

---

HOUSE BILL 2952

---

State of Washington

57th Legislature

2002 Regular Session

By Representatives Morris and Linville

Read first time 02/11/2002. Referred to Committee on Education.

1 AN ACT Relating to fiscal accountability through educational  
2 restructuring; amending RCW 28A.150.080, 28A.150.230, 28A.150.260,  
3 28A.315.005, 28A.400.010, 28A.400.030, 28A.400.100, and 28A.400.200;  
4 reenacting and amending RCW 28A.330.100; adding new sections to chapter  
5 28A.320 RCW; adding a new section to chapter 28A.150 RCW; and providing  
6 an effective date.

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

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

10 The definitions in this section apply throughout this title.

11 (1) "Administrative employees" or "administrative staff" includes  
12 but is not limited to: Chief executive officers; chief administrative  
13 officers; business officers; the directors of human resources,  
14 facilities, transportation, and education; confidential employees; and  
15 supervisors within the definition in RCW 41.59.020(4). Principals and  
16 vice-principals are not included in this definition.

17 (a) Administrative employees are persons who have been employed by  
18 a county school administrative cooperative to perform administrative

1 functions for one or more school districts under the jurisdiction of  
2 the county school administrative cooperative.

3 (b) Administrative employees do not include employees of  
4 educational service districts.

5 (2) "Assistant superintendent" means a person who has been employed  
6 by a county school administrative cooperative to assist the  
7 superintendent hired by the cooperative and is not an assistant  
8 superintendent of an educational service district or of the office of  
9 the superintendent of public instruction.

10 (3) "County school administrative cooperative" or "cooperative"  
11 means an organization governed by one school director from each school  
12 district that is entirely contained within the boundaries of a county  
13 and of each school district that has a majority of its school buildings  
14 located within that county. Each school district board of directors  
15 shall determine the manner in which the director is selected.

16 (4) "Superintendent" means a person who:

17 (a) Is the chief executive officer for every school district that  
18 is entirely contained within the boundaries of a county and for every  
19 school district that has a majority of its school buildings located  
20 within that county;

21 (b) Has been employed by a county school administrative  
22 cooperative; and

23 (c) Is not the superintendent of public instruction or the  
24 superintendent of an educational service district or the superintendent  
25 of a school district that fully funds all costs for school  
26 administrative personnel out of nonstate funds.

27 (5) The definitions in this section do not apply to administrative  
28 personnel of any school district that fully funds all costs for school  
29 administrative personnel out of nonstate funds.

30 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320  
31 RCW to read as follows:

32 The duties of a county school administrative cooperative include  
33 but are not limited to:

34 (1) The employment of a superintendent, one or more assistant  
35 superintendents, and one or more administrative employees or  
36 administrative staff, who shall be hired by a majority vote of the  
37 county school administrative cooperative directors and who shall  
38 provide or supervise all administrative functions for every school

1 district under the jurisdiction of the county school administrative  
2 cooperative;

3 (2) The employment, in consultation with the applicable school  
4 district, of certificated instructional staff, classified staff, and  
5 any other necessary employees for each school district under the  
6 jurisdiction of the county school administrative cooperative;

7 (3) The provision of all administrative functions for every school  
8 district within the jurisdiction of the county school administrative  
9 cooperative;

10 (4) The requirement of the officers or employees of each school  
11 district under the jurisdiction of the county school administrative  
12 cooperative to give a bond for the honest performance of their duties  
13 in such penal sum as may be fixed by the cooperative with good and  
14 sufficient surety, and to cause the premium for all bonds required of  
15 all such officers or employees to be paid by the district. The  
16 cooperative may, by written policy, allow that such bonds include a  
17 deductible proviso not to exceed two percent of the officer's or  
18 employee's annual salary.

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.150  
20 RCW to read as follows:

21 Administrative employees and administrative staff are not included  
22 in the definition or funding of basic education. Funding levels for  
23 the number and compensation levels of administrative employees are  
24 entirely at the discretion of the legislature.

25 **Sec. 4.** RCW 28A.150.080 and 1969 ex.s. c 223 s 28A.01.100 are each  
26 amended to read as follows:

27 "Superintendent of the school district", if there be no such  
28 superintendent, shall mean such other administrative or certificated  
29 employee as the county school (~~((district board of directors))~~)  
30 administrative cooperative shall so designate.

