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**HOUSE BILL 1532**

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**State of Washington****52nd Legislature****1991 Regular Session**

**By** Representatives Dorn, Brumsickle, Ferguson, Pruitt, Neher, Basich, Peery, Grant, R. Meyers, Orr, H. Myers, Leonard, Roland, Morris, G. Fisher, Phillips, Scott, Paris and Winsley.

Read first time January 31, 1991. Referred to Committee on Education.

1       AN ACT Relating to temporary waivers of requirements under chapter  
2 28A.150 RCW; amending RCW 28A.150.290; creating a new section;  
3 providing an expiration date; and declaring an emergency.

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

5       NEW SECTION. **Sec. 1.**       The legislature finds that there  
6 currently is great interest in educational reform in all areas of  
7 educational services and that educational reform will be promoted by  
8 creating opportunities for teachers and administrators to meet together  
9 and share ideas and proposals for reform. The legislature further  
10 finds that due to adverse weather conditions in the winter of 1990-91,  
11 most schools in the state were closed for two or more days. Under  
12 current law, the school districts are required to make up for days of  
13 closure caused by adverse weather by adding school days at the end of  
14 the school year. The legislature finds that in the interest of

1 promoting educational reform, it would be appropriate to provide an  
2 alternative during the 1990-91 school year by which the days of school  
3 closure can be made up, not by adding school days at the end of the  
4 school year which students are required to attend, but by allowing  
5 school districts to offer staff development programs regarding  
6 educational reform.

7       **Sec. 2.** RCW 28A.150.290 and 1990 c 33 s 111 are each amended to  
8 read as follows:

9           (1) The superintendent of public instruction shall have the power  
10 and duty to make such rules and regulations as are necessary for the  
11 proper administration of this chapter and RCW 28A.160.150 through  
12 28A.160.220, 28A.300.170, and 28A.500.010 not inconsistent with the  
13 provisions thereof, and in addition to require such reports as may be  
14 necessary to carry out his or her duties under this chapter and RCW  
15 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010.

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

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

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

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

24       (3) The superintendent of public instruction shall make every  
25 effort to reduce the amount of paperwork required in administration of  
26 this chapter and RCW 28A.160.150 through 28A.160.220, 28A.300.170, and  
27 28A.500.010; to simplify the application, monitoring and evaluation  
28 processes used; to eliminate all duplicative requests for information  
29 from local school districts; and to make every effort to integrate and  
30 standardize information requests for other state education acts and

1 federal aid to education acts administered by the superintendent of  
2 public instruction so as to reduce paperwork requirements and  
3 duplicative information requests.

4 (4) The superintendent of public instruction shall waive the  
5 requirements of a one hundred eighty day school year and reduce the  
6 amount of total program hour offerings and teacher contact hours  
7 required, for the 1990-91 school year only, for each school district  
8 that meets the following conditions:

9 (a) The reason the school district is unable to fulfill the school  
10 year, total program hour offering, and teacher contact hours  
11 requirement is due to school closure from adverse weather conditions,  
12 such as snow or freezing weather;

13 (b) The school district provides a one hundred seventy-eight day  
14 school year and an equivalent amount in total program hour offerings  
15 and teacher contact hours; and

16 (c) The school district submits to the superintendent of public  
17 instruction a plan regarding a staff development program relating to  
18 educational reform that teachers are required to attend. School  
19 districts have the discretion to provide the kind of educational reform  
20 program they believe is the most appropriate one for their district.  
21 The plan shall be submitted to the superintendent of public instruction  
22 before June 1, 1991, shall provide that the program will be offered for  
23 a time period equivalent to the time period of school closure up to a  
24 maximum of two days, and shall provide that the program will be offered  
25 to the teachers before September 1, 1991. If the plans fulfill the  
26 conditions regarding the June 1, 1991, submittal deadline, the length  
27 of program, and the scheduling of the program before September 1, 1991,  
28 the plans are automatically sufficient and not subject to approval or  
29 nonapproval by the superintendent of public instruction.

1        NEW SECTION.    **Sec. 3.**        This act shall expire August 31, 1991.

2        NEW SECTION.    **Sec. 4.**        This act is necessary for the immediate  
3 preservation of the public peace, health, or safety, or support of the  
4 state government and its existing public institutions, and shall take  
5 effect immediately.