
SECOND SUBSTITUTE HOUSE BILL 1709

State of Washington 55th Legislature 1997 Regular Session

By House Committee on Appropriations (originally sponsored by
Representatives McMorris, Chandler, Mastin and Smith)

Read first time 03/10/97.

1 AN ACT Relating to mandates on school districts; amending RCW
2 28A.150.290, 28A.150.290, 28A.335.210, 74.09.5255, and 43.09.260;
3 creating new sections; and providing a contingent effective date.

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

5 **Sec. 1.** RCW 28A.150.290 and 1990 c 33 s 111 are each amended to
6 read as follows:

7 (1) The superintendent of public instruction shall have the power
8 and duty to make such rules and regulations as are necessary for the
9 proper administration of this chapter and RCW 28A.160.150 through
10 ~~((28A.160.220))~~ 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010
11 not inconsistent with the provisions thereof, and in addition to
12 require such reports as may be necessary to carry out his or her duties
13 under this chapter and RCW 28A.160.150 through ~~((28A.160.220))~~
14 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010.

15 (2) The superintendent of public instruction shall have the
16 authority to make rules and regulations which establish the terms and
17 conditions for allowing school districts to receive state basic
18 education moneys as provided in RCW 28A.150.250 when said districts are
19 unable to fulfill for one or more schools as officially scheduled the

1 requirement of a full school year of one hundred eighty days or the
2 total program hour offering, teacher contact hour, or course mix and
3 percentage requirements imposed by RCW 28A.150.220 and 28A.150.260 due
4 to one or more of the following conditions:

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

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

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

33 (3) The superintendent of public instruction shall make every
34 effort to reduce the amount of paperwork required in administration of
35 this chapter and RCW 28A.160.150 through ((28A.160.220)) 28A.160.210,
36 28A.300.035, 28A.300.170, and 28A.500.010; to simplify the application,
37 monitoring and evaluation processes used; to eliminate all duplicative
38 requests for information from local school districts; and to make every
39 effort to integrate and standardize information requests for other

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

4 **Sec. 2.** RCW 28A.150.290 and 1992 c 141 s 504 are each amended to
5 read as follows:

6 (1) The superintendent of public instruction shall have the power
7 and duty to make such rules and regulations as are necessary for the
8 proper administration of this chapter and RCW 28A.160.150 through
9 (~~28A.160.220~~) 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010
10 not inconsistent with the provisions thereof, and in addition to
11 require such reports as may be necessary to carry out his or her duties
12 under this chapter and RCW 28A.160.150 through (~~28A.160.220~~)
13 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010.

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

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

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

1 labor dispute between a school district board of directors and any
2 employee of the school district.

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

13 (3) The superintendent of public instruction shall make every
14 effort to reduce the amount of paperwork required in administration of
15 this chapter and RCW 28A.160.150 through ((28A.160.220)) 28A.160.210,
16 28A.300.035, 28A.300.170, and 28A.500.010; to simplify the application,
17 monitoring and evaluation processes used; to eliminate all duplicative
18 requests for information from local school districts; and to make every
19 effort to integrate and standardize information requests for other
20 state education acts and federal aid to education acts administered by
21 the superintendent of public instruction so as to reduce paperwork
22 requirements and duplicative information requests.

23 NEW SECTION. **Sec. 3.** The office of the superintendent of public
24 instruction shall report to the legislature before December 1, 1997, on
25 specific actions it has taken in calendar year 1997 to meet paperwork
26 reduction and other requirements in RCW 28A.150.290(3).

27 **Sec. 4.** RCW 28A.335.210 and 1983 c 204 s 7 are each amended to
28 read as follows:

29 The state board of education and superintendent of public
30 instruction shall allocate, as a nondeductible item, out of any moneys
31 appropriated for state assistance to school districts for the original
32 construction of any school plant facility the amount of one-half of one
33 percent of the appropriation to be expended by the Washington state
34 arts commission for the acquisition of works of art. The works of art
35 may be placed in accordance with Article IX, sections 2 and 3 of the
36 state Constitution on public lands, integral to or attached to a public
37 building or structure, detached within or outside a public building or

1 structure, part of a portable exhibition or collection, part of a
2 temporary exhibition, or loaned or exhibited in other public
3 facilities. The Washington state arts commission shall, in
4 consultation with the superintendent of public instruction, determine
5 the amount to be made available for the purchase of works of art under
6 this section, and payments therefor shall be made in accordance with
7 law. The designation of projects and sites, selection, contracting,
8 purchase, commissioning, reviewing of design, execution and placement,
9 acceptance, maintenance, and sale, exchange, or disposition of works of
10 art shall be the responsibility of the Washington state arts commission
11 in consultation with the superintendent of public instruction and
12 representatives of school district boards of directors. However, the
13 costs to carry out the Washington state arts commission's
14 responsibility for maintenance shall not be funded from the moneys
15 referred to under this section, RCW 43.17.200, 43.19.455, or
16 28B.10.025, but shall be contingent upon adequate appropriations being
17 made for that purpose: PROVIDED, That the superintendent of public
18 instruction and the school district board of directors of the districts
19 where the sites are selected shall have the right to:

