

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1865**

Chapter 267, Laws of 1997

55th Legislature  
1997 Regular Session

SCHOOL DISTRICTS--CONTRACTING WITH OUTSIDE ENTITIES

EFFECTIVE DATE: 7/27/97

Passed by the House April 21, 1997  
Yeas 60 Nays 32

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

Passed by the Senate April 11, 1997  
Yeas 40 Nays 2

BRAD OWEN  
**President of the Senate**

Approved May 6, 1997

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1865** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

May 6, 1997 - 10:42 a.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1865**

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Passed Legislature - 1997 Regular Session

AS AMENDED BY THE SENATE

**State of Washington                      55th Legislature                      1997 Regular Session**

**By** House Committee on Education (originally sponsored by Representatives B. Thomas, Johnson, Talcott, Thompson, Radcliff, Mulliken, Hickel, Backlund, Zellinsky and McDonald)

Read first time 03/05/97.

1            AN ACT Relating to school district contracting; amending RCW  
2 28A.400.285; and adding a new section to chapter 28A.320 RCW.

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

4            NEW SECTION.    **Sec. 1.**    A new section is added to chapter 28A.320  
5 RCW to read as follows:

6            (1) The board of directors of a school district may contract with  
7 other school districts, educational service districts, public or  
8 private organizations, agencies, schools, or individuals to implement  
9 the board's powers and duties. The board of directors of a school  
10 district may contract for goods and services, including but not limited  
11 to contracts for goods and services as specifically authorized in  
12 statute or rule, as well as other educational, instructional, and  
13 specialized services. When a school district board of directors  
14 contracts for educational, instructional, or specialized services, the  
15 purpose of the contract must be to improve student learning or  
16 achievement.

17            (2) A contract under subsection (1) of this section may not be made  
18 with a religious or sectarian organization or school where the contract  
19 would violate the state or federal Constitution.

1       **Sec. 2.** RCW 28A.400.285 and 1993 c 349 s 1 are each amended to  
2 read as follows:

3       (1) When a school district or educational service district enters  
4 into a contract for services that had been previously performed by  
5 classified school employees, the contract shall contain a specific  
6 clause requiring the contractor to provide for persons performing such  
7 services under the contract, health benefits that are similar to those  
8 provided for school employees who would otherwise perform the work, but  
9 in no case are such health benefits required to be greater than the  
10 benefits provided for basic health care services under chapter 70.47  
11 RCW.

12       (2) Decisions to enter into contracts for services by a school  
13 district or educational service district may only be made: (a) After  
14 the affected district has conducted a feasibility study determining the  
15 potential costs and benefits, including the impact on district  
16 employees who would otherwise perform the work, that would result from  
17 contracting for the services; (b) after the decision to contract for  
18 the services has been reviewed and approved by the superintendent of  
19 public instruction; and (c) subject to any applicable requirements for  
20 collective bargaining. The factors to be considered in the feasibility  
21 study shall be developed in consultation with representatives of the  
22 affected employees and may include both long-term and short-term  
23 effects of the proposal to contract for services.

24       (3) This section applies only if ~~((the))~~ a contract ~~((would be))~~ is  
25 for services ~~((that are being))~~ performed by classified school  
26 employees ~~((as of))~~ on or after July 25, 1993.

27       (4) This section does not apply to:

28       (a) Temporary, nonongoing, or nonrecurring service contracts; or

29       (b) Contracts for services previously performed by employees in  
30 director/supervisor, professional, and technical positions.

31       (5) For the purposes of subsection (4) of this section:

32       (a) "Director/supervisor position" means a position in which an  
33 employee directs staff members and manages a function, a program, or a  
34 support service.

35       (b) "Professional position" means a position for which an employee  
36 is required to have a high degree of knowledge and skills acquired  
37 through a baccalaureate degree or its equivalent.

38       (c) "Technical position" means a position for which an employee is  
39 required to have a combination of knowledge and skills that can be

1 obtained through approximately two years of posthigh school education,  
2 such as from a community or technical college, or by on-the-job  
3 training.

Passed the House April 21, 1997.

Passed the Senate April 11, 1997.

Approved by the Governor May 6, 1997.

Filed in Office of Secretary of State May 6, 1997.