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HOUSE BILL 2124

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State of Washington                      56th Legislature                      1999 Regular Session

By Representatives Stensen, Schual-Berke, Cox, Santos and Kagi

Read first time 02/16/1999. Referred to Committee on Education.

1            AN ACT Relating to fiscal notes on legislation and administrative  
2 rules affecting school districts; amending RCW 28A.150.290,  
3 28A.150.290, and 28A.305.130; adding new sections to chapter 28A.300  
4 RCW; and providing a contingent effective date.

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

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 28A.300  
7 RCW to read as follows:

8            The superintendent of public instruction or the superintendent's  
9 designee shall, in cooperation with appropriate legislative committees  
10 and legislative staff, establish a mechanism for the determination of  
11 the fiscal impact of proposed legislation, which if enacted into law,  
12 would directly or indirectly increase or decrease revenues received or  
13 expenditures incurred by school districts. The superintendent of  
14 public instruction shall report in writing as to the fiscal impact and  
15 the report shall be known as a fiscal note.

16            Such fiscal notes shall indicate by fiscal year the total impact on  
17 the school districts involved for the first two years the legislation  
18 would be in effect and also a cumulative six-year forecast of the

1 fiscal impact. Where feasible and applicable, the fiscal note also  
2 shall indicate the fiscal impact on each individual school district.

3 A fiscal note as defined in this section shall be provided for all  
4 legislation, which if enacted into law, would directly or indirectly  
5 increase or decrease revenues received or expenditures incurred by  
6 school districts. A legislator may request that such a fiscal note be  
7 revised to reflect the impact of proposed amendments or substitute  
8 bills. Fiscal notes shall be completed within seventy-two hours of  
9 referral of the legislation to the superintendent of public  
10 instruction. In the event a fiscal note has not been completed within  
11 seventy-two hours of a referral, a daily report shall be prepared by  
12 the superintendent of public instruction that summarizes the progress  
13 in preparing the fiscal note.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300  
15 RCW to read as follows:

16 When a fiscal note as provided in section 1 of this act is prepared  
17 and approved as to form and completeness by the superintendent of  
18 public instruction, the superintendent shall transmit copies  
19 immediately to:

20 (1) With respect to proposed legislation held by the senate, the  
21 chair of the committee that holds or has acted upon the proposed  
22 legislation, the chair of the ways and means committee, and the  
23 secretary of the senate; and

24 (2) With respect to proposed legislation held by the house of  
25 representatives, the chair of the committee that holds or has acted  
26 upon the proposed legislation, the chair of the revenue and taxation  
27 and appropriations committees, and the chief clerk of the house of  
28 representatives.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.300  
30 RCW to read as follows:

31 The office of the superintendent of public instruction may make  
32 additional copies of the fiscal note as provided in section 1 of this  
33 act available to members of the legislature and others on request.

34 At the request of any member of the senate or house of  
35 representatives, whichever is considering the proposed legislation, and  
36 unless it is prohibited by the rules of the body, copies of the fiscal  
37 note or a synopsis thereof shall be placed on the members' desks at the

1 time the proposed legislation takes its place on the second reading  
2 calendar.

3 Whenever proposed legislation accompanied by such a fiscal note is  
4 passed by either the senate or the house of representatives, the fiscal  
5 note shall be transmitted with the bill to the other house.

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.300  
7 RCW to read as follows:

8 When the fiscal note as provided in section 1 of this act indicates  
9 that a bill or resolution would require expenditures of funds by a  
10 school district, the legislature shall determine the state's fiscal  
11 responsibility and shall appropriate the funds or provide the revenue  
12 generating authority necessary to implement the legislation during the  
13 ensuing biennium.

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.300  
15 RCW to read as follows:

16 This chapter does not prevent either house of the legislature from  
17 acting on any bill or resolution before it as otherwise provided by the  
18 state Constitution, by law, and by the rules of the senate and house of  
19 representatives, nor does the lack of any fiscal note as provided in  
20 section 1 of this act or any error in the accuracy thereof affect the  
21 validity of any measure otherwise duly passed by the legislature.

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

24 (1) The superintendent of public instruction shall have the power  
25 and duty to make such rules ((and regulations)) as are necessary for  
26 the proper administration of this chapter and RCW 28A.160.150 through  
27 ((28A.160.220)) 28A.160.210, 28A.300.170, and 28A.500.010 not  
28 inconsistent with the provisions thereof, and in addition to require  
29 such reports as may be necessary to carry out his or her duties under  
30 this chapter and RCW 28A.160.150 through ((28A.160.220)) 28A.160.210,  
31 28A.300.170, and 28A.500.010.