20 (1) Waive its use of the one-half of one percent of the
21 appropriation for the acquisition of works of art before the selection
22 process by the Washington state arts commission;

23 (2) Appoint a representative to the body established by the
24 Washington state arts commission to be part of the selection process
25 with full voting rights;

26 (3) Reject the results of the selection process;

27 (4) Reject the placement of a completed work or works of art on
28 school district premises if such works are portable;

29 (5) Use the one-half of one percent of the appropriation for the
30 acquisition of works of art to select a local work of art or to select
31 from options made available through the Washington state arts
32 commission.

33 Rejection at any point before or after the selection process shall
34 not cause the loss of or otherwise endanger state construction funds
35 available to the local school district. Any works of art rejected
36 under this section shall be applied to the provision of works of art
37 under this chapter, at the discretion of the Washington state arts
38 commission, notwithstanding any contract or agreement between the
39 affected school district and the artist involved. In addition to the

1 cost of the works of art the one-half of one percent of the
2 appropriation as provided herein shall be used to provide for the
3 administration by the Washington state arts commission and all costs
4 for installation of the work of art. For the purpose of this section
5 building shall not include sheds, warehouses or other buildings of a
6 temporary nature.

7 The executive director of the arts commission, the superintendent
8 of public instruction and the Washington state school directors
9 association shall appoint a study group to review the operations of the
10 one-half of one percent for works of art under this section.

11 **Sec. 5.** RCW 74.09.5255 and 1994 c 180 s 6 are each amended to read
12 as follows:

13 Of the projected federal medicaid and private insurance revenue
14 collected under RCW 74.09.5249, twenty percent for first class
15 districts as defined in RCW 28A.315.230 and fifty percent for second
16 class school districts as defined in RCW 28A.315.230, after deduction
17 for billing fees, shall be for incentive payments to districts.
18 Incentive payments shall only be used by districts for children with
19 disabilities.

20 **Sec. 6.** RCW 43.09.260 and 1995 c 301 s 15 are each amended to read
21 as follows:

22 The examination of the financial affairs of all local governments
23 shall be made at such reasonable, periodic intervals as the state
24 auditor shall determine. However, an examination of the financial
25 affairs of all local governments shall be made at least once in every
26 three years, and an examination of individual local government health
27 and welfare benefit plans and local government self-insurance programs
28 shall be made at least once every two years. Examinations of school
29 districts shall be made every three years, unless a more frequent audit
30 is required as a condition of a grant received, or a contract entered
31 into, by a school district, or the state auditor has evidence that a
32 more frequent audit of an individual school district is needed. The
33 term local governments for purposes of this chapter includes but is not
34 limited to all counties, cities, and other political subdivisions,
35 municipal corporations, and quasi-municipal corporations, however
36 denominated.

1 The state auditor shall establish a schedule to govern the auditing
2 of local governments which shall include: A designation of the various
3 classifications of local governments; a designation of the frequency
4 for auditing each type of local government; and a description of events
5 which cause a more frequent audit to be conducted.

6 On every such examination, inquiry shall be made as to the
7 financial condition and resources of the local government; whether the
8 Constitution and laws of the state, the ordinances and orders of the
9 local government, and the requirements of the state auditor have been
10 properly complied with; and into the methods and accuracy of the
11 accounts and reports.

12 A report of such examination shall be made and filed in the office
13 of state auditor, and one copy shall be transmitted to the local
14 government. A copy of any report containing findings of noncompliance
15 with state law shall be transmitted to the attorney general. If any
16 such report discloses malfeasance, misfeasance, or nonfeasance in
17 office on the part of any public officer or employee, within thirty
18 days from the receipt of his or her copy of the report, the attorney
19 general shall institute, in the proper county, such legal action as is
20 proper in the premises by civil process and prosecute the same to final
21 determination to carry into effect the findings of the examination.

22 It shall be unlawful for any local government or the responsible
23 head thereof, to make a settlement or compromise of any claim arising
24 out of such malfeasance, misfeasance, or nonfeasance, or any action
25 commenced therefor, or for any court to enter upon any compromise or
26 settlement of such action, without the written approval and consent of
27 the attorney general and the state auditor.

28 NEW SECTION. **Sec. 7.** If specific funding for the purposes of
29 section 5 of this act, referencing this act by bill or chapter number,
30 is not provided by June 30, 1997, in the omnibus appropriations act,
31 section 5 of this act is null and void.

32 NEW SECTION. **Sec. 8.** Section 2 of this act takes effect September
33 1, 2000. However, section 2 of this act shall not take effect if, by
34 September 1, 2000, a law is enacted stating that a school
35 accountability and academic assessment system is not in place.

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