to hazardous walking conditions.

(2) "Superintendent" means the superintendent of public instruction.

(3) "To and from school" means the transportation of students for the following purposes:

(a) Transportation to and from route stops and schools;

(b) Transportation to and from schools pursuant to an interdistrict agreement pursuant to RCW (~~(28A.58.075)~~) 28A.335.160;

(c) Transportation of students between schools and learning centers for instruction specifically required by statute; and

(d) Transportation of handicapped students to and from schools and agencies for special education services.

Extended day transportation shall not be considered part of transportation of students "to and from school" for the purposes of this 1983 act.

(4) "Hazardous walking conditions" means those instances of the existence of dangerous walkways documented by the board of directors of a school district which meet criteria specified in rules adopted by the superintendent of public instruction. A school district that receives an exemption for hazardous walking conditions should demonstrate that good faith efforts are being made to alleviate the problem and that the district, in cooperation with other state and local governing authorities, is attempting to reduce the incidence of hazardous walking conditions. The superintendent of public instruction shall appoint an advisory committee to prepare guidelines and procedures for determining the existence of hazardous walking conditions. The committee shall include but not be limited to representatives from law enforcement agencies, school districts, the department of transportation, city and county government, the insurance industry, parents, school directors and legislators.

Sec. 143. Section 3, chapter 265, Laws of 1981 as amended by section 4, chapter 61, Laws of 1983 1st ex. sess. and RCW 28A.41.515 are each amended to read as follows:

Each district shall submit to the superintendent of public instruction during October of each year a report containing the following:

(1)(a) The number of eligible students transported to and from school as provided for in RCW (~~(28A.41.505)~~) 28A.160.150 for the current school year and the number of miles estimated to be driven for pupil transportation

services, along with a map describing student route stop locations and school locations, and (b) the number of miles driven for pupil transportation services as authorized in RCW ((28A.41.505)) 28A.160.150 the previous school year; and

(2) Other operational data and descriptions as required by the superintendent to determine allocation requirements for each district.

Each district shall submit the information required in this section on a timely basis as a condition of the continuing receipt of school transportation moneys.

Sec. 144. Section 4, chapter 265, Laws of 1981 as last amended by section 1, chapter 59, Laws of 1985 and RCW 28A.41.520 are each amended to read as follows:

Each district's annual student transportation allocation shall be based on differential rates determined by the superintendent of public instruction in the following manner:

(1) The superintendent shall annually calculate a standard student mile allocation rate for determining the transportation allocation for those services provided for in RCW ((28A.41.505)) 28A.160.150. "Standard student mile allocation rate," as used in this chapter, means the per mile allocation rate for transporting an eligible student. The standard student mile allocation rate may be adjusted to include such additional differential factors as distance; restricted passenger load; circumstances that require use of special types of transportation vehicles; handicapped student load; and small fleet maintenance.

(2) The superintendent of public instruction shall annually calculate allocation rate(s), which shall include vehicle amortization, for determining the transportation allocation for transporting students in district-owned passenger cars, as defined in RCW 46.04.382, pursuant to RCW ((28A.24.055)) 28A.160.010 for services provided for in RCW ((28A.41.505)) 28A.160.150 if a school district deems it advisable to use such vehicles after the school district board of directors has considered the safety of the students being transported as well as the economy of utilizing a district-owned passenger car in lieu of a school bus.

(3) Prior to June 1st of each year the superintendent shall submit to the office of financial management, and the committees on education and ways and means of the senate and house of representatives a report outlining the methodology and rationale used in determining the allocation rates to be used the following year.

Sec. 145. Section 5, chapter 265, Laws of 1981 as last amended by section 2, chapter 59, Laws of 1985 and RCW 28A.41.525 are each amended to read as follows:

The superintendent shall notify districts of their student transportation allocation before January 15th. If the number of eligible students in a school district changes ten percent or more from the October report, and

the change is maintained for a period of twenty consecutive school days or more, the district may submit revised eligible student data to the superintendent of public instruction. The superintendent shall, to the extent funds are available, recalculate the district's allocation for the transportation of pupils to and from school.

The superintendent shall make the student transportation allocation in accordance with the apportionment payment schedule in RCW (~~(28A.48-.010, as now or hereafter amended)~~) 28A.510.250. Such allocation payments may be based on estimated amounts for payments to be made in September, October, November, December, and January.

Sec. 146. Section 6, chapter 265, Laws of 1981 as amended by section 4, chapter 508, Laws of 1987 and RCW 28A.41.540 are each amended to read as follows:

The superintendent shall determine the vehicle acquisition allocation in the following manner:

(1) By May 1st of each year, the superintendent shall develop preliminary categories of student transportation vehicles to ensure adequate student transportation fleets for districts. The superintendent shall take into consideration the types of vehicles purchased by individual school districts in the state. The categories shall include, but not be limited to, variables such as vehicle capacity, type of chassis, type of fuel, engine and body type, special equipment, and life of vehicle. The categories shall be developed in conjunction with the local districts and shall be applicable to the following school year. The categories shall be designed to produce minimum long-range operating costs, including costs of equipment and all costs incurred in operating the vehicles. Each category description shall include the estimated state-determined purchase price, which shall be based on the actual costs of the vehicles purchased for that comparable category in the state during the preceding twelve months and the anticipated market price for the next school fiscal year. By June 15th of each year, the superintendent shall notify districts of the preliminary vehicle categories and state-determined purchase price for the ensuing school year. By October 15th of each year, the superintendent shall finalize the categories and the associated state-determined purchase price and shall notify districts of any changes. While it is the responsibility of each district to select each student transportation vehicle to be purchased by the district, each district shall be paid a sum based only on the amount of the state-determined purchase price and inflation as recognized by the reimbursement schedule established in this section as set by the superintendent for the category of vehicle purchased.

(2) The superintendent shall develop a reimbursement schedule to pay districts for the cost of student transportation vehicles purchased after September 1, 1982. The accumulated value of the payments and the potential investment return thereon shall be designed to be equal to the replacement

value of the vehicle less its salvage value at the end of its anticipated lifetime. The superintendent shall revise at least annually the reimbursement payments based on the current and anticipated future cost of comparable categories of transportation equipment. Reimbursements to school districts for approved transportation equipment shall be placed in a separate vehicle transportation fund established for each school district under RCW ((28A-58.428)) 28A.160.130. However, educational service districts providing student transportation services pursuant to RCW ((28A-21.086(4))) 28A.310.180(4) and receiving moneys generated pursuant to this section shall establish and maintain a separate vehicle transportation account in the educational service district's general expense fund for the purposes and subject to the conditions under RCW ((28A-58.428)) 28A.160.130 and ((28A-58.430)) 28A.320.300.

(3) To the extent possible, districts shall operate vehicles acquired under this section not less than the number of years or useful lifetime now, or hereafter, assigned to the class of vehicles by the superintendent. School districts shall properly maintain the transportation equipment acquired under the provisions of this section, in accordance with rules established by the office of the superintendent of public instruction. If a district fails to follow generally accepted standards of maintenance and operation, the superintendent of public instruction shall penalize the district by deducting from future reimbursements under this section an amount equal to the original cost of the vehicle multiplied by the fraction of the useful lifetime or miles the vehicle failed to operate.

(4) The superintendent shall annually develop a depreciation schedule to recognize the cost of depreciation to districts contracting with private carriers for student transportation. Payments on this schedule shall be a straight line depreciation based on the original cost of the appropriate category of vehicle.

Sec. 147. Section 1, chapter 3, Laws of 1973 1st ex. sess. and RCW 28A.41.180 are each amended to read as follows:

If the superintendent of public instruction or the state board of education, in carrying out their powers and duties under Title 28A RCW, request the service of any certificated employee of a school district upon any committee formed for the purpose of furthering education within the state, or within any school district therein, and such service would result in a need for a school district to employ a substitute for such certificated employee during such service, payment for such a substitute may be made by the superintendent of public instruction from funds appropriated by the legislature for the current use of the common schools and such payments shall be construed as amounts needed for state support to the common schools under RCW ((28A-41.050)) 28A.150.380. If such substitute is paid by the superintendent of public instruction, no deduction shall be made from the salary of the certificated employee. In no event shall a school district deduct from

the salary of a certificated employee serving on such committee more than the amount paid the substitute employed by the district.

4. Learning Assistance Program

Sec. 148. Section 3, chapter 478, Laws of 1987 and RCW 28A.120.014 are each amended to read as follows:

Unless the context clearly indicates otherwise the definitions in this section apply throughout RCW (~~((28A.120.010 through 28A.120.026))~~) 28A.165.010 through 28A.165.090.

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

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

(3) "Approved program" means a program conducted pursuant to a plan submitted by a district and approved by the superintendent of public instruction under RCW (~~((28A.120.016))~~) 28A.165.040.

(4) "Participating student" means a student in kindergarten through grade nine who scores below grade level in basic skills, as determined by placement testing, and who is identified under RCW (~~((28A.120.018))~~) 28A.165.050 to receive additional services or support under an approved program.

(5) "Basic skills tests" means state-wide tests at the fourth and eighth grade levels established pursuant to RCW (~~((28A.03.360))~~) 28A.230.190.

Sec. 149. Section 4, chapter 478, Laws of 1987 as amended by section 2, chapter 233, Laws of 1989 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))~~) 28A.165.070 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. 150. Section 7, chapter 478, Laws of 1987 and RCW 28A.120.022 are each amended to read as follows:

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 28A.155.010 through 28A.155.100, in distributing state funds for learning assistance. The distribution formula in this section is for allocation purposes only.

Sec. 151. Section 8, chapter 478, Laws of 1987 and RCW 28A.120.024 are each amended to read as follows:

In order to insure that school districts are meeting the requirements of an approved program, the superintendent of public instruction shall monitor such programs no less than once every three years. The results of the evaluations required by RCW ~~((28A.120.016))~~ 28A.165.040 shall be transmitted to the superintendent of public instruction annually. Individual student records shall be maintained at the school district.

Sec. 152. Section 9, chapter 478, Laws of 1987 and RCW 28A.120.026 are each amended to read as follows:

The superintendent of public instruction shall promulgate rules pursuant to chapter 34.05 RCW which he or she deems necessary to implement RCW ~~((28A.120.010 through 28A.120.024))~~ 28A.165.010 through 28A.165.080.

5. Substance Abuse Awareness Program

Sec. 153. Section 206, chapter 518, Laws of 1987 as amended by section 5, chapter 233, Laws of 1989 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 28A.120.034 through 28A.120.050))~~ 28A.170.010, and 28A.170.030 through 28A.170.070 and shall distribute to school districts on a grant basis, from moneys appropriated for the purposes of this section, RCW (~~(28A.120.030 and 28A.120.034 through 28A.120.050))~~ 28A.170.010, and 28A.170.030 through 28A.170.070, 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 28A.120.034 through 28A.120.050))~~ 28A.170.010, and 28A.170.030 through 28A.170.070, 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.

Sec. 154. Section 208, chapter 518, Laws of 1987 and RCW 28A.120.036 are each amended to read as follows:

School districts may apply on an annual basis to the superintendent of public instruction for continued funding of a local substance abuse awareness program meeting the provisions of RCW (~~(28A.120.032 through 28A.120.050))~~ 28A.170.020 through 28A.170.070 and shall submit an application that includes: (1) Verification of the adoption of comprehensive district policies; (2) proposed changes to the district's substance abuse awareness program, where necessary; (3) proposed areas of expenditures; (4) the district's plan to provide matching funds of an amount to equal at least twenty percent of the state funds for which the district is eligible; (5) a plan for program evaluation; and (6) a report evaluating the effectiveness of

the previously funded program one year after the program is implemented, including all the information required in this section.

Sec. 155. Section 211, chapter 518, Laws of 1987 and RCW 28A.120-.050 are each amended to read as follows:

If any part of RCW (~~((28A.120.032 through 28A.120.040))~~) 28A.170.020 through 28A.170.060 is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of RCW (~~((28A.120.032 through 28A.120.040))~~) 28A.170.020 through 28A.170.060 is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of RCW (~~((28A.120.032 through 28A.120.040))~~) 28A.170.020 through 28A.170.060 in its application to the agencies concerned. The rules under RCW (~~((28A.120.032 through 28A.120.040))~~) 28A.170.020 through 28A.170.060 shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

Sec. 156. Section 310, chapter 271, Laws of 1989 and RCW 28A.120-.080 are each amended to read as follows:

(1) The legislature finds that the provision of drug and alcohol counseling and related prevention and intervention services in schools will enhance the classroom environment for students and teachers, and better enable students to realize their academic and personal potentials.

(2) The legislature finds that it is essential that resources be made available to school districts to provide early drug and alcohol prevention and intervention services to students and their families; to assist in referrals to treatment providers; and to strengthen the transition back to school for students who have had problems of drug and alcohol abuse.

(3) New and existing substance abuse awareness programs funded pursuant to RCW (~~((28A.120.030 through 28A.120.050))~~) 28A.170.010 through 28A.170.070 do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(4) The legislature intends to provide grants for drug and alcohol abuse prevention and intervention in schools, targeted to those schools with the highest concentrations of students at risk.

Sec. 157. Section 311, chapter 271, Laws of 1989 and RCW 28A.120-.082 are each amended to read as follows:

(1) Grants provided under RCW (~~((28A.120.084))~~) 28A.170.090 may be used solely for services provided by a substance abuse intervention specialist or for dedicated staff time for counseling and intervention services provided by any school district certificated employee who has been trained by and has access to consultation with a substance abuse intervention specialist. Services shall be directed at assisting students in kindergarten

through twelfth grade in overcoming problems of drug and alcohol abuse, and in preventing abuse and addiction to such substances, including nicotine. The grants shall require local matching funds so that the grant amounts support a maximum of eighty percent of the costs of the services funded. The services of a substance abuse intervention specialist may be obtained by means of a contract with a state or community services agency or a drug treatment center. Services provided by a substance abuse intervention specialist may include:

- (a) Individual and family counseling, including preventive counseling;
- (b) Assessment and referral for treatment;
- (c) Referral to peer support groups;
- (d) Aftercare;
- (e) Development and supervision of student mentor programs;
- (f) Staff training, including training in the identification of high-risk children and effective interaction with those children in the classroom; and
- (g) Development and coordination of school drug and alcohol core teams, involving staff, students, parents, and community members.

(2) For the purposes of this section, "substance abuse intervention specialist" means any one of the following, except that diagnosis and assessment, counseling and aftercare specifically identified with treatment of chemical dependency shall be performed only by personnel who meet the same qualifications as are required of a qualified chemical dependency counselor employed by an alcoholism or drug treatment program approved by the department of social and health services.

(a) An educational staff associate employed by a school district or educational service district who holds certification as a school counselor, school psychologist, school nurse, or school social worker under state board of education rules adopted pursuant to RCW ((28A.04.120)) 28A.305.130;

(b) An individual who meets the definition of a qualified drug or alcohol counselor established by the bureau of alcohol and substance abuse;

(c) A counselor, social worker, or other qualified professional employed by the department of social and health services;

(d) A psychologist licensed under chapter 18.83 RCW; or

(e) A children's mental health specialist as defined in RCW 71.34.020.

Sec. 158. Section 312, chapter 271, Laws of 1989 and RCW 28A.120-.084 are each amended to read as follows:

(1) The superintendent of public instruction shall select school districts and cooperatives of school districts to receive grants for drug and alcohol abuse prevention and intervention programs for students in kindergarten through twelfth grade, from funds appropriated by the legislature for this purpose. The minimum annual grant amount per district or cooperative of districts shall be twenty thousand dollars. Factors to be used in selecting proposals for funding and in determining grant awards shall be developed in consultation with the substance abuse advisory committee appointed under

RCW (~~(28A.120.038)~~) 28A.170.050, with the intent of targeting funding to districts with high-risk populations. These factors may include:

(a) Characteristics of the school attendance areas to be served, such as the number of students from low-income families, truancy rates, juvenile justice referrals, and social services caseloads;

(b) The total number of students who would have access to services; and

(c) Participation of community groups and law enforcement agencies in drug and alcohol abuse prevention and intervention activities.

(2) The application procedures for grants under this section shall be consistent with the application procedures for other grants for substance abuse awareness programs under RCW (~~(28A.120.032)~~) 28A.170.020, including provisions for comprehensive planning, establishment of a school and community substance abuse advisory committee, and documentation of the district's needs assessment. Planning and application for grants under this section may be integrated with the development of other substance abuse awareness programs by school districts, and other grants under RCW (~~(28A.120.030 through 28A.120.036)~~) 28A.170.010 through 28A.170.040 shall not require a separate application. School districts shall, to the maximum extent feasible, coordinate the use of grants provided under this section with other funding available for substance abuse awareness programs. School districts should allocate resources giving emphasis to drug and alcohol abuse intervention services for students in grades five through nine. Grants may be used to provide services for students who are enrolled in approved private schools.

(3) School districts receiving grants under this section shall be required to establish a means of accessing formal assessment services for determining treatment needs of students with drug and alcohol problems. The grant applications submitted by districts shall identify the districts' plan for meeting this requirement.

(4) School districts receiving grants under this section shall be required to perform biennial evaluations of their drug and alcohol abuse prevention and intervention programs, and to report on the results of these evaluations to the superintendent of public instruction.

(5) The superintendent of public instruction may adopt rules to implement RCW (~~(28A.120.082 through 28A.120.086)~~) 28A.170.080 through 28A.170.100.

Sec. 159. Section 313, chapter 271, Laws of 1989 and RCW 28A.120-.086 are each amended to read as follows:

(1) School districts are encouraged to promote parent and community involvement in drug and alcohol abuse prevention and intervention programs, through parent visits under RCW (~~(28A.58.053)~~) 28A.605.020 and through any school involvement program established by the district under

RCW ((~~28A.58.640 through 28A.58.648~~)) 28A.615.010 through 28A.615.050.

(2) Districts are further encouraged to review drug and alcohol prevention and intervention programs as part of the self-study procedures required under RCW ((~~28A.58.085~~)) 28A.320.200 and as part of any annual goal-setting process the district may have established under RCW ((~~28A.58.094~~)) 28A.320.220.

6. Dropout Prevention and Retrieval Program

Sec. 160. Section 214, chapter 518, Laws of 1987 as amended by section 1, chapter 209, Laws of 1989 and RCW 28A.120.062 are each amended to read as follows:

(1) The superintendent of public instruction is authorized and shall grant funds to selected school districts to assist in the development of student motivation, retention, and retrieval programs for youth who are at risk of dropping out of school or who have dropped out of school. The purpose of the state assistance for such school district programs is to provide districts the necessary money which will encourage the development by districts or cooperatives of districts of integrated programs for students who are at risk of dropping out of school or who have dropped out of school.

(2) Funds as may be appropriated for the purposes of this section and RCW ((~~28A.120.064 through 28A.120.072~~)) 28A.175.040 through 28A.175.070 shall be distributed to qualifying school districts for initial planning, development, and implementation of educational programs designed to motivate, retain, and retrieve students.

(3) Funds shall be distributed among qualifying school districts on a per pupil basis in accordance with the following state funding formula: To determine the per pupil allocation, the appropriation for this purpose shall be divided by the total full-time equivalent student population of all qualifying districts as determined on October 1 of the first year of each biennium. The resulting dollar amount shall be multiplied by the current school year October 1 total full-time equivalent student population of each qualifying school district to determine the maximum grant that each qualifying school district is eligible to receive. No district may receive more than is necessary for planning and implementation activities outlined in the district's grant application.

(4) The eligibility of a school district or cooperative of school districts to receive program implementation funds shall be determined once every two years.

(5) Should one or more eligible school districts not request funds available under subsection (3) of this section, the funds may be expended or allocated to other qualifying school districts on a nonformula grant basis by the superintendent of public instruction for the purpose of furthering student motivation, retention, and retrieval programs.

Sec. 161. Section 215, chapter 518, Laws of 1987 as amended by section 2, chapter 209, Laws of 1989 and RCW 28A.120.064 are each amended to read as follows:

(1) In distributing grant funds, the superintendent of public instruction shall first award funds to each school district with a dropout rate which, as determined by the superintendent of public instruction, is over time in the top twenty-five percent of all districts' dropout rates.

(2) The superintendent may grant funds to a cooperative of districts which may include one district, or more, whose dropout rate is not in the top twenty-five percent of all districts' dropout rates.

(3) The sum of all grants awarded pursuant to RCW (~~(28A.120.062 through 28A.120.072)~~) 28A.175.030 through 28A.175.070 for a particular biennium shall not exceed the amount appropriated by the legislature for such purposes.

Sec. 162. Section 217, chapter 518, Laws of 1987 and RCW 28A.120.068 are each amended to read as follows:

The superintendent of public instruction shall adopt rules to carry out the purposes of RCW (~~(28A.120.062 through 28A.120.072)~~) 28A.175.030 through 28A.175.070. The rules adopted by the superintendent of public instruction shall include but not be limited to:

(1) Providing for an annual evaluation of the effectiveness of the program;

(2) Requiring that no less than twenty percent of the moneys from the program implementation grant be used for identification and intervention programs in elementary and middle schools;

(3) Establishing procedures allowing school districts to claim basic education allocation funds for students attending a program conducted under RCW (~~(28A.120.062 through 28A.120.072)~~) 28A.175.030 through 28A.175.070 outside the regular school-year calendar, to the extent such attendance is in lieu of attendance within the regular school-year calendar; and

(4) Evaluating the number of children within an applicant district who fail to complete their elementary and secondary education with priority going to districts with dropout rates over time in the top twenty-five percent of all districts' dropout rates.

7. Transitional Bilingual Instruction Program

Sec. 163. Section 1, chapter 95, Laws of 1979 as amended by section 1, chapter 124, Laws of 1984 and RCW 28A.58.800 are each amended to read as follows:

RCW (~~(28A.58.800 through 28A.58.810)~~) 28A.180.010 through 28A.180.080 shall be known and cited as "The Transitional Bilingual Instruction Act(^(A)).". The legislature finds that there are large numbers of children who come from homes where the primary language is other than

English. The legislature finds that a transitional bilingual education program can meet the needs of these children. Pursuant to the policy of this state to insure equal educational opportunity to every child in this state, it is the purpose of RCW (~~((28A.58.800 through 28A.58.810))~~ 28A.180.010 through 28A.180.080) to provide for the implementation of transitional bilingual education programs in the public schools, and to provide supplemental financial assistance to school districts to meet the extra costs of these programs.

Sec. 164. Section 2, chapter 95, Laws of 1979 as amended by section 2, chapter 124, Laws of 1984 and RCW 28A.58.802 are each amended to read as follows:

As used in RCW (~~((28A.58.800 through 28A.58.810))~~ 28A.180.010 through 28A.180.080), unless the context thereof indicates to the contrary:

(1) "Transitional bilingual instruction" means:

(a) A system of instruction which uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable the pupil to achieve competency in English. Concepts and information are introduced in the primary language and reinforced in the second language: PROVIDED, That the program shall include testing in the subject matter in English; or

(b) In those cases in which the use of two languages is not practicable as established by the superintendent of public instruction and unless otherwise prohibited by law, an alternative system of instruction which may include English as a second language and is designed to enable the pupil to achieve competency in English.

(2) "Primary language" means the language most often used by the student for communication in his/her home.

(3) "Eligible pupil" means any enrollee of the school district whose primary language is other than English and whose English language skills are sufficiently deficient or absent to impair learning.

Sec. 165. Section 5, chapter 95, Laws of 1979 as amended by section 5, chapter 124, Laws of 1984 and RCW 28A.58.808 are each amended to read as follows:

The superintendent of public instruction shall:

(1) Promulgate and issue program development guidelines to assist school districts in preparing their programs;

(2) Promulgate rules for implementation of RCW (~~((28A.58.800 through 28A.58.810))~~ 28A.180.010 through 28A.180.080) in accordance with chapter 34.05 RCW. The rules shall be designed to maximize the role of school districts in selecting programs appropriate to meet the needs of eligible students. The rules shall identify the process and criteria to be used to determine when a student is no longer eligible for transitional bilingual instruction pursuant to RCW (~~((28A.58.800 through 28A.58.810))~~ 28A.180.010 through 28A.180.080).

Sec. 166. Section 6, chapter 124, Laws of 1984 and RCW 28A.58.809 are each amended to read as follows:

School districts may enrich the programs required by RCW (~~(28A.58.800 through 28A.58.810)~~) 28A.180.010 through 28A.180.080: PROVIDED, That such enrichment shall not constitute a basic education responsibility of the state.

Sec. 167. Section 6, chapter 95, Laws of 1979 and RCW 28A.58.810 are each amended to read as follows:

The superintendent of public instruction shall prepare and submit biennially to the governor and the legislature a budget request for bilingual instruction programs. Moneys appropriated by the legislature for the purposes of RCW (~~(28A.58.800 through 28A.58.810)~~) 28A.180.010 through 28A.180.080 shall be allocated by the superintendent of public instruction to school districts for the sole purpose of operating an approved bilingual instruction program; priorities for funding shall exist for the early elementary grades. No moneys shall be allocated pursuant to this section to fund more than three school years of bilingual instruction for each eligible pupil within a district: PROVIDED, That such moneys may be allocated to fund more than three school years of bilingual instruction for any pupil who fails to demonstrate improvement in English language skills adequate to remove impairment of learning when taught only in English. The superintendent of public instruction shall set standards and approve a test for the measurement of such English language skills. School districts are hereby empowered to accept grants, gifts, donations, devices and other gratuities from private and public sources to aid in accomplishing the purposes of RCW (~~(28A.58.800 through 28A.58.810)~~) 28A.180.010 through 28A.180.080.

8. Highly Capable

Sec. 168. Section 14, chapter 278, Laws of 1984 and RCW 28A.16.050 are each amended to read as follows:

Supplementary funds as may be provided by the state for this program, in accordance with RCW (~~(28A.41.162)~~) 28A.150.370, shall be categorical funding on an excess cost basis based upon a per student amount not to exceed three percent of any district's full-time equivalent enrollment.

Sec. 169. Section 222, chapter 518, Laws of 1987 as amended by section 9, chapter 233, Laws of 1989 and RCW 28A.58.217 are each amended to read as follows:

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

(2) The superintendent of public instruction shall allocate directly to the University of Washington all 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 28A.185.010 through 28A.185.030, and federal moneys generated by a student while attending an early entrance program or transition school at the University of Washington. The allocations shall be according to each student's school district of residence. The expenditure of such moneys shall be 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.

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

9. Residential Education Programs

Sec. 170. Section 3, chapter 98, Laws of 1983 and RCW 28A.58.765 are each amended to read as follows:

A program of education shall be provided for by the department of social and health services and the several school districts of the state for common school age persons who have been admitted to facilities staffed and maintained by the department of social and health services for the education and treatment of juveniles who have been diverted or who have been found to have committed a juvenile offense. The division of duties, authority, and liabilities of the department of social and health services and the several school districts of the state respecting the educational programs shall be the same in all respects as set forth in RCW (~~28A.58.772 through 28A.58.778~~) 28A.190.030 through 28A.190.060 respecting programs of education for state residential school residents. For the purposes of this section, the term "residential school" or "schools" as used in RCW (~~28A.58.772 through 28A.58.778~~) 28A.190.030 through 28A.190.060 shall be construed to mean a facility staffed and maintained by the department of social and health services for the education and treatment of juvenile offenders on probation or parole. Nothing in this section shall prohibit a school district from utilizing the services of an educational service district subject to RCW (~~28A.21.086~~) 28A.310.180.

Sec. 171. Section 1, chapter 217, Laws of 1979 ex. sess. and RCW 28A.58.770 are each amended to read as follows:

The term "residential school" as used in RCW (~~((28A.58.770 through 28A.58.778))~~ 28A.190.020 through 28A.190.060, 72.01.200, 72.05.010 and 72.05.130, each as now or hereafter amended, shall mean Green Hill school, Maple Lane school, Naselle Youth Camp, Cedar Creek Youth Camp, Mission Creek Youth Camp, Echo Glen, (~~((Cascadia Diagnostic Center;))~~) Lakeland Village, Rainier school, Yakima Valley school, Interlake school, Fircrest school, Francis Haddon Morgan Center, the Child Study and Treatment Center and Secondary School of Western State Hospital, and such other schools, camps, and centers as are now or hereafter established by the department of social and health services for the diagnosis, confinement and rehabilitation of juveniles committed by the courts or for the care and treatment of persons who are exceptional in their needs by reason of mental and/or physical deficiency: PROVIDED, That the term shall not include the state schools for the deaf and blind or adult correctional institutions.

Sec. 172. Section 2, chapter 217, Laws of 1979 ex. sess. as last amended by section 13, chapter 341, Laws of 1985 and RCW 28A.58.772 are each amended to read as follows:

Each school district within which there is located a residential school shall, singly or in concert with another school district pursuant to RCW (~~((28A.58.075 and 28A.58.245))~~ 28A.335.160 and 28A.225.250 or pursuant to chapter 39.34 RCW, (~~((each as now or hereafter amended;))~~) conduct a program of education, including related student activities, for residents of the residential school. Except as otherwise provided for by contract pursuant to RCW (~~((28A.58.776, as now or hereafter amended))~~ 28A.190.050, the duties and authority of a school district and its employees to conduct such a program shall be limited to the following:

(1) The employment, supervision and control of administrators, teachers, specialized personnel and other persons, deemed necessary by the school district for the conduct of the program of education;

(2) The purchase, lease or rental and provision of textbooks, maps, audio-visual equipment, paper, writing instruments, physical education equipment and other instructional equipment, materials and supplies, deemed necessary by the school district for the conduct of the program of education;

(3) The development and implementation, in consultation with the superintendent or chief administrator of the residential school or his or her designee, of the curriculum;

(4) The conduct of a program of education, including related student activities, for residents who are three years of age and less than twenty-one years of age, and have not met high school graduation requirements as now or hereafter established by the state board of education and the school district which includes:

(a) Not less than one hundred and eighty school days each school year;

(b) Special education pursuant to ~~((chapter 28A.13 RCW, as now or hereafter amended))~~ RCW 28A.155.010 through 28A.155.100, and vocational education, as necessary to address the unique needs and limitations of residents; and

(c) Such courses of instruction and school related student activities as are provided by the school district for nonresidential school students to the extent it is practical and judged appropriate for the residents by the school district after consultation with the superintendent or chief administrator of the residential school: PROVIDED, That a preschool special education program may be provided for handicapped residential school students;

(5) The control of students while participating in a program of education conducted pursuant to this section and the discipline, suspension or expulsion of students for violation of reasonable rules of conduct adopted by the school district; and

(6) The expenditure of funds for the direct and indirect costs of maintaining and operating the program of education that are appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating residential school programs of education, and funds from federal and private grants, bequests and gifts made for the purpose of maintaining and operating the program of education.

Sec. 173. Section 3, chapter 217, Laws of 1979 ex. sess. and RCW 28A.58.774 are each amended to read as follows:

The duties and authority of the department of social and health services and of each superintendent or chief administrator of a residential school to support each program of education conducted by a school district pursuant to RCW ~~((28A.58.772, as now or hereafter amended))~~ 28A.190.030, shall include the following:

(1) The provision of transportation for residential school students to and from the sites of the program of education through the purchase, lease or rental of school buses and other vehicles as necessary;

(2) The provision of safe and healthy building and playground space for the conduct of the program of education through the construction, purchase, lease or rental of such space as necessary;

(3) The provision of furniture, vocational instruction machines and tools, building and playground fixtures, and other equipment and fixtures for the conduct of the program of education through construction, purchase, lease or rental as necessary;

(4) The provision of heat, lights, telephones, janitorial services, repair services, and other support services for the vehicles, building and playground spaces, equipment and fixtures provided for in this section;

(5) The employment, supervision and control of persons to transport students and to maintain the vehicles, building and playground spaces, equipment and fixtures, provided for in this section;

(6) Clinical and medical evaluation services necessary to a determination by the school district of the educational needs of residential school students; and

(7) Such other support services and facilities as are reasonably necessary for the conduct of the program of education.

Sec. 174. Section 4, chapter 217, Laws of 1979 ex. sess. and RCW 28A.58.776 are each amended to read as follows:

Each school district required to conduct a program of education pursuant to RCW (~~((28A.58.772, as now or hereafter amended))~~) 28A.190.030, and the department of social and health services shall hereafter negotiate and execute a written contract for each school year or such longer period as may be agreed to which delineates the manner in which their respective duties and authority will be cooperatively performed and exercised, and any disputes and grievances resolved. Any such contract may provide for the performance of duties by a school district in addition to those set forth in (~~((subsections (1) through (5) of RCW 28A.58.772, as now or hereafter amended))~~) RCW 28A.190.030 (1) through (5), including duties imposed upon the department of social and health services and its agents pursuant to RCW (~~((28A.58.774, as now or hereafter amended))~~) 28A.190.040: PROVIDED, That funds identified in (~~((subsection (6) of RCW 28A.58.772 as now or hereafter amended;))~~) RCW 28A.190.030(6) and/or funds provided by the department of social and health services are available to fully pay the direct and indirect costs of such additional duties and the district is otherwise authorized by law to perform such duties in connection with the maintenance and operation of a school district.

Sec. 175. Section 5, chapter 217, Laws of 1979 ex. sess. and RCW 28A.58.778 are each amended to read as follows:

The department of social and health services shall provide written notice on or before April 15th of each school year to the superintendent of each school district conducting a program of education pursuant to RCW (~~((28A.58.772 through 28A.58.776, as now or hereafter amended;))~~) 28A.190.030 through 28A.190.050 of any foreseeable residential school closure, reduction in the number of residents, or any other cause for a reduction in the school district's staff for the next school year. In the event the department of social and health services fails to provide notice as prescribed by this section, the department shall be liable and responsible for the payment of the salary and employment related costs for the next school year of each school district employee whose contract the school district would have nonrenewed but for the failure of the department to provide notice.

10. Private Schools

Sec. 176. Section 2, chapter 92, Laws of 1974 ex. sess. as last amended by section 1, chapter 16, Laws of 1985 and by section 4, chapter 441, Laws of 1985 and RCW 28A.02.201 are each reenacted and amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum program hour offerings as prescribed in RCW ((28A.58.754)) 28A.150.220.

(2) The school day shall be the same as that required in RCW ((28A.01.010 and 28A.58.754, each as now or hereafter amended)) 28A.150.030 and 28A.150.220, except that the percentages of total program hour offerings as prescribed in RCW ((28A.58.754)) 28A.150.220 for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certified under chapter ((28A.70)) 28A.410 RCW;

(b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the certified person; and

(e) The certified employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.

(7) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (7) above provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 177. Section 7, chapter 215, Laws of 1971 ex. sess. as last amended by section 29, chapter 3, Laws of 1983 and RCW 28A.02.240 are each amended to read as follows:

The state board of education shall promulgate rules and regulations for the enforcement of RCW ((~~28A.02.201 and 28A.02.220 through 28A.02.240, 28A.04.120 and 28A.27.010~~)) 28A.195.010 through 28A.195.040, 28A.225.010, and 28A.305.130, including a provision which denies approval to any school engaging in a policy of racial segregation or discrimination.

11. Home-Based Instruction

Sec. 178. Section 2, chapter 441, Laws of 1985 and RCW 28A.27.310 are each amended to read as follows:

Each parent whose child is receiving home-based instruction under RCW ((28A.27.010(4))) 28A.225.010(4) shall have the duty to:

(1) File annually a signed declaration of intent that he or she is planning to cause his or her child to receive home-based instruction. The statement shall include the name and age of the child, shall specify whether a certificated person will be supervising the instruction, and shall be written in a format prescribed by the superintendent of public instruction. Each parent shall file the statement by September 15 of the school year or within two weeks of the beginning of any public school quarter, trimester, or semester with the superintendent of the public school district within which the parent resides;

(2) Ensure that test scores or annual academic progress assessments and immunization records, together with any other records that are kept relating to the instructional and educational activities provided, are forwarded to any other public or private school to which the child transfers. At the time of a transfer to a public school, the superintendent of the local school district in which the child enrolls may require a standardized achievement test to be administered and shall have the authority to determine the appropriate grade and course level placement of the child after consultation with parents and review of the child's records; and

(3) Ensure that a standardized achievement test approved by the state board of education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. The standardized test administered or the annual academic progress assessment written shall be made a part of the child's permanent records. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.

Failure of a parent to comply with the duties in this section shall be deemed a failure of such parent's child to attend school without valid justification under RCW ((28A.27.020)) 28A.225.020. Parents who do comply with the duties set forth in this section shall be presumed to be providing home-based instruction as set forth in RCW ((28A.27.010(4))) 28A.225.010(4).

Sec. 179. Section 3, chapter 441, Laws of 1985 and RCW 28A.27.320 are each amended to read as follows:

The state hereby recognizes that parents who are causing their children to receive home-based instruction under RCW ((28A.27.010(4))) 28A.225.010(4) shall be subject only to those minimum state laws and regulations which are necessary to insure that a sufficient basic educational

opportunity is provided to the children receiving such instruction. Therefore, all decisions relating to philosophy or doctrine, selection of books, teaching materials and curriculum, and methods, timing, and place in the provision or evaluation of home-based instruction shall be the responsibility of the parent except for matters specifically referred to in this chapter.

12. Educational Clinics

Sec. 180. Section 1, chapter 341, Laws of 1977 ex. sess. as amended by section 38, chapter 3, Laws of 1983 and RCW 28A.97.010 are each amended to read as follows:

(1) As used in this chapter, unless the context thereof shall clearly indicate to the contrary:

Educational clinic means any private school operated on a profit or nonprofit basis which does the following:

(a) Is devoted to the teaching of basic academic skills, including specific attention to improvement of student motivation for achieving, and employment orientation.

(b) Operates on a clinical, client centered basis. This shall include, but not be limited to, performing diagnosis of individual educational abilities, determination and setting of individual goals, prescribing and providing individual courses of instruction therefor, and evaluation of each individual client's progress in his or her educational program.

(c) Conducts courses of instruction by professionally trained personnel certificated by the state board of education according to rules and regulations promulgated for the purposes of this chapter and providing, for certification purposes, that a year's teaching experience in an educational clinic shall be deemed equal to a year's teaching experience in a common or private school.

(2) For purposes of this chapter, basic academic skills shall include the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and shall not include courses deemed nonessential to the accrediting of the common schools or the approval of private schools under RCW (~~(28A.04.120)~~) 28A.305.130.

(3) The state board of education shall certify an education clinic only upon application and (a) determination that such school comes within the definition thereof as set forth in subsection (1) above and (b) demonstration on the basis of actual educational performance of such applicants' students which shows after consideration of their students' backgrounds, educational gains that are a direct result of the applicants' educational program. Such certification may be withdrawn if the board finds that a clinic fails to provide adequate instruction in basic academic skills. No educational clinic certified by the state board of education pursuant to this section shall be deemed a common school under RCW (~~(28A.01.060)~~) 28A.150.020 or a

private school for the purposes of RCW ((28A.02.201 through 28A.02.250)) 28A.195.010 through 28A.195.050.

Sec. 181. Section 2, chapter 341, Laws of 1977 ex. sess. as amended by section 1, chapter 174, Laws of 1979 ex. sess. and RCW 28A.97.020 are each amended to read as follows:

Only eligible common school dropouts shall be enrolled in a certified educational clinic for reimbursement by the superintendent of public instruction as provided in RCW ((28A.97.040)) 28A.205.040. No person shall be considered an eligible common school dropout who (1) has completed high school, (2) who has not reached his or her thirteenth birthday or has passed his or her twentieth birthday, or (3) shows proficiency beyond the high school level in a test approved by the superintendent of public instruction to be given as part of the initial diagnostic procedure, or (4) until one month has passed after he or she has dropped out of any common school and the educational clinic has received written verification from a school official of the common school last attended in this state that such person is no longer in attendance at such school, unless such clinic has been requested to admit such person by written communication of the board of directors or its designee, of that common school, or unless such person is unable to attend a particular common school because of disciplinary reasons, including suspension and/or expulsion therefrom. The fact that any person may be subject to ((chapter 28A.27)) RCW 28A.225.010 through 28A.225.150, 28A.200.010, and 28A.200.020 shall not affect his or her qualifications as an eligible common school dropout under this chapter.

Sec. 182. Section 3, chapter 341, Laws of 1977 ex. sess. and RCW 28A.97.030 are each amended to read as follows:

The superintendent of public instruction shall adopt, by rules, policies and procedures to permit a prior common school dropout to reenter at the grade level appropriate to such individual's ability: PROVIDED, That such individual shall be placed with the class he or she would be in had he or she not dropped out and graduate with that class, if ((his)) the student's ability so permits notwithstanding any loss of credits prior to reentry and if such student earns credits at the normal rate subsequent to reentry.

Notwithstanding any other provision of law, any certified educational clinic student, upon completion of an individual student program and irrespective of age, shall be eligible to take the general educational development test as given throughout the state.

Sec. 183. Section 4, chapter 341, Laws of 1977 ex. sess. as amended by section 2, chapter 174, Laws of 1979 ex. sess. and RCW 28A.97.040 are each amended to read as follows:

From funds appropriated for that purpose, the superintendent of public instruction shall pay to a certified clinic on a monthly basis for each student

enrolled in compliance with RCW ((28A.97.026)) 28A.205.020, fees in accordance with the following conditions:

(1) (a) The fee for the initial diagnostic procedure shall be not more than fifty dollars per student, and hourly fees for each student shall be sixteen dollars if the class size is no greater than one, ten dollars if the class size is at least two and no greater than five, and five dollars if the class size is at least six: **PROVIDED**, That revisions in such fees proposed by an education clinic shall become effective after thirty days notice unless the superintendent finds such a revision is unreasonable in which case the revision shall not take effect: **PROVIDED FURTHER**, That an education clinic may, within fifteen days after such a finding by the superintendent, file notification of appeal with the state board of education which shall, no later than its second regularly scheduled meeting following notification of such appeal, either grant or deny the proposed revision: **AND PROVIDED FURTHER**, That the administration of any general education development test shall not be a part of such initial diagnostic procedure.

(b) Reimbursements shall not be made for students who are absent.

(c) No clinic shall make any charge to any student, or ((his)) the student's parent, guardian or custodian, for whom a fee is being received under the provisions of this section.

(2) Payments shall be made from available funds first to those clinic(s) which have in the judgment of the superintendent demonstrated superior performance based upon consideration of students' educational gains taking into account such students' backgrounds, and upon consideration of cost effectiveness. In considering the cost effectiveness of nonprofit clinics the superintendent shall take into account not only payments made under this section but also factors such as tax exemptions, direct and indirect subsidies or any other cost to taxpayers at any level of government which result from such nonprofit status.

(3) To be eligible for such payment, every such clinic, without prior notice, shall permit a review of its accounting records by personnel of the state auditor during normal business hours.

(4) If total funds for this purpose approach depletion, the superintendent shall notify the clinics of the date after which further funds for reimbursement of the clinics' services will be exhausted.

Sec. 184. Section 5, chapter 341, Laws of 1977 ex. sess. and RCW 28A.97.050 are each amended to read as follows:

In accordance with chapter 34.05 RCW, the administrative procedure act, the state board of education with respect to the matter of certification, and the superintendent of public instruction with respect to all other matters, shall have the power and duty to make the necessary rules and regulations to carry out the purpose and intent of this chapter.

Criteria as promulgated by the state board of education or superintendent of public instruction for determining if any educational clinic is

providing adequate instruction in basic academic skills or demonstrating superior performance in student educational gains for funding under RCW ((28A.97.040)) 28A.205.040 shall be subject to review by four members of the legislature, one from each caucus of each house, including the ((chairpersons)) chairs of the respective education committees.

Sec. 185. Section 3, chapter 434, Laws of 1985 and RCW 28A.97.120 are each amended to read as follows:

In allocating funds appropriated for educational clinics, the superintendent of public instruction shall:

(1) Place priority upon stability and adequacy of funding for educational clinics that have demonstrated superior performance as defined in RCW ((28A.97.040(2))) 28A.205.040(2).

(2) Initiate and maintain a competitive review process to select new or expanded clinic programs in unserved or underserved areas. The criteria for review of competitive proposals for new or expanded education clinic services shall include but not be limited to:

(a) The proposing organization shall have obtained certification from the state board of education as provided in RCW ((28A.97.010)) 28A.205.010;

(b) The cost-effectiveness of the proposal as judged by the criteria established in RCW 28A.97.100(1) and (2); and

(c) The availability of committed nonstate funds to support, enrich, or otherwise enhance the basic program.

(3) In selecting areas for new or expanded educational clinics programs, the superintendent of public instruction shall consider factors including but not limited to:

(a) The proportion and total number of dropouts unserved by existing clinics programs, if any;

(b) The availability within the geographic area of programs other than educational clinics which address the basic educational needs of dropouts; and

(c) Waiting lists or other evidence of demand for expanded educational clinic programs.

(4) In the event of any curtailment of services resulting from lowered legislative appropriations, the superintendent of public instruction shall issue pro rata reductions to all clinics funded at the time of the lowered appropriation. Individual clinics may be exempted from such pro rata reductions if the superintendent finds that such reductions would impair the clinic's ability to operate at minimally acceptable levels of service. In the event of such exceptions, the superintendent shall determine an appropriate rate for reduction to permit the clinic to continue operation.

(5) In the event that an additional clinic or clinics become certified and apply to the superintendent for funds to be allocated from a legislative appropriation which does not increase from the immediately preceding biennium, or does not increase sufficiently to allow such additional clinic or clinics to operate at minimally acceptable levels of service without reducing the funds available to previously funded clinics, the superintendent shall not provide funding for such additional clinic or clinics from such appropriation.

Sec. 186. Section 220, chapter 518, Laws of 1987 and RCW 28A.97-.125 are each amended to read as follows:

The legislature recognizes that educational clinics provide a necessary and effective service for students who have dropped out of common school programs. Educational clinics have demonstrated success in preparing such youth for productive roles in society and are an integral part of the state's program to address the needs of students who have dropped out of school. The superintendent of public instruction shall distribute funds, consistent with legislative appropriations, allocated specifically for educational clinics in accord with chapter ((28A.97)) 28A.205 RCW. The legislature encourages school districts to explore cooperation with educational clinics.

Sec. 187. Section 4, chapter 434, Laws of 1985 and RCW 28A.97.130 are each amended to read as follows:

The superintendent shall include the educational clinics program in the biennial budget request. Contracts between the superintendent of public instruction and the educational clinics shall include quarterly plans which provide for relatively stable student enrollment but take into consideration anticipated seasonal variations in enrollment in the individual clinics. Funds which are not expended by a clinic during the quarter for which they were planned may be carried forward to subsequent quarters of the fiscal year. The superintendent shall make payments to the clinics on a monthly basis pursuant to RCW ((28A.97.040)) 28A.205.040.

13. Health—Screening and Requirements

Sec. 188. Section 28A.31.040, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 32, Laws of 1971 and RCW 28A.31.040 are each amended to read as follows:

The person or persons completing the screening prescribed in RCW ((28A.31.030)) 28A.210.020 shall promptly prepare a record of the screening of each child found to have, or suspected of having, reduced visual and/or auditory acuity in need of attention, including the special education services provided by ((chapter 28A.13)) RCW 28A.155.010 through 28A.155.100, and send copies of such records and recommendations to the parents or guardians of such children and shall deliver the original records to the appropriate school official who shall preserve such records and forward to the superintendent of public instruction and the secretary of social and health services visual and auditory data as requested by such officials.

Sec. 189. Section 1, chapter 46, Laws of 1973 and RCW 28A.31.050 are each amended to read as follows:

The superintendent of public instruction shall print and distribute to appropriate school officials the rules and regulations adopted by the state board of health pursuant to RCW (~~((28A.31.030))~~) 28A.210.020 and the recommended records and forms to be used in making and reporting such screenings.

Sec. 190. Section 1, chapter 118, Laws of 1979 ex. sess. as amended by section 3, chapter 40, Laws of 1984 and RCW 28A.31.100 are each amended to read as follows:

In enacting RCW (~~((28A.31.100 through 28A.31.120))~~) 28A.210.060 through 28A.210.170, it is the judgment of the legislature that it is necessary to protect the health of the public and individuals by providing a means for the eventual achievement of full immunization of school-age children against certain vaccine-preventable diseases.

Sec. 191. Section 2, chapter 118, Laws of 1979 ex. sess. as last amended by section 2, chapter 49, Laws of 1985 and RCW 28A.31.102 are each amended to read as follows:

As used in RCW (~~((28A.31.100 through 28A.31.120))~~) 28A.210.060 through 28A.210.170:

(1) "Chief administrator" shall mean the person with the authority and responsibility for the immediate supervision of the operation of a school or day care center as defined in this section or, in the alternative, such other person as may hereafter be designated in writing for the purposes of RCW (~~((28A.31.100 through 28A.31.120))~~) 28A.210.060 through 28A.210.170 by the statutory or corporate board of directors of the school district, school, or day care center or, if none, such other persons or person with the authority and responsibility for the general supervision of the operation of the school district, school or day care center.

(2) "Full immunization" shall mean immunization against certain vaccine-preventable diseases in accordance with schedules and with immunizing agents approved by the state board of health.

(3) "Local health department" shall mean the city, town, county, district or combined city-county health department, board of health, or health officer which provides public health services.

(4) "School" shall mean and include each building, facility, and location at or within which any or all portions of a preschool, kindergarten and grades one through twelve program of education and related activities are conducted for two or more children by or in behalf of any public school district and by or in behalf of any private school or private institution subject to approval by the state board of education pursuant to RCW (~~((28A.04.120(4) and 28A.02.201 through 28A.02.260, each as now or hereafter amended))~~) 28A.305.130(6), 28A.195.010 through 28A.195.050, and 28A.410.120.

(5) "Day care center" shall mean an agency which regularly provides care for a group of thirteen or more children for periods of less than twenty-four hours and is licensed pursuant to chapter 74.15 RCW.

(6) "Child" shall mean any person, regardless of age, in attendance at a public or private school or a licensed day care center.

Sec. 192. Section 3, chapter 118, Laws of 1979 ex. sess. as amended by section 1, chapter 49, Laws of 1985 and RCW 28A.31.104 are each amended to read as follows:

The attendance of every child at every public and private school in the state and licensed day care center shall be conditioned upon the presentation before or on each child's first day of attendance at a particular school or center, of proof of either (1) full immunization, (2) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or (3) a certificate of exemption as provided for in RCW (~~(28A.31.106)~~) 28A.210.090. The attendance at the school or the day care center during any subsequent school year of a child who has initiated a schedule of immunization shall be conditioned upon the presentation of proof of compliance with the schedule on the child's first day of attendance during the subsequent school year. Once proof of full immunization or proof of completion of an approved schedule has been presented, no further proof shall be required as a condition to attendance at the particular school or center.

Sec. 193. Section 4, chapter 118, Laws of 1979 ex. sess. as amended by section 5, chapter 40, Laws of 1984 and RCW 28A.31.106 are each amended to read as follows:

Any child shall be exempt in whole or in part from the immunization measures required by RCW (~~(28A.31.100 through 28A.31.120)~~) 28A.210.060 through 28A.210.170 upon the presentation of any one or more of the following, on a form prescribed by the department of social and health services:

(1) A written certification signed by any physician licensed to practice medicine pursuant to chapter 18.71 or 18.57 RCW that a particular vaccine required by rule of the state board of health is, in his or her judgment, not advisable for the child; PROVIDED, That when it is determined that this particular vaccine is no longer contraindicated, the child will be required to have the vaccine;

(2) A written certification signed by any parent or legal guardian of the child or any adult in loco parentis to the child that the religious beliefs of the signator are contrary to the required immunization measures; and

(3) A written certification signed by any parent or legal guardian of the child or any adult in loco parentis to the child that the signator has either a philosophical or personal objection to the immunization of the child.

Sec. 194. Section 6, chapter 118, Laws of 1979 ex. sess. as amended by section 7, chapter 40, Laws of 1984 and RCW 28A.31.110 are each amended to read as follows:

The immunizations required by RCW (~~(28A.31.100 through 28A.31.120)~~ 28A.210.060 through 28A.210.170) may be obtained from any private or public source desired: PROVIDED, That the immunization is administered and records are made in accordance with the regulations of the state board of health. Any person or organization administering immunizations shall furnish each person immunized, or his or her parent or legal guardian, or any adult in loco parentis to the child, with a written record of immunization given in a form prescribed by the state board of health.

Sec. 195. Section 7, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.112 are each amended to read as follows:

A child's proof of immunization or certification of exemption shall be presented to the chief administrator of the public or private school or day care center or to his or her designee for that purpose. The chief administrator shall:

(1) Retain such records pertaining to each child at the school or day care center for at least the period the child is enrolled in the school or attends such center;

(2) Retain a record at the school or day care center of the name, address, and date of exclusion of each child excluded from school or the center pursuant to RCW (~~(28A.31.114)~~ 28A.210.120) for not less than three years following the date of a child's exclusion;

(3) File a written annual report with the department of social and health services on the immunization status of students or children attending the day care center at a time and on forms prescribed by the department of social and health services; and

(4) Allow agents of state and local health departments access to the records retained in accordance with this section during business hours for the purposes of inspection and copying.

Sec. 196. Section 8, chapter 118, Laws of 1979 ex. sess. as last amended by section 3, chapter 49, Laws of 1985 and RCW 28A.31.114 are each amended to read as follows:

It shall be the duty of the chief administrator of every public and private school and day care center to prohibit the further presence at the school or day care center for any and all purposes of each child for whom proof of immunization, certification of exemption, or proof of compliance with an approved schedule of immunization has not been provided in accordance with RCW (~~(28A.31.104)~~ 28A.210.080) and to continue to prohibit the child's presence until such proof of immunization, certification of exemption, or approved schedule has been provided. The exclusion of a child from a school shall be accomplished in accordance with rules of the state board of education. The exclusion of a child from a day care center shall be

accomplished in accordance with rules of the department of social and health services. Prior to the exclusion of a child, each school or day care center shall provide written notice to the parent(s) or legal guardian(s) of each child or to the adult(s) in loco parentis to each child, who is not in compliance with the requirements of RCW ((28A.31.104)) 28A.210.080. The notice shall fully inform such person(s) of the following: (1) The requirements established by and pursuant to RCW ((28A.31.100 through 28A.31.120)) 28A.210.060 through 28A.210.170; (2) the fact that the child will be prohibited from further attendance at the school unless RCW ((28A.31.104)) 28A.210.080 is complied with; (3) such procedural due process rights as are hereafter established pursuant to RCW ((28A.31.118)) 28A.210.160 and/or ((28A.31.120)) 28A.210.170, as appropriate; and (4) the immunization services that are available from or through the local health department and other public agencies.

Sec. 197. Section 4, chapter 49, Laws of 1985 and RCW 28A.31.115 are each amended to read as follows:

The superintendent of public instruction shall provide for information about the immunization program and requirements under RCW ((28A.31.100 through 28A.31.120)) 28A.210.060 through 28A.210.170 to be widely available throughout the state in order to promote full use of the program.

Sec. 198. Section 9, chapter 118, Laws of 1979 ex. sess. as amended by section 9, chapter 40, Laws of 1984 and RCW 28A.31.116 are each amended to read as follows:

The state board of health shall adopt and is hereby empowered to adopt rules pursuant to chapter 34.05 RCW which establish the procedural and substantive requirements for full immunization and the form and substance of the proof thereof, to be required pursuant to RCW ((28A.31.100 through 28A.31.120)) 28A.210.060 through 28A.210.170.

Sec. 199. Section 10, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.118 are each amended to read as follows:

The state board of education shall and is hereby empowered to adopt rules pursuant to chapter 34.05 RCW which establish the procedural and substantive due process requirements governing the exclusion of children from public and private schools pursuant to RCW ((28A.31.114)) 28A.210.120.

Sec. 200. Section 11, chapter 118, Laws of 1979 ex. sess. and RCW 28A.31.120 are each amended to read as follows:

The department of social and health services shall and is hereby empowered to adopt rules pursuant to chapter 34.05 RCW which establish the procedural and substantive due process requirements governing the exclusion of children from day care centers pursuant to RCW ((28A.31.114)) 28A.210.120.