31 **Sec. 5.** RCW 28A.150.230 and 1994 c 245 s 9 are each amended to  
32 read as follows:

33 (1) It is the intent and purpose of this section to guarantee that  
34 each common school district board of directors(~~((, whether or not acting~~  
35 ~~through its respective administrative staff,))~~) be held accountable for  
36 the proper operation of their district to the local community and its

1 electorate. In accordance with the provisions of Title 28A RCW, as now  
2 or hereafter amended, each common school district board of directors  
3 shall be vested with the final responsibility for the setting of  
4 policies ensuring quality in the content and extent of its educational  
5 program and that such program provide students with the opportunity to  
6 achieve those skills which are generally recognized as requisite to  
7 learning.

8 (2) In conformance with the provisions of Title 28A RCW, as now or  
9 hereafter amended, it shall be the responsibility of each common school  
10 district board of directors to adopt policies to:

11 (a) Establish performance criteria and an evaluation process for  
12 its certificated personnel (~~(, including administrative staff,)~~) and for  
13 all programs constituting a part of such district's curriculum;

14 (b) Determine the final assignment of staff, certificated or  
15 classified, according to board enumerated classroom and program needs;

16 (c) Determine the amount of instructional hours necessary for any  
17 student to acquire a quality education in such district, in not less  
18 than an amount otherwise required in RCW 28A.150.220, or rules (~~and~~  
19 ~~regulations~~) of the state board of education;

20 (d) Determine the allocation of staff time, whether certificated or  
21 classified;

22 (e) Establish final curriculum standards consistent with law and  
23 rules (~~and regulations~~) of the state board of education, relevant to  
24 the particular needs of district students or the unusual  
25 characteristics of the district, and ensuring a quality education for  
26 each student in the district; and

27 (f) Evaluate teaching materials, including text books, teaching  
28 aids, handouts, or other printed material, in public hearing upon  
29 complaint by parents, guardians or custodians of students who consider  
30 dissemination of such material to students objectionable.

31 **Sec. 6.** RCW 28A.150.260 and 1997 c 13 s 2 are each amended to read  
32 as follows:

33 The basic education allocation for each annual average full time  
34 equivalent student shall be determined in accordance with the following  
35 procedures:

36 (1) The governor shall and the superintendent of public instruction  
37 may recommend to the legislature a formula based on a ratio of students  
38 to staff for the distribution of a basic education allocation for each

1 annual average full time equivalent student enrolled in a common  
2 school. The distribution formula shall have the primary objective of  
3 equalizing educational opportunities and shall provide appropriate  
4 recognition of the following costs among the various districts within  
5 the state:

6 (a) Certificated instructional staff, which shall include  
7 principals and vice-principals, and their related costs;

8 ~~((Certificated administrative staff and their related costs;~~

9 ~~(e))~~ Classified staff and their related costs;

10 ~~((d))~~ (c) Nonsalary costs;

11 ~~((e))~~ (d) Extraordinary costs of remote and necessary schools and  
12 small high schools, including costs of additional certificated and  
13 classified staff; and

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

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

25 (b) The formula adopted by the legislature shall reflect the  
26 following ratios at a minimum: (i) Forty-nine certificated  
27 instructional staff, which shall include principals and vice-  
28 principals, to one thousand annual average full time equivalent  
29 students enrolled in grades kindergarten through three; (ii) forty-six  
30 certificated instructional staff to one thousand annual average full  
31 time equivalent students in grades four through twelve; and (iii)  
32 ~~((four certificated administrative staff to one thousand annual average~~  
33 ~~full time equivalent students in grades kindergarten through twelve;~~  
34 ~~and (iv))~~ sixteen and sixty-seven one-hundredths classified personnel  
35 to one thousand annual average full time equivalent students enrolled  
36 in grades kindergarten through twelve.

