
HOUSE BILL 2112

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Wineberry, Locke, H. Sommers and Winsley.

Read first time February 26, 1991. Referred to Committee on Education.

1 AN ACT Relating to school district governance and management
2 problems; adding new sections to chapter 28A.300 RCW; and adding a new
3 section to chapter 28A.305 RCW.

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

5 NEW SECTION. **Sec. 1.** Local governance and management of
6 public schools by elected school boards and their appointees is a time-
7 honored and generally effective means of providing for the education of
8 the state's residents. The state nevertheless has the ultimate
9 responsibility to ensure the proper operation of the public school
10 system it has created. The purpose of this act is to ensure that there
11 is an established means, tempered with restraint, for state
12 intervention in the local governance and management of a school
13 district in order to preclude serious deficiencies or correct serious
14 and continuing deficiencies.

1 NEW SECTION. **Sec. 2.** The grounds for state intervention in
2 the governance and management of a school district under sections 1
3 through 7 of this act shall consist of a substantial and continuing
4 failure, or a clear and present danger of a substantial failure, of a
5 school district to fulfill one or more of the following duties:

6 (1) Providing all eligible residents of the school district an
7 equitable opportunity within available resources for an adequate
8 program of education required by law;

9 (2) Maintaining the financial integrity of the school district;

10 (3) Managing and expending the financial assets of the school
11 district in a reasonably efficient and effective manner;

12 (4) Managing and using the physical assets of the school district
13 in a reasonably efficient and effective manner; and

14 (5) Hiring, assigning, and managing school district employees in a
15 reasonably efficient and effective manner.

16 NEW SECTION. **Sec. 3.** The superintendent of public instruction
17 shall initiate and conduct a review of the governance, management, and
18 operation of a school district to confirm whether there is a
19 substantial and continuing failure, or a clear and present danger of a
20 substantial failure, of a school district to fulfill one or more of the
21 duties in section 2 of this act upon receipt of one of the following:

22 (1) A resolution passed by either the senate or the house of
23 representatives committee on education asserting the existence of
24 grounds for state review under this section, and requesting state
25 intervention as necessary under this section and sections 4 and 5 of
26 this act;

27 (2) A petition signed by ten percent or more of the registered
28 voters of a school district, and so certified by the county auditor,
29 specifying credible evidence of the existence of grounds for state

1 review under this section, and requesting state intervention as
2 necessary under this section and sections 4 and 5 of this act; or

3 (3) Any other significant manifestation of the existence of grounds
4 for review and the possible need for state intervention under this
5 section and sections 4 and 5 of this act.

6 NEW SECTION. **Sec. 4.** The superintendent of public instruction
7 shall set forth written findings and conclusions following completion
8 of a school district review under section 3 of this act. If the
9 superintendent of public instruction determines that there is
10 sufficient cause to believe that there is a substantial and continuing
11 failure, or a clear and present danger of a substantial failure, of a
12 school district to fulfill one or more of the duties in section 2 of
13 this act, the superintendent shall:

14 (1) Direct the school district board of directors to provide for
15 the development and submission within a specified time period of a
16 corrective action plan reasonably designed to correct specified
17 deficiencies; and

18 (2) Afford the school district board of directors a reasonable
19 opportunity commensurate with the seriousness of the deficiencies and
20 the resources of the school district to implement a corrective action
21 plan submitted under this section.

22 NEW SECTION. **Sec. 5.** If a school district board of directors
23 fails to submit a corrective action plan reasonably designed to correct
24 deficiencies identified under sections 3 and 4 of this act, or fails in
25 a significant respect to fully correct such a deficiency through the
26 implementation of such a plan, the superintendent of public instruction
27 shall develop a corrective action plan that the school district board
28 of directors and its employees shall immediately implement. A

1 corrective action plan developed and imposed by the superintendent of
2 public instruction under this section may include reasonable
3 requirements and conditions controlling any relevant aspect of the
4 governance, management, and operation of the school district including,
5 but not limited to, requirements and conditions respecting
6 administrative organization, planning, program development, training,
7 financial practices, and prior approval of the superintendent or his or
8 her designee of school board and employee actions.

9 NEW SECTION. **Sec. 6.** A school board of directors may appeal
10 the necessity and reasonableness of the terms of a corrective action
11 plan developed and imposed by the superintendent of public instruction
12 under section 5 of this act to the state board of education. The state
13 board of education may affirm, or stay and remand to the superintendent
14 of public instruction for further consideration, the terms of the
15 corrective action plan in whole or part.

16 NEW SECTION. **Sec. 7.** The superintendent of public instruction
17 shall monitor the development and implementation of a corrective action
18 plan under sections 4 and 5 of this act and provide the school district
19 board of directors and its employees technical assistance reasonably
20 necessary to the successful development and implementation of any such
21 plan.

22 NEW SECTION. **Sec. 8.** The superintendent of public instruction
23 may adopt rules under chapter 34.05 RCW to implement sections 1 through
24 5 and 7 of this act.

25 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.305
26 RCW to read as follows:

1 The state board of education may adopt rules under chapter 34.05
2 RCW to implement section 6 of this act.

3 NEW SECTION. **Sec. 10.** Nothing in sections 1 through 8 of this
4 act is intended to:

5 (1) Permit the impairment of an existing collective bargaining
6 contract or other contract;

7 (2) Restrict the constitutional supervisory power of the
8 superintendent of public instruction;

9 (3) Require either a school district or the superintendent of
10 public instruction to take any action that is not reasonably within its
11 respective financial resources; or

12 (4) Conflict with or constitute an alternative to RCW 28A.505.110,
13 28A.505.120, and 28A.505.140 governing the correction of school
14 district budgetary practices and procedures.

15 NEW SECTION. **Sec. 11.** Sections 1 through 8 and 10 of this act
16 are each added to chapter 28A.300 RCW.