Sec. 201. Section 1, chapter 47, Laws of 1979 as amended by section 1, chapter 216, Laws of 1985 and RCW 28A.31.130 are each amended to read as follows:

The legislature recognizes that the condition known as scoliosis, a lateral curvature of the spine commonly appearing in adolescents, can develop into a permanent, crippling disability if left untreated. Early diagnosis and referral can often result in the successful treatment of this condition and greatly reduce the need for major surgery. Therefore, the purpose of RCW ((28A.31.130 through 28A.31.142)) 28A.210.180 through 28A.210.250 is to recognize that a school screening program is an invaluable tool for detecting the number of adolescents with scoliosis. It is the intent of the legislature to insure that the superintendent of public instruction provide and require screening for the condition known as scoliosis of all children in the highest risk age group, grades 5 through 10, to ascertain which, if any, of these children have defects requiring corrective treatment.

Sec. 202. Section 2, chapter 47, Laws of 1979 as amended by section 2, chapter 216, Laws of 1985 and RCW 28A.31.132 are each amended to read as follows:

As used in RCW ((28A.31.130 through 28A.31.142)) 28A.210.180 through 28A.210.250, the following terms have the meanings indicated.

(1) "Superintendent" means the superintendent of public instruction of public schools in the state, or ((his)) the superintendent's designee.

(2) "Pupil" means a student enrolled in the public school system in the state.

(3) "Scoliosis" includes idiopathic scoliosis and kyphosis.

(4) "Screening" means an examination to be performed on all pupils in grades 5 through 10 for the purpose of detecting the condition known as scoliosis, except as provided in RCW ((28A.31.139)) 28A.210.230.

(5) "Public schools" means the common schools referred to in Article IX of the state Constitution and those schools and institutions of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense.

Sec. 203. Section 3, chapter 47, Laws of 1979 as amended by section 3, chapter 216, Laws of 1985 and RCW 28A.31.134 are each amended to read as follows:

The superintendent shall provide for and require the yearly examination of all children attending public schools in grades 5 through 10, except as provided in RCW ((28A.31.139)) 28A.210.230, in accordance with procedures and standards adopted by rule of the state board of health in cooperation with the superintendent of public instruction. The examination shall be made by a school physician, school nurse, qualified licensed health practitioner, or physical education instructor or by other school personnel. Proper training of the personnel in the screening process for scoliosis shall be provided by the superintendent.

Sec. 204. Section 4, chapter 47, Laws of 1979 as amended by section 4, chapter 216, Laws of 1985 and RCW 28A.31.136 are each amended to read as follows:

Every person performing the screening under RCW ((28A.31.134)) 28A.210.200 shall promptly prepare a record of the screening of each child found to have or suspected of having scoliosis and shall send copies of the records to the parents or guardians of the children. The notification shall include an explanation of scoliosis, the significance of treating it at an early stage, and the services generally available from a qualified licensed health practitioner for the treatment after diagnosis.

Sec. 205. Section 5, chapter 47, Laws of 1979 and RCW 28A.31.138 are each amended to read as follows:

The superintendent shall print and distribute to appropriate school officials the rules adopted by the state board of health in cooperation with the superintendent of public instruction under RCW ((28A.31.134)) 28A.210.200 and the recommended records and forms to be used in making and reporting the screenings.

Sec. 206. Section 6, chapter 216, Laws of 1985 and RCW 28A.31.139 are each amended to read as follows:

After July 1, 1987, the superintendent of public instruction may waive screening for scoliosis for grades 9 and/or 10, notwithstanding RCW ((28A.31.132(4) and 28A.31.134)) 28A.210.190(4) and 28A.210.200, after conducting a cost/benefit analysis of such screening for school years 1985-86 and 1986-87.

Sec. 207. Section 7, chapter 47, Laws of 1979 and RCW 28A.31.142 are each amended to read as follows:

The superintendent may establish appropriate sanctions to be applied to any school officials of the state failing to comply with RCW ((28A.31.134 through 28A.31.140)) 28A.210.200 through 28A.210.240 which sanctions may include withholding of any portion of state aid to the district until such time as compliance is assured.

Sec. 208. Section 2, chapter 195, Laws of 1982 and RCW 28A.31.155 are each amended to read as follows:

(1) In the event a school employee administers oral medication to a student pursuant to RCW ((28A.31.150)) 28A.210.260 in substantial compliance with the prescription of the student's physician or dentist or the written instructions provided pursuant to RCW ((28A.31.150(4))) 28A.210.260(4), and the other conditions set forth in RCW ((28A.31.150)) 28A.210.260 have been substantially complied with, then the employee, the employee's school district or school of employment, and the members of the governing board and chief administrator thereof shall not be liable in any

criminal action or for civil damages in their individual or marital or governmental or corporate or other capacities as a result of the administration of the medication.

(2) The administration of oral medication to any student pursuant to RCW ((~~28A.31.150~~)) 28A.210.260 may be discontinued by a public school district or private school and the school district or school, its employees, its chief administrator, and members of its governing board shall not be liable in any criminal action or for civil damages in their governmental or corporate or individual or marital or other capacities as a result of the discontinuance of such administration: PROVIDED, That the chief administrator of the public school district or private school, or his or her designee, has first provided actual notice orally or in writing in advance of the date of discontinuance to a parent or legal guardian of the student or other person having legal control over the student.

Sec. 209. Section 3, chapter 48, Laws of 1988 and RCW 28A.31.165 are each amended to read as follows:

(1) In the event a school employee provides for the catheterization of a student pursuant to RCW 18.88.295 and ((~~28A.31.160~~)) 28A.210.280 in substantial compliance with (a) rules adopted by the state board of nursing and the instructions of a registered nurse issued under such rules, and (b) written policies of the school district or private school, then the employee, the employee's school district or school of employment, and the members of the governing board and chief administrator thereof shall not be liable in any criminal action or for civil damages in their individual, marital, governmental, corporate, or other capacity as a result of providing for the catheterization.

(2) Providing for the catheterization of any student pursuant to RCW 18.88.295 and ((~~28A.31.160~~)) 28A.210.280 may be discontinued by a public school district or private school and the school district or school, its employees, its chief administrator, and members of its governing board shall not be liable in any criminal action or for civil damages in their individual, marital, governmental, corporate, or other capacity as a result of the discontinuance: PROVIDED, That the chief administrator of the public school district or private school, or his or her designee, has first provided actual notice orally or in writing in advance of the date of discontinuance to a parent or legal guardian of the student or other person having legal control over the student: PROVIDED FURTHER, That the public school district otherwise provides for the catheterization of the student to the extent required by federal or state law.

14. Early Childhood Education, Preschools, and Before-and-After School Care

A. Nursery Schools, Preschools, and Before-and-After School Care

Sec. 210. Section 28A.34.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.34.020 are each amended to read as follows:

Expenditures under federal funds and/or state appropriations made to carry out the purposes of ~~((this chapter))~~ RCW 28A.215.010 through 28A.215.050 and 28A.215.300 through 28A.215.330 shall be made by warrants issued by the state treasurer upon order of the superintendent of public instruction. The state board of education shall make necessary rules and regulations to carry out the purpose of RCW ~~((28A.34.010))~~ 28A.215.010.

Sec. 211. Section 28A.34.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.34.040 are each amended to read as follows:

In the event the legislature appropriates any moneys to carry out the purposes of ~~((this chapter))~~ RCW 28A.215.010 through 28A.215.050 and 28A.215.300 through 28A.215.330, allocations therefrom may be made to school districts for the purpose of underwriting allocations made or requested from federal funds until such federal funds are available. Any school district may allocate a portion of its funds for the purpose of carrying out the provisions of ~~((this chapter))~~ RCW 28A.215.010 through 28A.215.050 and 28A.215.300 through 28A.215.330 pending the receipt of reimbursement from funds made available by acts of congress.

Sec. 212. Section 1, chapter 487, Laws of 1987 and RCW 28A.34.150 are each amended to read as follows:

As a supplement to the authority otherwise granted by ~~((this chapter))~~ RCW 28A.215.010 through 28A.215.050 and 28A.215.300 through 28A.215.330 respecting the care or instruction, or both, of children in general, the board of directors of any school district may only utilize funds outside the state basic education appropriation and the state school transportation appropriation to:

(1) Contract with public and private entities to conduct all or any portion of the management and operation of a child care program at a school district site or elsewhere;

(2) Establish charges based upon costs incurred under this section and provide for the reduction or waiver of charges in individual cases based upon the financial ability of the parents or legal guardians of enrolled children to pay the charges, or upon their provision of other valuable consideration to the school district; and

(3) Transport children enrolled in a child care program to the program and to related sites using district-owned school buses and other motor vehicles, or by contracting for such transportation and related services: PROVIDED, That no child three years of age or younger shall be transported under the provisions of this section unless accompanied by a parent or guardian.

B. Early Childhood Assistance Program

Sec. 213. Section 2, chapter 418, Laws of 1985 as amended by section 2, chapter 174, Laws of 1988 and RCW 28A.34A.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout ~~((this chapter))~~ RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908.

(1) "Advisory committee" means the advisory committee under RCW ~~((28A.34A.050))~~ 28A.215.140.

(2) "At risk" means a child not eligible for kindergarten whose family circumstances would qualify that child for eligibility under the federal head start program.

(3) "Department" means the department of community development.

(4) "Eligible child" means an at-risk child as defined in this section who is not a participant in a federal or state program providing like educational services and may include children who are eligible under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the preschool program.

(5) "Approved preschool programs" means those state-supported education and special assistance programs which are recognized by the department of community development as meeting the minimum program rules adopted by the department to qualify under ~~((this chapter))~~ RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908 and are designated as eligible for funding by the department under RCW ~~((28A.34A.070 and 28A.34A.090))~~ 28A.215.160 and 28A.215.180.

Sec. 214. Section 9, chapter 418, Laws of 1985 as amended by section 102, chapter 518, Laws of 1987 and RCW 28A.34A.090 are each amended to read as follows:

For the purposes of ~~((this chapter))~~ RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908, the department may award state support under RCW ~~((28A.34A.010 through 28A.34A.070))~~ 28A.215.100 through 28A.215.160 to increase the numbers of eligible children assisted by the federal or state-supported preschool programs in this state by up to five thousand additional children. Priority shall be given to groups in those geographical areas which include a high percentage of families qualifying under the federal "at risk" criteria. The overall program funding level shall be based on an average grant per child consistent with state appropriations made for program costs: PROVIDED, That programs addressing special needs of selected groups or communities shall be recognized in the department's rules.

Sec. 215. Section 11, chapter 418, Laws of 1985 as amended by section 9, chapter 174, Laws of 1988 and RCW 28A.34A.110 are each amended to read as follows:

The department may solicit gifts, grants, conveyances, bequests and devises for the use or benefit of the preschool state education and assistance

program established by ~~((this chapter))~~ RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908. The department shall actively solicit support from business and industry and from the federal government for the preschool state education and assistance program and shall assist local programs in developing partnerships with the community for children-at-risk.

C. Voluntary Accreditation of Preschools

Sec. 216. Section 2, chapter 150, Laws of 1986 and RCW 28A.34.110 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definition used in this section shall apply throughout ~~((this chapter))~~ RCW 28A.215.010 through 28A.215.050 and 28A.215.300 through 28A.215.330.

"Preschool" means educational programs that emphasize readiness skills and that enroll children of preschool age on a regular basis for four hours per day or less.

Sec. 217. Section 4, chapter 150, Laws of 1986 and RCW 28A.34.130 are each amended to read as follows:

No public or nonpublic entity may advertise that it has an accredited preschool unless its educational program has been accredited under ~~((this chapter))~~ RCW 28A.215.010 through 28A.215.050 and 28A.215.300 through 28A.215.330. Any person with a pecuniary interest in the operation of a preschool who intentionally and falsely advertises that such preschool is accredited by the state board of education shall be guilty of a misdemeanor, the fine for which shall be no more than one hundred dollars. Each day that the violation continues shall be considered a separate violation.

15. Traffic Safety

Sec. 218. Section 2, chapter 39, Laws of 1963 as last amended by section 195, chapter 158, Laws of 1979 and RCW 28A.08.010 are each amended to read as follows:

The following words and phrases whenever used in chapter ~~((46.81))~~ 28A.220 RCW shall have the following meaning:

(1) "Superintendent" or "state superintendent" shall mean the superintendent of public instruction.

(2) "Traffic safety education course" shall mean an accredited course of instruction in traffic safety education which shall consist of two phases, classroom instruction, and laboratory experience. "Laboratory experience" shall include on-street, driving range, or simulator experience or some combination thereof. Each phase shall meet basic course requirements which shall be established by the superintendent of public instruction and each part of said course shall be taught by a qualified teacher of traffic safety education. Any portions of the course may be taught after regular school hours or on Saturdays as well as on regular school days or as a summer school course, at the option of the local school districts.

(3) "Qualified teacher of traffic safety education" shall mean an instructor certificated under the provisions of chapter ~~((28A.70))~~ 28A.410 RCW and certificated by the superintendent of public instruction to teach either the classroom phase or the laboratory phase of the traffic safety education course, or both, under regulations promulgated by the superintendent: PROVIDED, That the laboratory experience phase of the traffic safety education course may be taught by instructors certificated under rules promulgated by the superintendent of public instruction, exclusive of any requirement that the instructor be certificated under the provisions of chapter ~~((28A.70))~~ 28A.410 RCW. Professional instructors certificated under the provisions of chapter 46.82 RCW, and participating in this program, shall be subject to reasonable qualification requirements jointly adopted by the superintendent of public instruction and the director of licensing.

(4) "Realistic level of effort" means the classroom and laboratory student learning experiences considered acceptable to the superintendent of public instruction that must be satisfactorily accomplished by the student in order to successfully complete the traffic safety education course.

16. Compulsory School Attendance and Admission

Sec. 219. Section 2, chapter 10, Laws of 1972 ex. sess. as last amended by section 1, chapter 132, Laws of 1986 and RCW 28A.27.010 are each amended to read as follows:

(1) All parents in this state of any child eight years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides and such child shall have the responsibility to and therefore shall attend for the full time when such school may be in session unless:

(a) The child is attending an approved private school for the same time or is enrolled in an extension program as provided in RCW ~~((28A.02.201(4)))~~ 28A.195.010(4);

(b) The child is receiving home-based instruction as provided in subsection (4) of this section; or

(c) The school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school, is attending a residential school operated by the department of social and health services, or has been temporarily excused upon the request of his or her parents for purposes agreed upon by the school authorities and the parent: PROVIDED, That such excused absences shall not be permitted if deemed to cause a serious adverse effect upon the student's educational progress: PROVIDED FURTHER, That students excused for such temporary absences may be claimed as full time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW ~~((28A.41.130 and 28A.41.140, as now or hereafter amended;))~~ 28A.150.250 and 28A.150.260 and shall not

affect school district compliance with the provisions of RCW ((~~28A.58.754; as now or hereafter amended~~)) 28A.150.220;

(d) The child is fifteen years of age or older and:

(i) The school district superintendent determines that such child has already attained a reasonable proficiency in the branches required by law to be taught in the first nine grades of the public schools of this state;

(ii) The child is regularly and lawfully engaged in a useful or remunerative occupation;

(iii) The child has already met graduation requirements in accordance with state board of education rules and regulations; or

(iv) The child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW ((~~28A.04.135~~)) 28A.305.190.

(2) A parent for the purpose of this chapter means a parent, guardian, or person having legal custody of a child.

(3) An approved private school for the purposes of this chapter and chapter 28A.200 RCW shall be one approved under regulations established by the state board of education pursuant to RCW ((~~28A.04.120 as now or hereafter amended~~)) 28A.305.130.

(4) For the purposes of this chapter and chapter 28A.200 RCW, instruction shall be home-based if it consists of planned and supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level established for approved private schools under RCW ((~~28A.02.201 and 28A.02.240~~)) 28A.195.010 and 28A.195.040 and if such activities are:

(a) Provided by a parent who is instructing his or her child only and are supervised by a certificated person. A certificated person for purposes of this chapter and chapter 28A.200 RCW shall be a person certified under chapter ((~~28A.70~~)) 28A.410 RCW. For purposes of this section, "supervised by a certificated person" means: The planning by the certificated person and the parent of objectives consistent with this subsection; a minimum each month of an average of one contact hour per week with the child being supervised by the certificated person; and evaluation of such child's progress by the certificated person. The number of children supervised by the certificated person shall not exceed thirty for purposes of this subsection; or

(b) Provided by a parent who is instructing his or her child only and who has either earned forty-five college level quarter credit hours or its equivalent in semester hours or has completed a course in home-based instruction at a postsecondary institution or a vocational-technical institute; or

(c) Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.

(5) The legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions of subsection (4) of this section relating to the nature and quantity of instructional and related educational activities shall be liberally construed.

Sec. 220. Section 2, chapter 201, Laws of 1979 ex. sess. as amended by section 3, chapter 132, Laws of 1986 and RCW 28A.27.022 are each amended to read as follows:

If action taken by a school pursuant to RCW (~~(28A.27.020)~~) 28A.225.020 is not successful in substantially reducing a student's absences from school, any of the following actions may be taken: (1) The attendance officer of the school district through its attorney may petition the juvenile court to assume jurisdiction under (~~(this chapter)~~) RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150 for the purpose of alleging a violation of RCW (~~(28A.27.010)~~) 28A.225.010 by the parent; or (2) a petition alleging a violation of RCW (~~(28A.27.010)~~) 28A.225.010 by a child may be filed with the juvenile court by the parent of such child or by the attendance officer of the school district through its attorney at the request of the parent. If the court assumes jurisdiction in such an instance, the provisions of (~~(this chapter)~~) RCW 28A.200.010, 28A.200.020, and 28A.225.010 through 28A.225.150, except where otherwise stated, shall apply.

Sec. 221. Section 28A.27.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.27.030 are each amended to read as follows:

It shall be the duty of the school district superintendent, at the beginning of each school year, to provide each teacher with a copy of that portion of the last census of school children taken in his or her school district which would be pertinent to the grade or grades such teacher is instructing and it shall be the duty of every teacher to report to the proper attendance officer, all cases of truancy or incorrigibility in his or her school, immediately after the offense or offenses shall have been committed: PROVIDED, That if there (~~(be)~~) is a principal the report by the teacher shall be made to (~~(him)~~) the principal and by (~~(him)~~) the principal transmitted to the attendance officer: PROVIDED FURTHER, That if there (~~(be)~~) is a city superintendent, the principal shall transmit such report to said city superintendent, who shall transmit such report to the proper attendance officer of his or her district.

Sec. 222. Section 28A.27.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 132, Laws of 1986 and RCW 28A.27.040 are each amended to read as follows:

To aid in the enforcement of RCW (~~(28A.27.010 through 28A.27.130)~~) 28A.225.010 through 28A.225.140, attendance officers shall be appointed and employed as follows: In incorporated city districts the board of directors shall annually appoint one or more attendance officers. In all other districts the educational service district superintendent shall appoint one or more attendance officers or may act as such himself or herself.

The compensation of attendance officer in city districts shall be fixed and paid by the board appointing him or her. The compensation of attendance officers when appointed by the educational service district superintendents shall be paid by the respective districts. An educational service district superintendent shall receive no extra compensation if acting as attendance officer.

Any sheriff, constable, city marshal or regularly appointed (~~(policeman)~~) police officer may be appointed attendance officer.

The attendance officer shall be vested with police powers, the authority to make arrests and serve all legal processes contemplated by RCW (~~(28A.27.010 through 28A.27.130)~~) 28A.225.010 through 28A.225.140, and shall have authority to enter all places in which children may be employed, for the purpose of making such investigations as may be necessary for the enforcement of RCW (~~(28A.27.010 through 28A.27.130)~~) 28A.225.010 through 28A.225.140. The attendance officer is authorized to take into custody the person of any child eight years of age and not over fourteen years of age, who may be a truant from school, and to conduct such child to his or her parents, for investigation and explanation, or to the school which he or she should properly attend. The attendance officer shall institute proceedings against any officer, parent, guardian, person, company or corporation violating any provisions of RCW (~~(28A.27.010 through 28A.27.130)~~) 28A.225.010 through 28A.225.140, and shall otherwise discharge the duties prescribed in RCW (~~(28A.27.010 through 28A.27.130)~~) 28A.225.010 through 28A.225.140, and shall perform such other services as the educational service district superintendent or the superintendent of any school or its board of directors may deem necessary. However, the attendance officer shall not institute proceedings against the child under RCW (~~(28A.27.022)~~) 28A.225.030 except as set forth under RCW (~~(28A.27.022)~~) 28A.225.030.

The attendance officer shall keep a record of his or her transactions for the inspection and information of any school district board of directors, the educational service district superintendent or the city superintendent, and shall make a detailed report to the city superintendent or the educational service district superintendent as often as the same may be required.

Sec. 223. Section 28A.27.070, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 201, Laws of 1979 ex. sess. and RCW 28A.27.070 are each amended to read as follows:

Any attendance officer, sheriff, deputy sheriff, marshal, (~~(policeman)~~) police officer, or any other officer authorized to make arrests, shall take into

custody without a warrant a child who is required under the provisions of RCW ((~~28A.27.010 through 28A.27.130~~)) 28A.225.010 through 28A.225.140 to attend school, such child then being a truant from instruction at the school which he or she is lawfully required to attend, and shall forthwith deliver a child so detained either (1) to the custody of a person in parental relation to the child or (2) to the school from which the child is then a truant.

Sec. 224. Section 28A.27.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 57, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.27.080 are each amended to read as follows:

The educational service district superintendent, on or before the fifteenth day of August of each year, by printed circular or otherwise, shall call the attention of all school district officials to the provisions of RCW ((~~28A.27.010 through 28A.27.130~~)) 28A.225.010 through 28A.225.140, and to the penalties prescribed for the violation of its provisions, and he or she shall require those officials of the school district which he or she shall designate to make a report annually hereafter, verified by affidavit, stating whether or not the provisions of RCW ((~~28A.27.010 through 28A.27.130~~)) 28A.225.010 through 28A.225.140 have been faithfully complied with in his or her district. Such reports shall be made upon forms to be furnished by the superintendent of public instruction and shall be transmitted to the educational service district superintendent at such time as the educational service district superintendent shall determine, after notice thereof. Any school district official who shall knowingly or ((~~wilfully~~)) willfully make a false report relating to the enforcement of the provisions of RCW ((~~28A.27.010 through 28A.27.130~~)) 28A.225.010 through 28A.225.140 or fail to report as herein provided shall be deemed guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction shall be fined not less than twenty-five dollars nor more than one hundred dollars; and any school district official who shall refuse or neglect to make the report required in this section, shall be personally liable to his or her district for any loss which it may sustain because of such neglect or refusal to report.

Sec. 225. Section 28A.27.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.27.090 are each amended to read as follows:

Except as otherwise provided in this code, no child under the age of fifteen years shall be employed for any purpose by any person, company or corporation, in this state during the hours which the public schools of the district in which such child resides are in session, unless the said child shall present a certificate from a school superintendent as provided for in RCW ((~~28A.27.010~~)) 28A.225.010, excusing the said child from attendance in the public schools and setting forth the reason for such excuse, the residence and age of the child, and the time for which such excuse is given. Every owner, superintendent, or overseer of any establishment, company or corporation shall keep such certificate on file so long as such child is employed by

him or her. The form of said certificate shall be furnished by the superintendent of public instruction. Proof that any child under fifteen years of age is employed during any part of the period in which public schools of the district are in session, shall be deemed prima facie evidence of a violation of this section.

Sec. 226. Section 28A.27.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 189, chapter 202, Laws of 1987 and RCW 28A.27.100 are each amended to read as follows:

Any person violating any of the provisions of either RCW (~~(28A.27.010 or 28A.27.090)~~) 28A.225.010 or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. However, a child found to be in violation of RCW (~~(28A.27.010)~~) 28A.225.010 shall be required to attend school and shall not be fined. Failure by a child to comply with an order issued under this section shall not be punishable by detention for a period greater than that permitted pursuant to a contempt proceeding against a child under chapter 13.32A RCW. It shall be a defense for a parent charged with violating RCW (~~(28A.27.010)~~) 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the juvenile's school did not perform its duties as required in RCW (~~(28A.27.020)~~) 28A.225.020. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW (~~(28A.27.010)~~) 28A.225.010 shall participate with the school and the juvenile in a supervised plan for the juvenile's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

Attendance officers shall make complaint for violation of the provisions of RCW (~~(28A.27.010 through 28A.27.130)~~) 28A.225.010 through 28A.225.140 to a judge of the superior or district court.

Sec. 227. Section 14, chapter 15, Laws of 1970 ex. sess. as last amended by section 190, chapter 202, Laws of 1987 and RCW 28A.27.102 are each amended to read as follows:

Any school district superintendent, teacher or attendance officer who shall fail or refuse to perform the duties prescribed by RCW (~~(28A.27.010 through 28A.27.130)~~) 28A.225.010 through 28A.225.140 shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not less than twenty nor more than one hundred dollars: PROVIDED, That in case of a school district employee, such fine shall be paid to the appropriate county treasurer and by the county treasurer placed to the credit of the school district in which said employee is employed, and in case of all other officers such fine shall be paid to the county treasurer of the county in which the educational service district headquarters is located and by the county treasurer placed to the credit of the general school fund of the educational service district: PROVIDED, That all fees, fines, forfeitures and penalties

collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 228. Section 28A.27.104, chapter 223, Laws of 1969 ex. sess. as last amended by section 191, chapter 202, Laws of 1987 and RCW 28A.27.104 are each amended to read as follows:

Notwithstanding the provisions of RCW 10.82.070, all fines except as otherwise provided in RCW (~~((28A.27.010 through 28A.27.130))~~) 28A.225.010 through 28A.225.140 shall inure and be applied to the support of the public schools in the school district where such offense was committed: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Sec. 229. Section 28A.27.110, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 132, Laws of 1986 and RCW 28A.27.110 are each amended to read as follows:

The county prosecuting attorney or the attorney for the school district shall act as attorney for the complainant in all court proceedings relating to the compulsory attendance of children as required by RCW (~~((28A.27.010 through 28A.27.130))~~) 28A.225.010 through 28A.225.140 except for those petitions filed against a child by the parent without the assistance of the school district.

Sec. 230. Section 28A.27.120, chapter 223, Laws of 1969 ex. sess. as amended by section 192, chapter 202, Laws of 1987 and RCW 28A.27.120 are each amended to read as follows:

In cases arising under RCW (~~((28A.27.010 through 28A.27.130))~~) 28A.225.010 through 28A.225.140, all district courts, municipal courts or departments, and superior courts in the state of Washington shall have concurrent jurisdiction.

Sec. 231. Section 28A.27.130, chapter 223, Laws of 1969 ex. sess. and RCW 28A.27.130 are each amended to read as follows:

No officer performing any duty under any of the provisions of RCW (~~((28A.27.010 through 28A.27.130))~~) 28A.225.010 through 28A.225.140, or under the provisions of any rules that may be passed in pursuance hereof, shall in any wise become liable for any costs that may accrue in the performance of any duty prescribed by RCW (~~((28A.27.010 through 28A.27.130))~~) 28A.225.010 through 28A.225.140.

Sec. 232. Section 7, chapter 132, Laws of 1986 and RCW 28A.27.140 are each amended to read as follows:

The school district attendance officer shall report biannually to the educational service district superintendent, in the instance of petitions filed alleging a violation by a child under RCW (~~((28A.27.022))~~) 28A.225.030:

- (1) The number of petitions filed by a school district or by a parent;
- (2) The frequency of each action taken under RCW ~~((28A.27.020))~~ 28A.225.020 prior to the filing of such petition;
- (3) When deemed appropriate under RCW ~~((28A.27.020))~~ 28A.225.020, the frequency of delivery of supplemental services; and
- (4) Disposition of cases filed with the juvenile court, including the frequency of contempt orders issued to enforce a court's order under RCW ~~((28A.27.100))~~ 28A.225.090.

The educational service district superintendent shall compile such information and report annually to the superintendent of public instruction. The superintendent of public instruction shall compile such information and report to the committees of the house of representatives and the senate by January 1, 1988.

Sec. 233. Section 28A.58.215, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.215 are each amended to read as follows:

It shall be the duty of the school district superintendent of a school district contiguous to any United States military, naval or lighthouse reservation or national park in which the majority of children residing within such reservation or park attend, to take a census of the children residing within such reservation or park at the time of taking the census of the school children of ~~((his))~~ the school district superintendent's district as otherwise provided by law and to report such census in the manner provided by law for reporting the school census of his or her district.

Sec. 234. Section 28A.58.225, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 268, Laws of 1988 and RCW 28A.58.225 are each amended to read as follows:

(1) A local district may be authorized by the educational service district superintendent to transport and educate its pupils in other districts for one year, either by payment of a compensation agreed upon by such school districts, or under other terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education: PROVIDED, That notwithstanding any other provision of law, the amount to be paid by the state to the resident school district for apportionment purposes and otherwise payable pursuant to ~~((chapter 28A.41))~~ RCW 28A.150.100, 28A.150.250 through 28A.150.290, 28A.150.350 through 28A.150.410, 28A.160.150 through 28A.160.200, 28A.160.220, 28A.300.170, and 28A.500.010 shall not be greater than the regular apportionment for each high school student of the receiving district. Such authorization may be extended for an additional year at the discretion of the educational service district superintendent.

(2) Subsection (1) of this section shall not apply to districts participating in a cooperative project established under RCW ~~((28A.100.084))~~ 28A.340.030 which exceeds two years in duration.

Sec. 235. Section 28A.58.230, chapter 223, Laws of 1969 ex. sess. as last amended by section 37, chapter 3, Laws of 1983 and RCW 28A.58.230 are each amended to read as follows:

Every school district shall admit on a tuition free basis all persons of school age who reside within this state, and do not reside within another school district carrying the grades for which they are eligible to enroll: PROVIDED, That nothing in this section shall be construed as affecting RCW ((28A.58.240 or 28A.58.245)) 28A.225.220 or 28A.225.250.

Sec. 236. Section 1, chapter 66, Laws of 1975 1st ex. sess. as amended by section 1, chapter 50, Laws of 1977 and RCW 28A.58.242 are each amended to read as follows:

The decision of a school district within which a student under the age of twenty-one years resides or of a school district within which such a student under the age of twenty-one years was last enrolled and is considered to be a resident for attendance purposes by operation of law, to deny such student's request for release to a nonresident school district by an agreement pursuant to RCW ((28A.58.240)) 28A.225.220 may be appealed to the superintendent of public instruction or his or her designee: PROVIDED, That the school district of proposed transfer is willing to accept the student.

The superintendent of public instruction or his or her designee shall hear the appeal and examine the evidence. The superintendent of public instruction may order the resident district to release such a student who is under the age of twenty-one years in the event he or she or his or her designee finds that a special hardship or detrimental condition of a financial, educational, safety or health nature affecting the student or the student's immediate family or custodian may likely be significantly alleviated as a result of the transfer. The decision of the superintendent of public instruction may be appealed to superior court pursuant to chapter 34.05 RCW, the administrative procedure act, as now or hereafter amended.

17. Compulsory Coursework and Activities

Sec. 237. Section 2, chapter 278, Laws of 1984 and RCW 28A.05.005 are each amended to read as follows:

School district boards of directors shall identify and offer courses with content that meet or exceed: (1) The basic education skills identified in RCW ((28A.58.752)) 28A.150.210; (2) the graduation requirements under RCW ((28A.05.060)) 28A.230.090; and (3) the courses required to meet the minimum college entrance requirements under RCW ((28A.05.070)) 28A.230.130. Such courses may be applied or theoretical, academic or vocational.

Sec. 238. Section 6, chapter 489, Laws of 1987 and RCW 28A.58.255 are each amended to read as follows:

(1) Every school district board of directors shall develop a written policy regarding the district's role and responsibility relating to the prevention of child abuse and neglect.

(2) Every school district shall, within the resources available to it: (a) Participate in the primary prevention program established under RCW ((28A.03.514)) 28A.300.160; (b) develop and implement its own child abuse and neglect education and prevention program; or (c) continue with an existing local child abuse and neglect education and prevention program.

Sec. 239. Section 1, chapter 384, Laws of 1985 and RCW 28A.05.062 are each amended to read as follows:

The state board of education shall adopt rules pursuant to chapter 34-.05 RCW, to implement the course requirements set forth in RCW ((28A-05-060)) 28A.230.090. Such rules shall include, as the state board deems necessary, granting equivalencies for and temporary exemptions from the course requirements in RCW ((28A-05-060)) 28A.230.090 and special alterations of the course requirements in RCW ((28A-05-060)) 28A.230.090. In developing such rules the state board shall recognize the relevance of vocational and applied courses and allow such courses to fulfill in whole or in part the courses required for graduation in RCW ((28A-05-060)) 28A.230.090. Such rules may include provisions for competency testing in lieu of such courses required for graduation in RCW ((28A-05-060)) 28A.230.090.

Sec. 240. Section 4, chapter 384, Laws of 1985 and RCW 28A.05.064 are each amended to read as follows:

The state board of education shall establish for students who commence the ninth grade subsequent to July 1, 1987, an additional one credit elective requirement to be chosen from fine, visual, or performing arts, any of the subject areas as set forth in RCW ((28A-05-060)) 28A.230.090, or any combination thereof.

Sec. 241. Section 12, chapter 15, Laws of 1970 ex. sess. as last amended by section 1, chapter 60, Laws of 1985 and RCW 28A.02.070 are each amended to read as follows:

During the school week preceding the eleventh day of November of each year, there shall be presented in each common school as defined in RCW ((28A-01-060)) 28A.150.020 educational activities suitable to the observance of Veterans' Day.

The responsibility for the preparation and presentation of the activities approximating at least sixty minutes total throughout the week shall be with the principal or head teacher of each school building and such program shall embrace topics tending to instill a loyalty and devotion to the institutions and laws of this state and nation.

The superintendent of public instruction and each educational service district superintendent, by advice and suggestion, shall aid in the preparation of these activities if such aid be solicited.

18. Food Services

Sec. 242. Section 2, chapter 193, Laws of 1987 and RCW 28A.29.020 are each amended to read as follows:

All reasonably ascertainable costs of performing the duties assumed and performed under ~~((this chapter))~~ RCW 28A.235.010 through 28A.235.030 and 28A.235.140 by either the superintendent of public instruction or another state or local governmental entity in support of the superintendent of public instruction's duties under ~~((this chapter))~~ RCW 28A.235.010 through 28A.235.030 and 28A.235.140 shall be paid exclusively with federal funds and, if any, private gifts and grants. The federal food services revolving fund is hereby established in the custody of the state treasurer. The office of the superintendent of public instruction shall deposit in the fund federal funds received under RCW ~~((28A.29.010))~~ 28A.235.010, recoveries of such funds, and gifts or grants made to the revolving fund. Disbursements from the fund shall be on authorization of the superintendent of public instruction or the superintendent's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements. The superintendent of public instruction is authorized to expend from the federal food services revolving fund such funds as are necessary to implement ~~((this chapter))~~ RCW 28A.235.010 through 28A.235.030 and 28A.235.140.

Sec. 243. Section 28A.30.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.30.030 are each amended to read as follows:

In purchasing or otherwise acquiring surplus or donated commodities on the requisition of a school district the superintendent may advance the purchase price and other cost of acquisition thereof from the surplus and donated food commodities revolving fund and ~~((he))~~ the superintendent shall in due course bill the proper school district for the amount paid by him or her for the commodities plus a reasonable amount to cover the expenses incurred by ~~((his))~~ the superintendent's office in connection with the transaction. All payments received for surplus or donated commodities from school districts shall be deposited by the superintendent in the surplus and donated food commodities revolving fund.

Sec. 244. Section 28A.30.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.30.060 are each amended to read as follows:

The surplus and donated food commodities revolving fund shall be deposited by the superintendent in such banks as he or she may select, but any such depository shall furnish a surety bond executed by a surety company or companies authorized to do business in the state of Washington, or collateral eligible as security for deposit of state funds, in at least the full amount

of the deposit in each depository bank. Moneys shall be paid from the surplus and donated food commodities revolving fund by voucher and check in such form and in such manner as shall be prescribed by the superintendent.

Sec. 245. Section 28A.30.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.30.070 are each amended to read as follows:

The superintendent of public instruction shall have power to promulgate rules and regulations as may be necessary to effectuate the purposes of ~~((this chapter))~~ RCW 28A.235.040 through 28A.235.110.

Sec. 246. Section 28A.30.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.30.080 are each amended to read as follows:

Any provision of law, or any resolution, rule or regulation which is inconsistent with the provisions of ~~((this chapter))~~ RCW 28A.235.040 through 28A.235.110 is suspended to the extent such provision is inconsistent herewith.

Sec. 247. Section 28A.58.136, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 140, Laws of 1979 ex. sess. and RCW 28A.58.136 are each amended to read as follows:

The directors of any school district may establish, equip and operate lunchrooms in school buildings for pupils, certificated and noncertificated employees, and for school or employee functions: PROVIDED, That the expenditures for food supplies shall not exceed the estimated revenues from the sale of lunches, federal lunch aid, Indian education fund lunch aid, or other anticipated revenue, including donations, to be received for that purpose: PROVIDED FURTHER, That the directors of any school district may provide for the use of kitchens and lunchrooms or other facilities in school buildings to furnish meals to elderly persons at cost as provided in RCW ~~((28A.58.722))~~ 28A.623.020: PROVIDED, FURTHER, That the directors of any school district may provide for the use of kitchens and lunchrooms or other facilities in school buildings to furnish meals at cost as provided in RCW ~~((28A.58.724))~~ 28A.623.030 to children who are participating in educational or training or care programs or activities conducted by private, nonprofit organizations and entities and to students who are attending private elementary and secondary schools. Operation for the purposes of this section shall include the employment and discharge for sufficient cause of personnel necessary for preparation of food or supervision of students during lunch periods and fixing their compensation, payable from the district general fund, or entering into agreement with a private agency for the establishment, management and/or operation of a food service program or any part thereof.

19. School-based Management

Sec. 248. Section 2, chapter 422, Laws of 1985 and RCW 28A.03.423 are each amended to read as follows:

To carry out the school-based management pilot projects of RCW ((28A.58.082)) 28A.240.030, the superintendent of public instruction shall:

(1) Grant funds to local school districts that apply for funding on a grant proposal or other basis, to establish pilot projects in school-based management: PROVIDED, That in at least one project every building in a district shall use school-based management;

(2) Develop guidelines, in consultation with school districts, for school-based management programs;

(3) Assist districts and schools, upon request, to design, implement, or evaluate school improvement programs authorized by RCW ((28A.58.082)) 28A.240.030;

(4) Submit a report to the legislature not later than two and one-half years after June 27, 1985, on the results of the pilot projects, any other similar programs being used in local districts, and any recommendations;

(5) These school-based management pilot projects are not part of the program of basic education which the state must fund under Article IX of the state Constitution.

Sec. 249. Section 3, chapter 422, Laws of 1985 and RCW 28A.58.082 are each amended to read as follows:

(1) Each pilot project school that participates in the school-based management program authorized by RCW ((28A.03.423)) 28A.240.010 shall be required to establish a school site council. The council shall be minimally composed of the school principal, teachers, other school personnel, parents of pupils attending the school, nonparent community members from the school's service area, and, in secondary schools, pupils. Existing school-wide advisory groups or school support groups may be used as the school site council if such groups conform to the general membership requirements of this section.

(2) The exact size of the council and the term and method of selection and replacement of council members shall be specified in the school improvement plan developed pursuant to subsection (3) of this section.

(3) Each school site council shall be required to develop an annual school improvement plan containing improvement objectives as established by the council under guidelines developed by the superintendent of public instruction.

(4) The board of directors of each school district in which a school is participating in the school-based management program authorized by RCW ((28A.03.423)) 28A.240.010 shall review and approve or disapprove planning applications and school improvement plans consistent with, but not limited to, rules and regulations adopted by the superintendent of public instruction. No school improvement plan may be approved unless it was developed and recommended by a school site council. The board of directors

shall notify the school site council in writing of specific reasons for not approving the school improvement plan. Modifications to the plan shall be developed and recommended by the council and approved or disapproved by the board of directors.

PART II ORGANIZATION

20. Superintendent of Public Instruction

Sec. 250. Section 28A.03.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.03.010 are each amended to read as follows:

A superintendent of public instruction shall be elected by the qualified electors of the state, on the first Tuesday after the first Monday in November of the year in which state officers are elected, and shall hold his or her office for the term of four years, and until his or her successor is elected and qualified.

Sec. 251. Section 28A.03.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 160, Laws of 1982 and RCW 28A.03-.030 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state.

(2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools.

(3) To prepare and have printed such forms, registers, courses of study, rules and regulations for the government of the common schools, questions prepared for the examination of persons as provided for in RCW ((28A.04.120(7))) 28A.305.130(9), and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents.

(4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, of consulting educational service district superintendents or other school officials.

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system and which shall be sold at approximate actual cost of publication and distribution per volume to all other public and nonpublic agencies or individuals,

said manual to contain Titles 28A and 28C RCW, rules and regulations related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount.

(6) To act as ex officio member and the chief executive officer of the state board of education.

(7) To hold, annually, a convention of the educational service district superintendents of the state at such time and place as he or she may deem convenient, for the discussion of questions pertaining to supervision and the administration of the school laws and such other subjects affecting the welfare and interests of the common schools as may be brought before it. Said convention shall continue in session at the option of the superintendent of public instruction. It shall be the duty of every educational service district superintendent in this state to attend said convention during its entire session, and any educational service district superintendent who attends the convention shall be reimbursed for traveling and subsistence expenses as provided in RCW ((28A.21.130)) 28A.310.320 in attending said convention.

(8) To file all papers, reports and public documents transmitted to ((him)) the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in ((his)) the superintendent's office, and ((his)) the superintendent's official acts, may, or upon request, shall be certified by ((him)) the superintendent and attested by ((his)) the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to.

(9) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report of such facts arranged in such manner as ((he)) the superintendent may prescribe, and ((he)) the superintendent shall furnish forms for such reports; and it is hereby made the duty of every president, manager or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct.

(10) To keep in ((his)) the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state.

(11) To issue certificates as provided by law.

(12) To keep in ((his)) the superintendent's office at the capital of the state, all books and papers pertaining to the business of ((his)) the superintendent's office, and to keep and preserve in ((his)) the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education.

(13) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to ((him)) the superintendent in

writing by any educational service district superintendent, or that may be submitted to ((him)) the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and ((he)) the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and ((his)) the superintendent's decision shall be final unless set aside by a court of competent jurisdiction.

(14) To administer oaths and affirmations in the discharge of ((his)) the superintendent's official duties.

(15) To deliver to his or her successor, at the expiration of ((his)) the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to ((his)) the superintendent's office or which may have been received by ((him)) the superintendent's for the use of ((his)) the superintendent's office.

(16) To perform such other duties as may be required by law.

Sec. 252. Section 227, chapter 525, Laws of 1987 and RCW 28A.03-.375 are each amended to read as follows:

The superintendent of public instruction shall provide technical assistance to the state board of education in the conduct of the activities described in sections 202 through 232 of this act.

Sec. 253. Section 1, chapter 5, Laws of 1975 1st ex. sess. as amended by section 23, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A-.03.350 are each amended to read as follows:

The legislature finds that the administration costs of school districts are not sufficiently known to permit sound financial planning by those affected by such costs. Accordingly, the legislature hereby authorize and directs the superintendent of public instruction and the state auditor jointly, and in cooperation with the senate and house committees on education, to conduct appropriate studies and adopt classifications or revised classifications under RCW ((28A.65.445)) 28A.505.100, defining what expenditures shall be charged to each budget class including administration. Such studies and classifications shall be published in the form of a manual or revised manual, suitable for use by the governing bodies of school districts, by the superintendent of public instruction, and by the legislature.

Sec. 254. Section 3, chapter 34, Laws of 1983 1st ex. sess. and RCW 28A.03.419 are each amended to read as follows:

The superintendent of public instruction, pursuant to chapter 34.05 RCW, shall adopt such rules as are necessary to carry out the provisions of RCW ((28A.03.417)) 28A.300.090.

Sec. 255. Section 5, chapter 278, Laws of 1984 as last amended by section 208, chapter 2, Laws of 1987 1st ex. sess. and RCW 28A.03.425 are each amended to read as follows:

The office of the superintendent of public instruction, in consultation with the state board of education, shall prepare model curriculum programs and/or curriculum guidelines in three subject areas each year. These model curriculum programs or curriculum guidelines shall span all grade levels and shall include statements of expected learning outcomes, content, integration with other subject areas including guidelines for the application of vocational and applied courses to fulfill in whole or in part the courses required for graduation under RCW ((28A.05.060)) 28A.230.090, recommended instructional strategies, and suggested resources.

Certificated employees with expertise in the subject area under consideration shall be chosen by the superintendent of public instruction from each educational service district, from a list of persons suggested by their peers, to work with the staff of the superintendent of public instruction to prepare each model curriculum program or curriculum guidelines. Each participant shall be paid his or her regular salary by his or her district, and travel and per diem expenses by the superintendent of public instruction. The superintendent of public instruction shall make selections of additional experts in the subject area under consideration as are needed to provide technical assistance and to review and comment upon the model curriculum programs and/or curriculum guidelines before publication and shall be paid travel and per diem expenses by the superintendent of public instruction as necessary. The model curriculum programs and curriculum guidelines shall be made available to all districts. Participants developing model curriculum programs and/or curriculum guidelines may be used by school districts to provide training or technical assistance or both. After completion of the original development of model curriculum programs or curriculum guidelines, the office of the superintendent of public instruction shall schedule, at least every five years, a regular review and updating of programs and guidelines in each subject matter area.

Sec. 256. Section 1, chapter 119, Laws of 1987 and RCW 28A.03.511 are each amended to read as follows:

There is hereby created the state clearinghouse for educational information revolving fund in the custody of the state treasurer. The fund shall consist of: Funds appropriated to the revolving fund, gifts or grants made to the revolving fund, and fee revenues assessed and collected by the superintendent of public instruction pursuant to RCW ((28A.03.510)) 28A.300.130. The superintendent of public instruction is authorized to expend from the state clearinghouse for educational information revolving fund such funds as are necessary for the payment of costs, expenses, and charges incurred in the reproduction, handling, and delivery by mail or otherwise of materials and information furnished pursuant to RCW ((28A.03.510(3))) 28A.300.130(3).

The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

21. State Board of Education

Sec. 257. Section 28A.04.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 255, Laws of 1988 and RCW 28A.04-.010 are each amended to read as follows:

The state board of education shall be comprised of two members from each congressional district of the state, not including any congressional district at large, elected by the members of the boards of directors of school districts thereof, as hereinafter in this chapter provided, the superintendent of public instruction and one member elected at large, as ~~((hereinafter))~~ provided in this chapter ~~((provided))~~, by the members of the boards of directors of all private schools in the state meeting the requirements of RCW ~~((28A.02.201, as now or hereafter amended))~~ 28A.195.010. The member representing private schools shall not vote on matters affecting public schools. If there is a dispute about whether or not an issue directly affects public schools, the dispute shall be settled by a majority vote of the other members of the board.

Sec. 258. Section 28A.04.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 255, Laws of 1988 and RCW 28A.04-.020 are each amended to read as follows:

Not later than the twenty-fifth day of August of each year, the superintendent of public instruction shall call for the following elections to be held: An election in each congressional district within which resides a member of the state board of education whose term of membership will end on the second Monday of January next following, and an election of the member of the state board of education representing private schools if the term of membership will end on the second Monday of January next following. The superintendent of public instruction shall give written notice thereof to each member of the board of directors of each common school district in such congressional district, and to the ~~((chairperson))~~ chair of the board of directors of each private school who shall distribute said notice to each member of the private school board. Such notice shall include the election calendar and rules and regulations established by the superintendent of public instruction for the conduct of the election.

Sec. 259. Section 28A.04.030, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 7, Laws of 1982 1st ex. sess. and RCW 28A.04.030 are each amended to read as follows:

(1) Whenever any new and additional congressional district is created, except a congressional district at large, the superintendent of public instruction shall call an election in such district at the time of making the call provided for in RCW ~~((28A.04.020))~~ 28A.305.020. Such election shall be conducted as other elections provided for in this chapter. At the first such election two members of the state board of education shall be elected, one

for a term of three years and one for a term of six years. At the expiration of the term of each, a member shall be elected for a term of six years.

(2) The terms of office of members of the state board of education who are elected from the various congressional districts shall not be affected by the creation of either new or new and additional districts. In such an event, each board member may continue to serve in office for the balance of the term for which he or she was elected or appointed: PROVIDED, That the board member continues to reside within the boundaries of the congressional district as they existed at the time of his or her election or appointment. Vacancies which occur in a board member position during the balance of any such term shall be filled pursuant to RCW (~~(28A.04.080, as now or hereafter amended;)~~) 28A.305.090 by a successor who resides within the boundaries of the congressional district from which the member whose office was vacated was elected as they existed at the time of his or her election. At the election immediately preceding expiration of the term of office of each board member provided for in this subsection following the creation of either new or new and additional congressional districts, and thereafter, a successor shall be elected from the congressional district which corresponds in number with the congressional district from which the incumbent was appointed or elected.

Sec. 260. Section 28A.04.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 7, Laws of 1982 1st ex. sess. and RCW 28A.04.040 are each amended to read as follows:

(1) Candidates for membership on the state board of education shall file declarations of candidacy with the superintendent of public instruction on forms prepared by the superintendent. Declarations of candidacy may be filed by person or by mail not earlier than the first day of September, or later than the sixteenth day of September. The superintendent of public instruction may not accept any declaration of candidacy that is not on file in ~~((his))~~ the superintendent's office or is not postmarked before the seventeenth day of September, or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of September. No person employed in any school, college, university, or other educational institution or any educational service district superintendent's office or in the office of superintendent of public instruction shall be eligible for membership on the state board of education and each member elected who is not representative of the private schools in this state and thus not running-at-large must be a resident of the congressional district from which he or she was elected. No member of a board of directors of a local school district or private school shall continue to serve in that capacity after having been elected to the state board.

(2) The prohibitions against membership upon the board of directors of a school district or school and against employment, as well as the residence requirement, established by this section, are conditions to the eligibility of

state board members to serve as such which apply throughout the terms for which they have been elected or appointed. Any state board member who hereafter fails to meet one or more of the conditions to eligibility shall be deemed to have immediately forfeited his or her membership upon the board for the balance of his or her term: PROVIDED, That such a forfeiture of office shall not affect the validity of board actions taken prior to the date of notification to the board during an open public meeting of the violation.

Sec. 261. Section 28A.04.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 255, Laws of 1988 and RCW 28A.04-.050 are each amended to read as follows:

Each member of the board of directors of each school district in each congressional district shall be eligible to vote for the candidates who reside in his or her congressional district. Each ((chairperson)) chair of the board of directors of each eligible private school shall cast a vote for the candidate receiving a majority in an election to be held as follows: Each member of the board of directors of each eligible private school shall vote for candidates representing the private schools in an election of the board, the purpose of which is to determine the board's candidate for the member representing private schools on the state board. Not later than the first day of October the superintendent of public instruction shall mail to each member of each common school district board of directors and to each ((chairperson)) chair of the board of directors of each private school, the proper ballot and voting instructions for his or her congressional district together with biographical data concerning each candidate listed on such ballot, which data shall have been prepared by the candidate.

Sec. 262. Section 28A.04.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 38, Laws of 1981 and RCW 28A.04.060 are each amended to read as follows:

Each member of the state board of education shall be elected by a majority of the electoral points accruing from all the votes cast at the election for all candidates for the position. All votes shall be cast by mail addressed to the superintendent of public instruction and no votes shall be accepted for counting if postmarked after the sixteenth day of October, or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of October following the call of the election. The superintendent of public instruction and an election board comprised of three persons appointed by the state board of education shall count and tally the votes and the electoral points accruing therefrom not later than the twenty-fifth day of October. The votes shall be counted and tallied and electoral points determined in the following manner for the ballot cast by common school district board directors: Each vote cast by a school director shall be accorded as many electoral points as there are enrolled students in that director's school district as determined by the enrollment reports forwarded to

the state superintendent of public instruction for apportionment purposes for the month of September of the year of election: PROVIDED, That school directors from a school district which has more than five directors shall have their electoral points based upon enrollment recomputed by multiplying such number by a fraction, the denominator of which shall be the number of directors in such district, and the numerator of which shall be five; the electoral points shall then be tallied for each candidate as the votes are counted; and it shall be the majority of electoral points which determines the winning candidate. The votes shall be counted and electoral points determined in the following manner for the ballots cast by ~~((chairpersons))~~ chairs of the board of directors of each private school: Each vote cast by a private school board shall be accorded as many electoral points as the number of enrolled students in the respective school as determined by enrollment reports forwarded to the superintendent of public instruction for the month of September in the year previous to the year of election and it shall be the majority of electoral points which determines the winning candidate. If no candidate receives a majority of the electoral points cast, then, not later than the first day of November, the superintendent of public instruction shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of electoral points accruing from such votes cast. No vote cast at such second election shall be received for counting if postmarked after the sixteenth day of November, or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of November and the votes shall be counted as hereinabove provided on the twenty-fifth day of November. The candidate receiving a majority of electoral points accruing from the votes at any such second election shall be declared elected. In the event of a tie in such second election, the candidate elected shall be determined by a chance drawing of a nature established by the superintendent of public instruction. Within ten days following the count of votes in an election at which a member of the state board of education is elected, the superintendent of public instruction shall certify to the secretary of state the name or names of the persons elected to be members of the state board of education.

Sec. 263. Section 28A.04.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.070 are each amended to read as follows:

The term of office of each member of the state board of education shall begin on the second Monday in January next following the election at which he or she was elected, and he or she shall hold office for the term for which he or she was elected and until his or her successor is elected and qualified. Except as otherwise provided in RCW ~~((28A.04.030))~~ 28A.305.030, each member of the state board of education shall be elected for a term of six years.

Sec. 264. Section 28A.04.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.080 are each amended to read as follows:

Whenever there shall be a vacancy upon the state board of education, from any cause whatever, it shall be the duty of the remaining members of the board to fill such vacancy by appointment, and the person so appointed shall continue in office until his or her successor has been specially elected, as hereinafter in this section provided, and has qualified. Whenever a vacancy occurs, the superintendent of public instruction shall call, in the month of August next following the date of the occurrence of such vacancy, a special election to be held in the same manner as other elections provided for in this chapter, at which election a successor shall be elected to hold office for the unexpired term of the member whose office was vacated.

Sec. 265. Section 28A.04.100, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 160, Laws of 1982 and RCW 28A.04.100 are each amended to read as follows:

The state board of education shall appoint some person to be ex officio secretary of said board who shall not be entitled to a vote in its proceedings. The secretary shall keep a correct record of board proceedings, which shall be kept in the office of the superintendent of public instruction. He or she shall also, upon request, furnish to interested school officials a copy of such proceedings.

Sec. 266. Section 1, chapter 39, Laws of 1987, section 1, chapter 464, Laws of 1987 and RCW 28A.04.120 are each reenacted and amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve or disapprove the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Conduct every five years a review of the program approval standards, including the minimum standards for teachers, administrators, and educational staff associates, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and educational staff associates.

(3) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) above, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(4)(a) The state board of education shall adopt rules to allow a teacher certification candidate to fulfill, in part, teacher preparation program requirements through work experience as a noncertificated teacher's aide in a

public school or private school meeting the requirements of RCW ((~~28A-02-201~~)) 28A.195.010. The rules shall include, but are not limited to, limitations based upon the recency of the teacher preparation candidate's teacher aide work experience, and limitations based on the amount of work experience that may apply toward teacher preparation program requirements under this chapter.