32 (2) The superintendent of public instruction shall have the  
33 authority to make rules ((and regulations)) which establish the terms  
34 and conditions for allowing school districts to receive state basic  
35 education moneys as provided in RCW 28A.150.250 when said districts are  
36 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.300.170, and 28A.500.010; to simplify the application, monitoring  
37 and evaluation processes used; to eliminate all duplicative requests  
38 for information from local school districts; and to make every effort  
39 to integrate and standardize information requests for other state

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

4 (4)(a) The superintendent of public instruction or the  
5 superintendent's designee shall establish a mechanism for the  
6 determination of the fiscal impact of rules proposed under this section  
7 or chapter 28A.155 RCW, which if enacted would directly or indirectly  
8 increase or decrease revenues received or expenditures incurred by  
9 school districts. The superintendent of public instruction shall  
10 report in writing as to the fiscal impact and the report shall be known  
11 as a fiscal note.

12 (b) Fiscal notes shall indicate by fiscal year the total impact on  
13 the school districts involved for the first two years the rule would be  
14 in effect and also a cumulative six-year forecast of the fiscal impact.  
15 Where feasible and applicable, the fiscal note also shall indicate the  
16 fiscal impact on each individual school district.

17 (c) A fiscal note shall be provided for all rules, which if enacted  
18 would directly or indirectly increase or decrease revenues received or  
19 expenditures incurred by school districts. Fiscal notes shall be  
20 completed before submission of the proposed rules to public hearing.

21 **Sec. 7.** RCW 28A.150.290 and 1992 c 141 s 504 are each amended to  
22 read as follows:

23 (1) The superintendent of public instruction shall have the power  
24 and duty to make such rules ((and regulations)) as are necessary for  
25 the proper administration of this chapter and RCW 28A.160.150 through  
26 ((28A.160.220)) 28A.160.210, 28A.300.170, and 28A.500.010 not  
27 inconsistent with the provisions thereof, and in addition to require  
28 such reports as may be necessary to carry out his or her duties under  
29 this chapter and RCW 28A.160.150 through ((28A.160.220)) 28A.160.210,  
30 28A.300.170, and 28A.500.010.

31 (2) The superintendent of public instruction shall have the  
32 authority to make rules ((and regulations)) which establish the terms  
33 and conditions for allowing school districts to receive state basic  
34 education moneys as provided in RCW 28A.150.250 when said districts are  
35 unable to fulfill for one or more schools as officially scheduled the  
36 requirement of a full school year of one hundred eighty days or the  
37 annual average total instructional hour offering imposed by RCW

1 28A.150.220 and 28A.150.260 due to one or more of the following  
2 conditions:

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

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

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

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

1 superintendent of public instruction so as to reduce paperwork  
2 requirements and duplicative information requests.

3 (4)(a) The superintendent of public instruction or the  
4 superintendent's designee shall establish a mechanism for the  
5 determination of the fiscal impact of rules proposed under this section  
6 or chapter 28A.155 RCW, which if enacted would directly or indirectly  
7 increase or decrease revenues received or expenditures incurred by  
8 school districts. The superintendent of public instruction shall  
9 report in writing as to the fiscal impact and the report shall be known  
10 as a fiscal note.

11 (b) Fiscal notes shall indicate by fiscal year the total impact on  
12 the school districts involved for the first two years the rule would be  
13 in effect and also a cumulative six-year forecast of the fiscal impact.  
14 Where feasible and applicable, the fiscal note also shall indicate the  
15 fiscal impact on each individual school district.

16 (c) A fiscal note shall be provided for all rules, which if enacted  
17 would directly or indirectly increase or decrease revenues received or  
18 expenditures incurred by school districts. Fiscal notes shall be  
19 completed before submission of the proposed rules to public hearing.

20 **Sec. 8.** RCW 28A.305.130 and 1997 c 13 s 5 are each amended to read  
21 as follows:

22 In addition to any other powers and duties as provided by law, the  
23 state board of education shall:

24 (1) Approve or disapprove the program of courses leading to  
25 teacher, school administrator, and school specialized personnel  
26 certification offered by all institutions of higher education within  
27 the state which may be accredited and whose graduates may become  
28 entitled to receive such certification.

29 (2) Conduct every five years a review of the program approval  
30 standards, including the minimum standards for teachers,  
31 administrators, and educational staff associates, to reflect research  
32 findings and assure continued improvement of preparation programs for  
33 teachers, administrators, and educational staff associates.

34 (3) Investigate the character of the work required to be performed  
35 as a condition of entrance to and graduation from any institution of  
36 higher education in this state relative to such certification as  
37 provided for in subsection (1) above, and prepare a list of accredited

1 institutions of higher education of this and other states whose  
2 graduates may be awarded such certificates.

3 (4)(a) The state board of education shall adopt rules to allow a  
4 teacher certification candidate to fulfill, in part, teacher  
5 preparation program requirements through work experience as a  
6 classified teacher's aide in a public school or private school meeting  
7 the requirements of RCW 28A.195.010. The rules shall include, but are  
8 not limited to, limitations based upon the recency of the teacher  
9 preparation candidate's teacher aide work experience, and limitations  
10 based on the amount of work experience that may apply toward teacher  
11 preparation program requirements under this chapter.