37 (c) In the event the legislature rejects the distribution formula  
38 recommended by the governor, without adopting a new distribution  
39 formula, the distribution formula for the previous school year shall

1 remain in effect: PROVIDED, That the distribution formula developed  
2 pursuant to this section shall be for state apportionment and  
3 equalization purposes only and shall not be construed as mandating  
4 specific operational functions of local school districts other than  
5 those program requirements identified in RCW 28A.150.220 and  
6 28A.150.100. The enrollment of any district shall be the annual  
7 average number of full time equivalent students and part time students  
8 as provided in RCW 28A.150.350, enrolled on the first school day of  
9 each month and shall exclude full time equivalent students with  
10 disabilities recognized for the purposes of allocation of state funds  
11 for programs under RCW 28A.155.010 through 28A.155.100. The definition  
12 of full time equivalent student shall be determined by rules of the  
13 superintendent of public instruction: PROVIDED, That the definition  
14 shall be included as part of the superintendent's biennial budget  
15 request: PROVIDED, FURTHER, That any revision of the present  
16 definition shall not take effect until approved by the house  
17 appropriations committee and the senate ways and means committee:  
18 PROVIDED, FURTHER, That the office of financial management shall make  
19 a monthly review of the superintendent's reported full time equivalent  
20 students in the common schools in conjunction with RCW 43.62.050.

21 (3)((+a)) Certificated instructional staff shall include those  
22 persons employed by a school district who are nonsupervisory employees  
23 within the meaning of RCW 41.59.020(8): PROVIDED, That principals and  
24 vice-principals shall be included in the definition and in exceptional  
25 cases, people of unusual competence but without certification may teach  
26 students so long as a certificated person exercises general  
27 supervision: PROVIDED, FURTHER, That the hiring of such classified  
28 people shall not occur during a labor dispute and such classified  
29 people shall not be hired to replace certificated employees during a  
30 labor dispute.

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

35 **Sec. 7.** RCW 28A.315.005 and 1999 c 315 s 1 are each amended to  
36 read as follows:

37 (1) Under the constitutional framework and the laws of the state of  
38 Washington, the governance structure for the state's public common

1 school system is comprised of the following bodies: The legislature,  
2 the governor, the superintendent of public instruction, the state board  
3 of education, the educational service district boards of directors, the  
4 county school administrative cooperatives, and local school district  
5 boards of directors. The respective policy and administrative roles of  
6 each body are determined by the state Constitution and statutes.

7 (2) Local school districts are political subdivisions of the state  
8 and the organization of such districts, including the powers, duties,  
9 and boundaries thereof, may be altered or abolished by laws of the  
10 state of Washington.

11 **Sec. 8.** RCW 28A.330.100 and 1995 c 335 s 503 and 1995 c 77 s 22  
12 are each reenacted and amended to read as follows:

13 Every board of directors of a school district of the first class,  
14 in addition to the general powers for directors enumerated in this  
15 title, shall have the power:

16 (1) ~~((To employ for a term of not exceeding three years a~~  
17 ~~superintendent of schools of the district, and for cause to dismiss him~~  
18 ~~or her; and to fix his or her duties and compensation.~~

19 (2) ~~To employ, and for cause dismiss one or more assistant~~  
20 ~~superintendents and to define their duties and fix their compensation.~~

21 (3) ~~To employ a business manager, attorneys, architects, inspectors~~  
22 ~~of construction, superintendents of buildings and a superintendent of~~  
23 ~~supplies, all of whom shall serve at the board's pleasure, and to~~  
24 ~~prescribe their duties and fix their compensation.~~

25 (4) ~~To employ, and for cause dismiss, supervisors of instruction~~  
26 ~~and to define their duties and fix their compensation.~~

27 (5)) To prescribe a course of study and a program of exercises  
28 which shall be consistent with the course of study prepared by the  
29 state board of education for the use of the common schools of this  
30 state.

31 ((+6)) (2) To, in addition to the minimum requirements imposed by  
32 this title establish and maintain such grades and departments,  
33 including night, high, kindergarten, vocational training and, except as  
34 otherwise provided by law, industrial schools, and schools and  
35 departments for the education and training of any class or classes of  
36 youth with disabilities, as in the judgment of the board, best shall  
37 promote the interests of education in the district.

1       ~~((7))~~ (3) To determine the length of time over and above one  
2 hundred eighty days that school shall be maintained: PROVIDED, That  
3 for purposes of apportionment no district shall be credited with more  
4 than one hundred and eighty-three days' attendance in any school year;  
5 and to fix the time for annual opening and closing of schools and for  
6 the daily dismissal of pupils before the regular time for closing  
7 schools.

8       ~~((8))~~ (4) To maintain a shop and repair department, and to  
9 employ, and for cause dismiss, a foreman and the necessary help for the  
10 maintenance and conduct thereof.