(b) The state board of education shall require that at the time of the individual's enrollment in a teacher preparation program, the supervising teacher and the building principal shall jointly provide to the teacher preparation program of the higher education institution at which the teacher candidate is enrolled, a written assessment of the performance of the teacher candidate. The assessment shall contain such information as determined by the state board of education and shall include: Evidence that at least fifty percent of the candidate's work as a noncertificated teacher's aide was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours for one school year; the type of work performed by the candidate; and a recommendation of whether the candidate's work experience as a noncertificated teacher's aide should be substituted for teacher preparation program requirements. In compliance with such rules as may be established by the state board of education under this section, the teacher preparation programs of the higher education institution where the candidate is enrolled shall make the final determination as to what teacher preparation program requirements may be fulfilled by teacher aide work experience.

(5) Supervise the issuance of such certificates as provided for in subsection (1) above and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW ((~~28A-70-005~~)) 28A.410.010.

(6) Accredit, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW ((~~28A-02-201~~)) 28A.195.010, private schools carrying out a program for any or all of the grades one through twelve: **PROVIDED**, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: **PROVIDED FURTHER**, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such pre-accreditation examination and evaluation processes as may now or hereafter be established by the board.

(7) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(8) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(9) Prepare with the assistance of the superintendent of public instruction a uniform series of questions, with the proper answers thereto for use in the correcting thereof, to be used in the examination of persons, as this code may direct, and prescribe rules and regulations for conducting any such examinations.

(10) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

(11) Carry out board powers and duties relating to the organization and reorganization of school districts under ~~((chapter 28A.57))~~ RCW 28A.315.010 through 28A.315.680 and 28A.315.900.

(12) By rule or regulation promulgated upon the advice of the director of community development, through the director of fire protection, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

(13) Hear and decide appeals as otherwise provided by law.

The state board of education is given the authority to promulgate information and rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools.

Sec. 267. Section 6, chapter 349, Laws of 1985 and RCW 28A.04.127 are each amended to read as follows:

The state board of education may grant waivers to school districts from the provisions of RCW ~~((28A.58.750 through 28A.58.754))~~ 28A.150.200 through 28A.150.220 on the basis that such waiver or waivers are necessary to implement successfully a local plan to provide for all students in the district an effective education system that is designed to enhance the educational program for each student. The local plan may include alternative ways to provide effective educational programs for students who experience difficulty with the regular education program.

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

Sec. 268. Section 217, chapter 525, Laws of 1987 and RCW 28A.04-.176 are each amended to read as follows:

In developing the standards under RCW (~~((28A.70.400 through 28A.70.408, 28A.70.040, 28A.70.042, and 28A.04.170 through 28A.04.174))~~ 28A.410.040, 28A.410.050, and 28A.410.150 through 28A.410.190, the state board of education shall review ways to strengthen program unit functions and processes to enhance cooperative agreements between public or private institutions of higher education and schools or school districts.

Sec. 269. Section 226, chapter 525, Laws of 1987 as amended by section 4, chapter 11, Laws of 1989 and RCW 28A.04.178 are each amended to read as follows:

The state board of education and the office of the superintendent of public instruction shall review the provisions of the interstate agreement on qualifications of educational personnel under chapter (~~((28A.93))~~ 28A.690 RCW, and advise the governor and the legislature on which interstate reciprocity provisions will require amendment to be consistent with RCW (~~((28A.04.170, 28A.04.172, 28A.04.174, 28A.70.040, and 28A.70.042))~~ 28A.410.040 and 28A.410.050 by January 1, 1992.

22. Educational Service Districts

Sec. 270. Section 2, chapter 176, Laws of 1969 ex. sess. as last amended by section 2, chapter 283, Laws of 1977 ex. sess. and RCW 28A-.21.020 are each amended to read as follows:

The state board of education upon its own initiative, or upon petition of any educational service district board, or upon petition of at least half of the district superintendents within an educational service district, or upon request of the superintendent of public instruction, may make changes in the number and boundaries of the educational service districts, including an equitable adjustment and transfer of any and all property, assets, and liabilities among the educational service districts whose boundaries and duties and responsibilities are increased and/or decreased by such changes, consistent with the purposes of RCW (~~((28A.21.010))~~ 28A.310.010: PROVIDED, That no reduction in the number of educational service districts will take effect without a majority approval vote by the affected school directors voting in such election by mail ballot. Prior to making any such changes, the state board shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

The state board in making any change in boundaries shall give consideration to, but not be limited by, the following factors: Size, population, topography, and climate of the proposed district.

The superintendent of public instruction shall furnish personnel, material, supplies, and information necessary to enable educational service district boards and superintendents to consider the proposed changes.

Sec. 271. Section 3, chapter 176, Laws of 1969 ex. sess. as last amended by section 14, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.030 are each amended to read as follows:

Except as otherwise provided in this chapter, in each educational service district there shall be an educational service district board consisting of seven members elected by the school directors of the educational service district, one from each of seven educational service district board-member districts. Board-member districts in districts reorganized under RCW ((28A.21.020)) 28A.310.020, or as provided for in RCW ((28A.21.035, as now or hereafter amended;)) 28A.310.120 and under this section, shall be initially determined by the state board of education. If a reorganization pursuant to RCW ((28A.21.020)) 28A.310.020 places the residence of a board member into another or newly created educational service district, such member shall serve on the board of the educational service district of residence and at the next election called by the secretary to the state board of education pursuant to RCW ((28A.21.031)) 28A.310.080 a new seven member board shall be elected. If the redrawing of board-member district boundaries pursuant to this chapter shall cause the resident board-member district of two or more board members to coincide, such board members shall continue to serve on the board and at the next election called by the secretary to the state board of education a new board shall be elected. The board-member districts shall be arranged so far as practicable on a basis of equal population, with consideration being given existing board members of existing educational service district boards. Each educational service district board member shall be elected by the school directors of each school district within the educational service district. Beginning in 1971 and every ten years thereafter, educational service district boards shall review and, if necessary, shall change the boundaries of board-member districts so as to provide so far as practicable equal representation according to population of such board-member districts and to conform to school district boundary changes: PROVIDED, That all board-member district boundaries, to the extent necessary to conform with this chapter, shall be immediately redrawn for the purposes of the next election called by the secretary to the state board of education following any reorganization pursuant to this chapter. Such district board, if failing to make the necessary changes prior to June 1 of the appropriate year, shall refer for settlement questions on board-member district boundaries to the state board of education, which, after a public hearing, shall decide such questions.

Sec. 272. Section 18, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.034 are each amended to read as follows:

Any common school district board member eligible to vote for a candidate for membership on an educational service district or any candidate for the position, within ten days after the secretary to the state board of

education's certification of election, may contest the election of the candidate pursuant to RCW (~~(28A.04.065, as now or hereafter amended)~~) 28A.305.070.

Sec. 273. Section 4, chapter 282, Laws of 1971 ex. sess. as last amended by section 21, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.035 are each amended to read as follows:

Any educational service district board which elects under RCW (~~((28A.21.0304, as now or hereafter amended,))~~) 28A.310.050 to increase the size of the educational service district board from seven to nine members, after at least four years, may elect by resolution of the board to return to a membership of seven educational service board members. In such case, at the next election a new board consisting of seven educational service board members shall be elected in accordance with the provisions of this chapter.

Sec. 274. Section 4, chapter 176, Laws of 1969 ex. sess. as last amended by section 11, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.040 are each amended to read as follows:

Every school district must be included entirely within a single educational service district. If the boundaries of any school district within an educational service district are changed in any manner so as to extend the school district beyond the boundaries of that educational service district, the state board shall change the boundaries of the educational service districts so affected in a manner consistent with the purposes of RCW (~~((28A.21.040))~~) 28A.310.010 and this section.

Sec. 275. Section 5, chapter 176, Laws of 1969 ex. sess. as last amended by section 22, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.050 are each amended to read as follows:

Every candidate for membership on a educational service district board shall be a registered voter and a resident of the board-member district for which such candidate files. On or before the date for taking office, every member shall make an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of the office according to the best of such member's ability. The members of the board shall not be required to give bond unless so directed by the state board of education. At the first meeting of newly elected members and after the qualification for office of the newly elected members, each educational service district board shall reorganize by electing a (~~((chairman))~~) chair and a vice (~~((chairman))~~) chair. A majority of all of the members of the board shall constitute a quorum.

Sec. 276. Section 11, chapter 282, Laws of 1971 ex. sess. as last amended by section 2, chapter 65, Laws of 1988 and RCW 28A.21.086 are each amended to read as follows:

In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Comply with rules or regulations of the state board of education and the superintendent of public instruction.

(2) If the district board deems necessary, establish and operate for the schools within the boundaries of the educational service district a depository and distribution center for films, tapes, charts, maps, and other instructional material as recommended by the school district superintendents within the service area of the educational service district: **PROVIDED**, That the district may also provide the services of the depository and distribution center to private schools within the district so long as such private schools pay such fees that reflect actual costs for services and the use of instructional materials as may be established by the educational service district board.

(3) Establish cooperative service programs for school districts within the educational service district and joint purchasing programs for schools within the educational service district pursuant to RCW ((~~28A.58.107(3); as now or hereafter amended~~)) 28A.320.080(3): **PROVIDED**, That on matters relating to cooperative service programs the board and superintendent of the educational service district shall seek the prior advice of the superintendents of local school districts within the educational service district.

(4) Establish direct student service programs for school districts within the educational service district including pupil transportation. However, for the provision of state-funded pupil transportation for special education cooperatives programs for special education conducted under ((~~chapter 28A.13~~)) RCW 28A.155.010 through 28A.155.100, the educational service district, with the consent of the participating school districts, shall be entitled to receive directly state apportionment funds for that purpose: **PROVIDED**, That the board of directors and superintendent of a local school district request the educational service district to perform said service or services: **PROVIDED FURTHER**, That the educational service district board of directors and superintendents agree to provide the requested services: **PROVIDED FURTHER**, That the provisions of chapter 39.34 RCW are strictly adhered to: **PROVIDED FURTHER**, That the educational service district board of directors may contract with the school for the deaf and the school for the blind to provide transportation services.

Sec. 277. Section 12, chapter 282, Laws of 1971 ex. sess. as last amended by section 2, chapter 56, Laws of 1983 and RCW 28A.21.088 are each amended to read as follows:

In addition to other powers and duties as provided by law, every educational service district board shall:

(1) If the district board deems necessary, hold each year one or more teachers' institutes as provided for in RCW ((~~28A.71.100, as now or hereafter amended~~)) 28A.415.010 and one or more school directors' meetings.

(2) Cooperate with the state supervisor of special aid for handicapped children as provided in ((~~chapter 28A.13~~)) RCW 28A.155.010 through 28A.155.100.

(3) Certify statistical data as basis for apportionment purposes to county and state officials as provided in chapter ((28A.44)) 28A.545 RCW.

(4) Perform such other duties as may be prescribed by law or rule or regulation of the state board of education and/or the superintendent of public instruction as provided in RCW ((28A.03.028)) 28A.300.030 and ((28A.04.145)) 28A.305.210.

Sec. 278. Section 9, chapter 176, Laws of 1969 ex. sess. as last amended by section 3, chapter 65, Laws of 1988 and RCW 28A.21.090 are each amended to read as follows:

In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Approve the budgets of the educational service district in accordance with the procedures provided for in this chapter.

(2) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the ((chairman)) chair or a majority of the board.

(3) Approve the selection of educational service district personnel and clerical staff as provided in RCW ((28A.21.100, as now or hereafter amended)) 28A.310.230.

(4) Fix the amount of and approve the bonds for those educational service district employees designated by the board as being in need of bonding.

(5) Keep in the educational service district office a full and correct transcript of the boundaries of each school district within the educational service district.

(6) Acquire by purchase, lease, devise, bequest, and gift and otherwise contract for real and personal property necessary for the operation of the educational service district and to the execution of the duties of the board and superintendent thereof and sell, lease, or otherwise dispose of that property not necessary for district purposes: PROVIDED, That no real property shall be acquired or alienated without the prior approval of the state board of education.

(7) Adopt such bylaws and rules and regulations for its own operation as it deems necessary or appropriate.

(8) Enter into contracts, including contracts with common and educational service districts and the school for the deaf and the school for the blind for the joint financing of cooperative service programs conducted pursuant to RCW ((28A.21.086(3))) 28A.310.180(3), and employ consultants and legal counsel relating to any of the duties, functions, and powers of the educational service districts.

Sec. 279. Section 1, chapter 208, Laws of 1989 and RCW 28A.21.102 are each amended to read as follows:

(1) Every educational service district board shall adopt written policies granting leaves to persons under contracts of employment with the district

in positions requiring either certification or noncertification qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement, and emergencies for both certificated and noncertificated employees, with such compensation as the board prescribes. The board shall adopt written policies granting annual leave with compensation for illness, injury, and emergencies as follows:

(a) For persons under contract with the district for a full fiscal year, at least ten days;

(b) For persons under contract with the district as part-time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(c) For certificated and noncertificated employees, annual leave with compensation for illness, injury, and emergencies shall be granted and accrue at a rate not to exceed twelve days per fiscal year. Provisions of any contract in force on July 23, 1989, which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(d) Compensation for leave for illness or injury actually taken shall be the same as the compensation the person would have received had the person not taken the leave provided in this section;

(e) Leave provided in this section not taken shall accumulate from fiscal year to fiscal year up to a maximum of one hundred eighty days for the purposes of RCW ((28A.21.360)) 28A.310.490, and for leave purposes up to a maximum of the number of contract days agreed to in a given contract, but not greater than one fiscal year. Such accumulated time may be taken at any time during the fiscal year, or up to twelve days per year may be used for the purpose of payments for unused sick leave; and

(f) Accumulated leave under this section shall be transferred to educational service districts, school districts, and the office of the superintendent of public instruction, and from any such district or office to another such district or office. An intervening customary summer break in employment or the performance of employment duties shall not preclude such a transfer.

(2) Leave accumulated by a person in a district prior to leaving the district may, under rules of the board, be granted to the person when the person returns to the employment of the district.

(3) Leave for illness or injury accumulated before July 23, 1989, under the administrative practices of an educational service district, and such leave transferred before July 23, 1989, to or from an educational service district, school district, or the office of the superintendent of public instruction under the administrative practices of the district or office, is declared

valid and shall be added to such leave for illness or injury accumulated after July 23, 1989.

Sec. 280. Section 19, chapter 34, Laws of 1969 ex. sess. as last amended by section 7, chapter 283, Laws of 1977 ex. sess. and RCW 28A-.21.105 are each amended to read as follows:

No certificated employee of an educational service district shall be employed as such except by written contract, which shall be in conformity with the laws of this state. Every such contract shall be made in duplicate, one copy of which shall be retained by the educational service district superintendent and the other shall be delivered to the employee.

Every educational service district superintendent or board determining that there is probable cause or causes that the employment contract of a certificated employee thereof is not to be renewed for the next ensuing term shall be notified in writing on or before May 15th preceding the commencement of such term of that determination, which notification shall specify the cause or causes for nonrenewal of contract. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. The procedure and standards for the review of the decision of the hearing officer, superintendent or board and appeal therefrom shall be as prescribed for nonrenewal cases of teachers in RCW (~~(28A.58.450 through 28A.58.515, 28A.67.070 and 28A.88.010 and in any amendments hereafter made thereto)~~) 28A.405.210, 28A.405.300 through 28A.405.380, and 28A.645.010. Appeals may be filed in the superior court of any county in the educational service district.

Sec. 281. Section 20, chapter 34, Laws of 1969 ex. sess. as last amended by section 8, chapter 283, Laws of 1977 ex. sess. and RCW 28A-.21.106 are each amended to read as follows:

Every educational service district superintendent or board determining that there is probable cause or causes for a certificated employee or superintendent, hereinafter referred to as employee, of that educational service district to be discharged or otherwise adversely affected in his or her contract status shall notify such employee in writing of its decision, which notice shall specify the cause or causes for such action. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. The procedure and standards for review of the decision of the superintendent or board and appeal therefrom shall be as prescribed in discharge cases of teachers in RCW (~~(28A.58.450 through 28A.58.515, 28A.67.070 and 28A.88.010 and in any amendments hereafter made thereto)~~) 28A.405.210, 28A.405.300 through 28A.405.380, and 28A.645.010. The board and the educational service district superintendent, respectively, shall have the duties of the

boards of directors and superintendents of school districts in RCW (~~(28A.58.450 through 28A.58.515, 28A.67.070 and 28A.88.010 and in any amendments hereafter made thereto)~~) 28A.405.210, 28A.405.300 through 28A.405.380, and 28A.645.010. Appeals may be filed in the superior court of any county in the educational service district.

Sec. 282. Section 15, chapter 75, Laws of 1974 ex. sess. as amended by section 26, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.112 are each amended to read as follows:

In addition to other powers and duties as provided by law, each educational service district superintendent shall:

(1) Administer oaths and affirmations to school directors, teachers, and other persons on official matters connected with or relating to schools, when appropriate, but not make or collect any charge or fee for so doing.

(2) Require the oath of office of all school district officers be filed as provided in RCW (~~(28A.57.322)~~) 28A.315.500 and furnish a directory of all such officers to the county auditor and to the county treasurer of the county in which the school district is located as soon as such information can be obtained after the election or appointment of such officers is determined and their oaths placed on file.

Sec. 283. Section 16, chapter 75, Laws of 1974 ex. sess. as amended by section 27, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.113 are each amended to read as follows:

In addition to other powers and duties as provided by law, each educational service district superintendent shall:

(1) Assist the school districts in preparation of their budgets as provided in chapter (~~(28A.65)~~) 28A.505 RCW.

(2) Enforce the provisions of the compulsory attendance law as provided in (~~(chapter 28A.27)~~) RCW 28A.225.010 through 28A.225.150, 28A.200.010, and 28A.200.020.

(3) Perform duties relating to capital fund aid by nonhigh districts as provided in chapter (~~(28A.56)~~) 28A.540 RCW.

(4) Carry out the duties and issue orders creating new school districts and transfers of territory as provided in chapter (~~(28A.57)~~) 28A.315 RCW.

(5) Perform all other duties prescribed by law and the educational service district board.

Sec. 284. Section 12, chapter 176, Laws of 1969 ex. sess. as last amended by section 8, chapter 341, Laws of 1985 and RCW 28A.21.120 are each amended to read as follows:

The educational service district board shall designate the headquarters office of the educational service district. Educational service districts shall provide for their own office space, heating, contents insurance, electricity, and custodial services, which may be obtained through contracting with any board of county commissioners. Official records of the educational service

district board and superintendent, including each of the county superintendents abolished by chapter 176, Laws of 1969 ex. sess., shall be kept by the educational service district superintendent. Whenever the boundaries of any of the educational service districts are reorganized pursuant to RCW ((28A.21.020)) 28A.310.020, the state board of education shall supervise the transferral of such records so that each educational service district superintendent shall receive those records relating to school districts within the appropriate educational service district.

Sec. 285. Section 20, chapter 282, Laws of 1971 ex. sess. as last amended by section 12, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.135 are each amended to read as follows:

The superintendent of public instruction by rule and regulation shall adopt budgeting procedures for educational service districts modeled after the statutory procedures for school districts as provided in chapter ((28A.21.135)) 28A.505 RCW and in accordance with RCW ((28A.21.136, 28A.21.137 and 28A.21.138)) 28A.310.340, 28A.310.350, and 28A.310.360.

Sec. 286. Section 9, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.136 are each amended to read as follows:

It is the intent of the legislature that a basic core of uniform services be provided by educational service districts and be identified in statute so that biennial budget requests for educational service districts may be based upon measurable goals and needs. Educational service districts as noted in RCW ((28A.21.010)) 28A.310.010, are intended primarily to:

(1) Provide cooperative and informational services to local districts and to perform functions for those districts when such functions are more effectively or economically administered from the regional level;

(2) Assist the state educational agencies, office of superintendent of public instruction and the state board of education in the legal performance of their duties; and

(3) Assist in providing pupils with equal educational opportunities.

The purpose of RCW ((28A.21.137 and 28A.21.138)) 28A.310.350 and 28A.310.360 is to further identify those core services in order to prepare educational service district budgets for the 1979-81 biennium, and those bienniums beyond.

Sec. 287. Section 11, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.138 are each amended to read as follows:

The superintendent of public instruction, pursuant to RCW ((28A.21.135, as now or hereafter amended;)) 28A.310.330 shall prepare the biennial budget request for the operation of educational service districts based upon a formula using the following factors:

(1) The core service cost itemized in RCW ((28A.21.137)) 28A.310.350 which shall receive primary weighting for formula purposes;

(2) A weighting factor constituting a geographical factor which shall be used to weight the larger sized educational service districts for formula purposes; and

(3) A weighting factor which shall be based on the number and size of local school districts within each educational service district for formula purposes.

The sum of subsection (1) of this section, together with the weighting factors of subsections (2) and (3) of this section for each educational service district, shall reflect the variables among the educational service districts and when combined, a total budget for all educational service districts shall be the result.

Sec. 288. Section 17, chapter 176, Laws of 1969 ex. sess. as last amended by section 33, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21.170 are each amended to read as follows:

The biennial budget request of each educational service district shall be approved by the respective educational service district board and then forwarded to the superintendent of public instruction for revision and approval as provided in RCW (~~(28A.21.140)~~) 28A.310.370.

Sec. 289. Section 21, chapter 176, Laws of 1969 ex. sess. as amended by section 36, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21-.200 are each amended to read as follows:

The county treasurer of the county in which the headquarters office of the educational service district is located shall serve as the ex officio treasurer of the district. (~~He~~) The treasurer shall keep all funds and moneys of the district separate and apart from all other funds and moneys in (~~his~~) the treasurer's custody and shall disburse such moneys only upon proper order of the educational service district board or superintendent.

Sec. 290. Section 22, chapter 176, Laws of 1969 ex. sess. and RCW 28A.21.210 are each amended to read as follows:

As of July 1, 1969, employees of the various offices of county or intermediate district superintendent and county or intermediate district board shall terminate their employment therein, or such employees, at their election, may transfer their employment to the new intermediate school district in which their respective county is located. If such employment is so transferred, each employee shall retain the same leave benefits and other benefits that he or she had in his or her previous position. If the intermediate school district has a different system of computing leave benefits and other benefits, then the employee shall be granted the same leave and other benefits as a person will receive who would have had similar occupational status and total years of service with the new intermediate school district.

Sec. 291. Section 2, chapter 210, Laws of 1977 ex. sess. as amended by section 2, chapter 508, Laws of 1987 and RCW 28A.21.310 are each amended to read as follows:

The board of any educational service district may enter into contracts for their respective districts for periods not exceeding twenty years in duration with public and private persons, organizations, and entities for the following purposes:

(1) To rent or lease building space, portable buildings, security systems, computers and other equipment; and

(2) To have maintained and repaired security systems, computers and other equipment.

The budget of each educational service district shall identify that portion of each contractual liability incurred pursuant to this section extending beyond the fiscal year by amount, duration, and nature of the contracted service and/or item in accordance with rules and regulations of the superintendent of public instruction adopted pursuant to RCW ((~~28A.65.465 and 28A.21.135, as now or hereafter amended~~)) 28A.310.330 and 28A.505.140.

23. Organization and Reorganization of School Districts

Sec. 292. Section 28A.57.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.010 are each amended to read as follows:

It is the intent and purpose of this chapter (1) to incorporate into a single, permanent, school district organization law all essential provisions governing the formation and establishment of new school districts, the alteration of the boundaries of existing districts, and the adjustment of the assets and liabilities of school districts when changes are made as aforesaid; and (2) to establish methods and procedures whereby the aforesaid changes in the school district system may be brought about by the people concerned and affected, all to the end that the territorial organization of school districts may be more readily adapted to the needs of the changing economic pattern and educational program in the state; that existing disparities among school districts in ability to provide current and capital outlay funds may be reduced and the educational opportunities of children thereby enhanced; and that a wiser use of public funds may be secured through improvement in the school district system. It is not the intent nor purpose of this chapter to apply to organizational changes and the procedure therefor relating to capital fund aid by nonhigh districts as provided for in chapter ((~~28A.56~~)) 28A.540 RCW.

Sec. 293. Section 28A.57.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 385, Laws of 1985 and RCW 28A.57.020 are each amended to read as follows:

As used in this chapter:

(1) "Change in the organization and extent of school districts" means the formation and establishment of new school districts, the dissolution of existing school districts, the alteration of the boundaries of existing school districts, or all of them.

(2) "Regional committee" means the regional committee on school district organization created by this chapter.

(3) "State board" means the state board of education.

(4) "School district" means the territory under the jurisdiction of a single governing board designated and referred to as the board of directors.

(5) "Educational service district superintendent" means the educational service district superintendent as provided for in RCW ((28A.21.071)) 28A.310.170 or his or her designee.

Sec. 294. Section 30, chapter 385, Laws of 1985 and RCW 28A.57.029 are each amended to read as follows:

Notwithstanding any other provision of this chapter to the contrary, those persons who were county committee members and registered to vote as of July 28, 1985, shall constitute the regional committee of the educational service district within which they are registered to vote until the election of the initial regional committee pursuant to this section. The initial election of members of each regional committee shall be by those persons who were county committee members registered to vote within the educational service district as of July 28, 1985. Only persons who were county committee members and so registered to vote as of July 28, 1985, shall be eligible for membership on an initial regional committee, and only those persons who are eligible for such membership and are in attendance at a meeting held for the purpose of the election shall be entitled to cast a vote. The meeting shall be held at a time and place designated and announced by the educational service district superintendent, but no later than the thirtieth day after July 28, 1985. The educational service district superintendent shall preside over the meeting. Nominations shall be from the floor and shall be for position numbers assigned by the educational service district superintendent for the purpose of the initial election and all subsequent elections held pursuant to RCW ((28A.57.032)) 28A.315.060. Members of each initial regional committee shall be elected by majority vote and shall serve for the staggered terms of office set forth in RCW ((28A.57.032)) 28A.315.060 and until their successors are certified as elected pursuant to RCW ((28A.57.032)) 28A.315.060.

Sec. 295. Section 1, chapter 15, Laws of 1975-'76 2nd ex. sess. as amended by section 4, chapter 385, Laws of 1985 and RCW 28A.57.032 are each amended to read as follows:

The members of each regional committee shall be elected in the following manner:

(1) On or before the 25th day of September, 1986, and not later than the 25th day of September of every subsequent year, each superintendent of an educational service district shall call an election to be held in each educational service district within which resides a member of a regional committee whose term of office expires on the second Monday of January next following, and shall give written notice thereof to each member of the board

of directors of each school district in the educational service district. Such notice shall include instructions, and the rules and regulations established by the state board of education for the conduct of the election. The state board of education is hereby empowered to adopt rules pursuant to chapter 34.05 RCW which establish standards and procedures which the state board deems necessary to conduct elections pursuant to this section; to conduct run-off elections in the event an election for a position is indecisive; and to decide run-off elections which result in tie votes, in a fair and orderly manner.

(2) Candidates for membership on a regional committee shall file a declaration of candidacy with the superintendent of the educational service district wherein they reside. Declarations of candidacy may be filed by person or by mail not earlier than the 1st day of October, and not later than the 15th day of October. The superintendent may not accept any declaration of candidacy that is not on file in his or her office or not postmarked before the 16th day of October, or if not postmarked or the postmark is not legible, if received by mail after the 20th day of October.

(3) Each member of the regional committee shall be elected by a majority of the votes cast for all candidates for the position by the members of the boards of directors of school districts in the educational service district. All votes shall be cast by mail ballot addressed to the superintendent of the educational service district wherein the school director resides. No votes shall be accepted for counting if postmarked after the 16th day of November or if not postmarked or the postmark is not legible, if received by mail after the 21st day of November. An election board comprised of three persons appointed by the board of the educational service district shall count and tally the votes not later than the 25th day of November or the next business day if the 25th falls on a Saturday, Sunday, or legal holiday. Each vote cast by a school director shall be recorded as one vote. Within ten days following the count of votes, the educational service district superintendent shall certify to the superintendent of public instruction the name or names of the person(s) elected to be members of the regional committee.

(4) In the event of a change in the number of educational service districts or in the number of educational service district board members pursuant to chapter ((28A.21)) 28A.310 RCW a new regional committee shall be elected for each affected educational service district at the next annual election conducted pursuant to this section. Those persons who were serving on a regional committee within an educational service district affected by a change in the number of districts or board members shall continue to constitute the regional committee for the educational service district within which they are registered to vote until the majority of a new board has been elected and certified.

(5) No member of a regional committee shall continue to serve thereon if he or she ceases to be a registered voter of the educational service district

board member district or if he or she is absent from three consecutive meetings of the committee without an excuse acceptable to the committee.

Sec. 296. Section 28A.57.034, chapter 223, Laws of 1969 ex. sess. as amended by section 6, chapter 385, Laws of 1985 and RCW 28A.57.034 are each amended to read as follows:

The terms of members of the regional committees shall be for five years and until their successors are elected. As nearly as possible one-fifth of the members shall be elected annually. For the initial election conducted pursuant to RCW ((28A.57.029)) 28A.315.030 and the election of a new regional committee following a change in the number of educational service districts or board members, regional committee member positions one and six shall be for a term of five years, positions two and seven shall be for a term of four years, positions three and eight shall be for a term of three years, positions four and nine shall be for a term of two years, and position five shall be for a term of one year.

Sec. 297. Section 28A.57.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter 385, Laws of 1985 and RCW 28A.57.040 are each amended to read as follows:

Each regional committee shall organize by electing from its membership a ((chairman)) chair and a vice ((chairman)) chair. The educational service district superintendent shall be the secretary of the committee. Meetings of the committee shall be held upon call of the ((chairman)) chair or of a majority of the members thereof. A majority of the committee shall constitute a quorum.

Sec. 298. Section 2, chapter 15, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 100, Laws of 1987 and RCW 28A.57.050 are each amended to read as follows:

The powers and duties of each regional committee shall be:

(1) To initiate, on its own motion and whenever it deems such action advisable, proposals or alternate proposals for changes in the organization and extent of school districts in the educational service district; to receive, consider, and revise, whenever in its judgment revision is advisable, proposals initiated by petition or presented to the committee by the educational service district superintendent as provided for in this chapter; to prepare and submit to the state board any of the aforesaid proposals that are found by the regional committee to provide for satisfactory improvement in the school district system of the educational service district and state; to prepare and submit with the aforesaid proposals, a map showing the boundaries of existing school districts affected by any proposed change and the boundaries, including a description thereof, of each proposed new school district or of each existing school district as enlarged or diminished by any proposed change, or both, and a summary of the reasons for the proposed change;

and such other reports, records, and materials as the state board may request. The committee may utilize as a basis of its proposals and changes that comprehensive plan for changes in the organization and extent of the school districts of the county prepared and submitted to the state board prior to September 1, 1956, or, if the then county committee found, after considering the factors listed in RCW ((28A.57.055)) 28A.315.120, that no changes in the school district organization of the county were needed, the report to this effect submitted to the state board.

(2) (a) To make an equitable adjustment of the property and other assets and of the liabilities, including bonded indebtedness and excess tax levies as otherwise authorized under this section, as to the old school districts and the new district or districts, if any, involved in or affected by a proposed change in the organization and extent of the school districts; and (b) to make an equitable adjustment of the bonded indebtedness outstanding against any of the aforesaid districts whenever in its judgment such adjustment is advisable, as to all of the school districts involved in or affected by any change heretofore or hereafter effected; and (c) to provide that territory transferred from a school district by a change in the organization and extent of school districts shall either remain subject to, or be relieved of, any one or more excess tax levies which are authorized for the school district under RCW 84.52.053 before the effective date of the transfer of territory from the school district; and (d) to provide that territory transferred to a school district by a change in the organization and extent of school districts shall either be made subject to, or be relieved of, any one or more excess tax levies which are authorized for the school district under RCW 84.52.053 before the effective date of the transfer of territory to the school district; and (e) to submit to the state board the proposed terms of adjustment and a statement of the reasons therefor in each case. In making the adjustments herein provided for, the regional committee shall consider the number of children of school age resident in and the assessed valuation of the property located in each school district and in each part of a district involved or affected; the purpose for which the bonded indebtedness of any school district was incurred; the value, location, and disposition of all improvements located in the school districts involved or affected; and any other matters which in the judgment of the committee are of importance or essential to the making of an equitable adjustment.

(3) To hold and keep a record of a public hearing or public hearings (a) on every proposal for the formation of a new school district or for the transfer from one existing district to another of any territory in which children of school age reside or for annexation of territory when the conditions set forth in RCW ((28A.57.190 or 28A.57.200)) 28A.315.290 or 28A.315.320 prevail; and (b) on every proposal for adjustment of the assets and of the liabilities of school districts provided for in this chapter. Three members of the regional committee or two members of the committee and

the educational service district superintendent may be designated by the committee to hold any public hearing that the committee is required to hold. The regional committee shall cause notice to be given, at least ten days prior to the date appointed for any such hearing, in one or more newspapers of general circulation within the geographical boundaries of the school districts affected by the proposed change or adjustment. In addition notice may be given by radio and television, or either thereof, when in the committee's judgment the public interest will be served thereby.

(4) To divide into five school directors' districts all first and second class school districts now in existence and not heretofore so divided and all first and second class school districts hereafter established: PROVIDED, That no first or second class school district not heretofore so divided and no first or second class school district hereafter created containing a city with a population in excess of seven thousand according to the latest population certificate filed with the secretary of state by the office of financial management shall be divided into directors' districts unless a majority of the registered voters voting thereon at an election shall approve a proposition authorizing the division of the district into directors' districts. The boundaries of each directors' district shall be so established that each such district shall comprise as nearly as practicable an equal portion of the population of the school district.

(5) To rearrange at any time the committee deems such action advisable in order to correct inequalities caused by changes in population and changes in school district boundaries, the boundaries of any of the directors' districts of any school district heretofore or hereafter so divided: PROVIDED, That a petition therefor, shall be required for rearrangement in order to correct inequalities caused by changes in population. Said petition shall be signed by at least ten registered voters residing in the aforesaid school district, and shall be presented to the educational service district superintendent. A public hearing thereon shall be held by the regional committee, which hearing shall be called and conducted in the manner prescribed in subsection (3) of this section.

(6) To prepare and submit to the superintendent of public instruction from time to time or, upon his or her request, reports and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities.

Sec. 299. Section 28A.57.055, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 385, Laws of 1985 and RCW 28A.57.055 are each amended to read as follows:

Each regional committee, in carrying out the purposes of RCW ((28A.57.050)) 28A.315.110, shall base its judgment and recommendations,

if any, to the state board of education, upon such standards and considerations as are established by the state board of education pursuant to chapter 34.05 RCW for the preparation of recommended changes in the organization and extent of school districts and terms of adjustment as provided for in RCW ((28A.57.050)) 28A.315.110. Such rules and regulations shall provide for giving consideration: (1) To equalization of the educational opportunities of pupils and to economies in the administration and operation of schools through the formation of larger units of administration and areas of attendance; (2) to equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per-pupil valuation; (3) to geographical and other features, including, but not limited to such physical characteristics as mountains, lakes and rivers, waste land, climatic conditions, highways, and means of transportation; (4) to the convenience and welfare of pupils, including but not limited to remoteness or isolation of their places of residence and time required to travel to and from school; (5) to improvement of the educational opportunities of pupils through improvement and extension of school programs and through better instruction facilities, equipment, materials, libraries, and health and other services; (6) to equalization of the burden of financing the cost of high school facilities through extension of the boundaries of high school districts to include within each such district all of the territory served by the high school located therein: PROVIDED, That a nonhigh school district may be excluded from a plan if such district is found by the regional committee and the state board to be so situated with respect to location, present and clearly foreseeable future population, and other pertinent factors as to warrant the establishment and operation of a high school therein or the inclusion of its territory in a new district formed for the purpose of establishing and operating a high school; (7) to the future effective utilization of existing satisfactory school buildings, sites, and playfields; the adequacy of such facilities located in the proposed new district; and additional facilities required if such proposed district is formed; and (8) to any other matters which in the judgment of the state board of education are related to or may operate to further equalization and improvement of school facilities and services, economies in operating and capital fund expenditures, and equalization among school districts of tax rates for school purposes.

Sec. 300. Section 28A.57.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 100, Laws of 1987 and RCW 28A.57-.060 are each amended to read as follows:

The powers and duties of the state board with respect to this chapter shall be:

(1) To aid regional committees in the performance of their duties by furnishing them with plans of procedure, standards, data, maps, forms, and

other necessary materials and services essential to a study and understanding of the problems of school district organization in their respective educational service districts.

(2) To receive, file, and examine the proposals and the maps, reports, records, and other materials relating thereto submitted by regional committees and to approve such proposals and so notify the regional committees when said proposals are found to provide for satisfactory improvement in the school district system of the counties and the state and for an equitable adjustment of the assets and liabilities, including bonded indebtedness and excess tax levies as authorized under RCW ((28A.52.050(2))) 28A.315.110(2), of the school districts involved or affected: PROVIDED, That whenever the state board approves a recommendation from a regional committee for the transfer of territory from one school district to another school district, such state board approval must be made not later than March 1 of any given year for implementation the school year immediately following: PROVIDED FURTHER, That whenever such proposals are found by the state board to be unsatisfactory or inequitable, the board shall so notify the regional committee and, upon request, assist the committee in making revisions which revisions shall be resubmitted within sixty days after such notification for reconsideration and approval or disapproval. Implementation of state board-approved transfers of territory from one school district to another school district shall become effective at the commencement of the next school year unless an earlier implementation is agreed upon in writing by the boards of directors of the affected school districts.

Sec. 301. Section 28A.57.070, chapter 223, Laws of 1969 ex. sess. as last amended by section 13, chapter 385, Laws of 1985 and RCW 28A.57.070 are each amended to read as follows:

Upon receipt by a regional committee of such notice from the state board as is required in RCW ((28A.57.060(2))) 28A.315.140(2), the educational service district superintendent shall make an order establishing all approved changes involving the alteration of the boundaries of an established school district or districts and all approved terms of adjustment of assets and liabilities involving an established district or districts the boundaries of which have been or are hereafter altered in the manner provided by law, and shall certify his or her action to each county auditor for the board of county commissioners, each county treasurer, each county assessor and the superintendents of all school districts affected by such action. Upon receipt of such certification the superintendent of each school district which is annexed to another district by the action shall deliver to the superintendent of the school district to which annexed all books, papers, documents, records, and other materials pertaining to his or her office.

Sec. 302. Section 28A.57.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 15, chapter 385, Laws of 1985 and RCW 28A.57.080 are each amended to read as follows:

Notice of such special elections as provided for in RCW (~~(28A.57-.075)~~) 28A.315.160 shall be given by the county auditor as in RCW 29.27-.080 provided. The notice of election shall state the purpose for which the election has been called and shall contain a description of the boundaries of the proposed new district and a statement of any terms of adjustment of bonded indebtedness to be voted on.

Sec. 303. Section 28A.57.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 16, chapter 385, Laws of 1985 and RCW 28A.57-.090 are each amended to read as follows:

Whenever a special election is held to vote on a proposal or alternate proposals to form a new school district, the votes cast by the registered voters in each component district shall be tabulated separately and any such proposition shall be considered approved only if it receives a majority of the votes cast in each separate district voting thereon. Whenever a special election is held to vote on a proposal for adjustment of bonded indebtedness the entire vote cast by the registered voters of the proposed new district or of the established district as the case may be shall be tabulated and any such proposition shall be considered approved if sixty percent or more of all votes cast thereon are in the affirmative.

In the event of approval of a proposition or propositions voted on at a special election, the educational service district superintendent shall: (1) Make an order establishing such new school district or such terms of adjustment of bonded indebtedness or both, as were approved by the registered voters and shall also order effected such other terms of adjustment, if there be any, of property and other assets and of liabilities other than bonded indebtedness as have been approved by the state board; and (2) certify his or her action to the county and school district officials specified in RCW (~~(28A.57.070)~~) 28A.315.150. He or she may designate, with the approval of the superintendent of public instruction, a name and number different from that of any component thereof but must designate the new district by name and number different from any other district in existence in the county.

The educational service district superintendent shall fix, as the effective date of any order or orders he or she is required by this chapter to make, a date no later than the first day of September next succeeding the date of final approval of any change in the organization and extent of school districts or of any terms of adjustment of the assets and liabilities of school districts subject, for taxing purposes, to the redrawing of taxing district boundaries pursuant to RCW 84.09.030.

Upon receipt of the aforesaid certification, the superintendent of each school district which is included in the new district shall deliver to the superintendent of the new school district all books, papers, documents, records and other materials pertaining to his or her office.

Sec. 304. Section 28A.57.110, chapter 223, Laws of 1969 ex. sess. as amended by section 18, chapter 385, Laws of 1985 and RCW 28A.57.110 are each amended to read as follows:

The superintendent of public instruction shall furnish to the state board and to regional committees the services of employed personnel and the materials and supplies necessary to enable them to perform the duties imposed upon them by this chapter and shall reimburse the members thereof for expenses necessarily incurred by them in the performance of their duties, such reimbursement for regional committee members to be in accordance with RCW (~~28A.57.035, as now or hereafter amended~~) 28A.315.090, and such reimbursement for state board members to be in accordance with RCW (~~28A.04.110~~) 28A.305.120.

Sec. 305. Section 28A.57.120, chapter 223, Laws of 1969 ex. sess. as amended by section 34, chapter 3, Laws of 1983 and RCW 28A.57.120 are each amended to read as follows:

An appeal may be taken, as provided for in RCW (~~28A.88.010~~) 28A.645.010, to the superior court of the county in which a school district or any part thereof is situated on any question of adjustment of property and other assets and of liabilities provided for in this chapter. If the court finds the terms of the adjustment in question not equitable, the court shall make an adjustment that is equitable.

Sec. 306. Section 3, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.140 are each amended to read as follows:

Any school district in the state having a student enrollment within the public schools of such district of two thousand pupils or more, as shown by any regular census as required under RCW (~~28A.58.150(4), as now or hereafter amended~~;) 28A.400.030(4) or by any other evidence acceptable to the educational service district superintendent and the superintendent of public instruction, shall be a school district of the first class. Any other school district shall be a school district of the second class.

Whenever the educational service district superintendent finds that the classification of a school district should be changed, and upon the approval of the superintendent of public instruction, he or she shall make an order in conformity with his or her findings and alter the records of his or her office accordingly. Thereafter the board of directors of the district shall organize in the manner provided by law for the organization of the board of a district of the class to which said district then belongs.

Sec. 307. Section 1, chapter 63, Laws of 1972 ex. sess. and RCW 28A.57.195 are each amended to read as follows:

Notwithstanding other provisions of this chapter or any other provision of law and except as otherwise provided in RCW (~~28A.57.196~~) 28A.315.310, as of July 1, 1972, any United States military reservation in the state of Washington with more than two thousand five hundred common

school age children in public schools resident thereon shall be included wholly within the boundaries of a single school district. Such single school district shall be one of the school districts presently having boundary lines within such military reservation and serving pupils thereon. The procedure for achieving such single school districts where they do not now exist, or in any year in the future when there are more than two thousand five hundred common school age children on such a military reservation resident therein, shall be as prescribed in RCW ((28A.57.196)) 28A.315.310.

Sec. 308. Section 2, chapter 63, Laws of 1972 ex. sess. as amended by section 23, chapter 385, Laws of 1985 and RCW 28A.57.196 are each amended to read as follows:

On or before June 1, 1972, or in any year in the future when there are more than two thousand five hundred common school age children on a military reservation as referred to in RCW ((28A.57.195)) 28A.315.300 resident therein, whichever is the case, and notwithstanding other provisions of this chapter or any other provision of law, the regional committee of each educational service district in which such a United States military reservation is located, or in the case such military reservation is located in two or more educational service districts, the joint regional committee established pursuant to RCW ((28A.57.240)) 28A.315.360, shall order effective September 1 of the then calendar year the annexation of portions of reservation territory not currently within the single school district, as required by RCW ((28A.57.195)) 28A.315.300, to one of the school districts encompassing a portion of the military reservation: PROVIDED, That notwithstanding any other provision of RCW ((28A.57.195 and 28A.57.196)) 28A.315.300 and 28A.315.310 the annexation order shall not include territory of school districts on such military reservations in which none or less than a majority of the pupils residing within that portion of the district within such military reservation have one or more parents serving in the military and under such military command. Notwithstanding any other provision of law, the decision as to which school district shall serve the pupils residing within such military reservation shall rest solely with the regional committee of the educational service district in which the affected military reservation is located. The regional committee shall order such equitable transfer of assets and liabilities as is deemed necessary for the orderly transfer of the territory in accordance with transfers in other annexation proceedings authorized under this chapter.

Sec. 309. Section 28A.57.230, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 47, Laws of 1973 and RCW 28A.57.230 are each amended to read as follows:

Any school district composed of territory lying in more than one county shall be known as a joint school district, and shall be designated by number in accordance with rules and regulations promulgated under RCW ((28A.04.130)) 28A.305.150.

Sec. 310. Section 28A.57.245, chapter 223, Laws of 1969 ex. sess. as last amended by section 26, chapter 385, Laws of 1985 and RCW 28A.57-.245 are each amended to read as follows:

Whenever a proposed change in the organization and extent of school districts or an adjustment of the assets and liabilities of school districts, or both, or any other matters related to such change or adjustment involve school districts in two or more educational service districts, and a majority of at least one of the regional committees involved approve a proposal but the proposal is not approved by the other regional committee or committees or one or more of said committees fails or refuses to act upon the proposal within sixty days of its receipt, the regional committee or committees approving the proposal shall certify the proposal and its approval to the state superintendent of public instruction. Upon receipt of a properly certified proposal, the state superintendent of public instruction shall appoint a temporary committee composed of five persons. The members of the temporary committee shall be selected from the membership of any regional committee in this state except that no member shall be appointed from any educational service district in which there is situated a school district that would be affected by the proposed change. Said committee shall meet at the call of the state superintendent of public instruction and organize by electing a ((chairman)) chair and secretary. Thereupon, this temporary committee shall have jurisdiction of the proposal and shall treat the same as a proposal initiated on its own motion. Said committee shall have the powers and duties imposed upon and required to be performed by a regional committee under the provisions of this chapter and the secretary of the committee shall have the powers and duties imposed upon and required to be performed by the educational service district superintendents under the provisions of this chapter. It shall be the duty of the educational service district superintendents of the educational service districts in which the school districts that would be affected by the proposed change are situated to assist the temporary committee by supplying said committee with information from the records and files of their offices and with a proper and suitable place for holding meetings.

Sec. 311. Section 28A.57.255, chapter 223, Laws of 1969 ex. sess. as last amended by section 6, chapter 56, Laws of 1983 and RCW 28A.57.255 are each amended to read as follows:

The registered voters residing within a joint school district shall be entitled to vote on the office of school director of their district.

Jurisdiction of any such election shall rest with the county auditor of the county administering such joint district as provided in RCW ((28A.57-250)) 28A.315.380.

At each general election, or upon approval of a request for a special election as provided for in RCW 29.13.020, such county auditor shall:

- (1) See that there shall be at least one polling place in each county;

(2) At least twenty days prior to the elections concerned, certify in writing to the superintendent of the school district the number and location of the polling places established by such auditor for such regular or special elections; and

(3) Do all things otherwise required by law for the conduct of such election.

It is the intention of this section that the qualified electors of a joint school district shall not be forced to go to a different polling place on the same day when other elections are being held to vote for school directors of their district.

Sec. 312. Section 28A.57.260, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 47, Laws of 1973 and RCW 28A.57.260 are each amended to read as follows:

A vacancy in the office of director of a joint district shall be filled in the manner provided by RCW (~~(28A.57.326)~~) 28A.315.530 for filling vacancies, such appointment to be valid only until a director is elected and qualified to fill such vacancy at the next regular district election.

Sec. 313. Section 28A.57.280, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.280 are each amended to read as follows:

It shall be the duty of the assessor of each county, a part of which is included within a joint school district, to certify annually to the auditor of (~~(his)~~) the assessor's county and to the auditor of the county to which the joint district belongs, for the board of county commissioners thereof, the aggregate assessed valuation of all taxable property in (~~(his)~~) the assessor's county situated in such joint school district, as the same appears from the last assessment roll of (~~(his)~~) the assessor's county.

Sec. 314. Section 28A.57.322, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 187, Laws of 1988 and RCW 28A.57.322 are each amended to read as follows:

Every person elected or appointed to the office of school director, before entering upon the discharge of the duties thereof, shall take an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of (~~(his)~~) the office according to the best of his or her ability. In case any official has a written appointment or commission, (~~(his)~~) the official's oath or affirmation shall be endorsed thereon and sworn to before any officer authorized to administer oaths. School officials are hereby authorized to administer all oaths or affirmations pertaining to their respective offices without charge or fee. All oaths of office, when properly made, shall be filed with the county auditor. Every person elected to the office of school director shall begin his or her term of office at the first official meeting of the board of directors following certification of the election results.

Sec. 315. Section 28A.57.324, chapter 223, Laws of 1969 ex. sess. as last amended by section 35, chapter 3, Laws of 1983 and RCW 28A.57.324 are each amended to read as follows:

Regular meetings of the board of directors of any school district shall be held monthly or ((oftener)) more often at such a time as the board of directors by resolution shall determine or the bylaws of the board may prescribe. Special or deferred meetings may be held from time to time as circumstances may demand, at the call of the president, if a first class district, or the ((chairman)) chair of the board, if a second class district, or on petition of a majority of the members of the board. All meetings shall be open to the public unless the board shall otherwise order an executive session as provided in RCW 42.30.110.

Sec. 316. Section 5, chapter 15, Laws of 1975-'76 2nd ex. sess. as last amended by section 2, chapter 35, Laws of 1980 and RCW 28A.57.328 are each amended to read as follows:

Upon the establishment of a new school district of the second class, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in any such new second class school district, they shall become directors of said district, and the educational service district board shall appoint the number of additional directors required to constitute a board of five directors for the new second class district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than five in a second class district, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of other districts of the same class. Each initial director shall hold office until his or her successor is elected and qualified: PROVIDED, That the election of the successor shall be held during the second district general election after the initial directors have assumed office. At such election, no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. Directors thereafter elected and qualified shall serve such terms as provided for in RCW ((28A.57.312, as now or hereafter amended)) 28A.315.450.

Sec. 317. Section 28A.57.334, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.334 are each amended to read as follows:

Whenever the directors to be elected in a school district that is not divided into directors' districts are not all to be elected for the same term of years, the county auditor shall distinguish them and designate the same as provided for in RCW 29.21.140, and assign position numbers thereto as

provided in RCW (~~(28A.57.314)~~) 28A.315.470 and each candidate shall indicate on his or her declaration of candidacy the term for which he or she seeks to be elected and position number for which he or she is filing. The candidate receiving the largest number of votes for each position shall be deemed elected.

Sec. 318. Section 28A.57.336, chapter 223, Laws of 1969 ex. sess. as amended by section 11, chapter 131, Laws of 1969 and RCW 28A.57.336 are each amended to read as follows:

Any first class school district having a board of directors of five members as provided in RCW (~~(28A.57.312)~~) 28A.315.450 and which elects directors for a term of six years under the provisions of RCW 29.13.060 shall cause the office of at least one director and no more than two directors to be up for election at each regular school district election held hereafter and, except as provided in RCW (~~(28A.57.435)~~) 28A.315.680, any first class school district having a board of directors of seven members as provided in RCW (~~(28A.57.312)~~) 28A.315.450 shall cause the office of two directors and no more than three directors to be up for election at each regular school district election held hereafter.

Sec. 319. Section 28A.57.342, chapter 223, Laws of 1969 ex. sess. as last amended by section 27, chapter 385, Laws of 1985 and RCW 28A.57.342 are each amended to read as follows:

Whenever an election shall be held for the purpose of securing the approval of the voters for the formation of a new school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties, if requested by one of the boards of directors of the school districts affected, there shall also be submitted to the voters at the same election a proposition to authorize the regional committee to divide the school district, if formed, into directors' districts. Such director districts in second class districts, if approved, shall not become effective until the regular school election following the next regular school election at which time a new board of directors shall be elected as provided in RCW (~~(28A.57.328)~~) 28A.315.550. Such director districts in first class districts, if approved, shall not become effective until the next regular school election at which time a new board of directors shall be elected as provided in RCW (~~(28A.57.355, 28A.57.356, and 28A.57.357)~~) 28A.315.600, 28A.315.610, and 28A.315.620. Each of the five directors shall be elected from among the residents of the respective director district by the electors of the entire school district.

Sec. 320. Section 3, chapter 67, Laws of 1971 as last amended by section 3, chapter 35, Laws of 1980 and RCW 28A.57.355 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW (~~(28A.57.342)~~) 28A.315.580 containing no former

first class district, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in such new district, they shall become directors of said district and the educational service district board shall appoint the number of additional directors to constitute a board of five directors for the district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first class district is in a class AA or class A county and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

Sec. 321. Section 6, chapter 15, Laws of 1975-'76 2nd ex. sess. as last amended by section 4, chapter 35, Laws of 1980 and RCW 28A.57.356 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW (~~(28A.57.342, as now or hereafter amended;)~~) 28A.315.580 containing only one former first class district, the directors of the former first class district and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first class district is in a class AA or class A county and contains a city of the first class, two directors shall be elected

for a term of three years and three directors shall be elected for a term of six years.

Sec. 322. Section 2, chapter 47, Laws of 1980 as amended by section 5, chapter 35, Laws of 1980 and RCW 28A.57.357 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW (~~28A.57.342, as now or hereafter amended;~~) 28A.315.580 containing more than one former first class district, the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all of the powers and authority conferred by law upon boards of first class districts until the next regular school election and until their successors are elected and qualified. At such election other than districts electing directors for six-year terms as provided in RCW 29.13.060, as now or hereafter amended, five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. At such election for districts electing directors for six years other than a district having within its boundaries a city with a population of four hundred thousand people or more in class AA counties and electing directors for six year terms, five directors shall be elected either at large or by director districts, as the case may be, one for a term of two years, two for a term of four years, and two for a term of six years.

Sec. 323. Section 3, chapter 47, Laws of 1980 as amended by section 6, chapter 35, Laws of 1980 and RCW 28A.57.358 are each amended to read as follows:

Upon the establishment of a new school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties, the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Each

board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and duties conferred by law upon boards of first class districts, until the next regular school election and until their successors are elected and qualified. Such duties shall include establishment of new director districts as provided for in RCW ((28A.57.425, as now or hereafter amended)) 28A.315.670. At the next regular school election seven directors shall be elected by director districts, two for a term of two years, two for a term of four years and three for a term of six years. Thereafter their terms shall be as provided in RCW ((28A.57.313)) 28A.315.460.

Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Sec. 324. Section 28A.57.390, chapter 223, Laws of 1969 ex. sess. as last amended by section 29, chapter 385, Laws of 1985 and RCW 28A.57-.390 are each amended to read as follows:

Each educational service district superintendent shall prepare and keep in his or her office (1) a map showing the boundaries of the directors' districts of all school districts in or belonging to his or her educational service district that are so divided, and (2) a record of the action taken by the regional committee in establishing such boundaries.

Sec. 325. Section 28A.57.410, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.410 are each amended to read as follows:

Whenever all directors to be elected in a school district that is divided into directors' districts are not all to be elected for the same term of years, the county auditor, prior to the date set by law for filing a declaration of candidacy for the office of director, shall determine by lot the directors' districts from which directors shall be elected for a term of two years and the directors' districts from which directors shall be elected for a term of four years. Each candidate shall indicate on his or her declaration of candidacy the directors' district from which he or she seeks to be elected.

Sec. 326. Section 9, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.415 are each amended to read as follows:

Upon receipt of a written petition by an educational service district superintendent signed by at least twenty percent of the registered voters of a school district theretofore divided into directors' districts after a majority vote thereon in accordance with RCW ((28A.57.050(4), as now or hereafter amended)) 28A.315.110(4), which petition shall request a return to the system of directors running at large within the district, the superintendent, after formation of the question to be submitted to the voters, shall give notice thereof to the county auditor who shall call and hold a special election of the voters of the entire school district to approve or reject such proposal,

such election to be called, conducted and the returns canvassed as in regular school district elections.