12 (b) The state board of education shall require that at the time of  
13 the individual's enrollment in a teacher preparation program, the  
14 supervising teacher and the building principal shall jointly provide to  
15 the teacher preparation program of the higher education institution at  
16 which the teacher candidate is enrolled, a written assessment of the  
17 performance of the teacher candidate. The assessment shall contain  
18 such information as determined by the state board of education and  
19 shall include: Evidence that at least fifty percent of the candidate's  
20 work as a classified teacher's aide was involved in instructional  
21 activities with children under the supervision of a certificated  
22 teacher and that the candidate worked a minimum of six hundred thirty  
23 hours for one school year; the type of work performed by the candidate;  
24 and a recommendation of whether the candidate's work experience as a  
25 classified teacher's aide should be substituted for teacher preparation  
26 program requirements. In compliance with such rules as may be  
27 established by the state board of education under this section, the  
28 teacher preparation programs of the higher education institution where  
29 the candidate is enrolled shall make the final determination as to what  
30 teacher preparation program requirements may be fulfilled by teacher  
31 aide work experience.

32 (5) Supervise the issuance of such certificates as provided for in  
33 subsection (1) above and specify the types and kinds of certificates  
34 necessary for the several departments of the common schools by rule  
35 (~~or regulation~~) in accordance with RCW 28A.410.010.

36 (6) Accredite, subject to such accreditation standards and  
37 procedures as may be established by the state board of education, all  
38 schools that apply for accreditation, and approve, subject to the  
39 provisions of RCW 28A.195.010, private schools carrying out a program

1 for any or all of the grades kindergarten through twelve: PROVIDED,  
2 That no private school may be approved that operates a kindergarten  
3 program only: PROVIDED FURTHER, That no public or private schools  
4 shall be placed upon the list of accredited schools so long as secret  
5 societies are knowingly allowed to exist among its students by school  
6 officials: PROVIDED FURTHER, That the state board may elect to require  
7 all or certain classifications of the public schools to conduct and  
8 participate in such preaccreditation examination and evaluation  
9 processes as may now or hereafter be established by the board.

10 (7) Make rules (~~and regulations~~) governing the establishment in  
11 any existing nonhigh school district of any secondary program or any  
12 new grades in grades nine through twelve. Before any such program or  
13 any new grades are established the district must obtain prior approval  
14 of the state board.

15 (8) Prepare such outline of study for the common schools as the  
16 board shall deem necessary, and prescribe such rules for the general  
17 government of the common schools, as shall seek to secure regularity of  
18 attendance, prevent truancy, secure efficiency, and promote the true  
19 interest of the common schools.

20 (9) Continuously reevaluate courses and adopt and enforce  
21 (~~regulations~~) rules within the common schools so as to meet the  
22 educational needs of students and articulate with the institutions of  
23 higher education and unify the work of the public school system.

24 (10) Carry out board powers and duties relating to the organization  
25 and reorganization of school districts under RCW 28A.315.010 through  
26 28A.315.680 and 28A.315.900.

27 (11) By rule (~~or regulation promulgated~~) adopted upon the advice  
28 of the chief of the Washington state patrol, through the director of  
29 fire protection, provide for instruction of pupils in the public and  
30 private schools carrying out a K through 12 program, or any part  
31 thereof, so that in case of sudden emergency they shall be able to  
32 leave their particular school building in the shortest possible time or  
33 take such other steps as the particular emergency demands, and without  
34 confusion or panic; such rules (~~and regulations~~) shall be published  
35 and distributed to certificated personnel throughout the state whose  
36 duties shall include a familiarization therewith as well as the means  
37 of implementation thereof at their particular school.

38 (12) Hear and decide appeals as otherwise provided by law.

1       (13)(a) Consider in the process of adopting any rules under this  
2 section relevant fiscal notes created as follows: The superintendent  
3 of public instruction or the superintendent's designee shall, in  
4 cooperation with the state board of education, establish a mechanism  
5 for the determination of the fiscal impact of rules proposed under this  
6 section, which if enacted would directly or indirectly increase or  
7 decrease revenues received or expenditures incurred by school  
8 districts. The superintendent of public instruction shall report in  
9 writing to the state board of education as to the fiscal impact and the  
10 report shall be known as a fiscal note.

11       (b) Fiscal notes shall indicate by fiscal year the total impact on  
12 the school districts involved for the first two years the rule would be  
13 in effect and also a cumulative six-year forecast of the fiscal impact.  
14 Where feasible and applicable, the fiscal note also shall indicate the  
15 fiscal impact on each individual school district.

16       (c) A fiscal note shall be provided for all rules, which if enacted  
17 would directly or indirectly increase or decrease revenues received or  
18 expenditures incurred by school districts. Fiscal notes shall be  
19 completed before submission of the proposed rules to public hearing.

20       The state board of education is given the authority to promulgate  
21 information and rules dealing with the prevention of child abuse for  
22 purposes of curriculum use in the common schools.

23       NEW SECTION. Sec. 9. Section 2 of this act takes effect September  
24 1, 2000. However, section 2 of this act shall not take effect if, by  
25 September 1, 2000, a law is enacted stating that a school  
26 accountability and academic assessment system is not in place.

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