
SENATE BILL 5029

State of Washington

68th Legislature

2023 Regular Session

By Senators Short, Holy, Schoesler, Warnick, J. Wilson, and L. Wilson

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1 AN ACT Relating to empowering school district boards of
2 directors; amending RCW 28A.150.290 and 28A.300.040; and creating a
3 new section.

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

5 NEW SECTION. **Sec. 1.** Each year, school boards across Washington
6 are confronted with expanded state mandates that remove their
7 authority to act in the best interest of their students and
8 communities. Instead of allowing grassroots involvement to shape and
9 enrich student educational experiences, the state has empowered the
10 superintendent of public instruction to enforce strict regulatory
11 compliance without consideration of local beliefs and values. As a
12 result, school boards are forced to take actions they know are at
13 odds with the needs of the people they serve. To halt this erosion of
14 local control and return power to communities, the legislature
15 intends to clarify that the primary duty of the superintendent of
16 public instruction is one of support, not supervision, and that
17 school boards are vested with the final responsibility to set
18 policies that serve their students.

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

1 (1) The primary duty of the superintendent of public instruction
2 is to empower and give flexibility to each school district board of
3 directors to implement state policies to address the unique needs of
4 their local communities. To fulfill this duty, the superintendent of
5 public instruction shall ~~((have the power and duty to))~~ make such
6 rules and regulations as are necessary for the proper administration
7 of this chapter and RCW 28A.160.150 through ~~((28A.160.220))~~
8 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010 not
9 inconsistent with the provisions thereof, and in addition to require
10 such reports as may be necessary to carry out his or her duties under
11 this chapter and RCW 28A.160.150 through ~~((28A.160.220))~~ 28A.160.210,
12 28A.300.035, 28A.300.170, and 28A.500.010.

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

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

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

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

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

23 **Sec. 3.** RCW 28A.300.040 and 2011 1st sp.s. c 43 s 302 are each
24 amended to read as follows:

25 In addition to any other powers and duties as provided by law,
26 the powers and duties of the superintendent of public instruction
27 shall be:

28 (1) To ~~((have supervision over))~~ empower and give flexibility to
29 each school district board of directors to implement state policies
30 to address the unique needs of their local communities and administer
31 all matters pertaining to the public schools of the state;

32 (2) To report to the governor and the legislature such
33 information and data as may be required for the management and
34 improvement of the schools;

35 (3) To prepare and have printed such forms, registers, courses of
36 study, rules for the government of the common schools, and such other
37 material and books as may be necessary for the discharge of the
38 duties of teachers and officials charged with the administration of

1 the laws relating to the common schools, and to distribute the same
2 to educational service district superintendents;

3 (4) To travel, without neglecting his or her other official
4 duties as superintendent of public instruction, for the purpose of
5 attending educational meetings or conventions, of visiting schools,
6 and of consulting educational service district superintendents or
7 other school officials;

8 (5) To prepare and from time to time to revise a manual of the
9 Washington state common school code, copies of which shall be made
10 available online and which shall be sold at approximate actual cost
11 of publication and distribution per volume to public and nonpublic
12 agencies or individuals, said manual to contain Titles 28A and 28C
13 RCW, rules related to the common schools, and such other matter as
14 the state superintendent or the state board of education shall
15 determine;

16 (6) To file all papers, reports and public documents transmitted
17 to the superintendent by the school officials of the several counties
18 or districts of the state, each year separately. Copies of all papers
19 filed in the superintendent's office, and the superintendent's
20 official acts, may, or upon request, shall be certified by the
21 superintendent and attested by the superintendent's official seal,
22 and when so certified shall be evidence of the papers or acts so
23 certified to;

24 (7) To require annually, on or before the 15th day of August, of
25 the president, manager, or principal of every educational institution
26 in this state, a report as required by the superintendent of public
27 instruction; and it is the duty of every president, manager, or
28 principal, to complete and return such forms within such time as the
29 superintendent of public instruction shall direct;

30 (8) To keep in the superintendent's office a record of all
31 teachers receiving certificates to teach in the common schools of
32 this state;

33 (9) To issue certificates as provided by law;

34 (10) To keep in the superintendent's office at the capital of the
35 state, all books and papers pertaining to the business of the
36 superintendent's office, and to keep and preserve in the
37 superintendent's office a complete record of statistics, as well as a
38 record of the meetings of the state board of education;

39 (11) With the assistance of the office of the attorney general,
40 to decide all points of law which may be submitted to the

1 superintendent in writing by any educational service district
2 superintendent, or that may be submitted to the superintendent by any
3 other person, upon appeal from the decision of any educational
4 service district superintendent; and the superintendent shall publish
5 his or her rulings and decisions from time to time for the
6 information of school officials and teachers; and the
7 superintendent's decision shall be final unless set aside by a court
8 of competent jurisdiction;

9 (12) To administer oaths and affirmations in the discharge of the
10 superintendent's official duties;

11 (13) To deliver to his or her successor, at the expiration of the
12 superintendent's term of office, all records, books, maps, documents
13 and papers of whatever kind belonging to the superintendent's office
14 or which may have been received by the superintendent's for the use
15 of the superintendent's office;

16 (14) To administer family services and programs to promote the
17 state's policy as provided in RCW 74.14A.025;

18 (15) To promote the adoption of school-based curricula and
19 policies that provide quality, daily physical education for all
20 students, and to encourage policies that provide all students with
21 opportunities for physical activity outside of formal physical
22 education classes;

23 (16) To perform such other duties as may be required by law.

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