If approval of a majority of those registered voters voting in said election is acquired, at the expiration of terms of the incumbent directors of such school district their successors shall be elected at large.

Sec. 327. Section 9, chapter 131, Laws of 1969 as last amended by section 6, chapter 183, Laws of 1979 ex. sess. and RCW 28A.57.425 are each amended to read as follows:

Notwithstanding any other provision of law, any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties shall be divided into seven director districts. The boundaries of such director districts shall be established by the members of the school board and approved by the county committee on school district organization, such boundaries to be established so that each such district shall comprise, as nearly as practicable, an equal portion of the population of the school district. Boundaries of such director districts shall be adjusted by the school board and approved by the county committee after each federal decennial census if population change shows the need thereof to comply with the equal population requirement above. No person shall be eligible for the position of school director in any such director district unless such person resides in the particular director district. Residents in the particular director district desiring to be a candidate for school director shall file their declarations of candidacy for such director district and for the position of director in that district and shall be voted upon in the primary election by the registered voters of that particular director district: PROVIDED, That if not more than one person files a declaration of candidacy for the position of school director in any director district, no primary election shall be held in that district, and such candidate's name alone shall appear on the ballot for the director district position at the general election. The name of the person who receives the greatest number of votes and the name of the person who receives the next greatest number of votes at the primary for each director district position shall appear on the general election ballot under such position and shall be voted upon by all the registered voters in the school district. Except as provided in RCW ((28A.57.435, as now or hereafter amended)) 28A.315.680, every such director so elected in school districts divided into seven director districts shall serve for a term of four years as otherwise provided in RCW ((28A.57.313)) 28A.315.460.

Sec. 328. Section 10, chapter 131, Laws of 1969 as last amended by section 36, chapter 3, Laws of 1983 and RCW 28A.57.435 are each amended to read as follows:

Within thirty days after March 25, 1969, the school boards of any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties

shall establish the director district boundaries and obtain approval thereof by the county committee on school district organization. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for four years. The term of office of incumbent members of the board of such district shall not be affected by RCW ((~~28A.57.312, 28A.57.336, 28A.57.425, 28A.57.435, 28A.57.313~~)) 28A.315.450, 28A.315.460, 28A.315.570, 28A.315.670, 28A.315.680, 29.21.180, and 29.21.210(~~(; each as now or hereafter amended)~~)).

Sec. 329. Section 38, chapter 385, Laws of 1985 and RCW 28A.57.900 are each amended to read as follows:

Any proceeding or hearing now or hereafter initiated, being considered, or in progress pursuant to this chapter as of July 28, 1985, or thereafter which is interrupted by a change in committee membership by chapter 385, Laws of 1985 shall continue and be assumed and decided with equal force and effect by the initial regional committees and all other successor committees provided for in RCW ((~~28A.57.032 and 28A.57.055~~)) 28A.315.060 and 28A.315.120; PROVIDED, That such committees may elect to reconduct proceedings on hearings already in progress and shall reconduct wholly or partially completed hearings required pursuant to this chapter unless the majority of the committee deciding the matter have either read or heard previously submitted testimony and evidence.

24. Provisions Applicable to All Districts

A. District Powers

Sec. 330. Section 2, chapter 142, Laws of 1972 ex. sess. as amended by section 116, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.630 are each amended to read as follows:

Any school district board of directors and educational service district board are authorized to purchase insurance to protect and hold personally harmless any director, officer, employee or agent of the respective school district or educational service district from any action, claim or proceeding instituted against him or her arising out of the performance or failure of performance of duties for or employment with such institution and to hold him or her harmless from any expenses connected with the defense, settlement or monetary judgments from such actions.

Sec. 331. Section 28A.58.107, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 77, Laws of 1986 and RCW 28A.58.107 are each amended to read as follows:

Every board of directors, unless otherwise specifically provided by law, shall:

(1) Provide for the expenditure of a reasonable amount for suitable commencement exercises;

(2) In addition to providing free instruction in lip reading for children handicapped by defective hearing, make arrangements for free instruction in lip reading to adults handicapped by defective hearing whenever in its judgment such instruction appears to be in the best interests of the school district and adults concerned;

(3) Join with boards of directors of other school districts or an educational service district pursuant to RCW ((~~28A.21.086(3)~~, as now or hereafter amended)) 28A.310.180(3), or both such school districts and educational service district in buying supplies, equipment and services by establishing and maintaining a joint purchasing agency, or otherwise, when deemed for the best interests of the district, any joint agency formed hereunder being herewith authorized and empowered to issue interest bearing warrants in payment of any obligation owed: PROVIDED, HOWEVER, That those agencies issuing interest bearing warrants shall assign accounts receivable in an amount equal to the amount of the outstanding interest bearing warrants to the county treasurer issuing such interest bearing warrants: PROVIDED FURTHER, That the joint purchasing agency shall consider the request of any one or more private schools requesting the agency to jointly buy supplies, equipment, and services including but not limited to school bus maintenance services, and, after considering such request, may cooperate with and jointly make purchases with private schools of supplies, equipment, and services, including but not limited to school bus maintenance services, so long as such private schools pay in advance their proportionate share of the costs or provide a surety bond to cover their proportionate share of the costs involved in such purchases;

(4) Consider the request of any one or more private schools requesting the board to jointly buy supplies, equipment and services including but not limited to school bus maintenance services, and, after considering such request, may provide such joint purchasing services: PROVIDED, That such private schools pay in advance their proportionate share of the costs or provide a surety bond to cover their proportionate share of the costs involved in such purchases; and

(5) Prepare budgets as provided for in chapter ((~~28A.65~~)) 28A.505 RCW.

Sec. 332. Section 1, chapter 142, Laws of 1972 ex. sess. as amended by section 115, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.620 are each amended to read as follows:

Whenever any action, claim or proceeding is instituted against any director, officer, employee or agent of a school district or educational service district arising out of the performance or failure of performance of duties

for, or employment with any such district, the board of directors of the school district or educational service district board, as the case may be, may grant a request by such person that the prosecuting attorney and/or attorney of the district's choosing be authorized to defend said claim, suit or proceeding, and the costs of defense, attorney's fees, and any obligation for payment arising from such action may be paid from the school district's general fund, or in the case of an educational service district, from any appropriation made for the support of the educational service district, to which said person is attached: **PROVIDED**, That costs of defense and/or judgment against such person shall not be paid in any case where the court has found that such person was not acting in good faith or within the scope of his or her employment with or duties for the district.

B. Program Evaluation

Sec. 333. Section 2, chapter 349, Laws of 1985 as last amended by section 1, chapter 83, Laws of 1989 and RCW 28A.58.085 are each amended to read as follows:

(1) Each school district board of directors shall develop a schedule and process by which each public school within its jurisdiction shall undertake self-study procedures on a regular basis: **PROVIDED**, That districts may allow two or more elementary school buildings in the district to undertake jointly the self-study process. Each school may follow the accreditation process developed by the state board of education under RCW ((28A.04.120(6))) 28A.305.130(6), although no school is required to file for actual accreditation, or the school may follow a self-study process developed locally. The initial self-study process within each district shall begin by September 1, 1986, and should be completed for all schools within a district by the end of the 1990-91 school year.

(2) Any self-study process must include the participation of staff, parents, members of the community, and students, where appropriate to their age.

(3) The self-study process that is used must focus upon the quality and appropriateness of the school's educational program and the results of its operational effort. The primary emphasis throughout the process shall be placed upon:

- (a) Achieving educational excellence and equity;
- (b) Building stronger links with the community; and
- (c) Reaching consensus upon educational expectations through community involvement and corresponding school management.

(4) The state board of education shall adopt rules governing procedural criteria. Such rules should be flexible so as to accommodate local goals and circumstances. The rules may allow for waiver of the self-study for economic reasons and may also allow for waiver of the initial self-study if a

district or its schools have participated successfully in an official accreditation process or in a similar assessment of educational programs within the last three years. The self-study process shall be conducted on a cyclical basis every seven years following the initial 1990-91 period.

(5) The superintendent of public instruction shall provide training to assist districts in their self-studies.

(6) Each district shall report every two years to the superintendent of public instruction on the scheduling and implementation of their self-study activities. The report shall include information about how the district and each school within the district have addressed the issue of class size and staffing patterns.

Sec. 334. Section 1, chapter 90, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 256, Laws of 1988 and RCW 28A.58.090 are each amended to read as follows:

Every school district board of directors, being accountable to the citizens within its district as to the education offered to the students therein, shall include as part of the self-study procedures required under RCW ((28A.58.085)) 28A.320.200, the development of a program identifying student learning objectives for their district in all courses of study included in the school district programs: PROVIDED, That each school within the district, as a part of the self-study process, shall review the district learning objectives for each course of study and may identify additional or special learning objectives which are applicable to the particular school. In developing a program to identify student learning objectives, or in reviewing a student learning objectives program already established, districts are encouraged to consider the activities, developments, and results of the work of the temporary committee on the assessment and accountability of educational outcomes ((pursuant to the provisions of RCW 28A.100.010 through 28A.100.026)).

C. Deposit, Investment of Funds, and Use of Proceeds

Sec. 335. Section 1, chapter 47, Laws of 1975 as amended by section 5, chapter 191, Laws of 1982 and RCW 28A.58.430 are each amended to read as follows:

Any common school district board of directors is empowered to direct and authorize, and to delegate authority to an employee, officer, or agent of the common school district or the educational service district to direct and authorize, the county treasurer to invest funds described in RCW ((28A.58.435 and 28A.58.440)) 28A.320.310 and 28A.320.320 and funds from state and federal sources as are then or thereafter received by the educational service district, and such funds from county sources as are then or thereafter received by the county treasurer, for distribution to the common school districts. Funds from state, county and federal sources which are so invested may be invested only for the period the funds are not required for

the immediate necessities of the common school district as determined by the school district board of directors or its delegatee, and shall be invested in behalf of the common school district pursuant to the terms of RCW ((28A.58.435, 28A.58.440)) 28A.320.310, 28A.320.320, or 36.29.020((~~as now or hereafter amended~~)) as the nature of the funds shall dictate. A grant of authority by a common school district pursuant to this section shall be by resolution of the board of directors and shall specify the duration and extent of the authority so granted. Any authority delegated to an educational service district pursuant to this section may be redelegated pursuant to RCW ((28A.21.095, ~~as now or hereafter amended~~)) 28A.310.220.

Sec. 336. Section 4, chapter 8, Laws of 1971 as amended by section 95, chapter 7, Laws of 1985 and RCW 28A.58.435 are each amended to read as follows:

The board of directors of any school district of the state of Washington which now has, or hereafter shall have, funds in the capital projects fund of the district in the office of the county treasurer which in the judgment of said board are not required for the immediate necessities of the district, may invest and reinvest all, or any part, of such funds in United States securities, as hereinafter specified after and pursuant to a resolution adopted by the board, authorizing and directing the county treasurer, as ex officio the treasurer of said district, to invest or reinvest, said moneys or any designated amount thereof in United States securities and specifying the type or character of the United States securities in which said moneys shall be invested: PROVIDED, That nothing herein authorized, or the type and character of the securities thus specified, shall have in itself the effect of delaying any program of building for which said funds shall have been authorized. Said funds and said securities and the profit and interest thereon, and the proceeds thereof, shall be held by the county treasurer to the credit and benefit of the capital projects fund of the district in ((~~this said~~)) the county treasurer's office. If in the judgment of the board it shall be necessary to redeem or to sell any of the purchased securities before their ultimate maturity date, the board may, by resolution, direct the county treasurer to cause such redemption to be had at the "Redemption Value" of said securities or to sell said bonds and securities at not less than market value and accrued interest. The foregoing "securities" shall include United States bonds, federal treasury notes and treasury bonds and United States certificates of indebtedness and other federal securities which may, during the life of this statute, come within the terms of this section.

Sec. 337. Section 2, chapter 250, Laws of 1981 as last amended by section 13, chapter 59, Laws of 1983 and RCW 28A.58.441 are each amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1) A general fund for maintenance and operation of the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW ((~~28A.41.143~~)) 28A.150.270, and earnings from capital projects fund investments as authorized by RCW ((~~28A.58.435 and 28A.58.440~~)) 28A.320.310 and 28A.320.320.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW ((~~28A.51.010~~)) 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW ((~~28A.58.035~~)) 28A.335.060, and proceeds from the sale of real property as authorized by RCW ((~~28A.58.046~~)) 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW ((~~28A.51.010~~)) 28A.530.010, and for the purposes of:

(a) Major renovation, including the replacement of facilities and systems where periodical repairs are no longer economical. Major renovation and replacement shall include, but shall not be limited to, roofing, heating and ventilating systems, floor covering, and electrical systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW.

(4) An associated student body fund as authorized by RCW ((~~28A-58.120~~)) 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW.

D. Electors—Qualifications, Voting Place, and Special Meetings

Sec. 338. Section 28A.58.380, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.380 are each amended to read as follows:

All such special meetings shall be held at such schoolhouse or place as the board of directors may determine. The voting shall be by ballot, the ballots to be of white paper of uniform size and quality. At least ten days' notice of such special meeting shall be given by the school district superintendent, in the manner that notice is required to be given of the annual school election, which notice shall state the object or objects for which the meeting is to be held, and no other business shall be transacted at such meeting than such as is specified in the notice. The school district superintendent shall be the secretary of the meeting, and the chairman of the board of directors or, in his absence, the senior director present, shall be chairman of the meeting: PROVIDED, That in the absence of one or all of said officials, the qualified electors present may elect a chairman or secretary, or both chairman and secretary, of said meeting as occasion may require, from among their number. The secretary of the meeting shall make a record of the proceedings of the meeting, and when the secretary of such meeting has been elected by the qualified voters present, he or she shall within ten days thereafter, file the record of the proceedings, duly certified, with the superintendent of the district, and said records shall become a part of the records of the district, and be preserved as other records.

E. Summer School, Night School, Extracurricular Activities, and Athletics

Sec. 339. Section 1, chapter 161, Laws of 1974 ex. sess. and RCW 28A.58.080 are each amended to read as follows:

Every school district board of directors is authorized to establish and operate summer and/or other student vacation period programs and to assess such tuition and special fees as it deems necessary to offset the maintenance and operation costs of such programs in whole or part. A summer and/or other student vacation period program may consist of such courses and activities as the school district board shall determine to be appropriate:

PROVIDED, That such courses and activities shall not conflict with the provisions of RCW ((~~28A.04.120~~, as now or hereafter amended)) 28A.305.130. Attendance shall be voluntary.

25. Associated Student Bodies

Sec. 340. Section 2, chapter 284, Laws of 1975 1st ex. sess. as last amended by section 2, chapter 98, Laws of 1984 and RCW 28A.58.120 are each amended to read as follows:

There is hereby created a fund on deposit with each county treasurer for each school district of the county having an associated student body as defined in RCW ((~~28A.58.115~~)) 28A.325.020. Such fund shall be known as the associated student body program fund. Rules and regulations promulgated by the superintendent of public instruction under RCW ((~~28A.58.115~~)) 28A.325.020 shall require separate accounting for each associated student body's transactions in the school district's associated student body program fund.

All moneys generated through the programs and activities of any associated student body shall be deposited in the associated student body program fund. Such funds may be invested for the sole benefit of the associated student body program fund in items enumerated in RCW ((~~28A.58.440~~)) 28A.320.320 and the county treasurer may assess a fee as provided therein. Disbursements from such fund shall be under the control and supervision, and with the approval, of the board of directors of the school district, and shall be by warrant as provided in chapter ((~~28A.66~~)) 28A.350 RCW: PROVIDED, That in no case shall such warrants be issued in an amount greater than the funds on deposit with the county treasurer in the associated student body program fund. To facilitate the payment of obligations, an imprest bank account or accounts may be created and replenished from the associated student body program fund.

The associated student body program fund shall be budgeted by the associated student body, subject to approval by the board of directors of the school district. All disbursements from the associated student body program fund or any imprest bank account established thereunder shall have the prior approval of the appropriate governing body representing the associated student body. Notwithstanding the provisions of RCW 43.09.210, it shall not be mandatory that expenditures from the district's general fund in support of associated student body programs and activities be reimbursed by payments from the associated student body program fund.

Nothing in this section shall prevent those portions of student-generated moneys in the associated student body program fund, budgeted or otherwise, which constitute bona fide voluntary donations and are identified as donations at the time of collection from being used for such scholarship, student exchange and charitable purposes as the appropriate governing body

representing the associated student body shall determine, and for such purposes, said moneys shall not be deemed public moneys under section 7, Article VIII, of the state Constitution.

Nonassociated student body program fund moneys generated and received by students for private purposes, including but not limited to use for scholarship and/or charitable purposes, may, in the discretion of the board of directors of any school district, be held in trust in one or more separate accounts within an associated student body program fund and be disbursed for such purposes: PROVIDED, That the school district shall either withhold an amount from such moneys as will pay the district for its cost in providing the service or otherwise be compensated for its cost for such service.

26. Provisions Applicable to School Districts

A. Provisions Applicable Only to First Class School Districts

Sec. 341. Section 28A.59.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.59.030 are each amended to read as follows:

At the first meeting of the members of the board they shall elect a president and vice president from among their number who shall serve for a term of one year or until their successors are elected. In the event of the temporary absence or disability of both the president and vice president, the board of directors may elect a president pro tempore who shall discharge all the duties of president during such temporary absence or disability.

The superintendent of such school district shall act as secretary to the board in accordance with the provisions of RCW ((28A.58.150)) 28A.400.030.

Sec. 342. Section 28A.59.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.59.040 are each amended to read as follows:

The election of the officers of the board of directors or to fill any vacancy as provided in RCW ((28A.57.326)) 28A.315.530, and the selection of the school district superintendent shall be by oral call of the roll of all the members, and no person shall be declared elected or selected unless he or she receives a majority vote of all the members of the board. Selection of other certificated and noncertificated personnel shall be made in such manner as the board shall determine.

Sec. 343. Section 28A.59.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.59.060 are each amended to read as follows:

It shall be the duty of the vice president to perform all the duties of president in case of ((his)) the president's absence or disability.

Sec. 344. Section 28A.59.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.59.070 are each amended to read as follows:

In addition to the duties as prescribed in RCW ((28A.58.150)) 28A.400.030, the school district superintendent, as secretary of the board, may be authorized by the board to act as business manager, purchasing

agent, and/or superintendent of buildings and janitors, and charged with the special care of school buildings and other property of the district, and he or she shall perform other duties as the board may direct.

Sec. 345. Section 28A.59.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 117, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.59.080 are each amended to read as follows:

Before entering upon the discharge of ~~((his))~~ the superintendent's duties, the superintendent as secretary of the board shall give bond in such sum as the board of directors may fix from time to time, but for not less than five thousand dollars, with good and sufficient sureties, and shall take and subscribe an oath or affirmation, before a proper officer that he or she will support the Constitution of the United States and of the state of Washington and faithfully perform the duties of ~~((his))~~ the office, a copy of which oath or affirmation shall be filed with the educational service district superintendent.

Sec. 346. Section 28A.59.110, chapter 223, Laws of 1969 ex. sess. and RCW 28A.59.110 are each amended to read as follows:

Moneys of such school districts shall be paid out only upon orders for warrants signed by the president, or a majority of the board of directors and countersigned by the secretary: PROVIDED, That when, in the judgment of the board of directors, the orders for warrants issued by the district monthly shall have reached such numbers that the signing of each warrant by the president personally imposes too great a task on the president, the board of directors, after auditing all payrolls and bills as provided by RCW ~~((28A.59.150))~~ 28A.330.090, may authorize the issuing of one general certificate to the county treasurer, to be signed by the president, authorizing said treasurer to pay all the warrants specified by date, number, name and amount, and the funds on which said warrants shall be drawn; thereupon the secretary of said board shall be authorized to draw and sign said orders for warrants.

Sec. 347. Section 28A.59.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 9, chapter 56, Laws of 1983 and RCW 28A.59.150 are each amended to read as follows:

All accounts shall be audited by a committee of board members chosen in such manner as the board so determines to be styled the "auditing committee," and, except as otherwise provided by law, no expenditure greater than three hundred dollars shall be voted by the board except in accordance with a written contract, nor shall any money or appropriation be paid out of the school fund except on a recorded affirmative vote of a majority of all members of the board: PROVIDED, That nothing herein shall be construed to prevent the board from making any repairs or improvements to the property of the district through their shop and repair department as otherwise provided in RCW ~~((28A.58.135))~~ 28A.335.190.

Sec. 348. Section 7, chapter 2, Laws of 1983 and RCW 28A.59.180 are each amended to read as follows:

Every board of directors of a school district of the first class, in addition to the general powers for directors enumerated in (~~chapter 28A.58 RCW or elsewhere in~~) this title, shall have the power:

(1) To employ for a term of not exceeding three years a superintendent of schools of the district, and for cause to dismiss him or her; and to fix his or her duties and compensation.

(2) To employ, and for cause dismiss one or more assistant superintendents and to define their duties and fix their compensation.

(3) To employ a business manager, attorneys, architects, inspectors of construction, superintendents of buildings and a superintendent of supplies, all of whom shall serve at the board's pleasure, and to prescribe their duties and fix their compensation.

(4) To employ, and for cause dismiss, supervisors of instruction and to define their duties and fix their compensation.

(5) To prescribe a course of study and a program of exercises which shall be consistent with the course of study prepared by the state board of education for the use of the common schools of this state.

(6) To, in addition to the minimum requirements imposed by (~~Title 28A RCW, as now or hereafter amended;~~) this title establish and maintain such grades and departments, including night, high, kindergarten, vocational training and, except as otherwise provided by law, industrial schools, and schools and departments for the education and training of any class or classes of handicapped youth, as in the judgment of the board, best shall promote the interests of education in the district.

(7) To determine the length of time over and above one hundred eighty days that school shall be maintained: PROVIDED, That for purposes of apportionment no district shall be credited with more than one hundred and eighty-three days' attendance in any school year; and to fix the time for annual opening and closing of schools and for the daily dismissal of pupils before the regular time for closing schools.

(8) To maintain a shop and repair department, and to employ, and for cause dismiss, a foreman and the necessary help for the maintenance and conduct thereof.

(9) To provide free textbooks and supplies for all children attending school, when so ordered by a vote of the electors; or if the free textbooks are not voted by the electors, to provide books for children of indigent parents, on the written statement of the city superintendent that the parents of such children are not able to purchase them.

(10) To require of the officers or employees of the district to give a bond for the honest performance of their duties in such penal sum as may be fixed by the board with good and sufficient surety, and to cause the premium for all bonds required of all such officers or employees to be paid by

the district: PROVIDED, That the board may, by written policy, allow that such bonds may include a deductible proviso not to exceed two percent of the officer's or employee's annual salary.

(11) To prohibit all secret fraternities and sororities among the students in any of the schools of the said districts.

(12) To appoint a practicing physician, resident of the school district, who shall be known as the school district medical inspector, and whose duty it shall be to decide for the board of directors all questions of sanitation and health affecting the safety and welfare of the public schools of the district who shall serve at the board's pleasure; ~~((he))~~ the school district medical inspector or authorized deputies shall make monthly inspections of each school in the district and report the condition of the same to the board of education and board of health: PROVIDED, That children shall not be required to submit to vaccination against the will of their parents or guardian.

B. Provisions Applicable Only to Second Class School Districts

Sec. 349. Section 28A.60.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 187, Laws of 1988 and RCW 28A.60.010 are each amended to read as follows:

The term of office of directors of districts of the second class shall begin, and the board shall organize, as provided in RCW ~~((28A.57.322))~~ 28A.315.500. At the first meeting of the members of the board they shall elect a ~~((chairman))~~ chair from among their number who shall serve for a term of one year or until his or her successor is elected. The school district superintendent as defined in RCW ~~((28A.01.100))~~ 28A.150.080 shall serve as secretary to the board. Whenever a district shall be without the services of such a superintendent and the business of the district necessitates action thereby, the board shall appoint any member thereof to carry out the superintendent's powers and duties for the district.

Sec. 350. Section 11, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.60.070 are each amended to read as follows:

Every school district superintendent in districts of the second class shall within ten days after any change in the office of ~~((chairman))~~ chair or superintendent, notify the educational service district superintendent of such change.

Sec. 351. Section 5, chapter 8, Laws of 1971 as amended by section 19, chapter 43, Laws of 1975 and RCW 28A.60.310 are each amended to read as follows:

The board of directors of every second class district in addition to their other powers are authorized to employ an attorney and to prescribe ~~((his))~~ the attorney's duties and fix ~~((his))~~ the attorney's compensation.

Sec. 352. Section 1, chapter 111, Laws of 1973 as last amended by section 10, chapter 56, Laws of 1983 and RCW 28A.60.328 are each amended to read as follows:

Second class school districts, subject to the approval of the superintendent of public instruction, may draw and issue warrants for the payment of moneys upon approval of a majority of the board of directors, such warrants to be signed by the ((chairman)) chair of the board and countersigned by the secretary: PROVIDED, That when, in the judgment of the board of directors, the orders for warrants issued by the district monthly shall have reached such numbers that the signing of each warrant by the ((chairman)) chair of the board personally imposes too great a task on the ((chairman)) chair, the board of directors, after auditing all payrolls and bills, may authorize the issuing of one general certificate to the county treasurer, to be signed by the ((chairman)) chair of the board, authorizing said treasurer to pay all the warrants specified by date, number, name and amount, and the funds on which said warrants shall be drawn; thereupon the secretary of said board shall be authorized to draw and sign said orders for warrants.

27. School Districts' Property Acquisition, Operation, Closure, and Disposal

Sec. 353. Section 3, chapter 109, Laws of 1983 and RCW 28A.58.032 are each amended to read as follows:

A school district may close a school for emergency reasons, as set forth in RCW ((20A.41.170(2) (a) and (b))) 28A.150.290(2) (a) and (b), without complying with the requirements of RCW ((28A.58.031)) 28A.335.020.

Sec. 354. Section 2, chapter 115, Laws of 1980 as amended by section 2, chapter 306, Laws of 1981 and RCW 28A.58.033 are each amended to read as follows:

(1) Every school district board of directors is authorized to permit the rental, lease, or occasional use of all or any portion of any surplus real property owned or lawfully held by the district to any person, corporation, or government entity for profit or nonprofit, commercial or noncommercial purposes: PROVIDED, That the leasing or renting or use of such property is for a lawful purpose, is in the best interest of the district, and does not interfere with conduct of the district's educational program and related activities: PROVIDED FURTHER, That the lease or rental agreement entered into shall include provisions which permit the recapture of the leased or rented surplus property of the district should such property be needed for school purposes in the future.

(2) Authorization to rent, lease or permit the occasional use of surplus school property under this section, RCW ((28A.58.034 and 28A.58.040; each as now or hereafter amended;)) 28A.335.050 and 28A.335.090 is conditioned on the establishment by each school district board of directors of a policy governing the use of surplus school property.

(3) The board of directors of any school district desiring to rent or lease any surplus real property owned by the school district shall send written notice to the office of the state superintendent of public instruction.

School districts shall not rent or lease the property for at least forty-five days following the date notification is mailed to the state superintendent of public instruction.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the rental or lease of surplus real property and to have such bids considered along with all other bids: PROVIDED, That the school board may establish reasonable conditions for the use of such real property to assure the safe and proper operation of the property in a manner consistent with board policies.

Sec. 355. Section 3, chapter 115, Laws of 1980 and RCW 28A.58.034 are each amended to read as follows:

(1) Authorization to rent, lease, or permit the occasional use of surplus school property under RCW (~~((28A.58.033))~~) 28A.335.040 may include the joint use of school district property, which is in part used for school purposes, by any combination of persons, corporations or government entities for other than common school purposes: PROVIDED, That any such joint use shall comply with existing local zoning ordinances.

(2) Authorization to rent, lease, or permit the occasional use of surplus school property under RCW (~~((28A.58.033))~~) 28A.335.040 shall be conditioned on the payment by all users, lessees or tenants, assessed on a basis that is nondiscriminatory within classes of users, of such reasonable compensation and under such terms as regulations adopted by the board of directors shall provide.

(3) Nothing in RCW (~~((28A.58.033 and 28A.58.040))~~) 28A.335.040 and 28A.335.090 shall prohibit a school board of directors and a lessee or tenant from agreeing to conditions to the lease otherwise lawful, including conditions of reimbursement or partial reimbursement of costs associated with the lease or rental of the property.

Sec. 356. Section 5, chapter 115, Laws of 1980 and RCW 28A.58.036 are each amended to read as follows:

The provisions of contracts for the use, rental or lease of school district real property executed prior to June 12, 1980, which were lawful at the time of execution shall not be impaired by such new terms and conditions to the rental, lease or occasional use of school property as may now be established by RCW (~~((28A.58.033, 28A.58.034 and 28A.58.040))~~) 28A.335.040, 28A.335.050, and 28A.335.090.

Sec. 357. Section 6, chapter 115, Laws of 1980 and RCW 28A.58.037 are each amended to read as follows:

Nothing in RCW (~~((28A.58.033 through 28A.58.036))~~) 28A.335.040 through 28A.335.070 shall preclude school district boards of directors from making available school property for community use in accordance with the provisions of RCW (~~((28A.58.048, 28A.58.105 or 28A.60.190))~~)

28A.335.150, 28A.320.510, or 28A.335.250, and school district administrative policy governing such use.

Sec. 358. Section 28A.58.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 306, Laws of 1981 and RCW 28A.58-.040 are each amended to read as follows:

The board of directors of each school district shall have exclusive control of all school property, real or personal, belonging to the district; said board shall have power, subject to RCW ((28A.58.045, as now or hereafter amended)) 28A.335.120, in the name of the district, to convey by deed all the interest of their district in or to any real property of the district which is no longer required for school purposes. Except as otherwise specially provided by law, and RCW ((28A.58.045, as now or hereafter amended)) 28A.335.120, the board of directors of each school district may purchase, lease, receive and hold real and personal property in the name of the district, and rent, lease or sell the same, and all conveyances of real estate made to the district shall vest title in the district.

Sec. 359. Section 12, chapter 130, Laws of 1969 and RCW 28A.58.075 are each amended to read as follows:

Any school district may cooperate with one or more school districts in the following:

(1) The joint financing, planning, construction, equipping and operating of any educational facility otherwise authorized by law: PROVIDED, That any cooperative financing plan involving the construction of school plant facilities must be approved by the state board of education pursuant to such rules as may now or hereafter be promulgated relating to state approval of school construction.

(2) The joint maintenance and operation of educational programs or services (a) either as a part of the operation of a joint facility or otherwise, (b) either on a full or part time attendance basis, and (c) either on a regular one hundred eighty day school year or extended school year: PROVIDED, That any such joint program or service must be operated pursuant to a written agreement approved by the superintendent of public instruction pursuant to rules and regulations promulgated therefor. In establishing rules and regulations the state superintendent shall consider, among such other factors as ((he)) the superintendent deems appropriate, the economic feasibility of said services and programs, the educational and administrative scope of said agreement and the need for said programs or services.

Notwithstanding any other provision of the law, the state superintendent of public instruction shall establish rules and regulations for the apportionment of attendance credits for such students as are enrolled in a jointly operated facility or program, including apportionment for approved part time and extended school year attendance.

Sec. 360. Section 1, chapter 210, Laws of 1977 ex. sess. as last amended by section 1, chapter 141, Laws of 1987 and RCW 28A.58.131 are each amended to read as follows:

The board of directors of any school district may enter into contracts for their respective districts for periods not exceeding five years in duration with public and private persons, organizations, and entities for the following purposes:

(1) To rent or lease building space, portable buildings, security systems, computers and other equipment;

(2) To have maintained and repaired security systems, computers and other equipment; and

(3) To provide pupil transportation services.

No school district may enter into a contract for pupil transportation unless it has notified the superintendent of public instruction that, in the best judgment of the district, the cost of contracting will not exceed the projected cost of operating its own pupil transportation.

The budget of each school district shall identify that portion of each contractual liability incurred pursuant to this section extending beyond the fiscal year by amount, duration, and nature of the contracted service and/or item in accordance with rules and regulations of the superintendent of public instruction adopted pursuant to RCW ((28A.65.465 and 28A.21.135, as now or hereafter amended)) 28A.505.140 and 28A.310.330.

The provisions of this section shall not have any effect on the length of contracts for school district employees specified by RCW ((28A.58.099 and 28A.67.070)) 28A.400.300 and 28A.405.210.

Sec. 361. Section 1, chapter 303, Laws of 1977 ex. sess. as amended by section 1, chapter 306, Laws of 1981 and RCW 28A.02.110 are each amended to read as follows:

Notwithstanding any other provision of law, school districts, educational service districts, or any other state or local governmental agency concerned with education, when declaring texts and other books, equipment, materials or relocatable facilities as surplus, shall, prior to other disposal thereof, serve notice in writing to the office of the state superintendent of public instruction and to any public school district or private school in Washington state annually requesting such a notice, that the same is available for sale, rent, or lease to public school districts or private schools, at depreciated cost or fair market value, whichever is greater: PROVIDED, That students wishing to purchase texts pursuant to RCW ((28A.58.103(2))) 28A.320.230(2) shall have priority as to such texts. Such districts or agencies shall not otherwise sell, rent or lease such surplus property to any person, firm, organization, or nongovernmental agency for at least forty-five days following the date notification is mailed to the state superintendent of public instruction.

Sec. 362. Section 28A.58.135, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 324, Laws of 1985 and RCW 28A.58-.135 are each amended to read as follows:

(1) When, in the opinion of the board of directors of any school district, the cost of any furniture, supplies, equipment, building, improvements, or repairs, or other work or purchases, except books, will equal or exceed the sum of twenty thousand dollars, complete plans and specifications for such work or purchases shall be prepared and notice by publication given in at least one newspaper of general circulation within the district, once each week for two consecutive weeks, of the intention to receive bids therefor and that specifications and other information may be examined at the office of the board or any other officially designated location: PROVIDED, That the board without giving such notice may make improvements or repairs to the property of the district through the shop and repair department of such district when the total of such improvements or repair does not exceed the sum of seventy-five hundred dollars. The cost of any public work, improvement or repair for the purposes of this section shall be the aggregate of all amounts to be paid for labor, material, and equipment on one continuous or interrelated project where work is to be performed simultaneously or in close sequence. The bids shall be in writing and shall be opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection.

(2) Every purchase of furniture, equipment or supplies, except books, the cost of which is estimated to be in excess of seventy-five hundred dollars, shall be on a competitive basis. The board of directors shall establish a procedure for securing telephone and/or written quotations for such purchases. Whenever the estimated cost is from seventy-five hundred dollars up to twenty thousand dollars, the procedure shall require quotations from at least three different sources to be obtained in writing or by telephone, and recorded for public perusal. Whenever the estimated cost is in excess of twenty thousand dollars, the public bidding process provided in subsection (1) of this section shall be followed.

(3) Every building, improvement, repair or other public works project, the cost of which is estimated to be in excess of seventy-five hundred dollars, shall be on a competitive bid process. All such projects estimated to be less than twenty thousand dollars may be awarded to a contractor on the small works roster. The small works roster shall be comprised of all responsible contractors who have requested to be on the list. The board of directors shall establish a procedure for securing telephone and/or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good faith effort be made to request quotations from all contractors on the small works roster who have indicated the capability of performing the kind of public works

being contracted. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. The small works roster shall be revised at least once each year by publishing notice of such opportunity in at least one newspaper of general circulation in the district. Responsible contractors shall be added to the list at any time they submit a written request. Whenever the estimated cost of a public works project is twenty thousand dollars or more, the public bidding process provided in subsection (1) of this section shall be followed.

(4) The contract for the work or purchase shall be awarded to the lowest responsible bidder as defined in RCW 43.19.1911 but the board may by resolution reject any and all bids and make further calls for bids in the same manner as the original call. On any work or purchase the board shall provide bidding information to any qualified bidder or ~~((his))~~ the bidder's agent, requesting it in person.

(5) In the event of any emergency when the public interest or property of the district would suffer material injury or damage by delay, upon resolution of the board declaring the existence of such an emergency and reciting the facts constituting the same, the board may waive the requirements of this section with reference to any purchase or contract: PROVIDED, That an "emergency", for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of the school district in the absence of prompt remedial action.

Sec. 363. Section 28A.60.200, chapter 223, Laws of 1969 ex. sess. as amended by section 17, chapter 43, Laws of 1975 and RCW 28A.60.200 are each amended to read as follows:

Each school district of the second class, by itself or in combination with any other district or districts, shall have power, when in the judgment of the school board it shall be deemed expedient, to reconstruct, remodel, or build schoolhouses, and to erect, purchase, lease or otherwise acquire other improvements and real and personal property, and establish a communal assembly place and appurtenances, and supply the same with suitable and convenient furnishings and facilities for the uses mentioned in RCW ~~((28A.60.190, as now or hereafter amended))~~ 28A.335.250.

Sec. 364. Section 12, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.60.210 are each amended to read as follows:

Plans of any second class district or combination of districts for the carrying out of the powers granted by RCW ~~((28A.60.190 through 28A.60.220, as now or hereafter amended;))~~ 28A.335.250 through 28A.335.280 shall be submitted to and approved by a board of supervisors composed of members, as follows: The superintendent of public instruction; the head of the extension department of Washington State University; the head of the extension department of the University of Washington; and the educational service district superintendent; these to choose one member from such

county in which the facilities are proposed to be located, and two members, from the district or districts concerned.

Sec. 365. Section 28A.60.220, chapter 223, Laws of 1969 ex. sess. and RCW 28A.60.220 are each amended to read as follows:

No real or personal property or improvements shall be purchased, leased, exchanged, acquired or sold, nor any schoolhouses built, remodeled or removed, nor any indebtedness incurred or money expended for any of the purposes of RCW ((28A.60.190 through 28A.60.220)) 28A.335.250 through 28A.335.280 except in the manner otherwise provided by law for the purchase, lease, exchange, acquisition and sale of school property, the building, remodeling and removing of schoolhouses and the incurring of indebtedness and expenditure of money for school purposes.

28. Small High School Cooperative Projects

Sec. 366. Section 2, chapter 268, Laws of 1988 and RCW 28A.100.080 are each amended to read as follows:

Eligible school districts as defined under RCW ((28A.100.082)) 28A.340.020 are encouraged to establish cooperative projects with a primary purpose to increase curriculum programs and opportunities among the participating districts, by expanding the opportunity for students in the participating districts to take vocational and academic courses as may be generally more available in larger school districts, and to enhance student learning.

Sec. 367. Section 3, chapter 268, Laws of 1988 and RCW 28A.100.082 are each amended to read as follows:

School districts eligible for funding as a small high school district pursuant to the state operating appropriations act shall be eligible to participate in a cooperative project: PROVIDED, That the superintendent of public instruction may adopt rules permitting second class school districts that are not eligible for funding as a small high school district in the state operating appropriations act to participate in a cooperative project.

Two or more school districts may participate in a cooperative project pursuant to RCW ((28A.100.082 through 28A.100.092)) 28A.340.020 through 28A.340.070.

Sec. 368. Section 4, chapter 268, Laws of 1988 and RCW 28A.100.084 are each amended to read as follows:

(1) Eligible school districts desiring to form a cooperative project pursuant to RCW ((28A.100.082 through 28A.100.092)) 28A.340.020 through 28A.340.070 shall submit to the superintendent of public instruction an application for review as a cooperative project. The application shall include, but not be limited to, the following information:

(a) A description of the cooperative project, including the programs, services, and administrative activities that will be operated jointly;

(b) The improvements in curriculum offerings and educational opportunities expected to result from the establishment of the proposed cooperative project;

(c) A list of any statutory requirements or administrative rules which are considered financial disincentives to the establishment of cooperative projects and which would impede the operation of the proposed cooperative project; and the financial impact to the school districts and the state expected to result by the granting of a waiver from such statutory requirements or administrative rules;

(d) An assessment of community support for the proposed cooperative project, which assessment shall include each community affected by the proposed cooperative project; and

(e) A plan for evaluating the educational and cost-effectiveness of the proposed cooperative project, including curriculum offerings and staffing patterns.

(2) The superintendent of public instruction shall review the application before the applicant school districts may commence the proposed cooperative project.

In reviewing applications, the superintendent shall be limited to: (a) The granting of waivers from statutory requirements, for which the superintendent of public instruction has the express power to implement pursuant to the adoption of rules, or administrative rules that need to be waived in order for the proposed cooperative project to be implemented: PROVIDED, That no statutory requirement or administrative rule dealing with health, safety, or civil rights may be waived; and (b) ensuring the technical accuracy of the application.

Any waiver granted by the superintendent of public instruction shall be reviewed and may be renewed by the superintendent every five years subject to the participating districts submitting a new application pursuant to this section.

(3) If additional eligible school districts wish to participate in an existing cooperative project the cooperative project as a whole shall reapply for review by the superintendent of public instruction.

Sec. 369. Section 5, chapter 268, Laws of 1988 and RCW 28A.100.086 are each amended to read as follows:

(1) School districts participating in a cooperative project pursuant to RCW ((~~28A.100.084~~)) 28A.340.030 may adopt identical salary schedules following compliance with chapter 41.59 RCW: PROVIDED, That if the districts participating in a cooperative project adopt identical salary schedules, the participating districts shall be considered a single school district for purposes of establishing compliance with the salary limitations of RCW ((~~28A.58.0951(3)~~)) 28A.400.200(3) but not for the purposes of allocation of state funds.

(2) For purposes of computing fringe benefit contributions for purposes of establishing compliance with RCW ((~~28A.58.0951(3)(b))~~) 28A.400.200(3)(b), the districts participating in a cooperative project pursuant to RCW ((~~28A.100.084~~)) 28A.340.030 may use the greater of: (a) The highest amount provided in the 1986-87 school year by a district participating in the cooperative project; or (b) the amount authorized for such purposes in the state operating appropriations act in effect at the time.

Sec. 370. Section 7, chapter 268, Laws of 1988 and RCW 28A.100.088 are each amended to read as follows:

(1) School districts participating in a cooperative project established under RCW ((~~28A.100.084~~)) 28A.340.030 shall submit a report to the superintendent of public instruction by September 1 of the third year of operation of the cooperative project and by September 1 of the fifth year of the cooperative project.

(2) (a) The third year report shall indicate the progress of the cooperative project in meeting the objectives set forth in the application pursuant to RCW ((~~28A.100.084~~)) 28A.340.030.

(b) The fifth year report shall evaluate the success of the cooperative project in meeting the objectives set forth in the application pursuant to RCW ((~~28A.100.084~~)) 28A.340.030 and may include an application for renewal of the cooperative project.

(3) The superintendent of public instruction shall submit a report to the legislature by January 1 of every third odd-numbered year beginning January 1, 1989. The report shall include information about the number of school districts participating in cooperative projects and findings and recommendations about the educational effectiveness and cost-effectiveness of the cooperative projects. The report shall also include any findings and recommendations as determined by the superintendent regarding the relationship of the small high school factor in the state operating appropriations act to cooperative projects established under ((~~28A.100.080 through 28A.100.092~~)) RCW 28A.340.010 through 28A.340.070.

Sec. 371. Section 8, chapter 268, Laws of 1988 and RCW 28A.100.090 are each amended to read as follows:

(1) The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to carry out the provisions of RCW ((~~28A.100.080 through 28A.100.092~~)) 28A.340.010 through 28A.340.070.

(2) When the joint operation of programs or services includes the teaching of all or substantially all of the curriculum for a particular grade or grades in only one local school district, the rules shall provide that the affected students are attending school in the district in which they reside for the purposes of RCW ((~~28A.41.130 and 28A.41.140~~)) 28A.150.250 and 28A.150.260 and chapter ((~~28A.44~~)) 28A.545 RCW.

29. Washington State School Directors' Association

Sec. 372. Section 28A.61.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 325, Laws of 1989 and RCW 28A.61-.030 are each amended to read as follows:

The school directors' association shall have the power:

(1) To prepare and adopt, amend and repeal a constitution and rules and regulations, and bylaws for its own organization including county or regional units and for its government and guidance: PROVIDED, That action taken with respect thereto is consistent with the provisions of this chapter or with other provisions of law;

(2) To arrange for and call such meetings of the association or of the officers and committees thereof as are deemed essential to the performance of its duties;

(3) To provide for the payment of travel and subsistence expenses incurred by members and/or officers of the association and association staff while engaged in the performance of duties under direction of the association in the manner provided by RCW ((28A.58.310)) 28A.320.050;

(4) To employ an executive secretary and other staff and pay such employees out of the funds of the association;

(5) To conduct studies and disseminate information therefrom relative to increased efficiency in local school board administration;

(6) To buy, lease, sell, or exchange such personal and real property, as necessary for the efficient operation of the association and to borrow money, issue deeds of trust or other evidence of indebtedness, or enter into contracts for the purchase, lease, remodeling, or equipping of office facilities or the acquisition of sites for such facilities;

(7) To purchase liability insurance for school directors, which insurance may indemnify said directors against any or all liabilities for personal or bodily injuries and property damage arising from their acts or omissions while performing or while in good faith purporting to perform their official duties as school directors;

(8) To provide advice and assistance to local boards to promote their primary duty of representing the public interest;

(9) Upon request by a local school district board(s) of directors, to make available on a cost reimbursable contract basis (a) specialized services, (b) research information, and (c) consultants to advise and assist district board(s) in particular problem areas: PROVIDED, That such services, information, and consultants are not already available from other state agencies, educational service districts, or from the information and research services authorized by RCW ((28A.58.530)) 28A.320.110.

30. School District Warrants—Auditors' Duties

Sec. 373. Section 28A.66.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 27, chapter 43, Laws of 1975 and RCW 28A.66-.010 are each amended to read as follows:

The county auditor shall register in ~~((his))~~ the auditor's own office, and present to the treasurer for registration in the office of the county treasurer, all warrants of first class districts, and all warrants of second class districts electing to draw and issue their own warrants under RCW ~~((28A.60.328, as now or hereafter amended;))~~ 28A.330.230 received from school district superintendents or district secretaries before delivery of the same to claimants.

Sec. 374. Section 28A.66.020, chapter 223, Laws of 1969 ex. sess. as amended by section 28, chapter 43, Laws of 1975 and RCW 28A.66.020 are each amended to read as follows:

The county auditor shall cause all school warrants of second class districts issued by ~~((him))~~ the auditor to be registered in the treasurer's office and shall retain the vouchers on file in ~~((his))~~ the auditor's office.

Sec. 375. Section 28A.66.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 29, chapter 43, Laws of 1975 and RCW 28A.66-.040 are each amended to read as follows:

The county auditor shall draw and issue warrants for the payment of all salaries, expenses and accounts against second class districts, except those who draw and issue their own warrants pursuant to RCW ~~((28A.60-328, as now or hereafter amended;))~~ 28A.330.230 upon the written order of the majority of the members of the school board of each district.

PART III EMPLOYEES

31. Employees

A. Superintendents

Sec. 376. Section 10, chapter 15, Laws of 1975-'76 2nd ex. sess. as last amended by section 94, chapter 7, Laws of 1985 and RCW 28A.58.137 are each amended to read as follows:

In all districts the board of directors shall elect a superintendent who shall have such qualification as the local school board alone shall determine. The superintendent shall have supervision over the several departments of the schools thereof and carry out such other powers and duties as prescribed by law. Notwithstanding the provisions of RCW ~~((28A.58.099(1)))~~ 28A.400.300(1), the board may contract with such superintendent for a term not to exceed three years when deemed in the best interest of the district. The right to renew a contract of employment with any school superintendent shall rest solely with the discretion of the school board employing such school superintendent. Regarding such renewal of contracts of school superintendents the provisions of RCW ~~((28A.67.070, 28A.67.074 and 28A.88.010))~~ 28A.405.210, 28A.405.240, and 28A.645.010 shall be inapplicable.

Sec. 377. Section 28A.58.140, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.140 are each amended to read as follows:

Every school district director and school district superintendent, on assuming the duties of his or her office, shall place his or her signature, certified to by some school district official, on file in the office of the county auditor.

Sec. 378. Section 28A.58.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter 56, Laws of 1983 and RCW 28A.58.150 are each amended to read as follows:

In addition to such other duties as a district school board shall prescribe the school district superintendent shall:

(1) Attend all meetings of the board of directors and cause to have made a record as to the proceedings thereof.

(2) Keep such records and reports and in such form as the district board of directors require or as otherwise required by law or rule or regulation of higher administrative agencies and turn the same over to his or her successor.

(3) Keep accurate and detailed accounts of all receipts and expenditures of school money. At each annual school meeting the superintendent must present his or her record book of board proceedings for public inspection, and shall make a statement of the financial condition of the district and such record book must always be open for public inspection.

(4) Take annually in May of each year a census of all persons between the ages of four and twenty who were bona fide residents of the district on the first day of May of that year. ~~((He))~~ The superintendent shall designate the name and sex of each child, and the date of its birth; the number of weeks it has attended school during the school year, its post office address, and such other information as the superintendent of public instruction shall desire. Parents or guardians may be required to verify as to the correctness of this report. ~~((He))~~ The superintendent shall also list separately all persons with handicapping conditions between the ages of three and twenty and give such information concerning them as may be required by the superintendent of public instruction. The board of directors may employ additional persons and compensate the same to aid the superintendent in carrying out such census.

(5) Make to the educational service district superintendent on or before the fifteenth day of October his or her annual report verified by affidavit upon forms to be furnished by the superintendent of public instruction. It shall contain such items of information as said superintendent of public instruction shall require, including the following: A full and complete report of all children enumerated under subsection (4) ~~((above))~~ of this section; the number of schools or departments taught during the year; the number of children, male and female, enrolled in the school, and the average daily attendance; the number of teachers employed, and their compensation per month; the number of days school was taught during the past school year,

and by whom; and the number of volumes, if any, in the school district library; the number of school houses in the district, and the value of them; and the aggregate value of all school furniture and apparatus belonging to the district. The superintendent shall keep on file a duplicate copy of said report.

(6) Give such notice of all annual or special elections as otherwise required by law; also give notice of the regular and special meetings of the board of directors.

(7) Sign all orders for warrants ordered to be issued by the board of directors.

(8) Carry out all orders of the board of directors made at any regular or special meeting.

B. Principals

Sec. 379. Section 3, chapter 97, Laws of 1975-'76 2nd ex. sess. as amended by section 2, chapter 171, Laws of 1980 and RCW 28A.58.201 are each amended to read as follows:

Within each school the school principal shall determine that appropriate student discipline is established and enforced. In order to assist the principal in carrying out the intent of this section, the principal and the certificated employees in a school building shall confer at least annually in order to develop and/or review building disciplinary standards and uniform enforcement of those standards. Such building standards shall be consistent with the provisions of RCW (~~((28A.58.101(3)))~~) 28A.600.020(3).

C. Delivery of Materials to Successors

Sec. 380. Section 28A.58.170, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.170 are each amended to read as follows:

Every school official and employee, prior to termination of office or employment, shall deliver to his or her successor all books, papers and moneys pertaining to his or her office or employment.

D. Salary and Compensation

Sec. 381. Section 205, chapter 2, Laws of 1987 1st ex. sess. and RCW 28A.58.0951 are each amended to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the state-wide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and

(b) Salaries for certificated instructional staff with a masters degree shall not be less than the salary provided in the appropriations act in the

state-wide salary allocation schedule for an employee with a masters degree and zero years of service;

(3)(a) The actual average salary paid to basic education certificated instructional staff shall not exceed the district's average basic education certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW ((~~28A.41-.412~~)) 28A.150.410.

(b) Fringe benefit contributions for basic education certificated instructional staff shall be included as salary under (a) of this subsection to the extent that the district's actual average benefit contribution exceeds the greater of: (i) The formula amount for insurance benefits provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable; or (ii) the actual average amount provided by the school district in the 1986-87 school year. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW ((~~28A.58.096~~)) 28A.400.210, or employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, additional responsibilities, or incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW ((~~28A.67-.674~~)) 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW ((~~28A.58.450 through 28A.58.515~~)) 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

E. Hiring and Discharge

Sec. 382. Section 3, chapter 275, Laws of 1983 as amended by section 1, chapter 46, Laws of 1985 and by section 1, chapter 210, Laws of 1985 and RCW 28A.58.099 are each reenacted and amended to read as follows:

Every board of directors, unless otherwise specially provided by law, shall:

(1) Employ for not more than one year, and for sufficient cause discharge all certificated and noncertificated employees;

(2) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or noncertification qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and, emergencies for both certificated and noncertificated employees, and with such compensation as the board of directors prescribe: PROVIDED, That the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness, injury and emergencies as follows:

(a) For such persons under contract with the school district for a full year, at least ten days;

(b) For such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(c) For certificated and noncertificated employees, annual leave with compensation for illness, injury, and emergencies shall be granted and accrue at a rate not to exceed twelve days per year; provisions of any contract in force on June 12, 1980, which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(d) Compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

(e) Leave provided in this proviso not taken shall accumulate from year to year up to a maximum of one hundred eighty days for the purposes of RCW ((~~28A.58.096 and 28A.58.098~~)) 28A.400.210 and 28A.400.220, and for leave purposes up to a maximum of the number of contract days agreed to in a given contract, but not greater than one year. Such accumulated time may be taken at any time during the school year or up to twelve days per year may be used for the purpose of payments for unused sick leave.

(f) Sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

(g) Any leave for injury or illness accumulated up to a maximum of forty-five days shall be creditable as service rendered for the purpose of determining the time at which an employee is eligible to retire, if such leave is taken it may not be compensated under the provisions of RCW ((~~28A.58.096 and 28A.21.360~~)) 28A.400.210 and 28A.310.490;

(h) Accumulated leave under this proviso shall be transferred to and from one district to another, the office of superintendent of public instruction and offices of educational service district superintendents and boards, to and from such districts and such offices;

(i) Leave accumulated by a person in a district prior to leaving said district may, under rules and regulations of the board, be granted to such person when ~~((he))~~ the person returns to the employment of the district.

When any certificated or classified employee leaves one school district within the state and commences employment with another school district within the state, ~~((he))~~ the employee shall retain the same seniority, leave benefits and other benefits that ~~((he))~~ the employee had in his or her previous position: PROVIDED, That classified employees who transfer between districts after July 28, 1985, shall not retain any seniority rights other than longevity when leaving one school district and beginning employment with another. If the school district to which the person transfers has a different system for computing seniority, leave benefits, and other benefits, then the employee shall be granted the same seniority, leave benefits and other benefits as a person in that district who has similar occupational status and total years of service.

Sec. 383. Section 3, chapter 320, Laws of 1989 and RCW 28A.58.1001 are each amended to read as follows:

(1) The school district board of directors shall immediately terminate the employment of any classified employee who has contact with children during the course of his or her employment upon a guilty plea or conviction of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction.

(2) The employee shall have a right of appeal under chapter ~~((28A-88))~~ 28A.645 RCW including any right of appeal under a collective bargaining agreement.

F. Insurance

32. Certificated Employees

A. Qualifications

Sec. 384. Section 28A.67.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.030 are each amended to read as follows:

No person, whose certificate or permit authorizing him or her to teach in the common schools of this state has been revoked due to his or her failure to endeavor to impress on the minds of his or her pupils the principles of

patriotism, or to train them up to the true comprehension of the rights, duty and dignity of American citizenship, shall be permitted to teach in any common school in this state.

Sec. 385. Section 28A.67.035, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.035 are each amended to read as follows:

Any person teaching in any school in violation of RCW ((~~28A.67.020 or 28A.67.030~~)) 28A.405.020 or 28A.405.040, and any school director knowingly permitting any person to teach in any school in violation of RCW ((~~28A.67.020 or 28A.67.030~~)) 28A.405.020 or 28A.405.040, shall be guilty of a misdemeanor.