11       ~~((9))~~ (5) To provide free textbooks and supplies for all children  
12 attending school.

13       ~~((10) To require of the officers or employees of the district to  
14 give a bond for the honest performance of their duties in such penal  
15 sum as may be fixed by the board with good and sufficient surety, and  
16 to cause the premium for all bonds required of all such officers or  
17 employees to be paid by the district: PROVIDED, That the board may, by  
18 written policy, allow that such bonds may include a deductible proviso  
19 not to exceed two percent of the officer's or employee's annual salary.~~

20       ~~((11))~~ (6) To prohibit all secret fraternities and sororities among  
21 the students in any of the schools of the said districts.

22       ~~((12))~~ (7) To ~~((appoint))~~ recommend to the county school  
23 administrative cooperative the appointment of a practicing physician,  
24 resident of the school district, who shall be known as the school  
25 district medical inspector, and whose duty it shall be to decide for  
26 the board of directors all questions of sanitation and health affecting  
27 the safety and welfare of the public schools of the district who shall  
28 serve at the ((board's)) cooperative's pleasure: PROVIDED, That  
29 children shall not be required to submit to vaccination against the  
30 will of their parents or guardian.

31       (8) To hire such instructional, classified, and administrative  
32 employees as the district deems appropriate if the district fully funds  
33 all costs associated with administrative employees from nonstate  
34 sources.

35       **Sec. 9.** RCW 28A.400.010 and 1990 c 33 s 376 are each amended to  
36 read as follows:

37       ~~((In))~~ For all school districts under its jurisdiction, the ((board  
38 of directors)) county school administrative cooperative shall elect



1 ((a)) one superintendent who shall have such qualifications as the  
2 (~~local school board~~) county school administrative cooperative alone  
3 shall determine. The superintendent shall have supervision over the  
4 several departments of the schools thereof and carry out such other  
5 powers and duties as prescribed by law. Notwithstanding the provisions  
6 of RCW 28A.400.300(1), the (~~board~~) county school administrative  
7 cooperative may contract with such superintendent for a term not to  
8 exceed three years when deemed in the best interest of the districts  
9 under the jurisdiction of the county school administrative cooperative.  
10 The right to renew a contract of employment with any school  
11 superintendent shall rest solely with the discretion of the (~~school~~  
12 ~~board~~) county school administrative cooperative employing such school  
13 superintendent. Regarding such renewal of contracts of school  
14 superintendents the provisions of RCW 28A.405.210, 28A.405.240, and  
15 28A.645.010 shall be inapplicable.

16 **Sec. 10.** RCW 28A.400.030 and 1991 c 116 s 14 are each amended to  
17 read as follows:

18 In addition to such other duties as a (~~district school board~~)  
19 county school administrative cooperative shall prescribe, the (~~school~~  
20 ~~district~~) superintendent or the superintendent's designee shall:

21 (1) Attend all meetings of the board of directors of each school  
22 district under the jurisdiction of the county school administrative  
23 cooperative and cause to have made a record as to the proceedings  
24 thereof.

25 (2) Keep such records and reports and in such form as the district  
26 board of directors require or as otherwise required by law or rule or  
27 regulation of higher administrative agencies and turn the same over to  
28 his or her successor.

29 (3) Keep accurate and detailed accounts of all receipts and  
30 expenditures of school money. At each annual school meeting the  
31 superintendent must present his or her record book of board proceedings  
32 for public inspection, and shall make a statement of the financial  
33 condition of the district and such record book must always be open for  
34 public inspection.

35 (4) Give such notice of all annual or special elections as  
36 otherwise required by law; also give notice of the regular and special  
37 meetings of the board of directors.

1 (5) Sign all orders for warrants ordered to be issued by the board  
2 of directors.

3 (6) Carry out all orders of the board of directors made at any  
4 regular or special meeting.