B. Criteria for Evaluation and Model Programs

Sec. 386. Section 22, chapter 34, Laws of 1969 ex. sess. as last amended by section 6, chapter 420, Laws of 1985 and RCW 28A.67.065 are each amended to read as follows:

(1) The superintendent of public instruction shall establish and may amend from time to time minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. For classroom teachers the criteria shall be developed in the following categories: Instructional skill; classroom management, professional preparation and scholarship; effort toward improvement when needed; the handling of student discipline and attendant problems; and interest in teaching pupils and knowledge of subject matter.

Every board of directors shall, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920, establish evaluative criteria and procedures for all certificated classroom teachers and certificated support personnel. The evaluative criteria must contain as a minimum the criteria established by the superintendent of public instruction pursuant to this section and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district.

Except as provided in subsection (5) of this section, it shall be the responsibility of a principal or his or her designee to evaluate all certificated personnel in his or her school. During each school year all classroom teachers and certificated support personnel, hereinafter referred to as "employees" in this section, shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties. Total observation time for each employee for each school year shall be not less than sixty minutes. Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the evaluation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared. New employees shall be observed at least once for a

total observation time of thirty minutes during the first ninety calendar days of their employment period.

Every employee whose work is judged unsatisfactory based on district evaluation criteria shall be notified in writing of stated specific areas of deficiencies along with a suggested specific and reasonable program for improvement on or before February 1st of each year. A probationary period shall be established beginning on or before February 1st and ending no later than May 1st. The purpose of the probationary period is to give the employee opportunity to demonstrate improvements in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for approval. During the probationary period the evaluator shall meet with the employee at least twice monthly to supervise and make a written evaluation of the progress, if any, made by the employee. The evaluator may authorize one additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency; such additional certificated employee shall be immune from any civil liability that might otherwise be incurred or imposed with regard to the good faith performance of such evaluation. The probationer may be removed from probation if he or she has demonstrated improvement to the satisfaction of the principal in those areas specifically detailed in his or her initial notice of deficiency and subsequently detailed in his or her improvement program. Lack of necessary improvement shall be specifically documented in writing with notification to the probationer and shall constitute grounds for a finding of probable cause under RCW ((~~28A.58.450 or 28A.67.070, as now or hereafter amended~~)) 28A.405.300 or 28A.405.210.

The establishment of a probationary period shall not be deemed to adversely affect the contract status of an employee within the meaning of RCW ((~~28A.58.450, as now or hereafter amended~~)) 28A.405.300.

(2) Every board of directors shall establish evaluative criteria and procedures for all superintendents, principals, and other administrators. It shall be the responsibility of the district superintendent or his or her designee to evaluate all administrators. Such evaluation shall be based on the administrative position job description. Such criteria, when applicable, shall include at least the following categories: Knowledge of, experience in, and training in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel.

(3) Each certificated employee shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its

sole purpose the aiding of the administrator in his or her professional performance.

(4) The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated employees or administrators in accordance with this section, as now or hereafter amended, when it is his or her specific assigned or delegated responsibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator's contract under RCW ~~((28A.67.070, as now or hereafter amended))~~ 28A.405.210, or the discharge of such evaluator under RCW ~~((28A.58.450, as now or hereafter amended))~~ 28A.405.300.

(5) After an employee has four years of satisfactory evaluations under subsection (1) of this section, a school district may use a short form of evaluation. The short form of evaluation shall include either a thirty minute observation during the school year with a written summary or a final annual written evaluation based on the criteria in subsection (1) of this section and based on at least two observation periods during the school year totaling at least sixty minutes without a written summary of such observations being prepared. However, the evaluation process set forth in subsection (1) of this section shall be followed at least once every three years and an employee or evaluator may request that the evaluation process set forth in subsection (1) of this section be conducted in any given school year. The short form evaluation process may not be used as a basis for determining that an employee's work is unsatisfactory under subsection (1) of this section nor as probable cause for the nonrenewal of an employee's contract under RCW ~~((28A.67.070))~~ 28A.405.210.

Sec. 387. Section 5, chapter 420, Laws of 1985 and RCW 28A.67.220 are each amended to read as follows:

After an evaluation conducted pursuant to RCW ~~((28A.67.065))~~ 28A.405.100, the school district may require the teacher to take in-service training provided by the district in the area of teaching skills needing improvement.

Sec. 388. Section 7, chapter 420, Laws of 1985 as last amended by section 1, chapter 241, Laws of 1988 and RCW 28A.67.225 are each amended to read as follows:

(1) The superintendent of public instruction shall develop for field-test purposes, and in consultation with local school directors, administrators, parents, students, the business community, and teachers, minimum procedural standards for evaluations of certificated classroom teachers and certificated support personnel. The minimum procedural standards for evaluation shall be based on available research and shall include: (a) A statement of the purpose of evaluations; (b) the frequency of evaluations, with recognition of the need for more frequent evaluations for beginning teachers; (c) the conduct of the evaluation; (d) the procedure to be used in making the evaluation; and (e) the use of the results of the evaluation.

The superintendent of public instruction shall propose the minimum procedural standards for field tests not later than July 1, 1986.

(2) The superintendent of public instruction shall develop or purchase and conduct field tests in local districts during the 1987-88 and 1988-89 school years model evaluation programs, including standardized evaluation instruments, which meet the minimum standards developed pursuant to subsection (1) of this section and the minimum criteria established pursuant to RCW ((28A.67.065)) 28A.405.100. In consultation with school directors, administrators, parents, students, the business community, and teachers, the superintendent of public instruction shall consider a variety of programs such as programs providing for peer review and evaluation input by parents, input by students in appropriate circumstances, instructional assistance teams, and outside professional evaluation. Such programs shall include specific indicators of performance or detailed work expectations against which performance can be measured. The superintendent of public instruction shall compensate any district participating in such tests for the actual expenses incurred by the district.

(3) Not later than September 1, 1989, the superintendent of public instruction shall adopt state procedural standards and select from one to five model evaluation programs which may be used by local districts in conducting evaluations pursuant to RCW ((28A.67.065(+))) 28A.405.100(1). Local school districts shall establish and implement an evaluation program on or before September 1, 1990, by selecting one of the models approved by the superintendent of public instruction or by adopting an evaluation program pursuant to the bargaining process set forth in chapters 41.56 and 41.59 RCW. Local school districts may adopt an evaluation program which contains criteria and standards in excess of the minimum criteria and standards established by the superintendent of public instruction.

(4) The superintendent of public instruction shall report to the legislature on the progress of the development and field testing of minimum procedural standards and model evaluation programs on or before January 1, 1987, January 1, 1988, and January 1, 1989.

Sec. 389. Section 8, chapter 420, Laws of 1985 and RCW 28A.67.230 are each amended to read as follows:

The superintendent of public instruction shall provide technical assistance to local districts for implementation of the minimum standards and model evaluation programs selected under RCW ((28A.67.225)) 28A.405.150.

C. Conditions and Contracts of Employment

Sec. 390. Section 16, chapter 15, Laws of 1970 ex. sess. as last amended by section 11, chapter 56, Laws of 1983 and by section 1, chapter 83, Laws of 1983 and RCW 28A.67.070 are each reenacted and amended to read as follows:

No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he or she is the holder of an effective teacher's certificate or other certificate required by law or the state board of education for the position for which the employee is employed.

The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and except as otherwise provided by law, limited to a term of not more than one year. Every such contract shall be made in duplicate, one copy to be retained by the school district superintendent or secretary and one copy to be delivered to the employee. No contract shall be offered by any board for the employment of any employee who has previously signed an employment contract for that same term in another school district of the state of Washington unless such employee shall have been released from his or her obligations under such previous contract by the board of directors of the school district to which he or she was obligated. Any contract signed in violation of this provision shall be void.

In the event it is determined that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term such employee shall be notified in writing on or before May 15th preceding the commencement of such term of that determination, which notification shall specify the cause or causes for nonrenewal of contract. Such determination of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the president, ((chairman)) chair or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing pursuant to RCW ((28A.58.455)) 28A.405.310 to determine whether there is sufficient cause or causes for nonrenewal of contract: PROVIDED, That any employee receiving notice of nonrenewal of contract due to an enrollment decline or loss of revenue may, in his or her request for a hearing, stipulate that initiation of the arrangements for a hearing officer as provided for by RCW ((28A.58.455(4))) 28A.405.310(4) shall occur within ten days following July 15 rather than the day that the employee submits the request for a hearing. If any such notification or opportunity for hearing is not timely given, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual

terms identical with those which would have prevailed if his or her employment had actually been renewed by the board of directors for such ensuing term.

This section shall not be applicable to "provisional employees" as so designated in RCW ((~~28A.67.072~~)) 28A.405.220; transfer to a subordinate certificated position as that procedure is set forth in RCW ((~~28A.67.073~~)) 28A.405.230 shall not be construed as a nonrenewal of contract for the purposes of this section.

Sec. 391. Section 1, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.67.072 are each amended to read as follows:

Notwithstanding the provisions of RCW ((~~28A.67.070 as now or hereafter amended~~)) 28A.405.210, every person employed by a school district in a teaching or other nonsupervisory certificated position shall be subject to nonrenewal of employment contract as provided in this section during the first year of employment by such district. Employees as defined in this section shall hereinafter be referred to as "provisional employees".

In the event the superintendent of the school district determines that the employment contract of any provisional employee should not be renewed by the district for the next ensuing term such provisional employee shall be notified thereof in writing on or before May 15th preceding the commencement of such school term, which notification shall state the reason or reasons for such determination. Such notice shall be served upon the provisional employee personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein. The determination of the superintendent shall be subject to the evaluation requirements of RCW ((~~28A.67.065, as now or hereafter amended~~)) 28A.405.100.

Every such provisional employee so notified, at his or her request made in writing and filed with the superintendent of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the superintendent for the purpose of requesting the superintendent to reconsider his or her decision. Such meeting shall be held no later than ten days following the receipt of such request, and the provisional employee shall be given written notice of the date, time and place of meeting at least three days prior thereto. At such meeting the provisional employee shall be given the opportunity to refute any facts upon which the superintendent's determination was based and to make any argument in support of his or her request for reconsideration.

Within ten days following the meeting with the provisional employee, the superintendent shall either reinstate the provisional employee or shall submit to the school district board of directors for consideration at its next regular meeting a written report recommending that the employment contract of the provisional employee be nonrenewed and stating the reason or reasons therefor. A copy of such report shall be delivered to the provisional

employee at least three days prior to the scheduled meeting of the board of directors. In taking action upon the recommendation of the superintendent, the board of directors shall consider any written communication which the provisional employee may file with the secretary of the board at any time prior to that meeting.

The board of directors shall notify the provisional employee in writing of its final decision within ten days following the meeting at which the superintendent's recommendation was considered. The decision of the board of directors to nonrenew the contract of a provisional employee shall be final and not subject to appeal.

This section applies to any person employed by a school district in a teaching or other nonsupervisory certificated position after June 25, 1976. This section provides the exclusive means for nonrenewing the employment contract of a provisional employee and no other provision of law shall be applicable thereto, including, without limitation, RCW ((~~28A.67.070, and chapter 28A.88 RCW, as now or hereafter amended~~)) 28A.405.210 and chapter 28A.645 RCW.

Sec. 392. Section 9, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.67.073 are each amended to read as follows:

Any certificated employee of a school district employed as an assistant superintendent, director, principal, assistant principal, coordinator, or in any other supervisory or administrative position, hereinafter in this section referred to as "administrator", shall be subject to transfer, at the expiration of the term of his or her employment contract, to any subordinate certificated position within the school district. "Subordinate certificated position" as used in this section, shall mean any administrative or nonadministrative certificated position for which the annual compensation is less than the position currently held by the administrator.

Every superintendent determining that the best interests of the school district would be served by transferring any administrator to a subordinate certificated position shall notify that administrator in writing on or before May 15th preceding the commencement of such school term of that determination, which notification shall state the reason or reasons for the transfer, and shall identify the subordinate certificated position to which the administrator will be transferred. Such notice shall be served upon the administrator personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein.

Every such administrator so notified, at his or her request made in writing and filed with the president or ((~~chairman~~)) chair, or secretary of the board of directors of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the board of directors in an executive session thereof for the purpose of requesting the board to reconsider the decision of the superintendent. Such board, upon

receipt of such request, shall schedule the meeting for no later than the next regularly scheduled meeting of the board, and shall notify the administrator in writing of the date, time and place of the meeting at least three days prior thereto. At such meeting the administrator shall be given the opportunity to refute any facts upon which the determination was based and to make any argument in support of his or her request for reconsideration. The administrator and the board may invite their respective legal counsel to be present and to participate at the meeting. The board shall notify the administrator in writing of its final decision within ten days following its meeting with the administrator. No appeal to the courts shall lie from the final decision of the board of directors to transfer an administrator to a subordinate certificated position: **PROVIDED**, That in the case of principals such transfer shall be made at the expiration of the contract year and only during the first three consecutive school years of employment as a principal by a school district; except that if any such principal has been previously employed as a principal by another school district in the state of Washington for three or more consecutive school years the provisions of this section shall apply only to the first full school year of such employment.

This section applies to any person employed as an administrator by a school district on June 25, 1976 and to all persons so employed at any time thereafter. This section provides the exclusive means for transferring an administrator to a subordinate certificated position at the expiration of the term of his or her employment contract.

Sec. 393. Section 2, chapter 283, Laws of 1969 ex. sess. as amended by section 15, chapter 341, Laws of 1985 and RCW 28A.67.074 are each amended to read as follows:

No certificated employee shall be required to perform duties not described in the contract unless a new or supplemental contract is made, except that in an unexpected emergency the board of directors or school district administration may require the employee to perform other reasonable duties on a temporary basis.

No supplemental contract shall be subject to the continuing contract provisions of (~~(Title 28A RCW)~~) this title.

Sec. 394. Section 21, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.445 are each amended to read as follows:

The board of directors of any school district, its employees or agents shall not discriminate in any way against any applicant for a certificated position or any certificated employee

- (1) On account of his or her membership in any lawful organization, or
- (2) For the orderly exercise during off-school hours of any rights guaranteed under the law to citizens generally, or
- (3) For family relationship, except where covered by chapter 42.23 RCW.

The school district personnel file on any certificated employee in the possession of the district, its employees, or agents shall not be withheld at any time from the inspection of that employee.

D. Adverse Change in Contract

Sec. 395. Section 28A.58.450, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.450 are each amended to read as follows:

In the event it is determined that there is probable cause or causes for a teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with the school district, hereinafter referred to as "employee", to be discharged or otherwise adversely affected in his or her contract status, such employee shall be notified in writing of that decision, which notification shall specify the probable cause or causes for such action. Such determinations of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notices shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the president, ~~((chairman))~~ chair of the board or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for a hearing pursuant to RCW ~~((28A.58.455))~~ 28A.405.310 to determine whether or not there is sufficient cause or causes for his or her discharge or other adverse action against his or her contract status.

In the event any such notice or opportunity for hearing is not timely given, or in the event cause for discharge or other adverse action is not established by a preponderance of the evidence at the hearing, such employee shall not be discharged or otherwise adversely affected in his or her contract status for the causes stated in the original notice for the duration of his or her contract.

If such employee does not request a hearing as provided herein, such employee may be discharged or otherwise adversely affected as provided in the notice served upon the employee.

Transfer to a subordinate certificated position as that procedure is set forth in RCW ~~((28A.67.073))~~ 28A.405.230 shall not be construed as a discharge or other adverse action against contract status for the purposes of this section.

Sec. 396. Section 5, chapter 114, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 375, Laws of 1987 and RCW 28A.58.455 are each amended to read as follows:

(1) Any employee receiving a notice of probable cause for discharge or adverse effect in contract status pursuant to RCW ~~((28A.58.450, as now or~~

~~hereafter amended~~)) 28A.405.300, or any employee, with the exception of provisional employees as defined in RCW ((~~28A.67.072~~)) 28A.405.220, receiving a notice of probable cause for nonrenewal of contract pursuant to RCW ((~~28A.67.070, as now or hereafter amended~~)) 28A.405.210, shall be granted the opportunity for a hearing pursuant to this section.

(2) In any request for a hearing pursuant to RCW ((~~28A.58.450 or 28A.67.070, as now or hereafter amended~~)) 28A.405.300 or 28A.405.210, the employee may request either an open or closed hearing. The hearing shall be open or closed as requested by the employee, but if the employee fails to make such a request, the hearing officer may determine whether the hearing shall be open or closed.

(3) The employee may engage counsel who shall be entitled to represent the employee at the prehearing conference held pursuant to subsection (5) of this section and at all subsequent proceedings pursuant to this section. At the hearing provided for by this section, the employee may produce such witnesses as he or she may desire.

(4) In the event that an employee requests a hearing pursuant to RCW ((~~28A.58.450 or 28A.67.070, as now or hereafter amended~~)) 28A.405.300 or 28A.405.210, a hearing officer shall be appointed in the following manner: Within fifteen days following the receipt of any such request the board of directors of the district or its designee and the employee or employee's designee shall each appoint one nominee. The two nominees shall jointly appoint a hearing officer who shall be a member in good standing of the Washington state bar association or a person adhering to the arbitration standards established by the public employment relations commission and listed on its current roster of arbitrators. Should said nominees fail to agree as to who should be appointed as the hearing officer, either the board of directors or the employee, upon appropriate notice to the other party, may apply to the presiding judge of the superior court for the county in which the district is located for the appointment of such hearing officer, whereupon such presiding judge shall have the duty to appoint a hearing officer who shall, in the judgment of such presiding judge, be qualified to fairly and impartially discharge his or her duties. Nothing herein shall preclude the board of directors and the employee from stipulating as to the identity of the hearing officer in which event the foregoing procedures for the selection of the hearing officer shall be inapplicable. The district shall pay all fees and expenses of any hearing officer selected pursuant to this subsection.

(5) Within five days following the selection of a hearing officer pursuant to subsection (4) ((~~hereof~~)) of this section, the hearing officer shall schedule a prehearing conference to be held within such five day period, unless the board of directors and employee agree on another date convenient with the hearing officer. The employee shall be given written notice of the date, time, and place of such prehearing conference at least three days prior to the date established for such conference.

(6) The hearing officer shall preside at any prehearing conference scheduled pursuant to subsection (5) of this section and in connection therewith shall:

(a) Issue such subpoenas or subpoenas duces tecum as either party may request at that time or thereafter; and

(b) Authorize the taking of prehearing depositions at the request of either party at that time or thereafter; and

(c) Provide for such additional methods of discovery as may be authorized by the civil rules applicable in the superior courts of the state of Washington; and

(d) Establish the date for the commencement of the hearing, to be within ten days following the date of the prehearing conference, unless the employee requests a continuance, in which event the hearing officer shall give due consideration to such request.

(7) The hearing officer shall preside at any hearing and in connection therewith shall:

(a) Make rulings as to the admissibility of evidence pursuant to the rules of evidence applicable in the superior court of the state of Washington.

(b) Make other appropriate rulings of law and procedure.

(c) Within ten days following the conclusion of the hearing transmit in writing to the board and to the employee, findings of fact and conclusions of law and final decision. If the final decision is in favor of the employee, the employee shall be restored to his or her employment position and shall be awarded reasonable attorneys' fees.

(8) Any final decision by the hearing officer to nonrenew the employment contract of the employee, or to discharge the employee, or to take other action adverse to the employee's contract status, as the case may be, shall be based solely upon the cause or causes specified in the notice of probable cause to the employee and shall be established by a preponderance of the evidence at the hearing to be sufficient cause or causes for such action.

(9) All subpoenas and prehearing discovery orders shall be enforceable by and subject to the contempt and other equity powers of the superior court of the county in which the school district is located upon petition of any aggrieved party.

(10) A complete record shall be made of the hearing and all orders and rulings of the hearing officer and school board.

Sec. 397. Section 28A.58.460, chapter 223, Laws of 1969 ex. sess. as amended by section 14, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.460 are each amended to read as follows:

Any teacher, principal, supervisor, superintendent, or other certificated employee, desiring to appeal from any action or failure to act upon the part of a school board relating to the discharge or other action adversely affecting his or her contract status, or failure to renew that employee's contract

for the next ensuing term, within thirty days after his or her receipt of such decision or order, may serve upon the ~~((chairman))~~ chair of the school board and file with the clerk of the superior court in the county in which the school district is located a notice of appeal which shall set forth also in a clear and concise manner the errors complained of.

Sec. 398. Section 28A.58.470, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.470 are each amended to read as follows:

The clerk of the superior court, within ten days of ~~((his))~~ receipt of the notice of appeal shall notify in writing the ~~((chairman))~~ chair of the school board of the taking of the appeal, and within twenty days thereafter the school board shall at its expense file the complete transcript of the evidence and the papers and exhibits relating to the decision complained of, all properly certified to be correct.

Sec. 399. Section 28A.58.490, chapter 223, Laws of 1969 ex. sess. as last amended by section 7, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.490 are each amended to read as follows:

If the court enters judgment for the employee, and if the court finds that the probable cause determination was made in bad faith or upon insufficient legal grounds, the court in its discretion may award to the employee a reasonable ~~((attorney's))~~ attorneys' fee for the preparation and trial of his or her appeal, together with his or her taxable costs in the superior court. If the court enters judgment for the employee, in addition to ordering the school board to reinstate or issue a new contract to the employee, the court may award damages for loss of compensation incurred by the employee by reason of the action of the school district.

Sec. 400. Section 28A.58.510, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.510 are each amended to read as follows:

The provisions of chapter ~~((28A.88))~~ 28A.645 RCW shall not be applicable to RCW ~~((28A.58.450 through 28A.58.500))~~ 28A.405.300 through 28A.405.360.

Sec. 401. Section 18, chapter 34, Laws of 1969 ex. sess. as last amended by section 8, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.515 are each amended to read as follows:

In the event that an employee, with the exception of a provisional employee as defined in RCW ~~((28A.67.072))~~ 28A.405.220, receives a notice of probable cause pursuant to RCW ~~((28A.58.450 or 28A.67.070, as now or hereafter amended;))~~ 28A.405.300 or 28A.405.210 stating that by reason of a lack of sufficient funds or loss of levy election the employment contract of such employee should not be renewed for the next ensuing school term or that the same should be adversely affected, the employee may appeal any said probable cause determination directly to the superior court of the county in which the school district is located. Such appeal shall be perfected by serving upon the secretary of the school board and filing with the clerk of

the superior court a notice of appeal within ten days after receiving the probable cause notice. The notice of appeal shall set forth in a clear and concise manner the action appealed from. The superior court shall determine whether or not there was sufficient cause for the action as specified in the probable cause notice, which cause must be proven by a preponderance of the evidence, and shall base its determination solely upon the cause or causes stated in the notice of the employee. The appeal provided in this section shall be tried as an ordinary civil action: PROVIDED, That the board of directors' determination of priorities for the expenditure of funds shall be subject to superior court review pursuant to the standards set forth in RCW ((28A.58.480, as now or hereafter amended)) 28A.405.340: PROVIDED FURTHER, That the provisions of RCW ((28A.58.490 and 28A.58.500, as now or hereafter amended;)) 28A.405.350 and 28A.405.360 shall be applicable thereto.

E. Payroll Deduction

Sec. 402. Section 2, chapter 39, Laws of 1972 ex. sess. and RCW 28A.67.096 are each amended to read as follows:

Nothing in RCW ((28A.67.095)) 28A.405.400 shall be construed to annul or modify any lawful agreement heretofore entered into between any school district and any representative of its employees or other existing lawful agreements and obligations in effect on May 23, 1972.

F. Teacher Assistance Program

Sec. 403. Section 1, chapter 399, Laws of 1985 as amended by section 1, chapter 507, Laws of 1987 and RCW 28A.67.240 are each amended to read as follows:

The superintendent of public instruction shall adopt rules to establish and operate a teacher assistance program. For the purposes of this section, the terms "mentor teachers," "beginning teachers," and "experienced teachers" may include any person possessing any one of the various certificates issued by the superintendent of public instruction under RCW ((28A.70.005)) 28A.410.010. The program shall provide for:

(1) Assistance by mentor teachers who will provide a source of continuing and sustained support to beginning teachers, or experienced teachers, or both, both in and outside the classroom. A mentor teacher may not be involved in evaluations under RCW ((28A.67.065)) 28A.405.100 of a teacher who receives assistance from said mentor teacher under the teacher assistance program established under this ((chapter)) section. The mentor teachers shall also periodically inform their principals respecting the contents of training sessions and other program activities;

(2) Stipends for mentor teachers and beginning teachers which shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.58.095: PROVIDED, That stipends shall not be subject to the continuing contract provisions of this title;

- (3) Workshops for the training of mentor and beginning teachers;
- (4) The use of substitutes to give mentor teachers, beginning teachers, and experienced teachers opportunities to jointly observe and evaluate teaching situations and to give mentor teachers opportunities to observe and assist beginning and experienced teachers in the classroom;
- (5) Mentor teachers who are superior teachers based on their evaluations, pursuant to ~~((chapter 28A.67))~~ RCW 28A.405.010 through 28A.405.240, and who hold valid continuing certificates;
- (6) Mentor teachers shall be selected by the district. If a bargaining unit, certified pursuant to RCW 41.59.090 exists within the district, classroom teachers representing the bargaining unit shall participate in the mentor teacher selection process;
- (7) Periodic consultation by the superintendent of public instruction or the superintendent's designee with representatives of educational organizations and associations, including educational service districts and public and private institutions of higher education, for the purposes of improving communication and cooperation and program review; and
- (8) A report to the legislature describing the results of the program to be delivered not later than December 31, 1987.

Sec. 404. Section 3, chapter 142, Laws of 1972 ex. sess. and RCW 28A.67.900 are each amended to read as follows:

Certificated employees subject to the provisions of ~~((this chapter))~~ RCW 28A.405.010 through 28A.405.240, 28A.405.400 through 28A.405.450, and 28A.405.900 shall not include those certificated employees hired to replace certificated employees who have been granted sabbatical, regular, or other leave by school districts.

It is not the intention of the legislature that this section apply to any regularly hired certificated employee or that the legal or constitutional rights of such employee be limited, abridged, or abrogated.

G. Termination of Certificated Staff

Sec. 405. Section 5, chapter 320, Laws of 1989 and RCW 28A.58.1003 are each amended to read as follows:

The school district shall immediately terminate the employment of any person whose certificate or permit authorized under chapter ~~((28A.70 or 28A.67))~~ 28A.405 or 28A.410 RCW is subject to revocation under RCW ~~((28A.70.160(2)))~~ 28A.410.090(2) upon a guilty plea or conviction of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction.

Employment shall remain terminated unless the employee successfully prevails on appeal. This section shall only apply to employees holding a certificate or permit who have contact with children during the course of their employment.

33. Certification

Sec. 406. Section 212, chapter 525, Laws of 1987 as amended by section 2, chapter 29, Laws of 1989 and by section 1, chapter 402, Laws of 1989 and RCW 28A.70.040 are each reenacted and amended to read as follows:

(1) The state board of education shall adopt rules providing that, except as provided in this section, all individuals qualifying for an initial-level teaching certificate after August 31, 1992, shall possess a baccalaureate degree in the arts, sciences, and/or humanities and have fulfilled the requirements for teacher certification pursuant to RCW ((28A.04.120)) 28A.305.130 (1) and (2). The state board of education shall develop and adopt rules establishing baccalaureate degree equivalency standards for certification of vocational instructors performing instructional duties and acquiring initial level certification after August 31, 1992. However, candidates for grades preschool through eight certificates shall have fulfilled the requirements for a major as part of their baccalaureate degree. If the major is in early childhood education, elementary education, or special education, the candidate must have at least thirty quarter hours or twenty semester hours in one academic field.

(2) The state board of education shall study the impact of eliminating the major in education under subsection (1) of this section and submit a report to the legislature by January 15, 1990. The report shall include a recommendation on whether the major in education under subsection (1) of this section should be eliminated.

(3) The initial certificate shall be valid for two years.

(4) Certificate holders may renew the certificate for a three-year period by providing proof of acceptance and enrollment in an approved masters degree program. A second renewal, for a period of two years, may be granted upon recommendation of the degree-granting institution and if the certificate holder can demonstrate substantial progress toward the completion of the masters degree and that the degree will be completed within the two-year extension period. Under no circumstances may an initial certificate be valid for a period of more than seven years.

Sec. 407. Section 17, chapter 15, Laws of 1975-'76 2nd ex. sess. and section 3, chapter 92, Laws of 1975-'76 2nd ex. sess. and RCW 28A.70.110 are each amended to read as follows:

The fee for any certificate, or any renewal thereof, issued by the authority of the state of Washington, and authorizing the holder to teach or perform other professional duties in the public schools of the state shall be

not less than one dollar or such reasonable fee therefor as the state board of education by rule or regulation shall deem necessary therefor. The fee must accompany the application and cannot be refunded unless the application is withdrawn before it is finally considered. The educational service district superintendent, or other official authorized to receive such fee, shall within thirty days transmit the same to the treasurer of the county in which the office of the educational service district superintendent is located, to be by him or her placed to the credit of said school district or educational service district: PROVIDED, That if any school district collecting fees for the certification of professional staff does not hold a professional training institute separate from the educational service district then all such moneys shall be placed to the credit of the educational service district.

Such fees shall be used solely for the purpose of precertification professional preparation, program evaluation, and professional in-service training programs in accord with rules and regulations of the state board of education herein authorized.

Sec. 408. Section 28A.70.160, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 320, Laws of 1989 and RCW 28A.70-.160 are each amended to read as follows:

(1) Any certificate or permit authorized under the provisions of this chapter, chapter ((28A.67)) 28A.405 RCW, or rules and regulations promulgated thereunder may be revoked or suspended by the authority authorized to grant the same upon complaint of any school district superintendent or educational service district superintendent for immorality, violation of written contract, unprofessional conduct, intemperance, or crime against the law of the state.

(2) Any such certificate or permit authorized under this chapter or chapter ((28A.67)) 28A.405 RCW shall be revoked by the authority authorized to grant the certificate upon a guilty plea or the conviction of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction. The person whose certificate is in question shall be given an opportunity to be heard. Mandatory permanent revocation upon a guilty plea or the conviction of felony crimes specified under this subsection shall apply to such convictions or guilty pleas which occur after July 23, 1989. Revocation of any certificate or permit authorized under this chapter or chapter ((28A.67)) 28A.405 RCW for a guilty plea or criminal conviction occurring prior to July 23, 1989, shall be subject to the provisions of subsection (1) of this section.

Sec. 409. Section 28A.70.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 138, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.70.170 are each amended to read as follows:

Any teacher whose certificate to teach has been questioned by the filing of a complaint by a school district superintendent or educational service district superintendent under RCW ((28A.70.160)) 28A.410.090 shall have a right to be heard by the issuing authority before his or her certificate is revoked. Any teacher whose certificate to teach has been revoked shall have a right of appeal to the state board of education if notice of appeal is given by written affidavit to the board within thirty days after the certificate is revoked.

An appeal to the state board of education within the time specified shall operate as a stay of revocation proceedings until the next regular or special meeting of said board and until the board's decision has been rendered.

Sec. 410. Section 28A.70.180, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 320, Laws of 1989 and RCW 28A.70.180 are each amended to read as follows:

In case any certificate or permit authorized under this chapter or chapter ((28A.67)) 28A.405 RCW is revoked, the holder shall not be eligible to receive another certificate or permit for a period of twelve months after the date of revocation. However, if the certificate or permit authorized under this chapter or chapter ((28A.67)) 28A.405 RCW was revoked because of a guilty plea or the conviction of a felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64-.030, or violation of similar laws of another jurisdiction, the certificate or permit shall not be reinstated.

Sec. 411. Section 3, chapter 254, Laws of 1975 1st ex. sess. and RCW 28A.02.260 are each amended to read as follows:

Notwithstanding any other provision of ((Title 28A RCW)) this title, the state board of education or superintendent of public instruction shall not require any professional certification or other qualifications of any person elected superintendent of a local school district by that district's board of directors, or any person hired in any manner to fill a position designated as, or which is, in fact, deputy superintendent, or assistant superintendent.

Sec. 412. Section 206, chapter 525, Laws of 1987 and RCW 28A.70-.402 are each amended to read as follows:

As used in RCW (~~(28A.70.400 through 28A.70.406)~~) 28A.410.150 through 28A.410.180, the term "student teaching" includes all field experiences and opportunities for observation, tutoring, micro-teaching, and extended practicums; clinical and laboratory experiences; and internship experiences in educational settings.

Sec. 413. Section 208, chapter 525, Laws of 1987 and RCW 28A.70.406 are each amended to read as follows:

Any compensation provided to certificated school district employees pursuant to the pilot program established under RCW (~~(28A.70.400 through 28A.70.408)~~) 28A.410.150 through 28A.410.190 shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.58.095.

34. Teachers' Institutes, Workshops, and Other In-service Training

Sec. 414. Section 18, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.71.100 are each amended to read as follows:

The educational service district board may arrange each year for the holding of one or more teachers' institutes and/or workshops for professional staff preparation and in-service training in such manner and at such time as the board believes will be of benefit to the teachers and other professional staff of school districts within the educational service district and shall comply with rules and regulations of the state board of education pursuant to RCW (~~(28A.70.110 as now or hereafter amended)~~) 28A.410.060. The board may provide such additional means of teacher and other professional staff preparation and in-service training as it may deem necessary or appropriate and there shall be a proper charge against the educational service district general expense fund when approved by the educational service district board.

Educational service district boards of contiguous educational service districts, by mutual arrangements, may hold joint institutes and/or workshops, the expenses to be shared in proportion to the numbers of certificated personnel as shown by the last annual reports of the educational service districts holding such joint institutes or workshops.

In local school districts employing more than one hundred teachers and other professional staff, the school district superintendent may hold a teachers' institute of one or more days in such district, said institute when so held by the school district superintendent to be in all respects governed by the provisions of this (~~(code)~~) title and state board of education rules and regulations relating to teachers' institutes held by educational service district superintendents.

Sec. 415. Section 1, chapter 519, Laws of 1987 and RCW 28A.71.110 are each amended to read as follows:

(1) Certificated personnel shall receive for each ten clock hours of approved in-service training attended the equivalent of a one credit college

quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(2) Certificated personnel shall receive for each ten clock hours of approved continuing education earned, as continuing education is defined by rule adopted by the state board of education, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(3) An approved in-service training program shall be a program approved by a school district board of directors, which meet standards adopted by the state board of education, and the development of said program has been participated in by an in-service training task force whose membership is the same as provided under RCW ((28A.71.210)) 28A.415.040, or a program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the state board of education, or both.

(4) Clock hours eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee as described in subsections (1) and (2) of this section, shall be those hours acquired after August 31, 1987.

PART IV FINANCE

35. Local Effort Assistance

36. School District Budgets

Sec. 416. Section 2, chapter 118, Laws of 1975-'76 2nd ex. sess. as last amended by section 2, chapter 59, Laws of 1983 and RCW 28A.65.405 are each amended to read as follows:

All school districts must utilize the following methods of revenue and expenditure recognition in budgeting, accounting and financial reporting:

(1) Recognize revenue as defined in RCW ((28A.65.400(1))) 28A.505.010(1) for all funds: PROVIDED, That school districts that elect the cash basis of expenditure recognition under subsection (2) of this section shall recognize revenue on the cash basis.

(2) Recognition of expenditures for all funds shall be on the accrual basis: PROVIDED, That school districts with under one thousand full time equivalent students for the preceding fiscal year may make a uniform election for all funds, except debt service funds, to be on the cash basis of expenditure recognition. Notification of such election shall be given to the state superintendent of public instruction in the budget of the school district and shall remain in effect for one full fiscal year.

Sec. 417. Section 5, chapter 118, Laws of 1975-'76 2nd ex. sess. as amended by section 3, chapter 59, Laws of 1983 and RCW 28A.65.420 are each amended to read as follows:

Upon completion of their budgets as provided in RCW ((~~28A.65.415~~)) 28A.505.040, every school district shall publish a notice stating that the district has completed the budget and placed the same on file in the school district administration office, that a copy thereof will be furnished any person who will call upon the district for it, and that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting which shall occur no later than the thirty-first day of August for first class school districts, and the first day of August for second class school districts. The notice shall also state that any person may appear thereat and be heard for or against any part of such budget. Said notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately prior to the hearing.

The district shall provide a sufficient number of copies of the budget to meet the reasonable demands of the public not later than July 20th in the first class school districts, and not later than July 15th in second class school districts. School districts shall submit one copy of their budget to their educational service districts for review and comment by these dates.

Sec. 418. Section 6, chapter 118, Laws of 1975-'76 2nd ex. sess. as amended by section 4, chapter 59, Laws of 1983 and RCW 28A.65.425 are each amended to read as follows:

On the date given in said notice as provided in RCW ((~~28A.65.420~~)) 28A.505.050 the school district board of directors shall meet at the time and place designated. Any person may appear thereat and be heard for or against any part of such budget. Such hearing may be continued not to exceed a total of two days: **PROVIDED**, That the budget must be adopted no later than August 31st in first class school districts, and not later than August 1st in second class school districts.

Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board: **PROVIDED**, That first class school districts shall file copies of their adopted budget with their educational service district no later than September 3rd, and second class school districts shall forward copies of their adopted budget to their educational service district no later than August 3rd for review, alteration and approval as provided for in RCW ((~~28A.65.430~~)) 28A.505.070 by the budget review committee.

Sec. 419. Section 7, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.430 are each amended to read as follows:

The budget review committee shall fix and approve the amount of the appropriation from each fund of the budget of second class districts not later than August 31st. No budget review committee shall knowingly approve any budget or appropriation that is in violation of this chapter or rules and regulations adopted by the superintendent of public instruction in accordance with RCW ((~~28A.65.465(1)~~)) 28A.505.140(1). A copy of said budget shall be returned to the local school districts no later than September 10th.

Members of the budget review committee as referred to in this section shall consist of the educational service district superintendent or a representative thereof, a member of the local school district board of directors or a representative thereof, and a representative of the superintendent of public instruction.

Sec. 420. Section 10, chapter 118, Laws of 1975-'76 2nd ex. sess. as amended by section 7, chapter 59, Laws of 1983 and RCW 28A.65.445 are each amended to read as follows:

The budget shall set forth the estimated revenues for the ensuing fiscal year, the estimated revenues for the fiscal year current at the time of budget preparation, the actual revenues for the last completed fiscal year, and the reserved and unreserved fund balances for each year. The estimated revenues from all sources for the ensuing fiscal year shall not include any revenue not anticipated to be available during that fiscal year: PROVIDED, That school districts, pursuant to RCW ((~~28A.65.450~~)) 28A.505.110 can be granted permission by the superintendent of public instruction to include as revenues in their budgets, receivables collectible in future fiscal years.

The budget shall set forth by detailed items or classes the estimated expenditures for the ensuing fiscal year, the estimated expenditures for the fiscal year current at the time of budget preparation, and the actual expenditures for the last completed fiscal year. Total salary amounts, full-time equivalents, and the high, low, and average annual salaries, shall be displayed by job classification within each budget classification. If individual salaries within each job classification are not displayed, districts shall provide the individual salaries together with the title or position of the recipient and the total amounts of salary under each budget class upon request. Salary schedules shall be displayed. In districts where negotiations have not been completed, the district may budget the salaries at the current year's rate and restrict fund balance for the amount of anticipated increase in salaries, so long as an explanation shall be attached to the budget on such restriction of fund balance.

Sec. 421. Section 11, chapter 118, Laws of 1975-'76 2nd ex. sess. as amended by section 8, chapter 59, Laws of 1983 and RCW 28A.65.450 are each amended to read as follows:

When a school district board is unable to prepare a budget or budget extension pursuant to RCW ((~~28A.65.480 or 28A.65.485~~)) 28A.505.170 or 28A.505.180 in which the estimated revenues for the budgeted fiscal year

plus the estimated fund balance at the beginning of the budgeted fiscal year less the ending reserved fund balance for the budgeted fiscal year do not at least equal the estimated expenditures for the budgeted fiscal year, the school district board may deliver a petition in writing, at least twenty days before the budget or budget extension is scheduled for adoption, to the superintendent of public instruction requesting permission to include receivables collectible in future years, in order to balance the budget. If such permission is granted, it shall be in writing, and it shall contain conditions, binding on the district, designed to improve the district's financial condition. Any budget or appropriation adopted by the board of directors without written permission from the superintendent of public instruction that contains estimated expenditures in excess of the total of estimated revenue for the budgeted fiscal year plus estimated fund balance at the beginning of the budgeted fiscal year less ending reserve fund balance for the budgeted fiscal year shall be null and void and shall not be considered an appropriation.

Sec. 422. Section 14, chapter 118, Laws of 1975-'76 2nd ex. sess. as amended by section 10, chapter 59, Laws of 1983 and RCW 28A.65.465 are each amended to read as follows:

(1) Notwithstanding any other provision of law, the superintendent of public instruction is hereby directed to promulgate such rules and regulations as will insure proper budgetary procedures and practices, including monthly financial statements consistent with the provisions of RCW 43.09-.200, and this chapter.

(2) If the superintendent of public instruction determines upon a review of the budget of any district that said budget does not comply with the budget procedures established by this chapter or by rules and regulations promulgated by the superintendent of public instruction, or the provisions of RCW 43.09.200, ~~((he))~~ the superintendent shall give written notice of this determination to the board of directors of the local school district.

(3) The local school district, notwithstanding any other provision of law, shall, within thirty days from the date the superintendent of public instruction issues a notice pursuant to subsection (2) of this section, submit a revised budget which meets the requirements of RCW 43.09.200, this chapter, and the rules and regulations of the superintendent of public instruction: PROVIDED, That if the district fails or refuses to submit a revised budget which in the determination of the superintendent of public instruction meets the requirements of RCW 43.09.200, this chapter, and the rules and regulations of the superintendent of public instruction, the matter shall be submitted to the state board of education, which board shall meet and adopt a financial plan which shall be in effect until a budget can be adopted and submitted by the district in compliance with this section.

Sec. 423. Section 15, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.65.470 are each amended to read as follows:

Total budgeted expenditures for each fund as adopted in the budget of a school district shall constitute the appropriations of the district for the ensuing fiscal year and the board of directors shall be limited in the incurring of expenditures to the grand total of such appropriations. The board of directors shall incur no expenditures for any purpose in excess of the appropriation for each fund: PROVIDED, That no board of directors shall be prohibited from incurring expenditures for the payment of regular employees, for the necessary repairs and upkeep of the school plant, for the purchase of books and supplies, and for their participation in joint purchasing agencies authorized in RCW ((28A.58.107)) 28A.320.080 during the interim while the budget is being settled under RCW ((28A.65.465)) 28A.505.140: PROVIDED FURTHER, That transfers between budget classes may be made by the school district's chief administrative officer or finance officer, subject to such restrictions as may be imposed by the school district board of directors.

Directors, officers or employees who knowingly or negligently violate or participate in a violation of this section by the incurring of expenditures in excess of any appropriation(s) shall be held civilly liable, jointly and severally, for such expenditures in excess of such appropriation(s), including consequential damages following therefrom, for each such violation. If as a result of any civil or criminal action the violation is found to have been done knowingly, such director, officer, or employee who is found to have participated in such breach shall immediately forfeit his or her office or employment, and the judgment in any such action shall so provide.

Nothing in this section shall be construed to limit the duty of the attorney general to carry out the provisions of RCW 43.09.260, as now or hereafter amended.

Sec. 424. Section 17, chapter 118, Laws of 1975-'76 2nd ex. sess. as last amended by section 9, chapter 128, Laws of 1984 and RCW 28A.65-.480 are each amended to read as follows:

(1) Notwithstanding any other provision of this chapter, upon the happening of any emergency in first class school districts caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the restoration to a condition of usefulness of any school district property, the usefulness of which has been destroyed by accident, and no provision has been made for such expenditures in the adopted appropriation, the board of directors, upon the adoption by the vote of the majority of all board members of a resolution stating the facts constituting the emergency, may make an appropriation therefor without notice or hearing.

(2) Notwithstanding any other provision of this chapter, if in first class districts it becomes necessary to increase the amount of the appropriation, and if the reason is not one of the emergencies specifically enumerated in subsection (1) of this section, the school district board of directors, before

incurring expenditures in excess of the appropriation, shall adopt a resolution stating the facts and the estimated amount of appropriation to meet it.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided in RCW ((28A.65.420)) 28A.505.050. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Copies of all adopted appropriation resolutions shall be filed with the educational service district who shall forward one copy each to the office of the superintendent of public instruction. One copy shall be retained by the educational service district.

Sec. 425. Section 18, chapter 118, Laws of 1975-'76 2nd ex. sess. as last amended by section 10, chapter 128, Laws of 1984 and RCW 28A.65-.485 are each amended to read as follows:

Notwithstanding any other provision of this chapter, if a second class school district needs to increase the amount of the appropriation from any fund for any reason, the school district board of directors, before incurring expenditures in excess of appropriation, shall adopt a resolution stating the facts and estimating the amount of additional appropriation needed.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by RCW ((28A.65.420)) 28A.505.050. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Upon passage of the appropriation resolution the school district shall petition the superintendent of public instruction for approval to increase the amount of its appropriations in the manner prescribed in rules and regulations for such approval by the superintendent.

Copies of all appropriation resolutions approved by the superintendent of public instruction shall be filed by the office of the superintendent of public instruction with the educational service district.

37. Apportionment to District—District Accounting

Sec. 426. Section 15, chapter 15, Laws of 1970 ex. sess. as last amended by section 1, chapter 136, Laws of 1982 and RCW 28A.48.010 are each amended to read as follows:

On or before the last business day of September 1969 and each month thereafter, the superintendent of public instruction shall apportion from the state general fund to the several educational service districts of the state the proportional share of the total annual amount due and apportionable to such educational service districts for the school districts thereof as follows:

September	9%
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October	9%
November	5.5%
December	9%
January	9%
February	9%
March	9%
April	9%
May	5.5%
June	6.0%
July	10.0%
August	10.0%

The annual amount due and apportionable shall be the amount apportionable for all apportionment credits estimated to accrue to the schools during the apportionment year beginning September first and continuing through August thirty-first. Appropriations made for school districts for each year of a biennium shall be apportioned according to the schedule set forth in this section for the fiscal year starting September 1st of the then calendar year and ending August 31st of the next calendar year. The apportionment from the state general fund for each month shall be an amount which will equal the amount due and apportionable to the several educational service districts during such month: **PROVIDED**, That any school district may petition the superintendent of public instruction for an emergency advance of funds which may become apportionable to it but not to exceed ten percent of the total amount to become due and apportionable during the school districts apportionment year. The superintendent of public instruction shall determine if the emergency warrants such advance and if the funds are available therefor. If ~~((he))~~ the superintendent determines in the affirmative, he or she may approve such advance and, at the same time, add such an amount to the apportionment for the educational service district in which the school district is located: **PROVIDED**, That the emergency advance of funds and the interest earned by school districts on the investment of temporary cash surpluses resulting from obtaining such advance of state funds shall be deducted by the superintendent of public instruction from the remaining amount apportionable to said districts during that apportionment year in which the funds are advanced.

Sec. 427. Section 28A.48.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 56, Laws of 1983 and RCW 28A.48.030 are each amended to read as follows:

Upon receiving the certificate of apportionment from the superintendent of public instruction the educational service district superintendent shall promptly apportion to the school districts of his or her educational service district the amounts then due and apportionable to such districts as certified by the superintendent of public instruction.

Sec. 428. Section 28A.48.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 28, chapter 118, Laws of 1975-'76 2nd ex. sess. and RCW 28A.48.100 are each amended to read as follows:

The county treasurer of each county of this state shall be ex officio treasurer of the several school districts of their respective counties, and, except as otherwise provided by law, it shall be the duty of each county treasurer:

(1) To receive and hold all moneys belonging to such school districts, and to pay them out only on warrants legally issued.

(2) To certify to the educational service district superintendent and the auditor of his or her county, at least quarterly each year, the amount of all school funds in his or her possession subject to apportionment on the last day of the preceding month, which certificate shall specify the source or sources from which said moneys were derived.

(3) To make annually, on or before the twenty-fifth day of September, a report to the educational service district superintendent and auditor of ((his)) the county, which report shall show the amount of school funds on hand at the beginning of the school year last past belonging to each school district; the amount of funds placed to the credit of each school district during the school year ending August thirty-first, last past, and the sources from which said funds were derived; the amount of warrants registered during the year, the amount of funds disbursed upon warrants of each school district during the year; the amount of funds remaining in ((his)) the treasurer's possession at the close of the school year subject to be paid out upon warrants, and the fund to which said moneys belong; also the amount of all unpaid warrants or bonds appearing upon his or her register at the close of the school year.

(4) ((He shall)) To register all school warrants presented to him or her by the county auditor in a book to be known as the "Treasurer's School District Warrant Register," which register shall show the date issued, number of warrant, to whom issued, amount and purpose, date registered, date advertised, interest if any accruing on said warrant, total as redeemed, date redeemed and to whom paid. If the district has money in the fund on which the warrant is drawn no endorsement on the warrant is necessary, but if there be no money to the credit of the fund on which the warrant is registered ((he)) the treasurer shall endorse on said warrant the following: "This warrant bears interest at percent per annum from until called for payment. County Treasurer, By Deputy." All warrants shall be paid in the order of their presentation to the county treasurer; and it is hereby made the duty of the county treasurer to advertise, at least quarterly, all warrants which he or she is prepared to pay, in the same manner in which he or she is required to advertise county warrants, and after the date fixed in said notice, warrants shall cease to draw interest.

(5) (~~He shall~~) To prepare and submit to each school district superintendent in (~~his~~) the county a written report of the state of the finances of such district on the first day of each month, which report shall be submitted not later than the seventh day of said month, certified to by the county auditor, which report shall contain the balance on hand the first of the preceding month, the funds paid in, warrants paid with interest thereon, if any, the number of warrants issued and not paid, and the balance on hand.

(6) After each monthly settlement with the county commissioners the treasurer of each county shall submit a statement of all canceled warrants of districts to the respective school district superintendents, which statement shall be verified to by the county auditor. The canceled warrants of each district shall be preserved separately and shall at all times be open to inspection by the school district superintendent or by any authorized accountant of such district.

38. Common School Construction Fund

39. Forest Reserve Funds Distribution

Sec. 429. Section 1, chapter 126, Laws of 1982 as amended by section 1, chapter 311, Laws of 1985 and RCW 28A.02.300 are each amended to read as follows:

Of the moneys received by the state from the federal government in accordance with Title 16, section 500, United States Code, fifty percent shall be spent by the counties on public schools or public roads, and fifty percent shall be spent by the counties on public schools as provided in RCW (~~28A.02.310(2))~~ 28A.520.020(2), or for any other purposes as now or hereafter authorized by federal law, in the counties in the United States forest reserve from which such moneys were received. Where the reserve is situated in more than one county, the state treasurer shall determine the proportional area of the counties therein. The state treasurer is authorized and required to obtain the necessary information to enable him or her to make that determination.

The state treasurer shall distribute to the counties, according to the determined proportional area, the money to be spent by the counties. The county legislative authority shall expend the fifty percent received by the county for the benefit of the public roads or public schools of the county, or for any other purposes as now or hereafter authorized by federal law.

Sec. 430. Section 2, chapter 126, Laws of 1982 as amended by section 2, chapter 311, Laws of 1985 and RCW 28A.02.310 are each amended to read as follows:

(1) There shall be a fund known as the federal forest revolving fund. The state treasurer, who shall be custodian of the revolving fund, shall deposit into the revolving fund the funds for each county received by the state in accordance with Title 16, section 500, United States Code. The state

treasurer shall distribute these moneys to the counties according to the determined proportional area. The county legislative authority shall expend fifty percent of the money for the benefit of the public roads and other public purposes as authorized by federal statute or public schools of such county and not otherwise. Disbursements by the counties of the remaining fifty percent of the money shall be as authorized by the superintendent of public instruction, or the superintendent's designee, and shall occur in the manner provided in subsection (2) of this section.

(2) No later than thirty days following receipt of the funds from the federal government, the superintendent of public instruction shall apportion moneys distributed to counties for schools to public school districts in the respective counties in proportion to the number of full time equivalent students enrolled in each public school district to the number of full time equivalent students enrolled in public schools in the county. In apportioning these funds, the superintendent of public instruction shall utilize the October enrollment count.

(3) If the amount received by any public school district pursuant to subsection (2) of this section is less than the basic education allocation to which the district would otherwise be entitled, the superintendent of public instruction shall apportion to the district, in the manner provided by RCW (~~28A.48.010, as now existing or hereafter amended~~) 28A.510.250, an amount which shall be the difference between the amount received pursuant to subsection (2) of this section and the basic education allocation to which the district would otherwise be entitled.

(4) All federal forest funds shall be expended in accordance with the requirements of Title 16, section 500, United States Code, as now existing or hereafter amended.

40. Bond Issues

Sec. 431. Section 28A.47.090, chapter 223, Laws of 1969 ex. sess. as amended by section 36, chapter 141, Laws of 1979 and RCW 28A.47.090 are each amended to read as follows:

It shall be the duty of the superintendent of public instruction, in consultation with the Washington state department of social and health services, to prepare, and so often as ~~((he))~~ the superintendent deems necessary revise, a manual for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance, and operation of school plant facilities for the common schools. In the preparation and revision of the aforesaid manual due consideration shall be given to the presentation of information regarding (1) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW (~~28A.47.050 through 28A.47.120~~) 28A.525.010 through 28A.525.080 and 28A.335.230; (2) procedures in inaugurating and

conducting a school plant planning program for a school district; (3) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; (4) the planning of readily expandable and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (5) an acceptable school building maintenance program and the necessity therefor; (6) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (7) any other matters regarded by the aforesaid officer as pertinent or related to the purposes and requirements of RCW ((28A.47.050 through 28A.47.120)) 28A.525.010 through 28A.525.080 and 28A.335.230.

Sec. 432. Section 28A.47.776, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.776 are each amended to read as follows:

The proceeds from the sale of the bonds authorized in RCW ((28A.47.775 through 28A.47.783)) 28A.525.100 through 28A.525.116 shall be deposited in the public school building construction account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of RCW ((28A.47.775 through 28A.47.783)) 28A.525.100 through 28A.525.116, and for payment of the expense incurred in the printing, issuance and sale of such bonds.

Sec. 433. Section 28A.47.777, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.777 are each amended to read as follows:

The public school building bond redemption fund of 1965 is hereby created in the state treasury which fund shall be exclusively devoted to the retirement of the bonds and interest authorized by RCW ((28A.47.775 through 28A.47.783)) 28A.525.100 through 28A.525.116. The state finance committee shall, on or before June thirtieth of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by RCW ((28A.47.775 through 28A.47.783)) 28A.525.100 through 28A.525.116. On July 1st of each year the state treasurer shall deposit such amount in the public school building bond redemption fund of 1965 from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be sales tax collections and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

Sec. 434. Section 28A.47.778, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.778 are each amended to read as follows:

The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by RCW ((28A.47.775 through 28A.47.783 and RCW 28A.47.775 through 28A.47.783)) 28A.525.100 through 28A.525.116 shall not be deemed to provide an exclusive method for such payment.

Sec. 435. Section 28A.47.779, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.779 are each amended to read as follows:

The bonds authorized in RCW ((28A.47.775 through 28A.47.783)) 28A.525.100 through 28A.525.116 shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county and municipal deposits.

Sec. 436. Section 28A.47.780, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.780 are each amended to read as follows:

For the purpose of carrying out the provisions of RCW ((28A.47.775 through 28A.47.783)) 28A.525.100 through 28A.525.116 funds appropriated to the state board of education from the public school building construction account of the general fund shall be allotted by the state board of education ((in accordance with the provisions of RCW 28A.47.732 through 28A.47.748)): PROVIDED, That no allotment shall be made to a school district for the purpose aforesaid until such district has provided funds for school building construction purposes through the issuance of bonds or through the authorization of excess tax levies or both in an amount equivalent to ten percent of its taxable valuation or such amount as may be required by the state board of education. The state board of education shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

Sec. 437. Section 28A.47.781, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.781 are each amended to read as follows:

The following sums, or so much thereof as may be necessary, are hereby appropriated from the public school building construction account of the general fund, from the proceeds of the bonds herein authorized, to carry out the purposes of RCW ((28A.47.775 through 28A.47.783)) 28A.525.100 through 28A.525.116: To the state finance committee, sixteen thousand five hundred dollars; to the state board of education, sixteen million four hundred eighty-three thousand five hundred dollars.

Sec. 438. Section 28A.47.782, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.782 are each amended to read as follows:

In accordance with the provisions of RCW ((28A.47.780)) 28A.525.110, the state board of education is authorized to allocate the sum

of \$27,753,500 (being (1) \$16,483,500 from the public school building construction account including \$7,403,500 for new community colleges authorized by the 1965 legislature, and (2) \$11,270,000 from the common school construction fund): PROVIDED, That such allocations shall not be binding upon the state in the event that either chapter 158, Laws of 1965 extraordinary session (~~((RCW 28A.47.775 through 28A.47.783))~~), RCW 28A.525.100 through 28A.525.116, or Senate Joint Resolution No. 22, 1965 extraordinary session, is rejected by the people: PROVIDED FURTHER, That expenditures against such allocations shall not exceed the amounts appropriated in chapter 158, Laws of 1965 extraordinary session (~~((RCW 28A.47.775 through 28A.47.783))~~), RCW 28A.525.100 through 28A.525.116, and in chapter 153, Laws of 1965 extraordinary session (ESSB 42) during the 1965-1967 fiscal biennium, or the amounts then currently appropriated for these purposes by future legislatures.

Sec. 439. Section 28A.47.783, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.783 are each amended to read as follows:

Chapter 158, Laws of 1965 extraordinary session (~~((RCW 28A.47.775 through 28A.47.783))~~) RCW 28A.525.100 through 28A.525.116 shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1966, in accordance with the provisions of section 3, Article VIII of the state Constitution; and in accordance with the provisions of section 1, Article II of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.

Sec. 440. Section 28A.47.784, chapter 223, Laws of 1969 ex. sess. as last amended by section 26, chapter 15, Laws of 1970 ex. sess. and RCW 28A.47.784 are each amended to read as follows:

For the purpose of furnishing funds for state assistance to school districts in providing common school plant facilities and modernization of existing common school plant facilities, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of twenty-two million dollars to be paid and discharged in accordance with terms to be established by the finance committee. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee: PROVIDED, That no part of the twenty-two million dollar bond issue shall be sold unless there are insufficient funds in the common school construction fund to meet appropriations authorized by RCW (~~((28A.47.784 through 28A.47.791))~~) 28A.525.120 through 28A.525.134 as evidenced by a joint agreement entered into between the governor and the superintendent of public instruction.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds, and the sale, issuance and redemption thereof. The covenants of said bonds may include

but not be limited to a covenant for the creation, maintenance and replenishment of a reserve account or accounts within the common school building bond redemption fund of 1967 to secure the payment of the principal of and interest on said bonds, into which it shall be pledged there will be paid, from the same sources pledged for the payment of such principal and interest, such amounts at such times which in the opinion of the state finance committee are necessary for the most advantageous sale of said bonds; a covenant that additional bonds which may be authorized by the legislature payable out of the same source or sources may be issued on a parity with the bonds authorized in RCW ((~~28A.47.784 through 28A.47.791~~)) 28A.525.120 through 28A.525.134 upon compliance with such conditions as the state finance committee may deem necessary to effect the most advantageous sale of the bonds authorized in RCW ((~~28A.47.784 through 28A.47.791~~)) 28A.525.120 through 28A.525.134 and such additional bonds; and if found reasonably necessary by the state finance committee to accomplish the most advantageous sale of the bonds authorized herein or any issue or series thereof, such committee may select a trustee for the owners and holders of such bonds or issue or series thereof and shall fix the rights, duties, powers and obligations of such trustee. The money in such reserve account or accounts and in such common school construction fund may be invested in any investments that are legal for the permanent common school fund of the state, and any interest earned on or profits realized from the sale of any such investments shall be deposited in such common school building bond redemption fund of 1967. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto. Such bonds shall be payable at such places as the state finance committee may provide.

Sec. 441. Section 28A.47.785, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.785 are each amended to read as follows:

The common school building construction account of the general fund is hereby created as an account of the general fund and the proceeds from the sale of the bonds authorized by RCW ((~~28A.47.784 through 28A.47.791~~)) 28A.525.120 through 28A.525.134 shall be deposited therein and shall be used exclusively for the purposes of carrying out the provisions of RCW ((~~28A.47.784 through 28A.47.791~~)) 28A.525.120 through 28A.525.134 and for payment of the expense incurred in the printing, issuance and sale of such bonds.

Sec. 442. Section 28A.47.786, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.786 are each amended to read as follows:

Bonds issued under the provisions of RCW ((~~28A.47.784 through 28A.47.791~~)) 28A.525.120 through 28A.525.134 shall distinctly state that they are not a general obligation bond of the state, but are payable in the manner provided in RCW ((~~28A.47.784 through 28A.47.791~~)) 28A.525.120 through 28A.525.134 from that portion of the common school construction fund derived from the interest on the permanent common school fund. That portion of the common school construction fund derived from interest on the permanent common school fund is hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW ((~~28A.47.784 through 28A.47.791~~)) 28A.525.120 through 28A.525.134.

Sec. 443. Section 28A.47.787, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 77, Laws of 1969 and RCW 28A.47.787 are each amended to read as follows:

The common school building bond redemption fund of 1967 is hereby created in the state treasury which fund shall be exclusively devoted to the retirement of the bonds and interest authorized by RCW [((~~28A.47.784 through 28A.47.791~~)) 28A.525.120 through 28A.525.134 and to the retirement of and payment of interest on any additional bonds which may be issued on a parity therewith. The state finance committee shall, on or before June thirtieth of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet reserve account payments, interest payments on and retirement of bonds payable out of such common school building bond redemption fund of 1967. On July first of each year the state treasurer shall transfer such amount to the common school building bond redemption fund of 1967 from moneys in the common school construction fund certified by the state finance committee to be interest on the permanent common school fund and such amount certified by the state finance committee to the state treasurer shall be a prior charge against that portion of the common school construction fund derived from interest on the permanent common school fund.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding] require and compel the transfer and payment of funds as directed herein.

Reviser's note: The bracketed material is omitted statutory text that was the result of a manifest clerical error.

Sec. 444. Section 28A.47.788, chapter 223, Laws of 1969 ex. sess. as amended by section 6, chapter 77, Laws of 1969 and RCW 28A.47.788 are each amended to read as follows:

The legislature may provide additional means for raising funds for the payment of interest and principal of the bonds authorized by RCW ((~~28A.47.784 through 28A.47.791~~)) 28A.525.120 through 28A.525.134 from any source or sources not prohibited by the state Constitution and RCW

~~((28A.47.784 through 28A.47.791))~~ 28A.525.120 through 28A.525.134 shall not be deemed to provide an exclusive method of payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of general credit of the state of Washington.

Sec. 445. Section 28A.47.789, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.789 are each amended to read as follows:

The bonds authorized in RCW ~~((28A.47.784 through 28A.47.791))~~ 28A.525.120 through 28A.525.134 shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county and municipal deposits.

Sec. 446. Section 28A.47.790, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.790 are each amended to read as follows:

For the purpose of carrying out the provisions of RCW ~~((28A.47.784 through 28A.47.791))~~ 28A.525.120 through 28A.525.134 funds appropriated to the state board of education from the common school building construction account of the general fund or the common school construction fund shall be allotted by the state board of education in accordance with the provisions of RCW 28A.47.732 through 28A.47.748: PROVIDED, That no allotment shall be made to a school district for the purpose aforesaid until such district has provided funds for school building construction purposes through the issuance of bonds or through the authorization of excess tax levies or both in an amount equivalent to ten percent of its taxable valuation or such amount as may be required by the state board of education. The state board of education shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

Sec. 447. Section 28A.47.791, chapter 223, Laws of 1969 ex. sess. and RCW 28A.47.791 are each amended to read as follows:

There is hereby appropriated to the state board of education the following sums, or so much thereof as may be necessary, for the purpose of carrying out the provisions of RCW ~~((28A.47.784 through 28A.47.791))~~ 28A.525.120 through 28A.525.134: (1) Twenty-two million dollars from the common school building construction account and (2) twenty-nine million seven hundred forty-four thousand five hundred and fifty-four dollars from the common school construction fund including three million for modernization of existing school facilities.

In accordance with RCW ~~((28A.47.790))~~ 28A.525.132, the state board of education is authorized to allocate for the purposes of carrying out the provisions of RCW ~~((28A.47.784 through 28A.47.791))~~ 28A.525.120 through 28A.525.134 the sum of sixty-three million nine hundred thousand dollars: PROVIDED, That expenditures against such allocation shall not exceed the amount appropriated in this section: PROVIDED FURTHER,

That no part of the allocation provided in this section in excess of the total amount appropriated by RCW (~~((28A.47.784 through 28A.47.791))~~) 28A.525.120 through 28A.525.134 shall be allocated unless joint agreement of its necessity shall be determined by the governor and the superintendent of public instruction.

Sec. 448. Section 1, chapter 13, Laws of 1969 as last amended by section 11, chapter 4, Laws of 1985 ex. sess. and RCW 28A.47.792 are each amended to read as follows:

For the purpose of furnishing funds for state assistance to school districts in providing common school plant facilities and modernization of existing common school plant facilities, there shall be issued and sold general obligation bonds of the state of Washington in the sum of twenty-two million five hundred thousand dollars to be paid and discharged in accordance with terms to be established by the state finance committee. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee: PROVIDED, That no part of the twenty-six million four hundred thousand dollar bond issue shall be sold unless there are insufficient funds in the common school construction fund to meet appropriations authorized by RCW (~~((28A.47.792 through 28A.47.799 as now or hereafter amended))~~) 28A.525.140 through 28A.525.154 as evidenced by a joint agreement entered into between the governor and the superintendent of public instruction.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds, and the sale, issuance and redemption thereof. The covenants of said bonds may include but not be limited to a covenant for the creation, maintenance and replenishment of a reserve account or accounts within the common school building bond redemption fund of 1967 to secure the payment of the principal of and interest on said bonds, into which it shall be pledged there will be paid, from the same sources pledged for the payment of such principal and interest, such amounts at such times which in the opinion of the state finance committee are necessary for the most advantageous sale of said bonds; a covenant that additional bonds which may be authorized by the legislature payable out of the same source or sources may be issued on a parity with the bonds authorized in RCW (~~((28A.47.784 through 28A.47.791, as amended, and in RCW 28A.47.792 through 28A.47.799 as now or hereafter amended))~~) 28A.525.120 through 28A.525.134 and 28A.525.140 through 28A.525.154 upon compliance with such conditions as the state finance committee may deem necessary to effect the most advantageous sale of the bonds authorized in RCW (~~((28A.47.792 through 28A.47.799 as now or hereafter amended))~~) 28A.525.140 through 28A.525.154 and such additional bonds; and if found reasonably necessary by the state finance committee to accomplish the most advantageous sale of the bonds authorized herein or

any issue or series thereof, such committee may select a trustee for the owners and holders of such bonds or issue or series thereof and shall fix the rights, duties, powers and obligations of such trustee. The money in such reserve account or accounts and in such common school construction fund may be invested in any investments that are legal for the permanent common school fund of the state, and any interest earned on or profits realized from the sale of any such investments shall be deposited in such common school building bond redemption fund of 1967. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto. Such bonds shall be payable at such places as the state finance committee may provide.

Sec. 449. Section 3, chapter 13, Laws of 1969 as amended by section 2, chapter 108, Laws of 1974 ex. sess. and RCW 28A.47.794 are each amended to read as follows:

Bonds issued under the provisions of RCW (~~(28A.47.792 through 28A.47.799)~~) 28A.525.140 through 28A.525.154 shall distinctly state that they are a general obligation bond of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on such bonds shall be first payable in the manner provided in RCW (~~(28A.47.792 through 28A.47.799)~~) 28A.525.140 through 28A.525.154 from that portion of the common school construction fund derived from the interest on the permanent common school fund. That portion of the common school construction fund derived from interest on the permanent common school fund is hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW (~~(28A.47.792 through 28A.47.799)~~) 28A.525.140 through 28A.525.154.

Sec. 450. Section 4, chapter 13, Laws of 1969 as amended by section 2, chapter 4, Laws of 1971 ex. sess. and RCW 28A.47.795 are each amended to read as follows:

The common school building bond redemption fund of 1967 has been created in the state treasury which fund shall be exclusively devoted to the retirement of the bonds and interest authorized by RCW (~~(28A.47.784 through RCW 28A.47.791, as amended, and by RCW 28A.47.792 through 28A.47.799 as now or hereafter amended)~~) 28A.525.120 through 28A.525.134 and 28A.525.140 through 28A.525.154 and to the retirement of and payment of interest on any additional bonds which may be issued on a parity therewith. The state finance committee shall, on or before June thirtieth of each year, certify to the state treasurer the amount needed in

the ensuing twelve months to meet reserve account payments, interest payments on and retirement of bonds payable out of such common school building bond redemption fund of 1967. On July first of each year the state treasurer shall transfer such amount to the common school building bond redemption fund of 1967 from moneys in the common school construction fund certified by the state finance committee to be interest on the permanent common school fund and such amount certified by the state finance committee to the state treasurer shall be a prior charge against that portion of the common school construction fund derived from interest on the permanent common school fund.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

Sec. 451. Section 5, chapter 13, Laws of 1969 as last amended by section 3, chapter 108, Laws of 1974 ex. sess. and RCW 28A.47.796 are each amended to read as follows:

The legislature may provide additional means for raising funds for the payment of interest and principal of the bonds authorized by RCW (~~28A.47.792 through 28A.47.799 as now or hereafter amended~~) 28A.525.140 through 28A.525.154 from any source or sources not prohibited by the state Constitution and RCW (~~28A.47.792 through 28A.47.799 as now or hereafter amended~~) 28A.525.140 through 28A.525.154 shall not be deemed to provide an exclusive method of payment.

Sec. 452. Section 7, chapter 13, Laws of 1969 and RCW 28A.47.798 are each amended to read as follows:

For the purpose of carrying out the provisions of RCW (~~28A.47.792 through 28A.47.799~~) 28A.525.140 through 28A.525.154 funds appropriated to the state board of education from the common school building construction account of the general fund shall be allotted by the state board of education in accordance with the provisions of RCW 28A.47.732 through 28A.47.748: PROVIDED, That no allotment shall be made to a school district for the purpose aforesaid until such district has provided funds for school building construction purposes through the issuance of bonds or through the authorization of excess tax levies or both in an amount equivalent to ten percent of its taxable valuation or such amount as may be required by the state board of education. The state board of education shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

Sec. 453. Section 8, chapter 13, Laws of 1969 and RCW 28A.47.799 are each amended to read as follows:

There is hereby appropriated to the state board of education the following sums or so much thereof as may be necessary for the purpose of

carrying out the provisions of RCW ((~~28A.47.792 through 28A.47.799~~)) 28A.525.140 through 28A.525.154: Twenty-six million four hundred thousand dollars from the common school building construction account of the general fund and five million seven hundred and fifty-five thousand four hundred and forty-six dollars from the common school construction fund.

In accordance with RCW ((~~28A.47.798~~)) 28A.525.152, the state board of education is authorized to allocate for the purposes of carrying out the provisions of RCW ((~~28A.47.792 through 28A.47.799~~)) 28A.525.140 through 28A.525.154 the entire amount of such appropriation as hereinabove in this section provided which is not already allocated for that purpose: PROVIDED, That expenditures against such allocation shall not exceed the amount appropriated in this section.

Sec. 454. Section 4, chapter 108, Laws of 1974 ex. sess. and RCW 28A.47.7991 are each amended to read as follows:

Any or all of the heretofore issued and outstanding bonds authorized by RCW ((~~28A.47.784 through 28A.47.791, and by RCW 28A.47.792 through 28A.47.799~~)) 28A.525.120 through 28A.525.134 and 28A.525.140 through 28A.525.154 may be refunded by the issuance of general obligation bonds of the state of Washington pursuant to the provisions of chapter 39-.53 RCW as heretofore or hereafter amended. Any such refunding general obligation bonds shall be additionally secured as to the payment thereof by a pledge of interest on the permanent common school fund.

Sec. 455. Section 2, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 321, Laws of 1989 and RCW 28A.47.801 are each amended to read as follows:

(1) Funds appropriated to the state board of education from the common school construction fund shall be allotted by the state board of education in accordance with student enrollment and the provisions of RCW ((~~28A.47.830~~)) 28A.525.200.

(2) No allotment shall be made to a school district until such district has provided matching funds equal to or greater than the difference between the total approved project cost and the amount of state assistance to the district for financing the project computed pursuant to RCW ((~~28A.47-803~~)) 28A.525.166, with the following exceptions:

(a) The state board may waive the matching requirement for districts which have provided funds for school building construction purposes through the authorization of bonds or through the authorization of excess tax levies or both in an amount equivalent to two and one-half percent of the value of its taxable property, as defined in RCW 39.36.015.

(b) No such matching funds shall be required as a condition to the allotment of funds for the purpose of making major or minor structural changes to existing school facilities in order to bring such facilities into compliance with the handicapped access requirements of section 504 of the

federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and rules implementing the act.

(3) For the purpose of computing the state matching percentage under RCW ((28A.47.803)) 28A.525.166 when a school district is granted authority to enter into contracts, adjusted valuation per pupil shall be calculated using headcount student enrollments from the most recent October enrollment reports submitted by districts to the superintendent of public instruction, adjusted as follows:

(a) In the case of projects for which local bonds were approved after May 11, 1989:

(i) For districts which have been designated as serving high school districts under RCW ((28A.56.200)) 28A.540.110, students residing in the nonhigh district so designating shall be excluded from the enrollment count if the student is enrolled in any grade level not offered by the nonhigh district;

(ii) The enrollment of nonhigh school districts shall be increased by the number of students residing within the district who are enrolled in a serving high school district so designated by the nonhigh school district under RCW ((28A.56.200)) 28A.540.110, including only students who are enrolled in grade levels not offered by the nonhigh school district; and

(iii) The number of preschool handicapped students included in the enrollment ((~~county~~ ~~count~~)) count shall be multiplied by one-half;

(b) In the case of construction or modernization of high school facilities in districts serving students from nonhigh school districts, the adjusted valuation per pupil shall be computed using the combined adjusted valuations and enrollments of each district, each weighted by the percentage of the district's resident high school students served by the high school district; and

(c) The number of kindergarten students included in the enrollment count shall be multiplied by one-half.

(4) The state board of education shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

(5) For the purposes of this section, "preschool handicapped students" means developmentally disabled children of preschool age who are entitled to services under ((~~chapter 28A.13~~)) RCW 28A.155.010 through 28A.155.100 and are not included in the kindergarten enrollment count of the district.

Sec. 456. Section 3, chapter 244, Laws of 1969 ex. sess. as last amended by section 2, chapter 321, Laws of 1989 and RCW 28A.47.802 are each amended to read as follows:

In allotting the state funds provided by RCW ((~~28A.47.800 through 28A.47.811~~)) 28A.525.160 through 28A.525.182, the state board of education shall:

(1) Prescribe rules and regulations not inconsistent with RCW ((~~28A.47.800 through 28A.47.811~~)) 28A.525.160 through 28A.525.182 governing the administration, control, terms, conditions, and disbursement of allotments to school districts to assist them in providing school plant facilities;

(2) Approve, whenever the board deems such action advisable, allotments to districts that apply for state assistance;

(3) Authorize the payment of approved allotments by warrant of the state treasurer; and

(4) In the event that the amount of state assistance applied for pursuant to the provisions hereof exceeds the funds available for such assistance during any biennium, make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance or prorate allotments among such districts in conformity with procedures and regulations applicable thereto which shall be established by the board.

Sec. 457. Section 4, chapter 244, Laws of 1969 ex. sess. as last amended by section 3, chapter 321, Laws of 1989 and RCW 28A.47.803 are each amended to read as follows:

Allocations to school districts of state funds provided by RCW ((~~28A.47.800 through 28A.47.811~~)) 28A.525.160 through 28A.525.182 shall be made by the state board of education and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The boards of directors of the districts shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the state board of education.

(2) The state matching percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil shall be subtracted from three, and then the result of the foregoing shall be divided by three plus (the ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil).

PROVIDED, That in the event the percentage of state assistance to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state assistance under RCW (~~28A.47.800 through 28A.47.811~~) 28A.525.160 through 28A.525.182, the state board of education may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the state board finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(4) The approved cost of the project determined in the manner herein prescribed times the percentage of state assistance derived as provided for herein shall be the amount of state assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the state board of education: PROVIDED, FURTHER, That additional state assistance may be allowed if it is found by the state board of education that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden imposed by virtue of the admission of non-resident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state owned housing, or (e) a need for the construction of a school building to provide for improved school district organization or racial balance, or (f) conditions similar to those defined under (a), (b), (c), (d) and (e) hereinabove, creating a like emergency.

Sec. 458. Section 5, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.804 are each amended to read as follows:

Whenever the voters of a school district authorize the issuance of bonds and/or the levying of excess taxes in an amount sufficient to meet the requirements of RCW ((28A.47.804)) 28A.525.162 respecting eligibility for state assistance in providing school facilities, the taxable valuation of the district and the percentage of state assistance in providing school facilities prevailing at the time of such authorization shall be the valuation and the percentage used for the purpose of determining the eligibility of the district for an allotment of state funds and the amount or amounts of such allotments, respectively, for all projects for which the voters authorize capital funds as aforesaid, unless a higher percentage of state assistance prevails on the date that state funds for assistance in financing a project are allotted by the state board of education in which case the percentage prevailing on the date of allotment by the state board of funds for each project shall govern: PROVIDED, That if the state board of education determines at any time that there has been undue or unwarranted delay on the part of school district authorities in advancing a project to the point of readiness for an allotment of state funds, the taxable valuation of the school district and the percentage of state assistance prevailing on the date that the allotment is made shall be used for the purposes aforesaid: PROVIDED, FURTHER, That the date herein specified as applicable in determining the eligibility of an individual school district for state assistance and in determining the amount of such assistance shall be applicable also to cases where it is necessary in administering chapter ((28A.56)) 28A.540 RCW to determine eligibility for and the amount of state assistance for a group of school districts considered as a single school administrative unit.

Sec. 459. Section 6, chapter 244, Laws of 1969 ex. sess. as amended by section 4, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.805 are each amended to read as follows:

If a school district which has qualified for an allotment of state funds under the provisions of RCW ((28A.47.800 through 28A.47.811)) 28A.525.160 through 28A.525.182 for school building construction is found by the state board of education to have a school housing emergency requiring an allotment of state funds in excess of the amount allocable under RCW ((28A.47.803)) 28A.525.166, an additional allotment may be made to such district: PROVIDED, That the total amount allotted shall not exceed ninety percent of the total cost of the approved project which may include the cost of the site and equipment. At any time thereafter when the state board of education finds that the financial position of such school district has improved through an increase in its taxable valuation or through retirement of bonded indebtedness or through a reduction in school housing requirements, or for any combination of these reasons, the amount of such

additional allotment, or any part of such amount as the state board of education determines, shall be deducted, under terms and conditions prescribed by the board, from any state school building construction funds which might otherwise be provided to such district.

Sec. 460. Section 8, chapter 244, Laws of 1969 ex. sess. as last amended by section 39, chapter 141, Laws of 1979 and RCW 28A.47.807 are each amended to read as follows:

It shall be the duty of the state board of education, in consultation with the Washington state department of social and health services, to prepare a manual and/or to specify other materials for the information and guidance of local school district authorities and others responsible for and concerned with the designing, planning, maintenance and operation of school plant facilities for the public schools. In so doing due consideration shall be given to the presentation of information regarding (a) the need for cooperative state-local district action in planning school plant facilities arising out of the cooperative plan for financing said facilities provided for in RCW ((28A.47.800 through 28A.47.811)) 28A.525.160 through 28A.525.182; (b) procedures in inaugurating and conducting a school plant planning program for a school district; (c) standards for use in determining the selection and development of school sites and in designing, planning, and constructing school buildings to the end that the health, safety, and educational well-being and development of school children will be served; (d) the planning of readily expansible and flexible school buildings to meet the requirements of an increasing school population and a constantly changing educational program; (e) an acceptable school building maintenance program and the necessity therefor; (f) the relationship of an efficient school building operations service to the health and educational progress of pupils; and (g) any other matters regarded by the state board as pertinent or related to the purposes and requirements of RCW ((28A.47.800 through 28A.47.811)) 28A.525.160 through 28A.525.182.

Sec. 461. Section 9, chapter 244, Laws of 1969 ex. sess. as amended by section 6, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.808 are each amended to read as follows:

The state board of education shall furnish to school districts seeking state assistance under the provisions of RCW ((28A.47.800 through 28A.47.811)) 28A.525.160 through 28A.525.182 consultative and advisory service in connection with the development of school building programs and the planning of school plant facilities.

Sec. 462. Section 10, chapter 244, Laws of 1969 ex. sess. as amended by section 7, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.809 are each amended to read as follows:

Whenever in the judgment of the state board of education economies may be effected without impairing the usefulness and adequacy of school

buildings, said board may prescribe rules and regulations and establish procedures governing the preparation and use of modifiable basic or standard plans for school building construction projects for which state assistance funds provided by RCW (~~((28A.47.800 through 28A.47.811))~~) 28A.525.160 through 28A.525.182 are allotted.

Sec. 463. Section 11, chapter 244, Laws of 1969 ex. sess. as amended by section 8, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.810 are each amended to read as follows:

The total amount of funds appropriated under the provisions of RCW (~~((28A.47.800 through 28A.47.811))~~) 28A.525.160 through 28A.525.182 shall be reduced by the amount of federal funds made available during each biennium for school construction purposes under any applicable federal law. The funds appropriated by RCW (~~((28A.47.800 through 28A.47.811))~~) 28A.525.160 through 28A.525.182 and available for allotment by the state board of education shall be reduced by the amount of such federal funds made available. Notwithstanding the foregoing provisions of this section, the total amount of funds appropriated by RCW (~~((28A.47.800 through 28A.47.811))~~) 28A.525.160 through 28A.525.182 shall not be reduced by reason of any grants to any school district of federal moneys paid under Public Law No. 815 or any other federal act authorizing school building construction assistance to federally affected areas.

Sec. 464. Section 12, chapter 244, Laws of 1969 ex. sess. and RCW 28A.47.811 are each amended to read as follows:

In accordance with RCW (~~((28A.47.801))~~) 28A.525.162, the state board of education is authorized to allocate for the purposes of carrying out the provisions of RCW (~~((28A.47.800 through 28A.47.810))~~) 28A.525.160 through 28A.525.180 the sum of forty-three million, two hundred thousand dollars: PROVIDED, That expenditures against such allocation shall not exceed the amount appropriated in RCW (~~((28A.47.800))~~) 28A.525.160.

Sec. 465. Section 1, chapter 227, Laws of 1977 ex. sess. as amended by section 2, chapter 136, Laws of 1985 and RCW 28A.47.830 are each amended to read as follows:

Notwithstanding any other provision of (~~((this chapter))~~) RCW 28A.525.010 through 28A.525.222, the allocation and distribution of funds by the state board of education which are now or may hereafter be appropriated for the purposes of providing assistance in the construction of school plant facilities shall be governed by RCW (~~((28A.47.050, 28A.47.060, 28A.47.073, 28A.47.075, 28A.47.080, 28A.47.090, 28A.47.100, 28A.47.120, and 28A.47.801 through 28A.47.809))~~) 28A.525.010 through 28A.525.080 and 28A.525.162 through 28A.525.178.

Sec. 466. Section 3, chapter 266, Laws of 1984 and RCW 28A.47.842 are each amended to read as follows:

The proceeds from the sale of the bonds authorized in RCW (~~(28A-47.841)~~) 28A.525.212 shall be deposited in the common school construction fund and shall be used exclusively for the purposes specified in RCW (~~(28A-47.841)~~) 28A.525.212 and section 887, chapter 57, Laws of 1983 1st ex. sess. and for the payment of expenses incurred in the issuance and sale of the bonds.

Sec. 467. Section 4, chapter 266, Laws of 1984 and RCW 28A.47.843 are each amended to read as follows:

The proceeds from the sale of the bonds deposited under RCW (~~(28A-47.842)~~) 28A.525.214 in the common school construction fund shall be administered by the state board of education.

Sec. 468. Section 5, chapter 266, Laws of 1984 as amended by section 2, chapter 3, Laws of 1985 ex. sess. and RCW 28A.47.844 are each amended to read as follows:

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in RCW (~~(28A-47.841)~~) 28A.525.212. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings. On each date on which any interest or principal and interest is due, the state treasurer shall cause an identical amount to be transferred to the general fund of the state treasury from that portion of the common school construction fund derived from the interest on the permanent common school fund. The transfers from the common school construction fund shall be subject to all pledges, liens, and encumbrances heretofore granted or created on the portion of the fund derived from interest on the permanent common school fund. Any deficiency in such transfer shall be made up as soon as moneys are available for transfer and shall constitute a continuing obligation of that portion of the common school construction fund derived from the interest on the permanent common school fund until all deficiencies are fully paid.

Bonds issued under RCW (~~(28A-47.841)~~) 28A.525.212 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate

proceeding require the transfer and payment of funds as directed in this section.

Sec. 469. Section 6, chapter 266, Laws of 1984 and RCW 28A.47.845 are each amended to read as follows:

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW ((28A.47.841, and RCW 28A.47.844)) 28A.525.212 and 28A.525.218 shall not be deemed to provide an exclusive method for the payment.

Sec. 470. Section 7, chapter 266, Laws of 1984 and RCW 28A.47.846 are each amended to read as follows:

The bonds authorized in RCW ((28A.47.841)) 28A.525.212 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

Sec. 471. Section 1, chapter 141, Laws of 1980 as amended by section 12, chapter 4, Laws of 1985 ex. sess. and RCW 28A.47B.010 are each amended to read as follows:

For the purpose of furnishing funds for state assistance to school districts in providing for the construction of common school plant facilities, the state finance committee is hereby authorized to issue general obligation bonds of the state of Washington in the sum of twenty-two million seven hundred thousand dollars or so much thereof as may be required to provide state assistance to local school districts for the construction of common school plant facilities and to compensate the common school construction fund for the sale of timber from common school, indemnity, and escheat trust lands sold to the parks and recreation commission prior to March 13, 1980, pursuant to RCW 43.51.270 and 43.51.280. The amount of bonds issued under ((this chapter)) RCW 28A.525.230 through 28A.525.300 shall not exceed the fair market value of the timber. No bonds authorized by ((this chapter)) RCW 28A.525.230 through 28A.525.300 shall be offered for sale without prior legislative appropriation and these bonds shall be paid and discharged in not more than thirty years of the date of issuance.

Sec. 472. Section 2, chapter 141, Laws of 1980 and RCW 28A.47B-.020 are each amended to read as follows:

When the state finance committee has determined to issue the general obligation bonds or a portion thereof as authorized in RCW ((28A.47B-.010)) 28A.525.230 it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of the bonds, which notes shall be designated as "bond anticipation notes." Such portion of the proceeds of the sale of bonds as may be required for the payment of the principal of and redemption premium, if any, and interest on the notes shall be applied thereto when the bonds are issued.

Sec. 473. Section 4, chapter 141, Laws of 1980 and RCW 28A.47B-.040 are each amended to read as follows:

Except for that portion of the proceeds required to pay bond anticipation notes, the proceeds from the sale of the bonds and bond anticipation notes authorized by ~~((this chapter))~~ RCW 28A.525.230 through 28A.525.300, and any interest earned on the proceeds, together with all grants, donations, transferred funds, and all other moneys which the state finance committee may direct the state treasurer to deposit therein, shall be deposited in the common school construction fund and shall be used exclusively for the purposes of carrying out ~~((this chapter))~~ RCW 28A.525.230 through 28A.525.300, and for payment of the expense incurred in the printing, issuance and sale of the bonds.

Sec. 474. Section 5, chapter 141, Laws of 1980 and RCW 28A.47B-.050 are each amended to read as follows:

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized by ~~((this chapter))~~ RCW 28A.525.230 through 28A.525.300.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amounts required in the next succeeding twelve months for the payment of the principal of and the interest coming due on the bonds and the dates on which the payments are due. The state treasurer, not less than thirty days prior to the date on which any interest or principal and interest payment is due, shall withdraw from any general state revenues or any other funds constitutionally available and received in the state treasury and deposit in the state general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Sec. 475. Section 6, chapter 141, Laws of 1980 and RCW 28A.47B-.060 are each amended to read as follows:

The bonds authorized by ~~((this chapter))~~ RCW 28A.525.230 through 28A.525.300 shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

Sec. 476. Section 7, chapter 141, Laws of 1980 and RCW 28A.47B-.070 are each amended to read as follows:

No provisions of ~~((this chapter))~~ RCW 28A.525.230 through 28A.525.300 shall be deemed to repeal, override, or limit any provision of RCW ~~((28A.47.784 through 28A.47.811))~~ 28A.525.120 through 28A.525.182, nor any provision or covenant of the proceedings of the state finance committee acting for and on behalf of the state of Washington heretofore or hereafter taken in the issuance of its revenue or general obligation bonds secured by a pledge of the interest earnings of the permanent common school fund under these statutes.

Sec. 477. Section 8, chapter 141, Laws of 1980 and RCW 28A.47B-.080 are each amended to read as follows:

The proceeds received from the sale of the bonds issued under ~~((this chapter))~~ RCW 28A.525.230 through 28A.525.300 which are deposited in the common school construction fund and available for common school construction purposes shall serve as total compensation to the common school construction fund for the proceeds from the sale of timber from trust lands sold prior to March 13, 1980, to the state parks and recreation commission pursuant to RCW 43.51.270 and 43.51.280 which are required to be deposited in the common school construction fund. The superintendent of public instruction and the state board of education shall expend by June 30, 1981, the proceeds received from the bonds issued under ~~((this chapter))~~ RCW 28A.525.230 through 28A.525.300.

41. District Bonds for Land, Buildings, and Equipment

Sec. 478. Section 28A.51.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 11, chapter 186, Laws of 1984 and RCW 28A.51-.020 are each amended to read as follows:

The question whether the bonds shall be issued, as provided in RCW ~~((28A.51.010))~~ 28A.530.010, shall be determined at an election to be held pursuant to RCW 39.36.050. If a majority of the votes cast at such election favor the issuance of such bonds, the board of directors must issue such bonds: PROVIDED, That if the amount of bonds to be issued, together with any outstanding indebtedness of the district that only needs a simple majority voter approval, exceeds three-eighths of one percent of the value of the taxable property in said district, as the term "value of the taxable property" is defined in RCW 39.36.015, then three-fifths of the votes cast at such election must be in favor of the issuance of such bonds, before the board of directors is authorized to issue said bonds.

Sec. 479. Section 28A.51.190, chapter 223, Laws of 1969 ex. sess. as amended by section 26, chapter 167, Laws of 1983 and RCW 28A.51.190 are each amended to read as follows:

Every holder of any of the bonds so issued as a bearer bond as provided in this chapter, within ten days after ~~((he shall))~~ the owner becomes the owner or holder thereof, shall notify the county treasurer of the county in which such bonds are issued of his or her ownership, together with his or her full name and post office address, and the county treasurer of said county ~~((, in addition to the published notice in RCW 28A.51.210 provided for,))~~ shall deposit in the post office, properly stamped and addressed to each owner of any such bonds subject to redemption or payment, a notice in like form, stating the time and place of the redemption of such bonds and the number of the bonds to be redeemed, and in case any owners of bonds shall fail to notify the treasurer of their ownership as aforesaid, then a notice mailed to the last holder of such bonds shall be deemed sufficient, and

any and all such notices so mailed as aforesaid shall be deemed to be personal notice to the holders of such bonds, and at the expiration of the time therein named shall have the force to suspend the interest upon any such bonds.

Sec. 480. Section 28A.51.200, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.200 are each amended to read as follows:

At any time after the issuance of such bonds as in this chapter provided, and in the discharge of the duties imposed upon said county treasurer, should any incidental expense, costs or charges arise, the said county treasurer shall present his or her claim for the same to the board of directors of the school district issuing such bonds, and the same shall be audited and paid in the same manner as other services are paid under the provisions of law.

42. Validating Indebtedness

Sec. 481. Section 28A.52.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.52.020 are each amended to read as follows:

Whenever the board of directors of any school district shall deem it advisable to validate and ratify the indebtedness mentioned in RCW ((28A.52.010)) 28A.535.010, they shall provide therefor by resolution, which shall be entered on the records of such school district, which resolution shall provide for the holding of an election for the purpose of submitting the question of validating and ratifying the indebtedness so incurred to the voters of such school district for approval or disapproval, and if at such election three-fifths of the voters in such school district voting at such election shall vote in favor of the validation and ratification of such indebtedness, then such indebtedness so validated and ratified and every part thereof existing at the time of the adoption of said resolution shall thereby become and is hereby declared to be validated and ratified and a binding obligation upon such school district.

Sec. 482. Section 28A.52.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.52.030 are each amended to read as follows:

At the time of the adoption of the resolution provided for in RCW ((28A.52.020)) 28A.535.020, the board of directors shall direct the school district superintendent to give notice to the county auditor of the suggested time and purpose of such election, and specifying the amount and general character of the indebtedness proposed to be ratified. Such superintendent shall also cause written or printed notices to be posted in at least five places in such school district at least twenty days before such election. In addition to his or her other duties relating thereto, the county auditor shall give notice of such election as provided for in RCW 29.27.080.

Sec. 483. Section 28A.52.060, chapter 223, Laws of 1969 ex. sess. as amended by section 30, chapter 167, Laws of 1983 and RCW 28A.52.060 are each amended to read as follows:

If bonds issued under this chapter are not sold as herein provided, the owners of unpaid warrants drawn on the county treasurer by such district for an indebtedness existing at the time of the adoption of the resolution mentioned in RCW (~~28A.52.020~~) 28A.535.020, may exchange said warrants at the face value thereof and accrued interest thereon for bonds issued under this chapter, at not less than par value and accrued interest of such bonds at the time of the exchange; such exchange to be made under such regulations as may be provided by the board of directors of such district.

Sec. 484. Section 28A.52.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.52.080 are each amended to read as follows:

In case any school district has heretofore incurred, or shall hereafter incur, indebtedness for strictly school purposes and has heretofore, or shall hereafter, become merged with another district as provided in (~~chapter 28A.57~~) RCW 28A.315.010 through 28A.315.680 and 28A.315.900, the directors of the last named district may, after such merger, cause to be submitted to the voters within the limits of the district which incurred the obligations, the question of validating and ratifying such indebtedness. The vote shall be taken and the question determined in the manner prescribed in RCW (~~28A.52.020, 28A.52.030 and 28A.52.040~~) 28A.535.020, 28A.535.030, and 28A.535.040. The directors of the district to which the district incurring the obligations was merged shall make provisions for payment of the indebtedness so validated by certifying the amount thereof in the manner prescribed in RCW (~~28A.52.070~~) 28A.535.070; PROVIDED, Such enlarged district may pay a part, or all, of such validating indebtedness from any funds available or by issuing bonds therefor when such enlarged district has taken over property of any district and in making such adjustment and apportionment as provided in (~~chapter 28A.57~~) RCW 28A.315.010 through 28A.315.680 and 28A.315.900, the value of the property received shall be found to exceed the total indebtedness of the district annexed to the extent of such value over the total indebtedness of the district annexed.

43. Capital Fund Aid by Nonhigh Districts

Sec. 485. Section 28A.56.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 35, chapter 385, Laws of 1985 and RCW 28A.56.040 are each amended to read as follows:

Subsequent to the holding of a hearing or hearings as provided in RCW (~~28A.56.030~~) 28A.540.040, the regional committee on school district organization shall determine the nonhigh school districts to be included in the plan and the amount of capital funds to be provided by every school district included therein, and shall submit the proposed plan to the state board of education together with such maps and other materials pertaining thereto as the state board may require. The state board shall review such plan, shall approve any plan which in its judgment makes adequate and

satisfactory provision for participation by the nonhigh school districts in providing capital funds to be used for the purpose above stated, and shall notify the regional committee of such action. Upon receipt by the regional committee of such notification, the educational service district superintendent, or his or her designee, shall notify the board of directors of each school district included in the plan, supplying each board with complete details of the plan and shall state the total amount of funds to be provided and the amount to be provided by each district.

If any such plan submitted by a regional committee is not approved by the state board, the regional committee shall be so notified, which notification shall contain a statement of reasons therefor and suggestions for revision. Within sixty days thereafter the regional committee shall submit to the state board a revised plan which revision shall be subject to approval or disapproval by the state board and the procedural requirements and provisions of law applicable to an original plan submitted to said board.

Sec. 486. Section 28A.56.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 36, chapter 385, Laws of 1985 and RCW 28A.56-.060 are each amended to read as follows:

In the event that a proposal or proposals for providing capital funds as provided in RCW ((28A.56.050)) 28A.540.060 is not approved by the voters of a nonhigh school district a second election thereon shall be held within sixty days thereafter. If the vote of the electors of the nonhigh school district is again in the negative, the high school students residing therein shall not be entitled to admission to the high school under the provisions of RCW ((28A.58.230)) 28A.225.210, following the close of the school year during which the second election is held: PROVIDED, That in any such case the regional committee on school district organization shall determine within thirty days after the date of the aforesaid election the advisability of initiating a proposal for annexation of such nonhigh school district to the school district in which the proposed facilities are to be located or to some other district where its students can attend high school without undue inconvenience: PROVIDED FURTHER, That pending such determination by the regional committee and action thereon as required by law the board of directors of the high school district shall continue to admit high school students residing in the nonhigh school district. Any proposal for annexation of a nonhigh school district initiated by a regional committee shall be subject to the procedural requirements of this chapter respecting a public hearing and submission to and approval by the state board of education. Upon approval by the state board of any such proposal, the educational service district superintendent shall make an order, establishing the annexation.

Sec. 487. Section 28A.56.070, chapter 223, Laws of 1969 ex. sess. as amended by section 37, chapter 385, Laws of 1985 and RCW 28A.56.070 are each amended to read as follows:

In case of failure or refusal by a board of directors of a nonhigh school district to submit a proposal or proposals to a vote of the electors within the time limit specified in RCW ((~~28A.56.050 and 28A.56.060~~) 28A.540.060 and 28A.540.070), the regional committee on school district reorganization may initiate a proposal for annexation of such nonhigh school district as provided for in RCW ((~~28A.56.060~~) 28A.540.070).

45. Payment to High School Districts

Sec. 488. Section 1, chapter 264, Laws of 1981 and RCW 28A.44.150 are each amended to read as follows:

The purposes of RCW ((~~28A.44.150 through 28A.44.230~~) 28A.545.030 through 28A.545.110 and 84.52.0531) are to:

(1) Simplify the annual process of determining and paying the amounts due by nonhigh school districts to high school districts for educating students residing in a nonhigh school district;

(2) Provide for a payment schedule that coincides to the extent practicable with the ability of nonhigh school districts to pay and the need of high school districts for payment; and

(3) Establish that the maximum amount due per annual average full-time equivalent student by a nonhigh school district for each school year is no greater than the maintenance and operation excess tax levy rate per annual average full-time equivalent student levied upon the taxpayers of the high school district.

Sec. 489. Section 2, chapter 264, Laws of 1981 and RCW 28A.44.160 are each amended to read as follows:

The term "student residing in a nonhigh school district" and its equivalent as used in RCW ((~~28A.44.150 through 28A.44.230~~) 28A.545.030 through 28A.545.110 and 84.52.0531 shall mean any handicapped or nonhandicapped common school age person who resides within the boundaries of a nonhigh school district that does not conduct the particular kindergarten through grade twelve grade which the person has not yet successfully completed and is eligible to enroll in.

Sec. 490. Section 4, chapter 264, Laws of 1981 and RCW 28A.44.180 are each amended to read as follows:

The student enrollment data necessary for the computation of the annual amounts due by nonhigh school districts pursuant to RCW ((~~28A.44.150 through 28A.44.230~~) 28A.545.030 through 28A.545.110 and 84.52.0531 shall be established as follows:

(1) On or before July tenth preceding the school year, or such other date as may be established by the superintendent of public instruction, each high school district superintendent shall certify to the superintendent of public instruction:

(a) The estimated number of students residing in a nonhigh school district that will be enrolled in the high school district during the school year

which estimate has been mutually agreed upon by the high school district superintendent and the superintendent of each nonhigh school district in which one or more of such students resides;

(b) The total estimated number of kindergarten through twelfth grade annual average full-time equivalent students, inclusive of nonresident students, that will be enrolled in the high school district during the school year;

(c) The actual number of annual average full-time equivalent students provided for in subsections (1)(a) and (b) of this section that were enrolled in the high school district during the regular school term just completed; and

(d) The name, address, and the school district and county of residence of each student residing in a nonhigh school district reported pursuant to this subsection (1), to the extent the same can reasonably be established.

(2) In the event the superintendents of a high school district and a nonhigh school district are unable to reach agreement respecting the estimated number of annual average full-time equivalent students residing in the nonhigh school district that will be enrolled in the high school district during the school year, the estimate shall be established by the superintendent of public instruction.

Sec. 491. Section 5, chapter 264, Laws of 1981 and RCW 28A.44.190 are each amended to read as follows:

(1) The superintendent of public instruction shall annually determine the estimated amount due by a nonhigh school district to a high school district for the school year as follows:

(a) The total of the high school district's maintenance and operation excess tax levy that has been authorized and determined by the superintendent of public instruction to be allowable pursuant to RCW 84.52.0531, as now or hereafter amended, for collection during the next calendar year, shall first be divided by the total estimated number of annual average full-time equivalent students which the high school district superintendent or the superintendent of public instruction has certified pursuant to RCW ((~~28A.44.180~~) 28A.545.060) will be enrolled in the high school district during the school year;

(b) The result of the calculation provided for in subsection (1)(a) of this section shall then be multiplied by the estimated number of annual average full-time equivalent students residing in the nonhigh school district that will be enrolled in the high school district during the school year which has been established pursuant to RCW ((~~28A.44.180~~) 28A.545.060); and

(c) The result of the calculation provided for in subsection (1)(b) of this section shall be adjusted upward to the extent the estimated amount due by a nonhigh school district for the prior school year was less than the actual amount due based upon actual annual average full-time equivalent student enrollments during the previous school year and the actual per annual average full-time equivalent student maintenance and operation excess

tax levy rate for the current tax collection year, of the high school district, or adjusted downward to the extent the estimated amount due was greater than such actual amount due or greater than such lesser amount as a high school district may have elected to assess pursuant to RCW ((28A.44.210)) 28A.545.090.

(2) The amount arrived at pursuant to subsection (1)(c) of this subsection shall constitute the estimated amount due by a nonhigh school district to a high school district for the school year.

Sec. 492. Section 6, chapter 264, Laws of 1981 and RCW 28A.44.200 are each amended to read as follows:

The estimated amounts due by nonhigh school districts as determined pursuant to RCW ((28A.44.190)) 28A.545.070 shall be paid in two installments. During the month of May of the school year for which the amount is due, each nonhigh school district shall pay to each high school district fifty percent of the total estimated amount due to the high school district for the school year as determined by the superintendent of public instruction pursuant to RCW ((28A.44.190)) 28A.545.070. The remaining fifty percent shall be paid by each nonhigh school district to each high school district during the following November.

Sec. 493. Section 7, chapter 264, Laws of 1981 and RCW 28A.44.210 are each amended to read as follows:

Notwithstanding any provision of RCW ((28A.44.170 through 28A.44.200)) 28A.545.050 through 28A.545.080 to the contrary, any high school district board of directors may elect to assess a nonhigh school district an amount which is less than that otherwise established by the superintendent of public instruction pursuant to RCW ((28A.44.190)) 28A.545.070 to be due. In the event a high school district elects to do so, it shall notify both the superintendent of public instruction and the nonhigh school district of its election and the lesser amount no later than September first following the school year for which the amount is due. In the absence of such notification, each nonhigh school district shall pay the amount otherwise established by the superintendent of public instruction pursuant to RCW ((28A.44.190)) 28A.545.070.

Sec. 494. Section 8, chapter 264, Laws of 1981 as amended by section 7, chapter 61, Laws of 1983 1st ex. sess. and RCW 28A.44.220 are each amended to read as follows:

Unless otherwise agreed to by the board of directors of a nonhigh school district, the amounts which are established as due by a nonhigh school district pursuant to RCW ((28A.44.150 through 28A.44.230)) 28A.545.030 through 28A.545.110 and 84.52.0531, as now or hereafter amended, shall constitute the entire amount which is due by a nonhigh school district for the school year for the education of any and all handicapped and nonhandicapped students residing in the nonhigh school district

who attend a high school district pursuant to RCW ((~~28A.58.230, as now or hereafter amended~~)) 28A.225.210, and for the transportation of such students by a high school district.

Sec. 495. Section 9, chapter 264, Laws of 1981 and RCW 28A.44.230 are each amended to read as follows:

The superintendent of public instruction is hereby empowered to adopt rules pursuant to chapter 34.05 RCW, as now or hereafter amended, deemed necessary or advisable by the superintendent to effect the purposes and implement the provisions of RCW ((~~28A.44.150 through 28A.44.230~~)) 28A.545.030 through 28A.545.110 and 84.52.0531.

45. State School Equalization Fund

PART V STUDENTS, PARENTS, AND COMMUNITY

46. Students

Sec. 496. Section 28A.58.101, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 173, Laws of 1979 ex. sess. and RCW 28A.58.101 are each amended to read as follows:

Every board of directors, unless otherwise specifically provided by law, shall:

(1) Enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils, and certificated employees.

(2) Adopt and make available to each pupil, teacher and parent in the district reasonable written rules and regulations regarding pupil conduct, discipline, and rights, including but not limited to short-term and long-term suspensions. Such rules and regulations shall not be inconsistent with law or the rules and regulations of the superintendent of public instruction or the state board of education and shall include such substantive and procedural due process guarantees as prescribed by the state board of education under RCW ((~~28A.04.132~~)) 28A.305.160. Commencing with the 1976-77 school year, when such rules and regulations are made available to each pupil, teacher and parent, they shall be accompanied by a detailed description of rights, responsibilities and authority of teachers and principals with respect to the discipline of pupils as prescribed by state statutory law, superintendent of public instruction and state board of education rules and regulations and rules and regulations of the school district.

For the purposes of this subsection, computation of days included in "short-term" and "long-term" suspensions shall be determined on the basis of consecutive school days.

(3) Suspend, expel, or discipline pupils in accordance with RCW ((~~28A.04.132~~)) 28A.305.160.

Sec. 497. Section 5, chapter 142, Laws of 1972 ex. sess. as amended by section 1, chapter 171, Laws of 1980 and RCW 28A.58.1011 are each amended to read as follows:

(1) The rules adopted pursuant to RCW (~~((28A.58.101))~~) 28A.600.010 shall be interpreted to insure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere.

(2) Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day or until the principal or designee and teacher have conferred, whichever occurs first: PROVIDED, That except in emergency circumstances, the teacher shall have first attempted one or more alternative forms of corrective action: PROVIDED FURTHER, That in no event without the consent of the teacher shall an excluded student be returned during the balance of that class or activity period.

(3) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide that written procedures are developed for administering discipline at each school within the district. Such procedures shall be developed with the participation of parents and the community, and shall provide that the teacher, principal or designee, and other authorities designated by the board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time in excess of that provided in subsection (2) of this section if such students have repeatedly disrupted the learning of other students: PROVIDED, That the procedures are consistent with the regulations of the state board of education and provide for early involvement of parents in attempts to improve the student's behavior: PROVIDED FURTHER, That pursuant to RCW (~~((28A.58.201))~~) 28A.400.110, the procedures shall assure that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school as well as within each classroom.

Sec. 498. Section 7, chapter 278, Laws of 1984 and RCW 28A.58.195 are each amended to read as follows:

Each school district board of directors may establish student grading policies which permit teachers to consider a student's attendance in determining the student's overall grade or deciding whether the student should be granted or denied credit. Such policies shall take into consideration the circumstances pertaining to the student's inability to attend school. However, no policy shall be adopted whereby a grade shall be reduced or credit shall

be denied for disciplinary reasons only, rather than for academic reasons, unless due process of law is provided as set forth by the state board of education under RCW ((~~28A.04.132~~)) 28A.305.160.

Sec. 499. Section 1, chapter 54, Laws of 1981 as amended by section 14, chapter 341, Laws of 1985 and RCW 28A.58.820 are each amended to read as follows:

Each year high schools in the state of Washington graduate a significant number of students who have distinguished themselves through outstanding academic achievement. The purpose of RCW ((~~28A.58.820 through 28A.58.830~~)) 28A.600.100 through 28A.600.150 is to establish a consistent and uniform program which will recognize and honor the accomplishments of these students; encourage and facilitate privately funded scholarship awards among them; stimulate the recruitment of outstanding students to Washington public and private colleges and universities; and allow educational and legislative leaders, as well as the governor, to reaffirm the importance of educational excellence to the future of this state.

Sec. 500. Section 4, chapter 54, Laws of 1981 as amended by section 33, chapter 370, Laws of 1985 and RCW 28A.58.826 are each amended to read as follows:

The higher education coordinating board shall establish a planning committee to develop criteria for screening and selection of the Washington scholars each year in accordance with RCW ((~~28A.58.822(+)~~)) 28A.600.110(1). It is the intent that these criteria shall emphasize scholastic achievement but not exclude such criteria as leadership ability and community contribution in final selection procedures. The Washington scholars planning committee shall have members from selected state agencies and private organizations having an interest and responsibility in education, including but not limited to, the state board of education, the office of superintendent of public instruction, the council of presidents, the state board for community college education, and the Washington friends of higher education.

Sec. 501. Section 5, chapter 54, Laws of 1981 as amended by section 34, chapter 370, Laws of 1985 and RCW 28A.58.828 are each amended to read as follows:

Each year on or before March 1st, the Washington association of secondary school principals shall submit to the higher education coordinating board the names of graduating senior high school students who have been identified and recommended to be outstanding in academic achievement by their school principals based on criteria to be established under RCW ((~~28A.58.826~~)) 28A.600.130.

Sec. 502. Section 1, chapter 32, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.125 are each amended to read as follows:

Each school district board of directors is hereby granted and shall exercise the authority to control, supervise and regulate the conduct of interschool athletic activities and other interschool extracurricular activities of an athletic, cultural, social or recreational nature for students of the district. A board of directors may delegate control, supervision and regulation of any such activity to the Washington Interscholastic Activities Association or any other voluntary nonprofit entity and compensate such entity for services provided, subject to the following conditions:

(1) The voluntary nonprofit entity shall submit an annual report to the state board of education of student appeal determinations, assets, and financial receipts and disbursements at such time and in such detail as the state board shall establish by rule;

(2) The voluntary nonprofit entity shall not discriminate in connection with employment or membership upon its governing board, or otherwise in connection with any function it performs, on the basis of race, creed, national origin, sex or marital status;

(3) Any rules and policies applied by the voluntary nonprofit entity which govern student participation in any interschool activity shall be written and subject to the annual review and approval of the state board of education at such time as it shall establish;

(4) All amendments and repeals of such rules and policies shall be subject to the review and approval of the state board; and

(5) Such rules and policies shall provide for notice of the reasons and a fair opportunity to contest such reasons prior to a final determination to reject a student's request to participate in or to continue in an interschool activity. Any such decision shall be considered a decision of the school district conducting the activity in which the student seeks to participate or was participating and may be appealed pursuant to RCW (~~(28A.88.010 through 28A.88.015, as now or hereafter amended)~~) 28A.645.010 through 28A.645.030.