5 **Sec. 11.** RCW 28A.400.100 and 1977 ex.s. c 272 s 1 are each amended  
6 to read as follows:

7 ((~~School districts~~)) County school administrative cooperatives, in  
8 consultation with each school district under the jurisdiction of the  
9 cooperative, may employ public school principals and/or vice principals  
10 to supervise the operation and management of the school to which they  
11 are assigned. Such persons shall hold valid teacher and administrative  
12 certificates. In addition to such other duties as shall be prescribed  
13 by law and by the job description adopted by the county school  
14 administrative cooperative, in consultation with the school district  
15 board of directors, each principal shall:

16 (1) Assume administrative authority, responsibility and  
17 instructional leadership, under the supervision of the ((~~school~~  
18 ~~district~~)) superintendent, and in accordance with the policies of the  
19 school district board of directors, for the planning, management,  
20 supervision and evaluation of the educational program of the attendance  
21 area for which he or she is responsible.

22 (2) Submit recommendations to the ((~~school—district~~))  
23 superintendent regarding appointment, assignment, promotion, transfer  
24 and dismissal of all personnel assigned to the attendance area for  
25 which he or she is responsible.

26 (3) Submit recommendations to the ((~~school—district~~))  
27 superintendent regarding the fiscal needs to maintain and improve the  
28 instructional program of the attendance area for which he or she is  
29 responsible.

30 (4) Assume administrative authority and responsibility for the  
31 supervision, counseling and discipline of pupils in the attendance area  
32 for which he or she is responsible.

33 **Sec. 12.** RCW 28A.400.200 and 1997 c 141 s 2 are each amended to  
34 read as follows:

35 (1) Every county school administrative cooperative, in consultation  
36 with the school district board of directors, shall fix, alter, allow,

1 and order paid salaries and compensation for all district employees in  
2 conformance with this section.

3 (2)(a) Salaries for certificated instructional staff shall not be  
4 less than the salary provided in the appropriations act in the  
5 statewide salary allocation schedule for an employee with a  
6 baccalaureate degree and zero years of service; and

7 (b) Salaries for certificated instructional staff with a masters  
8 degree shall not be less than the salary provided in the appropriations  
9 act in the statewide salary allocation schedule for an employee with a  
10 masters degree and zero years of service;

11 (3)(a) The actual average salary paid to basic education and  
12 special education certificated instructional staff shall not exceed the  
13 district's average basic education and special education program  
14 certificated instructional staff salary used for the state basic  
15 education allocations for that school year as determined pursuant to  
16 RCW 28A.150.410.

17 (b) Fringe benefit contributions for basic education and special  
18 education certificated instructional staff shall be included as salary  
19 under (a) of this subsection only to the extent that the district's  
20 actual average benefit contribution exceeds the amount of the insurance  
21 benefits allocation provided per certificated instructional staff unit  
22 in the state operating appropriations act in effect at the time the  
23 compensation is payable. For purposes of this section, fringe benefits  
24 shall not include payment for unused leave for illness or injury under  
25 RCW 28A.400.210; employer contributions for old age survivors  
26 insurance, workers' compensation, unemployment compensation, and  
27 retirement benefits under the Washington state retirement system; or  
28 employer contributions for health benefits in excess of the insurance  
29 benefits allocation provided per certificated instructional staff unit  
30 in the state operating appropriations act in effect at the time the  
31 compensation is payable. A school district may not use state funds to  
32 provide employer contributions for such excess health benefits.

33 (c) Salary and benefits for certificated instructional staff in  
34 programs other than basic education and special education shall be  
35 consistent with the salary and benefits paid to certificated  
36 instructional staff in the basic education and special education  
37 programs.

38 (4) Salaries and benefits for certificated instructional staff may  
39 exceed the limitations in subsection (3) of this section only by

1 separate contract for additional time, additional responsibilities, or  
2 incentives. Supplemental contracts shall not cause the state to incur  
3 any present or future funding obligation. Supplemental contracts shall  
4 be subject to the collective bargaining provisions of chapter 41.59 RCW  
5 and the provisions of RCW 28A.405.240, shall not exceed one year, and  
6 if not renewed shall not constitute adverse change in accordance with  
7 RCW 28A.405.300 through 28A.405.380. No district may enter into a  
8 supplemental contract under this subsection for the provision of  
9 services which are a part of the basic education program required by  
10 Article IX, section 3 of the state Constitution.

11 (5) Employee benefit plans offered by any district shall comply  
12 with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

13 NEW SECTION. **Sec. 13.** If any provision of this act or its  
14 application to any person or circumstance is held invalid, the  
15 remainder of the act or the application of the provision to other  
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 14.** This act takes effect July 1, 2002.

--- END ---