Sec. 503. Section 245, chapter 271, Laws of 1989 and RCW 28A.67-.310 are each amended to read as follows:

No right nor expectation of privacy exists for any student as to the use of any locker issued or assigned to a student by a school and the locker shall be subject to search for illegal drugs, weapons, and contraband as provided in RCW (~~(28A.67.300 through 28A.67.330)~~) 28A.600.210 through 28A.600.240.

Sec. 504. Section 247, chapter 271, Laws of 1989 and RCW 28A.67-.330 are each amended to read as follows:

(1) In addition to the provisions in RCW (~~(28A.67.320)~~) 28A.600.230, the school principal, vice principal, or principal's designee may search all student lockers at any time without prior notice and without a reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rule.

(2) If the school principal, vice principal, or principal's designee, as a result of the search, develops a reasonable suspicion that a certain container or containers in any student locker contain evidence of a student's violation of the law or school rule, the principal, vice principal, or principal's designee may search the container or containers according to the provisions of RCW ((28A.67.320(2))) 28A.600.230(2).

47. Parent Access

48. Project Even Start

Sec. 505. Section 104, chapter 518, Laws of 1987 and RCW 28A.130-.010 are each amended to read as follows:

(1) Parents can be the most effective teachers for their children. Providing illiterate or semiliterate parents with opportunities to acquire basic skills and child development knowledge will enhance their ability to assist and support their children in the learning process, and will enhance children's learning experiences in the formal education environment by providing children with the motivation and positive home environment which contribute to enhanced academic performance.

(2) RCW ((28A.130.012 through 28A.130.020)) 28A.610.020 through 28A.610.060 may be known and cited as project even start.

Sec. 506. Section 105, chapter 518, Laws of 1987 and RCW 28A.130-.012 are each amended to read as follows:

Unless the context clearly requires otherwise, the definition in this section shall apply throughout RCW ((28A.130.014 through 28A.130.020)) 28A.610.030 through 28A.610.060.

"Parent" or "parents" means a parent who has less than an eighth grade ability in one or more of the basic skill areas of reading, language arts, or mathematics, as measured by a standardized test, and who has a child or children enrolled in: (1) The state early childhood education and assistance program; (2) a federal head start program; (3) a state or federally funded elementary school basic skills program serving students who have scored below the national average on a standardized test in one or more of the basic skill areas of reading, language arts, or mathematics; or (4) a cooperative nursery school at a community college or vocational technical institute.

Sec. 507. Section 106, chapter 518, Laws of 1987 and RCW 28A.130-.014 are each amended to read as follows:

(1) The superintendent of public instruction, in consultation with the department of community development, the department of social and health services, the state board for community college education, and community-based, nonprofit providers of adult literacy services, shall develop an adult literacy program to serve eligible parents as defined under RCW ((28A.130.012)) 28A.610.020. The program shall give priority to serving parents

with children who have not yet enrolled in school or are in grades kindergarten through three.

(2) In addition to providing basic skills instruction to eligible parents, the program may include other program components which may include transportation, child care, and such other directly necessary activities as may be necessary to accomplish the purposes of RCW (~~((28A.130.012 through 28A.130.020))~~ 28A.610.020 through 28A.610.060).

(3) Parents who elect to participate in training or work programs, as a condition of receiving public assistance, shall have the hours spent in parent participation programs, conducted as part of a federal head start program, or the state early childhood education and assistance program under (~~(chapter 28A.34A))~~ RCW 28A.215.100 through 28A.215.200 and 28A.215.900 through 28A.215.908, or parent literacy programs under RCW ((28A.130.012 through 28A.130.020)) 28A.610.020 through 28A.610.060, counted toward the fulfillment of their work and training obligation for the receipt of public assistance.

(4) State funds as may be appropriated for project even start shall be used solely to expand and complement, but not supplant, federal funds for adult literacy programs.

(5) The superintendent of public instruction shall adopt rules as necessary to carry out the purposes of RCW (~~((28A.130.012 through 28A.130.020))~~ 28A.610.020 through 28A.610.060).

49. School Involvement Program

Sec. 508. Section 302, chapter 518, Laws of 1987 and RCW 28A.58-.642 are each amended to read as follows:

School districts are encouraged to develop school involvement programs in addition to the policies on parents' access to classrooms and school activities required under RCW (~~((28A.58.053))~~ 28A.605.020). As part of the school involvement program, school districts' policies and plans should be designed to encourage and accommodate the participation in school activities by persons interested and involved with school-age children. The plans should include encouraging classroom observations, parent-teacher consultations, participation in special programs, school volunteer activities, and participation in policy-making and advisory groups at both the district and building levels.

Sec. 509. Section 303, chapter 518, Laws of 1987 and RCW 28A.58-.644 are each amended to read as follows:

School districts are encouraged to provide information to local businesses, organizations, and governmental agencies about their school involvement programs under RCW (~~((28A.58.642))~~ 28A.615.020). School districts are encouraged to seek suggestions from local businesses, organizations, and governmental agencies about implementing their school involvement programs. School districts may enter into agreements with private businesses

and organizations and state and local governmental agencies to facilitate employee participation in the local program.

50. Community Education Program

Sec. 510. Section 1, chapter 120, Laws of 1979 ex. sess. as amended by section 12, chapter 341, Laws of 1985 and by section 1, chapter 344, Laws of 1985 and RCW 28A.58.246 are each reenacted and amended to read as follows:

The purposes of this section and RCW ((28A.58.247)) 28A.620.020 are to:

(1) Provide educational, recreational, cultural, and other community services and programs through the establishment of the concept of community education with the community school serving as the center for such activity;

(2) Promote a more efficient and expanded use of existing school buildings and equipment;

(3) Help provide personnel to work with schools, citizens and with other agencies and groups;

(4) Provide a wide range of opportunities for all citizens including programs, if resources are available, to promote parenting skills and promote awareness of the problem of child abuse and methods to avoid child abuse;

(5) As used in this section, "parenting skills" shall include: The importance of consistency in parenting; the value of providing children with a balance of love and firm discipline; the instruction of children in honesty, morality, ethics, and respect for the law; and the necessity of preserving and nurturing the family unit; and

(6) Help develop a sense of community in which the citizens cooperate with the public schools and community agencies and groups to resolve their school and community concerns and to recognize that the schools are available for use by the community day and night, year-round or any time when the programming will not interfere with the preschool through grade twelve program.

51. Meal Program for the Elderly

Sec. 511. Section 1, chapter 107, Laws of 1973 and RCW 28A.58.720 are each amended to read as follows:

The legislature finds that many elderly persons suffer dietary deficiencies and malnutrition due to inadequate financial resources, immobility, lack of interest due to isolation and loneliness, and characteristics of the aging process, such as physiological, social, and psychological changes which result in a way of life too often leading to feelings of rejection, abandonment, and despair. There is a real need as a matter of public policy to provide the elderly citizens with adequate nutritionally sound meals, through which their isolation may be penetrated with the company and the social contacts

of their own. It is the declared purpose of RCW ((~~28A.58.136, 28A.58.720 and 28A.58.722~~)) 28A.235.120, 28A.623.010, and 28A.623.020 to raise the level of dignity of the aged population where their remaining years can be lived in a fulfillment equal to the benefits they have bestowed, the richness they have added, and the great part they have played in the life of our society and nation.

Sec. 512. Section 3, chapter 107, Laws of 1973 and RCW 28A.58.722 are each amended to read as follows:

The board of directors of any school district may establish or allow for the establishment of a nonprofit meal program for feeding elderly persons residing within the area served by such school district using school facilities, and may authorize the extension of any school food services for the purpose of feeding elderly persons, subject to the following conditions and restrictions:

(1) The charge to such persons for each meal shall not exceed the actual cost of such meal to the school.

(2) The program will utilize methods of administration which will assure that the maximum number of eligible individuals may have an opportunity to participate in such a program, and will coordinate, whenever possible, with the local area agency on aging.

(3) Any nonprofit meal program established pursuant to RCW ((~~28A.58.136, 28A.58.720 and 28A.58.722~~)) 28A.235.120, 28A.623.010, and 28A.623.020 may not be operated so as to interfere with the normal educational process within the schools.

(4) No school district funds may be used for the operation of such a meal program.

(5) For purposes of RCW ((~~28A.58.136, 28A.58.720 and 28A.58.722~~)) 28A.235.120, 28A.623.010, and 28A.623.020, "elderly persons" shall mean persons who are at least sixty years of age.

PART VI AWARDS AND SPECIAL PROJECTS

52. Awards

A. Excellence in Education Awards

Sec. 513. Section 1, chapter 147, Laws of 1986 and RCW 28A.03.520 are each amended to read as follows:

RCW ((~~28A.03.523 through 28A.03.538~~)) 28A.625.020 through 28A.625.070 and 28B.15.547 may be known and cited as the Washington award for excellence in education program act.

Sec. 514. Section 2, chapter 147, Laws of 1986 as last amended by section 1, chapter 75, Laws of 1989 and RCW 28A.03.523 are each amended to read as follows:

(1) The superintendent of public instruction shall establish an annual award program for excellence in education to recognize teachers, principals,

administrators, school district superintendents, and school boards for their leadership, contributions, and commitment to education. The program shall recognize annually:

(a) Five teachers from each congressional district of the state. One individual must be an elementary level teacher, one must be a junior high or middle school level teacher, and one must be a secondary level teacher. Teachers shall include educational staff associates;

(b) Five principals or administrators from the state;

(c) One school district superintendent from the state; and

(d) One school district board of directors from the state.

Not more than three teachers and three principals or administrators from each congressional district and one superintendent and one school board from the state may be recognized and receive awards in any school year.

(2) The awards for teachers and principals or administrators shall include certificates presented by the governor and the superintendent of public instruction at a public ceremony or ceremonies in appropriate locations.

(3) In addition to certificates under subsection (2) of this section, awards for teachers and principals or administrators shall include:

(a) A waiver of tuition and fees under RCW 28B.15.547 and a stipend not to exceed one thousand dollars to cover costs incurred in taking courses for which the tuition and fees have been waived under this subsection and RCW 28B.15.547. The stipend shall not be considered compensation for the purposes of RCW ((~~28A.58.095~~)) 28A.400.200; or

(b) Teachers and principals or administrators, at their discretion, may elect to forego the waiver of tuition and fees and the stipend under subsection (3) of this section and apply for a grant not to exceed one thousand dollars, which grant shall be awarded under the provisions of RCW ((~~28A.03.535~~)) 28A.625.060. Within one year of receiving the award for excellence in education, teachers and principals or administrators shall notify the superintendent of public instruction in writing of their decision to apply for a grant or to receive the waiver of tuition and fees and the stipend under subsection (3) of this section.

Sec. 515. Section 4, chapter 147, Laws of 1986 and RCW 28A.03.529 are each amended to read as follows:

The awards for the superintendent and school board shall include:

(1) Certificates presented by the governor and the superintendent of public instruction at a public ceremony or ceremonies in appropriate locations;

(2) A grant to the superintendent not to exceed one thousand dollars, which grant shall be awarded under the provisions of RCW ((~~28A.03.538~~)) 28A.625.070; and

(3) A grant to the school board not to exceed two thousand five hundred dollars, which grant shall be awarded under RCW ((28A.03.538)) 28A.625.070.

Sec. 516. Section 5, chapter 147, Laws of 1986 as amended by section 2, chapter 251, Laws of 1988 and RCW 28A.03.532 are each amended to read as follows:

The superintendent of public instruction shall adopt rules under chapter 34.05 RCW to carry out the purposes of ((this chapter)) RCW 28A.625.010 through 28A.625.070. These rules shall include establishing the selection criteria for the Washington award for excellence in education program. The superintendent of public instruction is encouraged to consult with teachers, educational staff associates, principals, administrators, superintendents, and school board members in developing the selection criteria. Notwithstanding the provisions of RCW ((28A.03.523(1)-(a))) 28A.625.020(1) (a) and (b), such rules may allow for the selection of individuals whose teaching or administrative duties, or both, may encompass multiple grade level or building assignments, or both.

Sec. 517. Section 7, chapter 147, Laws of 1986 as amended by section 3, chapter 251, Laws of 1988 and RCW 28A.03.535 are each amended to read as follows:

Teachers and principals or administrators who have received an award for excellence in education under RCW ((28A.03.523)) 28A.625.020 shall be eligible to apply for an educational grant in lieu of receiving a waiver of tuition and fees and a stipend as provided under RCW ((28A.03.523(3))) 28A.625.020(3). The superintendent of public instruction shall award the grant as long as a written grant application is submitted to the superintendent of public instruction within one year after the award was received. The grant application shall identify the educational purpose toward which the grant shall be used.

Sec. 518. Section 8, chapter 147, Laws of 1986 and RCW 28A.03.538 are each amended to read as follows:

The superintendent and school board who have received an award for excellence in education under RCW ((28A.03.529)) 28A.625.040 shall be eligible to apply for an educational grant. The superintendent of public instruction shall award the grant as long as a written grant application is submitted to the superintendent of public instruction within one year after the award was received. The grant application shall identify the educational purpose toward which the grant shall be used.

B. Employee Suggestion Program

Sec. 519. Section 2, chapter 143, Laws of 1986 as amended by section 207, chapter 2, Laws of 1987 1st ex. sess. and RCW 28A.02.325 are each amended to read as follows:

The board of directors of the school district shall make the final determination as to whether an employee suggestion award will be made and shall determine the nature and extent of the award. The award shall not be a regular or supplemental compensation program for all employees and the suggestion must, in fact, result in actual savings greater than the award amount. Any moneys which may be awarded to an employee as part of an employee suggestion program shall not be considered salary or compensation for the purposes of RCW ((28A.58.095+)) 28A.400.200 or chapter 41.40 RCW.

C. Commendable Employee Service and Recognition Award

Sec. 520. Section 2, chapter 399, Laws of 1985 as amended by section 210, chapter 2, Laws of 1987 1st ex. sess. and RCW 28A.58.842 are each amended to read as follows:

The board of directors of any school district may establish a commendable employee service and recognition award program for certificated and classified school employees. The program shall be designed to recognize exemplary service, special achievements, or outstanding contributions by an individual in the performance of his or her duties as an employee of the school district. The board of directors of the school district shall determine the extent and type of any nonmonetary award. The value of any nonmonetary award shall not be deemed salary or compensation for the purposes of RCW ((28A.58.095+)) 28A.400.200 or chapter 41.32 RCW.

D. Mathematics, Engineering, and Science Achievement Award

Sec. 521. Section 5, chapter 265, Laws of 1984 and RCW 28A.03.438 are each amended to read as follows:

The coordinator shall establish local program centers throughout the state to implement RCW ((28A.03.432 through 28A.03.436)) 28A.625.210 through 28A.625.230. Each center shall be managed by a center director. Additional staff as necessary may be hired.

E. School Improvement and Research Projects

53. Temporary Provisions—Special Projects

A. Educational Outcomes

Sec. 522. Section 13, chapter 233, Laws of 1989 and RCW 28A.120.094 are each amended to read as follows:

(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 28A.155.010 through 28A.155.100;

(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 28A.155.010 through 28A.155.100 and basic education allocations generated by such students under the state funding formula adopted pursuant to RCW (~~(28A-41-140)~~) 28A.150.260.

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

Sec. 523. Section 14, chapter 233, Laws of 1989 and RCW 28A.120-.096 are each amended to read as follows:

(1) Prior to December 1, 1991, the superintendent of public instruction shall submit a report on the pilot program established under RCW (~~(28A.120.094)~~) 28A.630.050 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.

Sec. 524. Section 11, chapter 401, Laws of 1987 and RCW 28A.100-.025 are each amended to read as follows:

(1) RCW 28A.100.012 shall expire December 2, 1988.

(2) RCW 28A.100.010, 28A.100.011, and 28A.100.013 through 28A-.100.016 shall expire June 30, 1989.

(3) RCW (~~(28A.100.017 through 28A.100.020)~~) 28A.630.010 through 28A.630.040 shall expire January 2, 1994.

B. Schools for the Twenty-first Century

Sec. 525. Section 102, chapter 525, Laws of 1987 and RCW 28A.100-.032 are each amended to read as follows:

The state board of education, with the assistance of the superintendent of public instruction, shall develop a process for schools or school districts to apply to participate in the schools for the twenty-first century pilot program. The board shall review and select projects for grant awards, and monitor and evaluate the schools for the twenty-first century pilot program. The board shall develop criteria to evaluate the need for the waivers of state statutes or administrative rules as identified under RCW (~~(28A.100.048)~~) 28A.630.180.

Sec. 526. Section 103, chapter 525, Laws of 1987 and RCW 28A.100-.034 are each amended to read as follows:

(1) The governor shall appoint a task force on schools for the twenty-first century. The task force shall assist and cooperate with the state board of education in the development of the process, and review and selection of projects under RCW (~~(28A.100.032)~~) 28A.630.110 and with the state board's duties under RCW (~~(28A.100.052)~~) 28A.630.200. The state board is directed, in developing the criteria for waivers, to take into consideration concerns and recommendations of the task force.

(2) The task force of ten people shall be appointed by the governor. Appointed members who are not legislators shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060. Appointed members who are members of the legislature shall be reimbursed for travel expenses under RCW 44.04.120. Members of the task force shall serve for a period of six years.

Sec. 527. Section 104, chapter 525, Laws of 1987 and RCW 28A.100-.036 are each amended to read as follows:

The process, review, and selection of projects to be developed in RCW ((28A.100.032)) 28A.630.110 shall be approved by the state board of education. The governor's task force on schools for the twenty-first century shall recommend projects for approval to the state board of education.

Sec. 528. Section 106, chapter 525, Laws of 1987 and RCW 28A.100-.040 are each amended to read as follows:

The board, and the task force, after reviewing project proposals, shall, subject to money being appropriated by the legislature for this purpose, select:

(1) Not more than twenty-one projects during each biennium for the schools for the twenty-first century pilot program;

(2) At least one entire school district if the application is consistent with the requirements under RCW ((28A.100.032 and 28A.100.038)) 28A.630.110 and 28A.630.140;

(3) Projects which reflect a balance among elementary, junior high or middle schools, and high schools. They should also reflect, as much as possible, a balance among geographical areas and school characteristics and sizes.

Sec. 529. Section 107, chapter 525, Laws of 1987 and RCW 28A.100-.042 are each amended to read as follows:

(1) The superintendent of public instruction shall administer RCW ((28A.100.032 and 28A.100.036 through 28A.100.058)) 28A.630.110 and 28A.630.130 through 28A.630.230 and is authorized to award grant funding, subject to money being appropriated by the legislature for this purpose for pilot projects selected by the state board of education under RCW ((28A.100.040)) 28A.630.150.

(2) The superintendent of public instruction shall distribute the initial award grants by July 1, 1988. The initial schools for the twenty-first century pilot projects shall commence with the 1988-89 school year.

(3) The twenty-first century pilot school projects may be conducted for up to six years, if funds are so provided. Subject to state board approval and continued state funding, pilot projects initially funded for two years may be extended for a total period not to exceed six years. Future funding shall be conditioned on a positive evaluation of the project.

Sec. 530. Section 108, chapter 525, Laws of 1987 and RCW 28A.100-.044 are each amended to read as follows:

(1) The superintendent of public instruction may accept, receive, and administer for the purposes of RCW ((28A.100.032 through 28A.100.058)) 28A.630.110 through 28A.630.230 such gifts, grants, and contributions as may be provided from public and private sources for the purposes of RCW ((28A.100.032 through 28A.100.058)) 28A.630.110 through 28A.630.230.

(2) The schools for the twenty-first century pilot program account is hereby established in the custody of the state treasurer. The superintendent

of public instruction shall deposit in the account all moneys received under this section. Moneys in the account may be spent only for the purposes of RCW ((~~28A.100.032 through 28A.100.058~~)) 28A.630.110 through 28A.630.230. Disbursements from this account shall be on the authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

Sec. 531. Section 112, chapter 525, Laws of 1987 and RCW 28A.100-.054 are each amended to read as follows:

(1) The state board of education may adopt rules under chapter 34.05 RCW as necessary to implement its duties under RCW ((~~28A.100.032 and 28A.100.036 through 28A.100.058~~)) 28A.630.110 and 28A.630.130 through 28A.68.230.

(2) The superintendent of public instruction may adopt rules under chapter 34.05 RCW as necessary to implement the superintendent's duties under RCW ((~~28A.100.032 and 28A.100.036 through 28A.100.058~~)) 28A.630.110 and 28A.630.130 through 28A.630.230.

Sec. 532. Section 115, chapter 525, Laws of 1987 and RCW 28A.100-.068 are each amended to read as follows:

RCW ((~~28A.100.030 through 28A.100.058~~)) 28A.630.100 through 28A.630.230 shall expire June 30, 1994.

C. International Education

Sec. 533. Section 2, chapter 349, Laws of 1987 and RCW 28A.125.020 are each amended to read as follows:

(1) The superintendent of public instruction shall establish an advisory committee to advise the superintendent on international education issues as such issues relate to the development of model curriculum or curriculum guidelines for grades kindergarten through twelve. The advisory committee shall be of such size as determined by the superintendent of public instruction. The superintendent of public instruction is encouraged to include parents; teachers; administrators; multicultural curriculum specialists; representatives of private enterprise; representatives of foreign trade or policy organizations((;)); representatives of local and state ethnic minority groups, associations, or agencies; and representatives of cultural associations.

(2) The superintendent of public instruction shall establish a working committee to develop international education model curriculum or curriculum guidelines. The working committee shall follow the same procedures as those established by the superintendent of public instruction for the implementation of RCW ((~~28A.03.425~~)) 28A.300.110. Upon completion, the model curriculum or curriculum guidelines shall be made available for consideration and use by school districts.

(3) In cooperation with the advisory committee, the superintendent of public instruction shall conduct a study of the feasibility of establishing an international education curriculum resource center and submit a report to the legislature including findings and recommendations by January 1, 1988.

Sec. 534. Section 3, chapter 349, Laws of 1987 and RCW 28A.125.030 are each amended to read as follows:

(1) The superintendent of public instruction may grant funds to selected school districts for the purposes of developing and implementing international education programs. The grants shall be in such amounts as determined by the superintendent of public instruction. The sum of all grants awarded shall not exceed the amount appropriated by the legislature for such purposes.

(2) The grant program shall center on the use of the international education model curriculum or curriculum guidelines developed in RCW (~~((28A.125.020))~~) 28A.630.310. Districts may use the international education model curriculum or curriculum guidelines developed under RCW (~~((28A.125.020))~~) 28A.630.310 as a guideline for creating their own model curriculum for participation in the grant program.

(3) School districts may apply singularly or a group of school districts may apply together to participate in the program.

(4) School districts applying for the international education grant program shall submit a plan which includes:

(a) Participation by the school district in both the model curriculum or curriculum guidelines development activities and the grant program activities provided for by (~~((this chapter))~~) RCW 28A.630.300 through 28A.630.390;

(b) The application or intent to conduct a foreign language program including either Japanese or Mandarin Chinese beginning in the ninth grade;

(c) A staff in-service training program addressing the implementation of international education curriculum;

(d) A goal to enlist participation where possible by private enterprise, cultural and ethnic associations, foreign trade or policy organizations, the local community, exchange students and students who have participated in exchange programs, and parents;

(e) Evaluation of the pilot program.

(5) To the extent possible, selected school districts shall represent the various geographical locations, school or school district sizes, and grade levels in the state.

(6) By January 1, 1988, the superintendent of public instruction shall select five school district grantees for the program. The program shall be implemented beginning with the 1988-89 school year.

(7) The program in international education shall be considered a social studies offering for the purpose of RCW ((28A.05.060(1))) 28A.230.090(1).

Sec. 535. Section 4, chapter 349, Laws of 1987 and RCW 28A.125.040 are each amended to read as follows:

The superintendent of public instruction shall adopt rules under chapter 34.05 RCW to carry out the purposes of RCW ((28A.125.010 through 28A.125.030)) 28A.630.300 through 28A.630.320.

D. Development of Educational Paraprofessional Training Program

E. Temporary Provisions

VII

Miscellaneous

54. Offenses Relating to Schools and School Personnel—Penalties

Sec. 536. Section 28A.87.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 314, chapter 258, Laws of 1984 and RCW 28A.87.010 are each amended to read as follows:

Any person who shall insult or abuse a teacher anywhere on the school premises while such teacher is carrying out his or her official duties, shall be guilty of a misdemeanor, the penalty for which shall be a fine of not less than ten dollars nor more than one hundred dollars.

Sec. 537. Section 28A.87.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 143, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.87.090 are each amended to read as follows:

Except as otherwise provided in chapter 42.23 RCW, it shall be unlawful for any member of the state board of education, the superintendent of public instruction or any employee of ((his)) the superintendent's office, any educational service district superintendent, any school district superintendent or principal, or any director of any school district, to request or receive, directly or indirectly, anything of value for or on account of his or her influence with respect to any act or proceeding of the state board of education, the office of the superintendent of public instruction, any office of educational service district superintendent or any school district, or any of these, when such act or proceeding shall inure to the benefit of those offering or giving the thing of value.

Any willful violation of the provisions of this section shall be a misdemeanor and punished as such.

Sec. 538. Section 28A.87.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 317, chapter 258, Laws of 1984 and RCW 28A.87.130 are each amended to read as follows:

Any school district official or employee who shall refuse or fail to deliver to his or her qualified successor all books, papers, and records pertaining to his or her position, or who shall willfully mutilate or destroy any such

property, or any part thereof, shall be guilty of a misdemeanor, the penalty for which shall be a fine not to exceed one hundred dollars: PROVIDED, That for each day there is a refusal or failure to deliver to a successor books, papers and records, a separate offense shall be deemed to have occurred.

Sec. 539. Section 28A.87.135, chapter 223, Laws of 1969 ex. sess. and RCW 28A.87.135 are each amended to read as follows:

Any school district director who shall aid in or give his or her consent to the employment of a teacher who is not the holder of a valid teacher's certificate issued under authority of chapter ((28A.70)) 28A.410 RCW authorizing him or her to teach in the school district by which employed shall be personally liable to his or her district for any loss which it may sustain by reason of the employment of such person.

Sec. 540. Section 3, chapter 45, Laws of 1971 as amended by section 1, chapter 2, Laws of 1988 and RCW 28A.87.230 are each amended to read as follows:

It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, teacher, classified employee, or student of any common school who is in the peaceful discharge or conduct of his or her duties or studies.

Sec. 541. Section 4, chapter 45, Laws of 1971 as amended by section 2, chapter 2, Laws of 1988 and RCW 28A.87.231 are each amended to read as follows:

It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, teacher, classified employee, or student of any common school who is in the peaceful discharge or conduct of his or her duties or studies.

Sec. 542. Section 5, chapter 45, Laws of 1971 as amended by section 3, chapter 2, Laws of 1988 and RCW 28A.87.232 are each amended to read as follows:

The crimes defined in RCW ((28A.87.230 and 28A.87.231)) 28A.635.090 and 28A.635.100 shall not apply to school administrators, teachers, or classified employees who are engaged in the reasonable exercise of their disciplinary authority.

Sec. 543. Section 6, chapter 45, Laws of 1971 and RCW 28A.87.233 are each amended to read as follows:

Any person guilty of violating RCW ((28A.87.230 and 28A.87.231)) 28A.635.090 and 28A.635.100 shall be deemed guilty of a gross misdemeanor and, upon conviction thereon, shall be fined not more than five hundred dollars, or imprisoned in jail not more than six months or both such fine and imprisonment.

55. Sexual Equality Mandated for Public Schools

56. Appeals from Board Action or Nonaction

Sec. 544. Section 28A.88.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 40, chapter 282, Laws of 1971 ex. sess. and RCW 28A.88.010 are each amended to read as follows:

Any person, or persons, either severally or collectively, aggrieved by any decision or order of any school official or board, within thirty days after the rendition of such decision or order, or of the failure to act upon the same when properly presented, may appeal the same to the superior court of the county in which the school district or part thereof is situated, by filing with the secretary of the school board if the appeal is from board action or failure to act, otherwise with the proper school official, and filing with the clerk of the superior court, a notice of appeal which shall set forth in a clear and concise manner the errors complained of.

Appeals by teachers, principals, supervisors, superintendents, or other certificated employees from the actions of school boards with respect to discharge or other action adversely affecting their contract status, or failure to renew their contracts for the next ensuing term shall be governed by the appeal provisions of chapters ~~((28A.58))~~ 28A.400 and 28A.405 RCW therefor and in all other cases shall be governed by ~~((this))~~ chapter ~~((28A.88))~~ 28A.645 RCW.

57. Agreement on Qualifications of Personnel

Sec. 545. Section 4, chapter 283, Laws of 1969 ex. sess. and RCW 28A.93.010 are each amended to read as follows:

The Interstate Agreement on Qualifications of Educational Personnel is hereby enacted into law and entered into by this state with all other states legally joining therein in the form substantially as follows:

The contracting states solemnly agree that:

Article I

1. The states party to this Agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this Agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

2. The party states find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are

hindered in using their professional skill and experience in their new locations. Variations from state to state in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other states. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their states or origin, can increase the available educational resources. Participation in this compact can increase the availability of educational manpower.

Article II

As used in this Agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

1. "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.

2. "Designated state official" means the education official of a state selected by that state to negotiate and enter into, on behalf of his or her state, contracts pursuant to this Agreement.

3. "Accept," or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.

4. "State" means a state, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

5. "Originating State" means a state (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

6. "Receiving State" means a state (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

Article III

1. The designated state official of a party state may make one or more contracts on behalf of his or her state with one or more other party states providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this Agreement. A designated state official may enter into a contract pursuant to this Article only with states in which he or she finds that there are programs of education, certification standards or other acceptable qualifications that assure

preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his or her own state.

2. Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating state in qualifying educational personnel for acceptance by a receiving state.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

3. No contract made pursuant to this Agreement shall be for a term longer than five years but any such contract may be renewed for like or lesser periods.

4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this Agreement shall require acceptance by a receiving state of any persons qualified because of successful completion of a program prior to January 1, 1954.

5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving state.

6. A contract committee composed of the designated state officials of the contracting states or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting states.

Article IV

1. Nothing in this Agreement shall be construed to repeal or otherwise modify any law or regulation of a party state relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that state.

2. To the extent that contracts made pursuant to this Agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

Article V

The party states agree that:

1. They will, so far as practicable, prefer the making of multilateral contracts pursuant to Article III of this Agreement.

2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

Article VI

The designated state officials of any party state may meet from time to time as a group to evaluate progress under the Agreement, and to formulate recommendations for changes.

Article VII

Nothing in this Agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel.

Article VIII

1. This Agreement shall become effective when enacted into law by two states. Thereafter it shall become effective as to any state upon its enactment of this Agreement.

2. Any party state may withdraw from this Agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.

3. No withdrawal shall relieve the withdrawing state of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

Article IX

This Agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Agreement shall be severable and if any phrase, clause, sentence, or provision of this Agreement is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Agreement shall be held contrary to the constitution of any state participating therein, the Agreement shall remain in full force and effect as to the state affected as to all severable matters.

Sec. 546. Section 5, chapter 283, Laws of 1969 ex. sess. and RCW 28A.93.020 are each amended to read as follows:

The "designated state official" for this state under Article II of RCW ((28A.93.010)) 28A.690.010 shall be the superintendent of public instruction, who shall be the compact administrator and who shall have power to promulgate rules to carry out the terms of this compact. The superintendent of public instruction shall enter into contracts pursuant to Article III of the Agreement only with the approval of the specific text thereof by the state board of education.

Sec. 547. Section 6, chapter 283, Laws of 1969 ex. sess. and RCW 28A.93.030 are each amended to read as follows:

True copies of all contracts made on behalf of this state pursuant to the Agreement as provided in RCW ((28A.93.010)) 28A.690.010 shall be kept on file in the office of the superintendent of public instruction. The superintendent of public instruction shall publish all such contracts in convenient form.

58. Compact for Education

Sec. 548. Section 28A.92.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.92.010 are each amended to read as follows:

The Compact for Education is hereby entered into with all jurisdictions joining therein, in the form as follows:

COMPACT FOR EDUCATION

ARTICLE I—PURPOSE AND POLICY

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the State and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the Nation, so that the executive and legislative branches of State Government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of State and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

- B. It is the policy of this compact to encourage and promote local and State initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and States.
- C. The party States recognize that each of them has an interest in the quality and quantity of education furnished in each of the other States, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the Nation, and because the products and services contributing to the health, welfare and economic advancement of each State are supplied in significant part by persons educated in other States.

ARTICLE II—STATE DEFINED

As used in this Compact, "State" means a State, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

ARTICLE III—THE COMMISSION

- A. The Education Commission of the States, hereinafter called "the Commission", is hereby established. The Commission shall consist of seven members representing each party State. One of such members shall be the Governor; two shall be members of the State legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the Governor, unless the laws of the State otherwise provide. If the laws of a State prevent legislators from serving on the Commission, six members shall be appointed and serve at the pleasure of the Governor, unless the laws of the State otherwise provide. In addition to any other principles or requirements which a State may establish for the appointment and service of its members of the Commission, the guiding principle for the composition of the membership on the Commission from each party State shall be that the members representing such State, shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the State Government, higher education, the state education system, local education, lay and professional, public and non-public educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the Governor, having responsibility for one or more programs of public education. In addition to the members of the Commission representing the party States, there may be not to exceed ten non-voting commissioners

- selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.
- B. The members of the Commission shall be entitled to one vote each on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the Commission are cast in favor thereof. Action of the Commission shall be only at a meeting at which a majority of the Commissioners are present. The Commission shall meet at least once a year. In its by-laws, and subject to such directions and limitations as may be contained therein, the Commission may delegate the exercise of any of its powers to the steering committee or the Executive Director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to Article III(J).
- C. The Commission shall have a seal.
- D. The Commission shall elect annually, from among its members, a ~~((chairman))~~ chair, who shall be a Governor, a vice ~~((chairman))~~ chair and a treasurer. The Commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the Commission, and together with the treasurer and such other personnel as the Commission may deem appropriate shall be bonded in such amount as the Commission shall determine. The executive director shall be secretary.
- E. Irrespective of the civil service, personnel or other merit system laws of any of the party States, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the Commission, and shall fix the duties and compensation of such personnel. The Commission in its bylaws shall provide for the personnel policies and programs of the Commission.
- F. The Commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.
- G. The Commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any State, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the Commission pursuant to this paragraph or services borrowed pursuant to paragraph (F) of this Article shall be reported in the annual report of the Commission. Such report shall include the nature,

- amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.
- H. The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein.
 - I. The Commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The Commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party States.
 - J. The Commission annually shall make to the Governor and legislature of each party State a report covering the activities of the Commission for the preceding year. The Commission may make such additional reports as it may deem desirable.

ARTICLE IV—POWERS

In addition to authority conferred on the Commission by other provisions of the compact, the Commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop proposals for adequate financing of education as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this Article in any instance where the Commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

ARTICLE V—COOPERATION WITH FEDERAL GOVERNMENT

- A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the Federal Government, the United States may be represented on the Commission by not to exceed

ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to Federal law, and may be drawn from any one or more branches of the Federal Government, but no such representative shall have a vote on the Commission.

- B. The Commission may provide information and make recommendations to any executive or legislative agency or officer of the Federal Government concerning the common educational policies of the States, and may advise with any such agencies or officers concerning any matter of mutual interest.

ARTICLE VI—COMMITTEES

- A. To assist in the expeditious conduct of its business when the full Commission is not meeting, the Commission shall elect a steering committee of thirty-two members which, subject to the provisions of this compact and consistent with the policies of the Commission, shall be constituted and function as provided in the bylaws of the Commission. One-fourth of the voting membership of the steering committee shall consist of Governors, one-fourth shall consist of Legislators, and the remainder shall consist of other members of the Commission. A Federal representative on the Commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the Commission shall be elected as follows: sixteen for one year and sixteen for two years. The ~~((chairman))~~ chair, vice ~~((chairman))~~ -chair, and treasurer of the Commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the Commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the two term limitation.
- B. The Commission may establish advisory and technical committees composed of State, local, and Federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the States concerned, be established to consider any matter of special concern to two or more of the party States. The Commission may establish such additional committees as its bylaws may provide.
- C. The Commission may establish such additional committees as its bylaws may provided.

ARTICLE VII—FINANCE

- A. The Commission shall advise the Governor or designated officer or officers of each party State of its budget and estimated expenditures for such period as may be required by the laws of that party State. Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party States.
- B. The total amount of appropriation requests under any budget shall be apportioned among the party States. In making such apportionment, the Commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party States.
- C. The Commission shall not pledge the credit of any party States. The Commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III(G) of this compact, provided that the Commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it pursuant to Article III(G) thereof, the Commission shall not incur any obligation prior to the allotment of funds by the party States adequate to meet the same.
- D. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the Commission.
- E. The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party States and by any persons authorized by the Commission.
- F. Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

ARTICLE VIII—ELIGIBLE PARTIES; ENTRY INTO AND
WITHDRAWAL

- A. This compact shall have as eligible parties all States, Territories, and Possessions of the United States, the District of members of the Commission from his or her State, and shall provide to the Commission an equitable share of the financial support of the Commission from any source available to him or her.

- D. Except for a withdrawal effective on December 31, 1967 in accordance with paragraph C of this Article, any party State may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State has given notice in writing of the withdrawal to the Governors of all other party States. No withdrawal shall affect any liability already incurred by or chargeable to a party State prior to the time of such withdrawal.

ARTICLE IX—CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any State or of the United States, or the application thereof to any Government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any Government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any State participating therein, the compact shall remain in full force and effect as to the State affected as to all severable matters.

Sec. 549. Section 28A.92.030, chapter 223, Laws of 1969 ex. sess. as amended by section 7, chapter 87, Laws of 1980 and RCW 28A.92.030 are each amended to read as follows:

The term of the members appointed by the president and the speaker shall be dependent upon continued membership in the house from which appointed and shall expire upon the adjournment sine die of the regular session of the legislature during an odd-numbered year next succeeding the appointment of such member. Vacancies occurring during the term shall be filled for the unexpired term by the appointment of a successor in the same manner as for the vacating member. Members appointed by the governor shall serve at ~~((his))~~ the governor's pleasure.

Sec. 550. Section 28A.92.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.92.040 are each amended to read as follows:

The governor or a member designated by ~~((him))~~ the governor shall be ~~((chairman))~~ chair of the members of the commission representing this state.

The commissioners shall cooperate with all public and private entities having an interest in educational matters.

The commissioners may employ such professional, technical and clerical assistance as may be required to aid them in carrying out their functions in this chapter prescribed.

Sec. 551. Section 1, chapter 98, Laws of 1983 and RCW 13.04.145 are each amended to read as follows:

A program of education shall be provided for by the several counties and school districts of the state for common school age persons confined in each of the detention facilities staffed and maintained by the several counties of the state under this chapter and chapters 13.16 and 13.20 RCW. The division of duties, authority, and liabilities of the several counties and school districts of the state respecting the educational programs is the same in all respects as set forth in RCW ~~((28A.58.772 through 28A.58.778))~~ 28A.190.030 through 28A.190.060 respecting programs of education for state residential school residents. For the purposes of this section, the terms "department of social and health services," "residential school" or "schools," and "superintendent or chief administrator of a residential school" as used in RCW ~~((28A.58.772 through 28A.58.778))~~ 28A.190.030 through 28A.190.060 shall be respectively construed to mean "the several counties of the state," "detention facilities," and "the administrator of juvenile court detention services." Nothing in this section shall prohibit a school district from utilizing the services of an educational service district subject to RCW ~~((28A.21.086))~~ 28A.310.190.

Sec. 552. Section 1, chapter 2, Laws of 1983 as last amended by section 4, chapter 48, Laws of 1988 and RCW 18.71.030 are each amended to read as follows:

Nothing in this chapter shall be construed to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer; nor shall anything in this chapter be construed to prohibit:

(1) The furnishing of medical assistance in cases of emergency requiring immediate attention;

(2) The domestic administration of family remedies;

(3) The administration of oral medication of any nature to students by public school district employees or private elementary or secondary school employees as provided for in chapter ~~((28A.31))~~ 28A.210 RCW~~((as now or hereafter amended))~~);

(4) The practice of dentistry, osteopathy, osteopathy and surgery, nursing, chiropractic, podiatry, optometry, naturopathy or any other healing art licensed under the methods or means permitted by such license;

(5) The practice of medicine in this state by any commissioned medical officer serving in the armed forces of the United States or public health service or any medical officer on duty with the United States veterans administration while such medical officer is engaged in the performance of the duties prescribed for him by the laws and regulations of the United States;

(6) The practice of medicine by any practitioner licensed by another state or territory in which he resides, provided that such practitioner shall not open an office or appoint a place of meeting patients or receiving calls within this state;

(7) The practice of medicine by a person who is a regular student in a school of medicine approved and accredited by the board: PROVIDED,

HOWEVER, That the performance of such services be only pursuant to a regular course of instruction or assignments from his instructor, or that such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

(8) The practice of medicine by a person serving a period of postgraduate medical training in a program of clinical medical training sponsored by a college or university in this state or by a hospital accredited in this state: PROVIDED, That the performance of such services shall be only pursuant to his duties as a trainee;

(9) The practice of medicine by a person who is regularly enrolled in a physician's assistant program approved by the board: PROVIDED, HOWEVER, That the performance of such services be only pursuant to a regular course of instruction in said program: AND PROVIDED FURTHER, That such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

(10) The practice of medicine by a registered physician's assistant which practice is performed under the supervision and control of a physician licensed pursuant to this chapter;

(11) The practice of medicine, in any part of this state which shares a common border with Canada and which is surrounded on three sides by water, by a physician licensed to practice medicine and surgery in Canada or any province or territory thereof;

(12) The administration of nondental anesthesia by a dentist who has completed a residency in anesthesiology at a school of medicine approved by the board of medical examiners: PROVIDED, That a dentist allowed to administer nondental anesthesia shall do so only under authorization of the patient's attending surgeon, obstetrician, or psychiatrist: AND PROVIDED FURTHER, That the medical disciplinary board shall have jurisdiction to discipline a dentist practicing under this exemption and enjoin or suspend such dentist from the practice of nondental anesthesia according to the provisions of chapter 18.72 RCW and chapter 18.130 RCW;

(13) Emergency lifesaving service rendered by a physician's trained mobile intravenous therapy technician, by a physician's trained mobile airway management technician, or by a physician's trained mobile intensive care paramedic, as defined in RCW 18.71.200, if the emergency lifesaving service is rendered under the responsible supervision and control of a licensed physician;

(14) The provision of clean, intermittent bladder catheterization for students by public school district employees or private school employees as provided for in RCW 18.88.295 and ((28A.31.160)) 28A.210.280.

Sec. 553. Section 4, chapter 514, Laws of 1987 and RCW 18.118.010 are each amended to read as follows:

(1) The purpose of this chapter is to establish guidelines for the regulation of the real estate profession and other business professions which may

seek legislation to substantially increase their scope of practice or the level of regulation of the profession, and for the regulation of business professions not licensed or regulated on July 26, 1987: PROVIDED, That the provisions of this chapter are not intended and shall not be construed to: (a) Apply to any regulatory entity created prior to July 26, 1987, except as provided in this chapter; (b) affect the powers and responsibilities of the superintendent of public instruction or state board of education under RCW (~~(28A.04.120 and 28A.70.005)~~) 28A.305.130 and 28A.410.010; (c) apply to or interfere in any way with the practice of religion or to any kind of treatment by prayer; (d) apply to any remedial or technical amendments to any statutes which licensed or regulated activity before July 26, 1987; and (e) apply to proposals relating solely to continuing education. The legislature believes that all individuals should be permitted to enter into a business profession unless there is an overwhelming need for the state to protect the interests of the public by restricting entry into the profession. Where such a need is identified, the regulation adopted by the state should be set at the least restrictive level consistent with the public interest to be protected.

(2) It is the intent of this chapter that no regulation shall be imposed upon any business profession except for the exclusive purpose of protecting the public interest. All bills introduced in the legislature to regulate a business profession for the first time should be reviewed according to the following criteria. A business profession should be regulated by the state only when:

(a) Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public, and the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument;

(b) The public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and

(c) The public cannot be effectively protected by other means in a more cost-beneficial manner.

(3) After evaluating the criteria in subsection (2) of this section and considering governmental and societal costs and benefits, if the legislature finds that it is necessary to regulate a business profession not previously regulated by law, the least restrictive alternative method of regulation should be implemented, consistent with the public interest and this section:

(a) Where existing common law and statutory civil actions and criminal prohibitions are not sufficient to eradicate existing harm, the regulation should provide for stricter civil actions and criminal prosecutions;

(b) Where a service is being performed for individuals involving a hazard to the public health, safety, or welfare, the regulation should impose inspection requirements and enable an appropriate state agency to enforce violations by injunctive relief in court, including, but not limited to, regulation of the business activity providing the service rather than the employees of the business;

(c) Where the threat to the public health, safety, or economic well-being is relatively small as a result of the operation of the business profession, the regulation should implement a system of registration;

(d) Where the consumer may have a substantial basis for relying on the services of a practitioner, the regulation should implement a system of certification; or

(e) Where apparent that adequate regulation cannot be achieved by means other than licensing, the regulation should implement a system of licensing.

Sec. 554. Section 1, chapter 168, Laws of 1983 and RCW 18.120.010 are each amended to read as follows:

(1) The purpose of this chapter is to establish guidelines for the regulation of health professions not licensed or regulated prior to July 24, 1983, and those licensed or regulated health professions which seek to substantially increase their scope of practice: PROVIDED, That the provisions of this chapter are not intended and shall not be construed to: (a) Apply to any regulatory entity created prior to July 24, 1983, except as provided in this chapter; (b) affect the powers and responsibilities of the superintendent of public instruction or state board of education under RCW ((~~28A.04.120 and 28A.70.005~~)) 28A.305.130 and 28A.410.010; (c) apply to or interfere in any way with the practice of religion or to any kind of treatment by prayer; and (d) apply to any remedial or technical amendments to any statutes which licensed or regulated activity before July 24, 1983. The legislature believes that all individuals should be permitted to enter into a health profession unless there is an overwhelming need for the state to protect the interests of the public by restricting entry into the profession. Where such a need is identified, the regulation adopted by the state should be set at the least restrictive level consistent with the public interest to be protected.

(2) It is the intent of this chapter that no regulation shall, after July 24, 1983, be imposed upon any health profession except for the exclusive purpose of protecting the public interest. All bills introduced in the legislature to regulate a health profession for the first time should be reviewed according to the following criteria. A health profession should be regulated by the state only when:

(a) Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public, and the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument;

(b) The public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and

(c) The public cannot be effectively protected by other means in a more cost-beneficial manner.

(3) After evaluating the criteria in subsection (2) of this section and considering governmental and societal costs and benefits, if the legislature

finds that it is necessary to regulate a health profession not previously regulated by law, the least restrictive alternative method of regulation should be implemented, consistent with the public interest and this section:

(a) Where existing common law and statutory civil actions and criminal prohibitions are not sufficient to eradicate existing harm, the regulation should provide for stricter civil actions and criminal prosecutions;

(b) Where a service is being performed for individuals involving a hazard to the public health, safety, or welfare, the regulation should impose inspection requirements and enable an appropriate state agency to enforce violations by injunctive relief in court, including, but not limited to, regulation of the business activity providing the service rather than the employees of the business;

(c) Where the threat to the public health, safety, or economic well-being is relatively small as a result of the operation of the health profession, the regulation should implement a system of registration;

(d) Where the consumer may have a substantial basis for relying on the services of a practitioner, the regulation should implement a system of certification; or

(e) Where apparent that adequate regulation cannot be achieved by means other than licensing, the regulation should implement a system of licensing.

Sec. 555. Section 8, chapter 96, Laws of 1974 ex. sess. as last amended by section 19, chapter 346, Laws of 1989 and RCW 19.27.080 are each amended to read as follows:

Nothing in this chapter affects the provisions of chapters 19.28, 43.22, 70.77, 70.79, 70.87, 48.48, 18.20, 18.46, 18.51, (~~((28A.02, 28A.04))~~) 28A.305, 70.41, 70.62, 70.75, 70.108, 71.12, 74.15, 70.94, 76.04, (~~((or))~~) 90.76 RCW, or RCW 28A.195.010, or grants rights to duplicate the authorities provided under chapters 70.94 or 76.04 RCW.

Sec. 556. Section 2, chapter 317, Laws of 1987 and RCW 19.142.010 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Business day" means any day except a Sunday or a legal holiday.

(2) "Buyer" or "member" means a person who purchases health studio services.

(3) "Health studio" includes any person or entity engaged in the sale of instruction, training, assistance or use of facilities which purport to assist patrons to improve their physical condition or appearance through physical exercise, body building, weight loss, figure development, or any other similar activity. For the purposes of this chapter, "health studio" does not include: (a) Public common schools, private schools approved under RCW (~~((28A-02-201))~~) 28A.195.010, and public or private institutions of higher education; (b) persons providing professional services within the scope of a

person's license under Title 18 RCW; (c) bona fide nonprofit organizations which have been granted tax-exempt status by the Internal Revenue Service, the functions of which as health studios are only incidental to their overall functions and purposes; (d) a person or entity which offers physical exercise, body building, figure development or similar activities as incidental features of a plan of instruction or assistance relating to diet or control of eating habits; (e) bona fide nonprofit corporations organized under chapter 24.03 RCW which have members and whose members have meaningful voting rights to elect and remove a board of directors which is responsible for the operation of the health club and corporation; and (f) a preexisting facility primarily offering aerobic classes, where the initiation fee is less than fifty dollars and no memberships are sold which exceed one year in duration. For purposes of this subsection, "preexisting facility" means an existing building used for health studio services covered by the fees collected.

(4) "Health studio services" means instruction, services, privileges, or rights offered for sale by a health studio. "Health studio services" do not include: (a) Instruction or assistance relating to diet or control of eating habits not involving substantial on-site physical exercise, body building, figure development, or any other similar activity; or (b) recreational or social programs which either involve no physical exercise or exercise only incidental to the program.

(5) "Initiation or membership fee" means a fee paid either in a lump sum or installments on a one-time basis when a person first joins a health studio for the privilege of belonging to the health studio.

(6) "Special offer or discount" means any offer of health studio services at a reduced price or without charge to a prospective member.

(7) "Use fees or dues" means fees paid on a regular periodic basis for use of a health studio. This does not preclude prepayment of use fees at the buyer's option.

Sec. 557. Section 4, chapter 176, Laws of 1974 ex. sess. as last amended by section 8, chapter 204, Laws of 1983 and RCW 28B.10.025 are each amended to read as follows:

The Washington state arts commission shall, in consultation with the boards of regents of the University of Washington and Washington State University and with the boards of trustees of the regional universities, The Evergreen State College, and the community college districts, determine the amount to be made available for the purchases of art under RCW 28B.10.027, and payment therefor shall be made in accordance with law. The designation of projects and sites, the selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the board of regents or trustees. However, the costs to carry out the

Washington state arts commission's responsibility for maintenance shall not be funded from the moneys referred to under this section, RCW 43.17.200, 43.19.455, or ~~((28A.58.055))~~ 28A.335.210, but shall be contingent upon adequate appropriations being made for that purpose.

Sec. 558. Section 2, chapter 465, Laws of 1987 and RCW 28B.15.543 are each amended to read as follows:

The boards of regents and trustees of the regional universities, state universities, The Evergreen State College, and the community colleges shall waive tuition and service and activities fees for recipients of the Washington scholars award under RCW ~~((28A.58.820 through 28A.58.830))~~ 28A.600.100 through 28A.600.150 for undergraduate studies. To qualify for the waiver, recipients shall enter the college or university within three years of high school graduation and maintain a minimum grade point average at the college or university equivalent to 3.30. Students shall be eligible for waivers for a maximum of twelve quarters or eight semesters and may transfer among state institutions of higher education during that period and continue to have the tuition and services and activities fees waived by the state institution of higher education that the student attends. Should the student's cumulative grade point average fall below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards.

Sec. 559. Section 1, chapter 13, Laws of 1981 2nd ex. sess. as amended by section 81, chapter 175, Laws of 1989 and RCW 28B.50.873 are each amended to read as follows:

The state board for community college education may declare a financial emergency under the following conditions: (1) Reduction of allotments by the governor pursuant to RCW 43.88.110(2), or (2) reduction by the legislature from one biennium to the next or within a biennium of appropriated funds based on constant dollars using the implicit price deflator. When a district board of trustees determines that a reduction in force of tenured or probationary faculty members may be necessary due to financial emergency as declared by the state board, written notice of the reduction in force and separation from employment shall be given the faculty members so affected by the president or district president as the case may be. Said notice shall clearly indicate that separation is not due to the job performance of the employee and hence is without prejudice to such employee and need only state in addition the basis for the reduction in force as one or more of the reasons enumerated in subsections (1) and (2) of this section.

Said tenured or probationary faculty members will have a right to request a formal hearing when being dismissed pursuant to subsections (1) and (2) of this section. The only issue to be determined shall be whether under the applicable policies, rules or collective bargaining agreement the

particular faculty member or members advised of severance are the proper ones to be terminated. Said hearing shall be initiated by filing a written request therefor with the president or district president, as the case may be, within ten days after issuance of such notice. At such formal hearing the tenure review committee provided for in RCW 28B.50.863 may observe the formal hearing procedure and after the conclusion of such hearing offer its recommended decision for consideration by the hearing officer. Failure to timely request such a hearing shall cause separation from service of such faculty members so notified on the effective date as stated in the notice, regardless of the duration of any individual employment contract.

The hearing required by this section shall be an adjudicative proceeding pursuant to chapter 34.05 RCW, the Administrative Procedure Act, conducted by a hearing officer appointed by the board of trustees and shall be concluded by the hearing officer within sixty days after written notice of the reduction in force has been issued. Ten days written notice of the formal hearing will be given to faculty members who have requested such a hearing by the president or district president as the case may be. The hearing officer within ten days after conclusion of such formal hearing shall prepare findings, conclusions of law and a recommended decision which shall be forwarded to the board of trustees for its final action thereon. Any such determination by the hearing officer under this section shall not be subject to further tenure review committee action as otherwise provided in this chapter.

Notwithstanding any other provision of this section, at the time of a faculty member or members request for formal hearing said faculty member or members may ask for participation in the choosing of the hearing officer in the manner provided in RCW ((28A.58.455(4))) 28A.405.310(4), said employee therein being a faculty member for the purposes hereof and said board of directors therein being the board of trustees for the purposes hereof: PROVIDED, That where there is more than one faculty member affected by the board of trustees' reduction in force such faculty members requesting hearing must act collectively in making such request: PROVIDED FURTHER, That costs incurred for the services and expenses of such hearing officer shall be shared equally by the community college and the faculty member or faculty members requesting hearing.

When more than one faculty member is notified of termination because of a reduction in force as provided in this section, hearings for all such faculty members requesting formal hearing shall be consolidated and only one such hearing for the affected faculty members shall be held, and such consolidated hearing shall be concluded within the time frame set forth herein.

Separation from service without prejudice after formal hearing under the provisions of this section shall become effective upon final action by the board of trustees.

It is the intent of the legislature by enactment of this section and in accordance with RCW 28B.52.035, to modify any collective bargaining agreements in effect, or any conflicting board policies or rules, so that any reductions in force which take place after December 21, 1981, whether in progress or to be initiated, will comply solely with the provisions of this section: PROVIDED, That any applicable policies, rules, or provisions contained in a collective bargaining agreement related to lay-off units, seniority and re-employment rights shall not be affected by the provisions of this paragraph.

Nothing in this section shall be construed to affect the right of the board of trustees or its designated appointing authority not to renew a probationary faculty appointment pursuant to RCW 28B.50.857.

Sec. 560. Section 1, chapter 210, Laws of 1988 and RCW 28B.80.245 are each amended to read as follows:

(1) Recipients of the Washington scholars award under RCW (~~28A.58.820 through 28A.58.830~~) 28A.600.100 through 28A.600.150 choosing to attend an independent college or university in this state, as defined in subsection (4) of this section, may receive grants under this section if moneys are available. The higher education coordinating board shall distribute grants to eligible students under this section from moneys appropriated for this purpose. The individual grants shall not exceed, on a yearly basis, the yearly, full-time, resident, undergraduate tuition and service and activities fees in effect at the state-funded research universities. Grants shall be contingent upon the private institution matching on at least a dollar-for-dollar basis, either with actual money or by a waiver of fees, the amount of the grant received by the student from the state. The higher education coordinating board shall establish procedures, by rule, to disburse the awards as direct grants to the students.

(2) To qualify for the grant, recipients shall enter the independent college or university within three years of high school graduation and maintain a minimum grade point average at the college or university equivalent to 3.30. Students shall be eligible for grants for a maximum of twelve quarters or eight semesters of undergraduate study and may transfer among independent colleges and universities during that period and continue to receive the grant. If the student's cumulative grade point average falls below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards.

(3) No grant shall be awarded to any student who is pursuing a degree in theology.

(4) As used in this section, "independent college or university" means a private, nonprofit educational institution, the main campus of which is permanently situated in the state, open to residents of the state, providing programs of education beyond the high school level leading at least to the baccalaureate degree, and accredited by the northwest association of schools and colleges as of June 9, 1988, and other institutions as may be developed that are approved by the higher education coordinating board as meeting equivalent standards as those institutions accredited under this section.

Sec. 561. Section 7, chapter 370, Laws of 1985 as amended by section 20, chapter 136, Laws of 1986 and RCW 28B.80.360 are each amended to read as follows:

The board shall perform the following administrative responsibilities:

(1) Administer the programs set forth in the following statutes: ~~((Chapter 28A.58))~~ RCW 28A.600.100 through 28A.600.150 (Washington scholars); chapter 28B.04 RCW (displaced homemakers); chapter 28B.85 RCW (degree-granting institutions); RCW 28B.10.210 through 28B.10.220 (blind students subsidy); RCW 28B.10.800 through 28B.10.824 (student financial aid program); chapter 28B.12 RCW (work study); RCW 28B.15-.067 through 28B.15.076 (educational costs for establishing tuition and fees); RCW 28B.15.543 (tuition waivers for Washington scholars); RCW 28B.15.760 through 28B.15.766 (math and science loans); RCW 28B.80-.150 through 28B.80.170 (student exchange compact); RCW 28B.80.240 (student aid programs); and RCW 28B.80.210 (federal programs).

(2) Study the delegation of the administration of the following: RCW 28B.65.040 through 28B.65.060 (high-technology board); chapter 28B.85 RCW (degree-granting institutions); RCW 28B.80.150 through 28B.80.170 (student exchange compact programs); RCW 28B.80.200 (state commission for federal law purposes); RCW 28B.80.210 (enumerated federal programs); RCW 28B.80.230 (receipt of federal funds); RCW 28B.80.240 (student financial aid programs); RCW ~~((28A.58.824 through 28A.58.830))~~ 28A.600.120 through 28A.600.150 (Washington scholars); RCW 28B.15-.543 (Washington scholars); RCW 28B.04.020 through 28B.04.110 (displaced homemakers); RCW 28B.10.215 and 28B.10.220 (blind students); RCW 28B.10.790, 28B.10.792, and 28B.10.802 through 28B.10.844 (student financial aid); RCW 28B.12.040 through 28B.12.070 (student work study); RCW 28B.15.100 (reciprocity agreement); RCW 28B.15.730 through 28B.15.736 (Oregon reciprocity); RCW 28B.15.750 through 28B-.15.754 (Idaho reciprocity); RCW 28B.15.756 and 28B.15.758 (British Columbia reciprocity); and RCW 28B.15.760 through 28B.15.764 (math/science loans). The board shall report the results of its study and recommendations to the legislature.

Sec. 562. Section 29.13.020, chapter 9, Laws of 1965 as last amended by section 10, chapter 4, Laws of 1989 and RCW 29.13.020 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

(a) Elections for the recall of any elective public officer;

(b) Public utility districts or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;

(c) Consolidation proposals as provided for in RCW ((28A.57.180)) 28A.315.280 and nonhigh capital fund aid proposals as provided for in chapter ((28A.56)) 28A.540 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to him at least forty-five days prior to the proposed election date, may, if he deems an emergency to exist, call a special election in such city, town, or district, and for the purpose of such special election he may combine, unite, or divide precincts. A special election called by such governing body shall be held on one of the following dates as decided by the governing body:

- (a) The first Tuesday after the first Monday in February;
- (b) The second Tuesday in March;
- (c) The first Tuesday after the first Monday in April;
- (d) The fourth Tuesday in May;
- (e) The day of the primary election as specified by RCW 29.13.070; or
- (f) The first Tuesday after the first Monday in November.

In addition to (a) through (f) above, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from failure of a school or junior taxing district to pass a special levy or bond issue for the first time or from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in (e) and (f) of this subsection. Such special election shall be conducted and notice thereof given in the manner provided by law.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

Sec. 563. Section 7, chapter 10, Laws of 1989 and RCW 29.13.060 are each amended to read as follows:

In class AA and class A counties, first class school districts containing a city of the first class shall hold their elections biennially as provided in RCW 29.13.020.

Except as provided in RCW ((~~28A.57.313~~)) 28A.315.460, the directors to be elected shall be elected for terms of six years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

Sec. 564. Section 14, chapter 31, Laws of 1984 and RCW 31.12.125 are each amended to read as follows:

A credit union may:

(1) Issue shares to and receive deposits from its members as provided in this chapter and the bylaws of the credit union;

(2) Make loans to its members as provided in this chapter and the bylaws of the credit union;

(3) Pay dividends or interest to its members;

(4) Impose reasonable charges for the services it provides to its members;

(5) Impose financing charges and reasonable late charges in the event of default on loans in accordance with the bylaws of the credit union and recover reasonable costs and expenses, including reasonable attorneys' fees incurred both before and after judgment, incurred in the collection of sums due it if provided for in the note or agreement signed by the borrower;

(6) Acquire, lease, hold, assign, pledge, hypothecate, sell, or otherwise dispose of a possessory interest in personal property and, with the prior written permission of the supervisor, in real property, so long as the property is necessary or incidental to the operation of the credit union. The written permission of the supervisor is not required for the acquisition and disposition of property through the collection of loans secured by the property;

(7) Deposit and invest funds in excess of the amount approved for loans to members as provided in this chapter;

(8) Borrow money, up to a maximum of fifty percent of its paid-in and unimpaired capital and surplus;

(9) Discount or sell any of its assets, or purchase any or all of the assets of another credit union. A credit union may not discount or sell more than ten percent of its assets without the prior written approval of the supervisor;

(10) Accept deposits of deferred compensation of its members under the terms and conditions of RCW ((~~28A.58.740~~)) 28A.400.240 and 41.04.250(2);

(11) Act as fiscal agent for and receive payments on shares and deposits from the federal government or this state, and any agency or political subdivision thereof;

(12) Engage in activities and programs as requested by the federal government, this state, and any political subdivision thereof, when the activities or programs are not inconsistent with this chapter;

(13) Hold membership in other credit unions organized under this chapter or other laws and in associations controlled by or fostering the interests of credit unions, including a central liquidity facility organized under state or federal law; and

(14) Exercise such incidental powers as are necessary or requisite to enable it to carry on effectively the business for which it is incorporated.

Sec. 565. Section 35.13.125, chapter 7, Laws of 1965 as last amended by section 3, chapter 351, Laws of 1989 and RCW 35.13.125 are each amended to read as follows:

Proceedings for the annexation of territory pursuant to RCW 35.13.130, 35.13.140, 35.13.150, 35.13.160 and 35.13.170 shall be commenced as provided in this section. Prior to the circulation of a petition for annexation, the initiating party or parties who, except as provided in RCW ((28A.58.044)) 28A.335.110, shall be either not less than ten percent of the residents of the area to be annexed or the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, shall notify the legislative body of the city or town in writing of their intention to commence annexation proceedings. The legislative body shall set a date, not later than sixty days after the filing of the request, for a meeting with the initiating parties to determine whether the city or town will accept, reject, or geographically modify the proposed annexation, whether it shall require the simultaneous adoption of the comprehensive plan if such plan has been prepared and filed for the area to be annexed as provided for in RCW 35.13.177 and 35.13.178, and whether it shall require the assumption of all or of any portion of existing city or town indebtedness by the area to be annexed. If the legislative body requires the assumption of all or of any portion of indebtedness and/or the adoption of a comprehensive plan, it shall record this action in its minutes and the petition for annexation shall be so drawn as to clearly indicate this fact. There shall be no appeal from the decision of the legislative body.

Sec. 566. Section 35.13.130, chapter 7, Laws of 1965 as last amended by section 1, chapter 66, Laws of 1981 and RCW 35.13.130 are each amended to read as follows:

A petition for annexation of an area contiguous to a city or town may be made in writing addressed to and filed with the legislative body of the municipality to which annexation is desired. Except where all the property sought to be annexed is property of a school district, and the school directors thereof file the petition for annexation as in RCW ((28A.58.044)) 28A.335.110 authorized, the petition must be signed by the owners of not less than seventy-five percent in value according to the assessed valuation for general taxation of the property for which annexation is petitioned: PROVIDED, That in cities and towns with populations greater than one hundred sixty thousand located east of the Cascade mountains, the owner of

tax exempt property may sign an annexation petition and have the tax exempt property annexed into the city or town, but the value of the tax exempt property shall not be used in calculating the sufficiency of the required property owner signatures unless only tax exempt property is proposed to be annexed into the city or town. The petition shall set forth a description of the property according to government legal subdivisions or legal plats which is in compliance with RCW 35.02.170, and shall be accompanied by a plat which outlines the boundaries of the property sought to be annexed. If the legislative body has required the assumption of all or of any portion of city or town indebtedness by the area annexed, and/or the adoption of a comprehensive plan for the area to be annexed, these facts, together with a quotation of the minute entry of such requirement or requirements shall be set forth in the petition.

Sec. 567. Section 1, chapter 134, Laws of 1979 ex. sess. and RCW 39.33.070 are each amended to read as follows:

Any school district or educational service district, after complying with the requirements of RCW ((28A.02.110)) 28A.335.180, and any library, as defined in RCW 27.12.010, may dispose of surplus or obsolete books, periodicals, newspapers, and other reading materials as follows:

(1) If the reading materials are estimated to have value as reading materials in excess of one thousand dollars, they shall be sold at public auction to the person submitting the highest reasonable bid following publication of notice of the auction in a newspaper with a general circulation in the library or school district.

(2) If no reasonable bids are submitted under subsection (1) of this section or if the reading materials are estimated to have value as reading materials of one thousand dollars or less, the library or school district may directly negotiate the sale of the reading materials to a public or private entity.

(3) If the reading materials are determined to have no value as reading materials or if no purchaser is found under subsection (2) of this section the reading materials may be recycled or destroyed.

These methods for disposing of surplus or obsolete reading materials shall be in addition to any other method available to libraries and school districts for disposal of the property.

Sec. 568. Section 4, chapter 239, Laws of 1967 as last amended by section 2, chapter 308, Laws of 1981 and RCW 39.34.030 are each amended to read as follows:

(1) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having the power or powers, privilege or authority, and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of

the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this chapter upon a public agency.

(2) Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this chapter: PROVIDED, That any such joint or cooperative action by public agencies which are educational service districts and/or school districts shall comply with the provisions of RCW ((28A.58.107, as now or hereafter amended)) 28A.320.080. Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

(3) Any such agreement shall specify the following:

(a) Its duration;

(b) The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created. Such entity may include a nonprofit corporation whose membership is limited solely to the participating public agencies and the funds of any such corporation shall be subject to audit in the manner provided by law for the auditing of public funds;

(c) Its purpose or purposes;

(d) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor;

(e) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination;

(f) Any other necessary and proper matters.

(4) In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to items (a), (c), (d), (e) and (f) enumerated in subdivision (3) hereof, contain the following:

(a) Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board, public agencies party to the agreement shall be represented;

(b) The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking. Any joint board is authorized to establish a special fund with a state, county, city, or district treasurer servicing an involved public agency designated "Operating fund of joint board".

(5) No agreement made pursuant to this chapter shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made

hereunder, said performance may be offered in satisfaction of the obligation or responsibility.

(6) Financing of joint projects by agreement shall be as provided by law.

Sec. 569. Section 2, chapter 93, Laws of 1989 and RCW 41.04.655 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 41.04.650 through 41.04.670, (~~((28A.58-099+))~~ 28A.400.380, and section 7, chapter 93, Laws of 1989.

(1) "Employee" means any employee of the state, including employees of school districts and educational service districts, who are entitled to accrue sick leave or annual leave and for whom accurate leave records are maintained.

(2) "State agency" or "agency" means departments, offices, agencies, or institutions of state government, the legislature, institutions of higher education, school districts, and educational service districts.

(3) "Program" means the leave sharing program established in RCW 41.04.660.

Sec. 570. Section 2, chapter 265, Laws of 1987 and RCW 41.32.011 are each amended to read as follows:

(1) Subject to the limitations contained in this section, for the purposes of RCW 41.32.010(11)(a)(ii), earnable compensation means the compensation the member would have received in the same position if employed on a regular full-time basis for the same contract period.

(2) In order to ensure that the benefit provided by this section is not used to unfairly inflate a member's retirement allowance, the department shall adopt rules having the force of law to govern the application of this section.

(3)(a) In adopting rules which apply to a member employed by a school district, the department may consult the district's salary schedule and related workload provisions, if any, adopted pursuant to RCW (~~((28A.67-066))~~ 28A.405.200. The rules may require that, in order to be eligible for this benefit, a member's position must either be included on the district's schedule, or the position must have duties, responsibilities, and method of pay which are similar to those found on the district's schedule.

(b) In adopting rules which apply to a member employed by a community college district, the department may consult the district's salary schedule and workload provisions contained in an agreement negotiated pursuant to chapter 28B.52 RCW, or similar documents. The rules may require that, in order to be eligible for this benefit, a member's position must either be included on the district's agreement, or the position must have duties, responsibilities, and method of pay which are similar to those found on the district's agreement. The maximum full-time work week used in calculating the benefit for community college employees paid on an hourly

rate shall in no case exceed fifteen credit hours, twenty classroom contact hours, or thirty-five assigned hours.

(4) If the legislature amends or revokes the benefit provided by this section, no affected employee who thereafter retires is entitled to receive the benefit as a matter of contractual right.

Sec. 571. Section 3, chapter 16, Laws of 1981 as amended by section 206, chapter 2, Laws of 1987 1st ex. sess. and RCW 41.59.935 are each amended to read as follows:

Nothing in this chapter shall be construed to grant employers or employees the right to reach agreements regarding salary or compensation increases in excess of those authorized in accordance with RCW (~~(28A.41.112 and 28A.58.095)~~) 28A.150.410 and 28A.400.200.

Sec. 572. Section 26, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.940 are each amended to read as follows:

Except for RCW 41.59.040, 41.59.050, 41.59.110 and 41.59.160 which shall take effect ninety days following enactment hereof, this chapter and RCW (~~(28A.01.130 and 28A.67.065)~~) 28A.150.060 and 28A.405.100 as amended by chapter 288, Laws of 1975 1st ex. sess. shall take effect on January 1, 1976. Where the term "effective date of this chapter" is used elsewhere in this chapter it shall mean January 1, 1976.

Sec. 573. Section 1, chapter 44, Laws of 1983 1st ex. sess. as amended by section 1, chapter 263, Laws of 1989 and RCW 42.23.030 are each amended to read as follows:

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. This section shall not apply in the following cases:

(1) The furnishing of electrical, water or other utility services by a municipality engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;

(2) The designation of public depositaries for municipal funds;

(3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;

(4) The designation of a school director as clerk or as both clerk and purchasing agent of a school district;

(5) The employment of any person by a municipality, other than a county of the first class or higher, a city of the first or second class, an irrigation district encompassing in excess of fifty thousand acres, or a first class

school district, for unskilled day labor at wages not exceeding one hundred dollars in any calendar month;

(6) The letting of any other contract (except a sale or lease as seller or lessor) by a municipality, other than a county of the first class or higher, a city of the first or second class, an irrigation district encompassing in excess of fifty thousand acres, or a first class school district: **PROVIDED**, That the total volume of business represented by such contract or contracts in which a particular officer is interested, singly or in the aggregate, as measured by the dollar amount of the municipality's liability thereunder, shall not exceed seven hundred fifty dollars in any calendar month: **PROVIDED FURTHER**, That in the case of a particular officer of a city or town of the third, or fourth class, or a noncharter optional code city, or a member of any county fair board in a county which has not established a county purchasing department pursuant to RCW 36.32.240, the total volume of such contract or contracts authorized in this subsection may exceed seven hundred fifty dollars in any calendar month but shall not exceed nine thousand dollars in any calendar year: **PROVIDED FURTHER**, That there shall be public disclosure by having an available list of such purchases or contracts, and if the supplier or contractor is an official of the municipality, he or she shall not vote on the authorization;

(7) The leasing by a port district as lessor of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers, who shall be appointed from members of the American institute of real estate appraisers by the presiding judge of the superior court in the county where the property is situated, shall find and the court finds that all terms and conditions of such lease are fair to the port district and are in the public interest;

(8) The letting of any contract for the driving of a school bus in a second class school district: **PROVIDED**, That the terms of such contract shall be commensurate with the pay plan or collective bargaining agreement operating in the district;

(9) The letting of any contract to the spouse of an officer of a second class school district in which less than two hundred full time equivalent students are enrolled at the start of the school year as defined in RCW ((28A.01.020)) 28A.150.040, when such contract is solely for employment as a certificated or classified employee of the school district, or the letting of any contract to the spouse of an officer of a second class district in which less than five hundred full time equivalent students are enrolled at the start of the school year as defined in RCW ((28A.01.020)) 28A.150.040, when such contract is solely for employment as a substitute teacher for the school district: **PROVIDED**, That the terms of such contract shall be commensurate with the pay plan or collective bargaining agreement applicable to all district employees and the board of directors has found, consistent with the

written policy under RCW (~~(28A.60.360)~~) 28A.330.240, that there is a shortage of substitute teachers in the school district.

Sec. 574. Section 3, chapter 204, Laws of 1983 and RCW 43.17.205 are each amended to read as follows:

The funds allocated under RCW 43.17.200, (~~(28A.58.055)~~) 28A.335.210, and 28B.10.025 shall be subject to interagency reimbursement for expenditure by the visual arts program of the Washington state arts commission when the particular law providing for the appropriation becomes effective. For appropriations which are dependent upon the sale of bonds, the amount or proportionate amount of the moneys under RCW 43.17.200, (~~(28A.58.055)~~) 28A.335.210, and 28B.10.025 shall be subject to interagency reimbursement for expenditure by the visual arts program of the Washington state arts commission thirty days after the sale of a bond or bonds.

Sec. 575. Section 5, chapter 204, Laws of 1983 and RCW 43.17.210 are each amended to read as follows:

The Washington state arts commission shall determine the amount to be made available for the purchase of art in consultation with the agency, except where another person or agency is specified under RCW 43.19.455, (~~(28A.58.055)~~) 28A.335.210, or 28B.10.025, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the directors of the state agencies. However, the costs to carry out the Washington state arts commission's responsibility for maintenance shall not be funded from the moneys referred to in RCW 43.17.200, 43.19.455, (~~(28A.58.055)~~) 28A.335.210, or 28B.10.025, but shall be contingent upon adequate appropriations being made for that purpose.

Sec. 576. Section 3, chapter 176, Laws of 1974 ex. sess. as amended by section 6, chapter 204, Laws of 1983 and RCW 43.19.455 are each amended to read as follows:

Except as provided under RCW 43.17.210, the Washington state arts commission shall determine the amount to be made available for the purchase of art under RCW 43.17.200 in consultation with the director of general administration, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the director of general administration. However, the costs to

carry out the Washington state arts commission's responsibility for maintenance shall not be funded from the moneys referred to under this section, RCW 43.17.200, (~~(28A.58.055)~~) 28A.335.210, or 28B.10.025, but shall be contingent upon adequate appropriations being made for that purpose.

Sec. 577. Section 6, chapter 320, Laws of 1989 and RCW 43.43.845 are each amended to read as follows:

(1) Upon a guilty plea or conviction of a person of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, or the sale or purchase of a minor child under RCW 9A.64.030, the prosecuting attorney shall determine whether the person holds a certificate or permit issued under chapters ((28A.70 or 28A.67)) 28A.405 and 28A.410 RCW or is employed by a school district. If the person is employed by a school district or holds a certificate or permit issued under chapters ((28A.70 or 28A.67)) 28A.405 and 28A.410 RCW, the prosecuting attorney shall notify the state patrol of such guilty pleas or convictions.

(2) When the state patrol receives information that a person who has a certificate or permit issued under chapters ((28A.70 or 28A.67)) 28A.405 and 28A.410 RCW or is employed by a school district has pled guilty to or been convicted of one of the felony crimes under subsection (1) of this section, the state patrol shall immediately transmit that information to the superintendent of public instruction. It shall be the duty of the superintendent of public instruction to provide this information to the state board of education and the school district employing the individual who pled guilty or was convicted of the crimes identified in subsection (1) of this section.

Sec. 578. Section 2, chapter 204, Laws of 1983 and RCW 43.46.095 are each amended to read as follows:

All works of art purchased and commissioned under the visual arts program shall become a part of a state art collection developed, administered, and operated by the Washington state arts commission. All works of art previously purchased or commissioned under RCW 43.46.090, 43.17.200, 43.19.455, 28B.10.025, or (~~(28A.58.055)~~) 28A.335.210 shall be considered a part of the state art collection to be administered by the Washington state arts commission.

Sec. 579. Section 4, chapter 489, Laws of 1987 and RCW 43.63A.066 are each amended to read as follows:

The department of community development shall have primary responsibility for providing child abuse and neglect prevention training to preschool age children participating in the federal head start program or the

early childhood education and assistance program established under ~~((chapter 28A.34A))~~ RCW 28A.215.010 through 28A.215.200 and 28A.215.900 through 28A.215.908.

Sec. 580. Section 801, chapter 9, Laws of 1989 1st ex. sess. and RCW 43.70.900 are each amended to read as follows:

All references to the secretary or department of social and health services in the Revised Code of Washington shall be construed to mean the secretary or department of health when referring to the functions transferred in RCW 43.70.080, 15.36.005, 18.104.005, 19.32.005, ~~((28A.31-005))~~ 28A.210.005, 43.83B.005, 43.99D.005, 43.99E.005, 70.05.005, 70.08.005, 70.12.005, 70.22.005, 70.24.005, 70.40.005, 70.41.005, and 70.54.005.

Sec. 581. Section 6, chapter 6, Laws of 1980 and RCW 43.79.425 are each amended to read as follows:

On and after June 12, 1980, the current state school fund is abolished and the state treasurer shall transfer any moneys in such account on such June 12, 1980, or any moneys thereafter received for such account, to the common school construction fund as referred to in RCW ~~((28A.40.100))~~ 28A.515.320.

Sec. 582. Section 2, chapter 14, Laws of 1989 1st ex. sess. and RCW 43.99H.020 are each amended to read as follows:

Bonds issued under RCW 43.99H.010 are subject to the following conditions and limitations:

General obligation bonds of the state of Washington in the sum of one billion two hundred twenty-seven million dollars, or so much thereof as may be required, shall be issued for the purposes described and authorized by the legislature in the capital and operating appropriations acts for the 1989-91 fiscal biennium and subsequent fiscal biennia, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects, and to provide for reimbursement of bond-funded accounts from the 1987-89 fiscal biennium. Subject to such changes as may be required in the appropriations acts, the proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state building construction account created by RCW 43.83.020 and transferred as follows:

(1) Thirty million dollars to the state and local improvements revolving account—waste disposal facilities, created by RCW 43.83A.030, to be used for the purposes described in RCW 43.83A.020;

(2) Five million three hundred thousand dollars to the salmon enhancement construction account created by RCW 75.48.030;

(3) One hundred twenty million dollars to the state and local improvements revolving account—waste disposal facilities, 1980 created by RCW 43.99F.030, to be used for the purposes described in RCW 43.99F.020;

(4) Forty million dollars to the common school construction ((~~account~~)) fund as referenced in RCW ((~~28A.40.100~~)) 28A.515.320;

(5) Three million two hundred thousand dollars to the state higher education construction account created by RCW 28B.10.851;

(6) Six hundred seventy-four million dollars to the state building construction account created by RCW 43.83.020;

(7) Nine hundred fifty thousand dollars to the higher education reimbursable short-term bond account created by RCW 43.99G.020(6);

(8) Three million two hundred thirty thousand dollars to the outdoor recreation account created by RCW 43.99.060;

(9) Sixty million dollars to the state and local improvements revolving account—water supply facilities, created by RCW 43.83B.030 to be used for the purposes described in chapter 43.99E RCW;

(10) Seven million dollars to the state social and health services construction account created by RCW 43.83H.030;

(11) Two hundred fifty thousand dollars to the fisheries capital projects account created by RCW 43.83I.166;

(12) Four million nine hundred thousand dollars to the state facilities renewal account created by RCW 43.99G.020(5);

(13) Two million three hundred thousand dollars to the essential rail assistance account created by RCW 47.76.030;

(14) One million one hundred thousand dollars to the essential rail bank account hereby created in the state treasury;

(15) Seventy-three million dollars to the east capitol campus construction account hereby created in the state treasury;

(16) Eight million dollars to the higher education construction account created in RCW 28B.14D.040;

(17) Sixty-three million two hundred thousand dollars to the labor and industries construction account hereby created in the state treasury; and

(18) Seventy-five million dollars to the University of Washington building account created by RCW 43.79.080.

These proceeds shall be used exclusively for the purposes specified in this subsection, and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management, subject to legislative appropriation.

Bonds authorized for the purposes of subsection (17) of this section shall be issued only after the director of the department of labor and industries has certified, based on reasonable estimates, that sufficient revenues will be available from the accident fund created in RCW 51.44.010 and the

medical aid fund created in RCW 51.44.020 to meet the requirements of RCW 43.99H.060(4) during the life of the bonds.

Bonds authorized for the purposes of subsection (18) of this section shall be issued only after the board of regents of the University of Washington has certified, based on reasonable estimates, that sufficient revenues will be available from nonappropriated local funds to meet the requirements of RCW 43.99H.060(4) during the life of the bonds.

Sec. 583. Section 2, chapter 286, Laws of 1984 and RCW 43.230.010 are each amended to read as follows:

(1) The athletic health care and training council is created. The council shall consist of fourteen members selected by the governor to serve four-year staggered terms. The terms of the initial members shall be as follows: Two members will serve a one-year term, four members will serve two-year terms, four members will serve three-year terms, and four members will serve four-year terms. The governor shall select the members to represent diverse racial and ethnic backgrounds, the different geographical areas of the state, and both men and women as follows: Two members shall be physicians licensed under chapter 18.57 or 18.71 RCW, two members shall be physical therapists licensed under chapter 18.74 RCW, two members shall be athletic trainers, two members shall be principals of public junior high schools in this state with one from a large district and one from a small district, two members shall be principals of public high schools in this state with one from a large district and one from a small district, two members shall be school district superintendents with one from a large district and one from a small district, one member shall be a representative of a private school which conducts junior and senior high school athletic programs, and one member shall be employed by or be an officer of an organization to which a school district has delegated control, supervision, and regulation of an activity under RCW ((28A.58.125)) 28A.600.200.

(2) The members of the council shall select the chairperson from among their members.

Sec. 584. Section 1, chapter 88, Laws of 1980 and RCW 46.16.035 are each amended to read as follows:

Any bus or vehicle owned and operated by a private school or schools meeting the requirements of RCW ((28A.02.201)) 28A.195.010 and used by that school or schools primarily to transport children to and from school or to transport children in connection with school activities shall be exempt from the payment of license fees for the licensing thereof as in this chapter provided. A license issued by the department for such bus or vehicle shall be considered an exempt license under RCW 82.44.010.

Sec. 585. Section 46.48.160, chapter 12, Laws of 1961 as amended by section 1, chapter 47, Laws of 1974 ex. sess. and RCW 46.61.385 are each amended to read as follows:

The superintendent of public instruction, through the superintendent of schools of any school district, or other officer or board performing like functions with respect to the schools of any other educational administrative district, may cause to be appointed voluntary adult recruits as supervisors and, from the student body of any public or private school or institution of learning, students, who shall be known as members of the "school patrol" and who shall serve without compensation and at the pleasure of the authority making the appointment.

The members of such school patrol shall wear an appropriate designation or insignia identifying them as members of the school patrol when in performance of their duties, and they may display "stop" or other proper traffic directional signs or signals at school crossings or other points where school children are crossing or about to cross a public highway, but members of the school patrol and their supervisors shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.

School districts, at their discretion, may hire sufficient numbers of adults to serve as supervisors. Such adults shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.

Any school district having a school patrol may purchase uniforms and other appropriate insignia, traffic signs and other appropriate materials, all to be used by members of such school patrol while in performance of their duties, and may pay for the same out of the general fund of the district.

It shall be unlawful for the operator of any vehicle to fail to stop his vehicle when directed to do so by a school patrol sign or signal displayed by a member of the school patrol engaged in the performance of his duty and wearing or displaying appropriate insignia, and it shall further be unlawful for the operator of a vehicle to disregard any other reasonable directions of a member of the school patrol when acting in performance of his duties as such.

School districts may expend funds from the general fund of the district to pay premiums for life and accident policies covering the members of the school patrol in their district while engaged in the performance of their school patrol duties.

Members of the school patrol shall be considered as employees for the purposes of RCW ((28A.58.425, ~~as now or hereafter amended~~)) 28A.400.370.

Sec. 586. Section 3, chapter 33, Laws of 1982 as amended by section 113, chapter 7, Laws of 1985 and by section 2, chapter 120, Laws of 1985 and RCW 46.68.124 are each reenacted and amended to read as follows:

(1) The equivalent population for each county shall be computed as the sum of the population residing in the county's unincorporated area plus twenty-five percent of the population residing in the county's incorporated area. Population figures required for the computations in this subsection

shall be certified by the director of the office of financial management on or before July 1st of each odd-numbered year.

(2) The total annual road cost for each county shall be computed as the sum of one twenty-fifth of the total estimated county road replacement cost, plus the total estimated annual maintenance cost. Appropriate costs for bridges and ferries shall be included. The county road administration board shall be responsible for establishing a uniform system of roadway categories for both maintenance and construction and also for establishing a single state-wide cost per mile rate for each roadway category. The total annual cost for each county will be based on the established state-wide cost per mile and associated mileage for each category. The mileage to be used for these computations shall be as shown in the county road log as maintained by the county road administration board as of July 1, 1985, and each two years thereafter. Each county shall be responsible for submitting changes, corrections, and deletions as regards the county road log to the county road administration board. Such changes, corrections, and deletions shall be subject to verification and approval by the county road administration board prior to inclusion in the county road log.

(3) The money need factor for each county shall be the county's total annual road cost less the following four amounts:

(a) One-half the sum of the actual county road tax levied upon the valuation of all taxable property within the county road districts pursuant to RCW 36.82.040 for the two calendar years next preceding the year of computation of the allocation amounts as certified by the department of revenue;

(b) One-half the sum of all funds received by the county road fund from the federal forest reserve fund pursuant to RCW ((~~28A.02.300~~ and ~~28A.02.310~~) 28A.520.010 and 28A.520.020) during the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer;

(c) One-half the sum of timber excise taxes received by the county road fund pursuant to chapter 84.33 RCW in the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer;

(d) One-half the sum of motor vehicle license fees and motor vehicle and special fuel taxes refunded to the county, pursuant to RCW 46.68.080 during the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer.

(4) The state treasurer and the department of revenue shall furnish to the county road administration board the information required by subsection (3) of this section on or before July 1st of each odd-numbered year.

(5) The county road administration board, shall compute and provide to the counties the allocation factors of the several counties on or before September 1st of each year based solely upon the sources of information

herein before required: PROVIDED, That the allocation factor shall be held to a level not more than five percent above or five percent below the allocation factor in use during the previous calendar year. Upon computation of the actual allocation factors of the several counties, the county road administration board shall provide such factors to the state treasurer to be used in the computation of the counties' fuel tax allocation for the succeeding calendar year. The state treasurer shall adjust the fuel tax allocation of each county on January 1st of every year based solely upon the information provided by the county road administration board.

Sec. 587. Section 22, chapter 3, Laws of 1971 as last amended by section 2, chapter 140, Laws of 1984 and RCW 50.44.050 are each amended to read as follows:

Except as otherwise provided in subsections (1) through (4) of this section, benefits based on services in employment covered by or pursuant to this chapter shall be payable on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this title.

(1) Benefits based on service in an instructional, research or principal administrative capacity for an educational institution shall not be paid to an individual for any week of unemployment which commences during the period between two successive academic years or terms (or, when an agreement provides instead for a similar period between two regular but not successive terms, during such period) if such individual performs such services in the first of such academic years or terms and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms. Any employee of a common school district who is presumed to be reemployed pursuant to RCW ((28A.67.070)) 28A.405.210 shall be deemed to have a contract for the ensuing term.

(2) Benefits shall not be paid based on services in any other capacity for an educational institution for any week of unemployment which commences during the period between two successive academic years or terms, if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms: PROVIDED, That if benefits are denied to any individual under this subsection and that individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, the individual is entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this subsection.

(3) Benefits shall not be paid based on any services described in subsections (1) and (2) of this section for any week of unemployment which commences during an established and customary vacation period or holiday

recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

(4) Benefits shall not be paid (as specified in subsections (1), (2), or (3) of this section) based on any services described in subsections (1) or (2) of this section to any individual who performed such services in an educational institution while in the employ of an educational service district which is established pursuant to chapter ((28A.21)) 28A.310 RCW and exists to provide services to local school districts.

Sec. 588. Section 112, chapter 271, Laws of 1989 and RCW 69.50.435 are each amended to read as follows:

(a) Any person who violates RCW 69.50.401(a) by manufacturing, selling, delivering, or possessing with the intent to manufacture, sell, or deliver a controlled substance listed under that subsection to a person in a school or on a school bus or within one thousand feet of a school bus route stop designated by the school district or within one thousand feet of the perimeter of the school grounds is punishable by a fine of up to twice the fine otherwise authorized by this chapter, but not including twice the fine authorized by RCW 69.50.406, or by imprisonment of up to twice the imprisonment otherwise authorized by this chapter, but not including twice the imprisonment authorized by RCW 69.50.406, or by both such fine and imprisonment.

(b) It is not a defense to a prosecution for a violation of this section that the person was unaware that the prohibited conduct took place while in a school or school bus or within one thousand feet of the school or school bus route stop.

(c) It is not a defense to a prosecution for a violation of this section or any other prosecution under this chapter that persons under the age of eighteen were not present in the school, the school bus, or at the school bus route stop at the time of the offense or that school was not in session.

(d) It is an affirmative defense to a prosecution for a violation of this section that the prohibited conduct took place entirely within a private residence, that no person under eighteen years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct did not involve delivering, manufacturing, selling, or possessing with the intent to manufacture, sell, or deliver any controlled substance in RCW 69.50.401(a) for profit. The affirmative defense established in this section shall be proved by the defendant by a preponderance of the evidence. This section shall not be construed to establish an affirmative defense with respect to a prosecution for an offense defined in any other section of this chapter.

(e) In a prosecution under this section, a map produced or reproduced by any municipal, school district, or county engineer for the purpose of depicting the location and boundaries of the area on or within one thousand feet of any property used for a school or school bus route stop, or a true copy of such a map, shall under proper authentication, be admissible and shall constitute prima facie evidence of the location and boundaries of those areas if the governing body of the municipality, school district, or county has adopted a resolution or ordinance approving the map as the official location and record of the location and boundaries of the area on or within one thousand feet of the school or school bus route stop. Any map approved under this section or a true copy of the map shall be filed with the clerk of the municipality or county, and shall be maintained as an official record of the municipality or county. This section shall not be construed as precluding the prosecution from introducing or relying upon any other evidence or testimony to establish any element of the offense. This section shall not be construed as precluding the use or admissibility of any map or diagram other than the one which has been approved by the governing body of a municipality, school district, or county if the map or diagram is otherwise admissible under court rule.

(f) As used in this section the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "School" has the meaning under RCW (~~((28A.01.055 or 28A.01-.060))~~ 28A.150.010 or 28A.150.020). The term "school" also includes a private school approved under RCW (~~((28A.02.20+))~~ 28A.195.010;

(2) "School bus" means a school bus as defined by the superintendent of public instruction by rule which is owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of students. The term does not include buses operated by common carriers in the urban transportation of students such as transportation of students through a municipal transportation system; and

(3) "School bus route stop" means a school bus stop as designated on maps submitted by school districts to the office of the superintendent of public instruction.

Sec. 589. Section 705, chapter 176, Laws of 1988 and RCW 71A.20-.050 are each amended to read as follows:

(1) The secretary shall appoint a superintendent for each residential habilitation center. The superintendent of a residential habilitation center shall have a demonstrated history of knowledge, understanding, and compassion for the needs, treatment, and training of persons with developmental disabilities.

(2) The secretary shall have custody of all residents of the residential habilitation centers and control of the medical, educational, therapeutic, and dietetic treatment of all residents, except that the school district that

conducts the program of education provided pursuant to RCW (~~(28A.58-772 through 28A.58.776)~~) 28A.190.030 through 28A.190.050 shall have control of and joint custody of residents while they are participating in the program. The secretary shall cause surgery to be performed on any resident only upon gaining the consent of a parent, guardian, or limited guardian as authorized, except, if after reasonable effort to locate the parents, guardian, or limited guardian as authorized, and the health of the resident is certified by the attending physician to be jeopardized unless such surgery is performed, the required consent shall not be necessary.

Sec. 590. Section 707, chapter 176, Laws of 1988 and RCW 71A.20-.070 are each amended to read as follows:

(1) An educational program shall be created and maintained for each residential habilitation center pursuant to RCW (~~(28A.58.772 through 28A.58.776)~~) 28A.190.030 through 28A.190.050. The educational program shall provide a comprehensive program of academic, vocational, recreational, and other educational services best adapted to meet the needs and capabilities of each resident.

(2) The superintendent of public instruction shall assist the secretary in all feasible ways, including financial aid, so that the educational programs maintained within the residential habilitation centers are comparable to the programs advocated by the superintendent of public instruction for children with similar aptitudes in local school districts.

(3) Within available resources, the secretary shall, upon request from a local school district, provide such clinical, counseling, and evaluating services as may assist the local district lacking such professional resources in determining the needs of its exceptional children.

Sec. 591. Section 72.01.200, chapter 28, Laws of 1959 as amended by section 6, chapter 217, Laws of 1979 ex. sess. and RCW 72.01.200 are each amended to read as follows:

The several penal and reformatory institutions of the state may employ certificated teachers to carry on their educational work, except for the educational programs provided pursuant to RCW (~~(28A.58.772 through 28A-58.776, as now or hereafter amended;)~~) 28A.190.030 through 28A.190.050 and all such teachers so employed shall be eligible to membership in the state teachers' retirement fund.

Sec. 592. Section 72.05.130, chapter 28, Laws of 1959 as last amended by section 10, chapter 378, Laws of 1985 and RCW 72.05.130 are each amended to read as follows:

The department shall establish, maintain, operate and administer a comprehensive program for the custody, care, education, treatment, instruction, guidance, control and rehabilitation of all persons who may be committed or admitted to institutions, schools, or other facilities controlled

and operated by the department, except for the programs of education provided pursuant to RCW (~~(28A.58.772 through 28A.58.776, as now or hereafter amended;)~~) 28A.190.030 through 28A.190.050 which shall be established, operated and administered by the school district conducting the program, and in order to accomplish these purposes, the powers and duties of the secretary shall include the following:

(1) The assembling, analyzing, tabulating, and reproduction in report form, of statistics and other data with respect to children with behavior problems in the state of Washington, including, but not limited to, the extent, kind, and causes of such behavior problems in the different areas and population centers of the state. Such reports shall not be open to public inspection, but shall be open to the inspection of the governor and to the superior court judges of the state of Washington.

(2) The establishment and supervision of diagnostic facilities and services in connection with the custody, care, and treatment of mentally and physically handicapped, and behavior problem children who may be committed or admitted to any of the institutions, schools, or facilities controlled and operated by the department, or who may be referred for such diagnosis and treatment by any superior court of this state. Such diagnostic services may be established in connection with, or apart from, any other state institution under the supervision and direction of the secretary. Such diagnostic services shall be available to the superior courts of the state for persons referred for such services by them prior to commitment, or admission to, any school, institution, or other facility. Such diagnostic services shall also be available to other departments of the state. When the secretary determines it necessary, the secretary may create waiting lists and set priorities for use of diagnostic services for juvenile offenders on the basis of those most severely in need.

(3) The supervision of all persons committed or admitted to any institution, school, or other facility operated by the department, and the transfer of such persons from any such institution, school, or facility to any other such school, institution, or facility: PROVIDED, That where a person has been committed to a minimum security institution, school, or facility by any of the superior courts of this state, a transfer to a close security institution shall be made only with the consent and approval of such court.

(4) The supervision of parole, discharge, or other release, and the post-institutional placement of all persons committed to Green Hill school and Maple Lane school, or such as may be assigned, paroled, or transferred therefrom to other facilities operated by the department. Green Hill school and Maple Lane school are hereby designated as "close security" institutions to which shall be given the custody of children with the most serious behavior problems.

Sec. 593. Section 72.20.040, chapter 28, Laws of 1959 as last amended by section 10, chapter 217, Laws of 1979 ex. sess. and RCW 72.20.040 are each amended to read as follows:

The superintendent, subject to the direction and approval of the secretary shall:

(1) Have general supervision and control of the grounds and buildings of the institution, the subordinate officers and employees, and the inmates thereof, and all matters relating to their government and discipline.

(2) Make such rules, regulations and orders, not inconsistent with law or with the rules, regulations or directions of the secretary, as may seem to him proper or necessary for the government of such institution and for the employment, discipline and education of the inmates, except for the program of education provided pursuant to RCW ((28A.58.772 through 28A.58.776, as now or hereafter amended;)) 28A.190.030 through 28A.190.050 which shall be governed by the school district conducting the program.

(3) Exercise such other powers, and perform such other duties as the secretary may prescribe.

Sec. 594. Section 5, chapter 30, Laws of 1967 ex. sess. as last amended by section 3, chapter 400, Laws of 1989 and by section 10, chapter 427, Laws of 1989 and RCW 74.09.520 are each reenacted and amended to read as follows:

(1) The term "medical assistance" may include the following care and services: (a) Inpatient hospital services; (b) outpatient hospital services; (c) other laboratory and x-ray services; (d) skilled nursing home services; (e) physicians' services, which shall include prescribed medication and instruction on birth control devices; (f) medical care, or any other type of remedial care as may be established by the secretary; (g) home health care services; (h) private duty nursing services; (i) dental services; (j) physical therapy and related services; (k) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (l) personal care services, as provided in this section; (m) hospice services; (n) other diagnostic, screening, preventive, and rehabilitative services; and (o) like services when furnished to a handicapped child by a school district as part of an individualized education program established pursuant to ((chapter 28A.13)) RCW 28A.155.010 through 28A.155.100. For the purposes of this section, the department may not cut off any prescription medications, oxygen supplies, respiratory services, or other life-sustaining medical services or supplies.

"Medical assistance," notwithstanding any other provision of law, shall not include routine foot care, or dental services delivered by any health care provider, that are not mandated by Title XIX of the social security act unless there is a specific appropriation for these services. Services included in an individualized education program for a handicapped child under ((chapter 28A.13)) RCW 28A.155.010 through 28A.155.100 shall not qualify as

medical assistance prior to the implementation of the funding process developed under RCW 74.09.524.

(2) The department shall amend the state plan for medical assistance under Title XIX of the federal social security act to include personal care services, as defined in 42 C.F.R. 440.170(f), in the categorically needy program.

(3) The department shall adopt, amend, or rescind such administrative rules as are necessary to ensure that Title XIX personal care services are provided to eligible persons in conformance with federal regulations.

(a) These administrative rules shall include financial eligibility indexed according to the requirements of the social security act providing for medicaid eligibility.

(b) The rules shall require clients be assessed as having a medical condition requiring assistance with personal care tasks. Plans of care must be approved by a physician and reviewed by a nurse every ninety days.

(4) The department shall design and implement a means to assess the level of functional disability of persons eligible for personal care services under this section. The personal care services benefit shall be provided to the extent funding is available according to the assessed level of functional disability. Any reductions in services made necessary for funding reasons should be accomplished in a manner that assures that priority for maintaining services is given to persons with the greatest need as determined by the assessment of functional disability.

(5) The department shall report to the appropriate fiscal committees of the legislature on the utilization and associated costs of the personal care option under Title XIX of the federal social security act, as defined in 42 C.F.R. 440.170(f), in the categorically needy program. This report shall be submitted by January 1, 1990, and submitted on a yearly basis thereafter.

(6) Effective July 1, 1989, the department shall offer hospice services in accordance with available funds. The department shall provide a complete accounting of the costs of providing hospice services under this section by December 20, 1989. The report shall include an assessment of cost savings which may result by providing hospice to persons who otherwise would use hospitals, nursing homes, or more expensive care. The hospice benefit under this section shall terminate on April 1, 1990, unless extended by the legislature.

Sec. 595. Section 4, chapter 400, Laws of 1989 and RCW 74.09.524 are each amended to read as follows:

The department of social and health services and the superintendent of public instruction shall jointly develop a process and plan to enable school districts to bill medical assistance for eligible services included in handicapped education programs, subject to the restrictions and limitations of ((this act)) RCW 28A.150.390, 74.09.520, and 74.09.524. The process shall be implemented during the 1990-91 school year, with the intent that the

billing system be in operation in selected regions of the state during the first half of that school year. The billing system shall be extended state-wide prior to the beginning of the 1991-92 school year. The planning shall include:

(1) Consideration of the types of services provided by school districts that would be eligible for medical assistance, and whether the state's medical assistance plan should be expanded to cover additional services for children;

(2) Establishment of categories of eligible services and the rates of reimbursement;

(3) Development of a state-wide billing system for use by school districts and educational service districts, which may include phased expansion of the system, providing billing services to the various regions of the state in stages;

(4) Measures for accountability and auditing of billings;

(5) Information bulletins and workshops for school districts and educational service districts;

(6) Contracting with educational service districts or other organizations for billing services or for other assistance in implementing the process established under this section;

(7) Formal agreements between the department and the superintendent of public instruction for notification of payments and for interagency reimbursement under RCW ((28A.41.053)) 28A.150.390; and

(8) Review and approval of the plan by the office of financial management prior to submission to the legislature of the report under section 5 of this act.

Sec. 596. Section 3, chapter 200, Laws of 1971 ex. sess. and RCW 79.01.774 are each amended to read as follows:

The purchases authorized under RCW 79.01.770 shall be classified as for the construction of common school plant facilities under ((chapter 28A.47)) RCW 28A.525.010 through 28A.525.222 and shall be payable out of the common school construction fund as otherwise provided for in RCW (((28A.40.100)) 28A.515.320 if the school district involved was under emergency school construction classification as established by the state board of education at any time during the period of its lease of state lands.

Sec. 597. Section 3, chapter 100, Laws of 1987 and RCW 84.09.037 are each amended to read as follows:

Each school district affected by a transfer of territory from one school district to another school district under chapter ((28A.57)) 28A.315 RCW shall retain its preexisting boundaries for the purpose of the collection of excess tax levies authorized under RCW 84.52.053 before the effective date of the transfer, for such tax collection years and for such excess tax levies as the state board of education may approve and order that the transferred territory shall either be subject to or relieved of such excess levies, as the

case may be. For the purpose of all other excess tax levies previously authorized under chapter 84.52 RCW and all excess tax levies authorized under RCW 84.52.053 subsequent to the effective date of a transfer of territory, the boundaries of the affected school districts shall be modified to recognize the transfer of territory subject to RCW 84.09.030.

Sec. 598. Section 1, chapter 294, Laws of 1971 ex. sess. as amended by section 16, chapter 204, Laws of 1984 and RCW 84.33.010 are each amended to read as follows:

As a result of the study and analysis of systems of taxation of standing timber and forest lands by the forest tax committee pursuant to Senate Concurrent Resolution No. 30 of the 41st session of the legislature, and the recommendations of the committee based thereon, the legislature hereby finds that:

(1) The public welfare requires that this state's system for taxation of timber and forest lands be modernized to assure the citizens of this state and its future generations the advantages to be derived from the continuous production of timber and forest products from the significant area of privately owned forests in this state. It is this state's policy to encourage forestry and restocking and reforestation of such forests so that present and future generations will enjoy the benefits which forest areas provide in enhancing water supply, in minimizing soil erosion, storm and flood damage to persons or property, in providing a habitat for wild game, in providing scenic and recreational spaces, in maintaining land areas whose forests contribute to the natural ecological equilibrium, and in providing employment and profits to its citizens and raw materials for products needed by everyone.

(2) The combination of variations in quantities, qualities and locations of timber and forest lands, the fact that market areas for timber products are nation-wide and world-wide and the unique long term nature of investment costs and risks associated with growing timber, all make exceedingly difficult the function of valuing and assessing timber and forest lands.

(3) The existing ad valorem property tax system is unsatisfactory for taxation of standing timber and forest land and will significantly frustrate, to an ever increasing degree with the passage of time, the perpetual enjoyment of the benefits enumerated above.

(4) For these reasons it is desirable, in exercise of the powers to promote the general welfare and to impose taxes; that

(a) the ad valorem system for taxing timber be modified and discontinued in stages over a three year period during which such system will be replaced by one under which timber will be taxed on the basis of stumpage value at the time of harvest, and

(b) forest land remain under the ad valorem taxation system but be taxed only as provided in this chapter and RCW ((28A.41.130))
28A.150.250.

Sec. 599. Section 2, chapter 294, Laws of 1971 ex. sess. as amended by section 17, chapter 204, Laws of 1984 and RCW 84.33.020 are each amended to read as follows:

Lands not heretofore so classified, which are primarily devoted to and used for growing and harvesting timber are hereby classified as lands devoted to reforestation and such lands and timber shall be taxed in accordance with the provisions of this chapter and RCW ((28A.41.130)) 28A.150.250.

Sec. 600. Section 16, chapter 294, Laws of 1971 ex. sess. as amended by section 225, chapter 3, Laws of 1983 and RCW 84.33.160 are each amended to read as follows:

Land approved for classification pursuant to RCW 84.28.020 prior to May 21, 1971 under chapter 84.28 RCW as reforestation lands, and the timber on such lands, shall be assessed and taxed in accordance with the applicable provision of chapter 84.28 RCW and shall not be subject to this chapter and RCW ((28A.41.130)) 28A.150.250. However, after May 21, 1971, no additional land shall be classified under chapter 84.28 RCW.

Sec. 601. Section 1, chapter 374, Laws of 1985 as last amended by section 1, chapter 141, Laws of 1989 and RCW 84.52.0531 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW ((28A.41.130, 28A.41.140, and 28A.41.145, as now or hereafter amended)) 28A.150.250, 28A.150.260, and 28A.150.350: PROVIDED, That when determining the basic education allocation under subsection (4) of this section, nonresident full time equivalent pupils who are participating in a program provided for in chapter ((28A.44)) 28A.545 RCW or in any other program pursuant to an inter-district agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

(2) For the purposes of subsection (5) of this section, a base year levy percentage shall be established. The base year levy percentage shall be equal to the greater of: (a) The district's actual levy percentage for calendar year 1985, (b) the average levy percentage for all school district levies in the state in calendar year 1985, or (c) the average levy percentage for all school district levies in the educational service district of the district in calendar year 1985.

(3) For excess levies for collection in calendar year 1988 and thereafter, the maximum dollar amount shall be the total of:

(a) The district's levy base as defined in subsection (4) of this section multiplied by the district's maximum levy percentage as defined in subsections (5) and (6) of this section; plus

(b) In the case of nonhigh (~~((school))~~) school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter (~~((28A.44))~~) 28A.545 RCW for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (1) of this section due to the inclusion of pupils participating in a program provided for in chapter (~~((28A.44))~~) 28A.545 RCW in such computation; less

(c) The maximum amount of state matching funds under RCW (~~((28A.41.155))~~) 28A.500.010 for which the district is eligible in that tax collection year.

(4) For excess levies for collection in calendar year 1988 and thereafter, a district's levy base shall be the sum of the following allocations received by the district for the prior school year, including allocations for compensation increases, adjusted by the percent increase per full time equivalent student in the state basic education appropriation between the prior school year and the current school year:

(a) The district's basic education allocation as determined pursuant to RCW (~~((28A.41.130, 28A.41.140, and 28A.41.145))~~) 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

- (i) Pupil transportation;
- (ii) Handicapped education;
- (iii) Education of highly capable students;
- (iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) State-wide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(5) For levies to be collected in calendar year 1988, a district's maximum levy percentage shall be determined as follows:

(a) Multiply the district's base year levy percentage as defined in subsection (2) of this section by the district's levy base as determined in subsection (4) of this section;

(b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (7) of this section which are to be allocated to the district for the 1987-88 school year;

(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; and

(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in calendar year 1988.

(6) For excess levies for collection in calendar year 1989 and thereafter, a district's maximum levy percentage shall be determined as follows:

(a) Multiply the district's maximum levy percentage for the prior year or thirty percent, whichever is less, by the district's levy base as determined in subsection (4) of this section;

(b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (7) of this section which are to be allocated to the district for the current school year;

(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; and

(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in that calendar year.

(7) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(8) For the purposes of this section, "prior school year" shall mean the most recent school year completed prior to the year in which the levies are to be collected.

(9) For the purposes of this section, "current school year" shall mean the year immediately following the prior school year.

(10) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

NEW SECTION. Sec. 602. The following sections are each decodified:

- (1) RCW 28A.04.167;
- (2) RCW 28A.04.170;
- (3) RCW 28A.04.172;
- (4) RCW 28A.04.174; and
- (5) RCW 28A.70.900.

NEW SECTION. Sec. 603. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act

or the application of the provision to other persons or circumstances is not affected.

Passed the House January 19, 1990.

Passed the Senate February 26, 1990.

Approved by the Governor March 13, 1990.

Filed in Office of Secretary of State March 13, 1990.

CHAPTER 34

[House Bill No. 2292]

FAMILY FISHING DAYS

AN ACT Relating to authorizing family fishing days for food fish and shellfish; creating a new section; and adding a new section to chapter 75.25 RCW.

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

NEW SECTION. Sec. 1. The legislature finds that conservation and wise use of the state's food fish and shellfish resources are of paramount importance. The legislature finds that public awareness and enjoyment is critical to conserving the state's food fish and shellfish resources. The legislature finds that public awareness can be increased if the departments of wildlife and fisheries jointly participate in a national fishing week program by scheduling free family fishing days on the same days.

NEW SECTION. Sec. 2. A new section is added to chapter 75.25 RCW to read as follows:

Notwithstanding RCW 75.25.090, the director may adopt rules designating times and places for the purposes of family fishing days when a recreational fishing license is not required to fish for food fish or shellfish. All other applicable laws and rules shall remain in effect.

Passed the House January 29, 1990.

Passed the Senate February 26, 1990.

Approved by the Governor March 13, 1990.

Filed in Office of Secretary of State March 13, 1990.

CHAPTER 35

[Substitute House Bill No. 2293]

GROUP FISHING PERMITS—HANDICAPPED PERSONS

AN ACT Relating to group fishing permits; amending RCW 75.08.011 and 77.32.235; adding a new section to chapter 75.25 RCW; creating a new section; and declaring an emergency.

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

NEW SECTION. Sec. 1. It is the intent of the legislature to make recreational fishing opportunities more available to physically or mentally