

1 **HB 1264 - H AMD 020 NOT CONSIDERED 3-6-91**

2 By Representative Beck

3 On page 30, after line 2, insert "Sec. 26. RCW 28A.150.190  
4 and 1990 c 33 s 285 are each amended to read as follows:

5 State superintendent to make rules and regulations--Unforeseen  
6 conditions or actions to be recognized--Paperwork limited.(1) The  
7 superintendent of public instruction shall have the power and duty  
8 to make such rules and regulations as are necessary for the proper  
9 administration of this chapter and RCW 28A.160.150 through  
10 28A.160.220, 28A.300.170, and 28A.500.010 not inconsistent with the  
11 provisions thereof, and in addition to require such reports as may  
12 be necessary to carry out his or her duties under this chapter and  
13 RCW 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010.

14 (2) The superintendent of public instruction shall have the  
15 authority to make rules and regulations which establish the terms  
16 and conditions for allowing school districts to receive state basic  
17 education moneys as provided in RCW 28A.150.250 when said districts  
18 are unable to fulfill for one or more schools as officially  
19 scheduled the requirement of a full school year of one hundred  
20 eighty days or the total program hour offering, teacher contact  
21 hour, or course mix and percentage requirements imposed by RCW  
22 28A.150.220 and 28A.150.260 due to one or more of the following  
23 conditions:

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

1 (b) An unforeseen mechanical failure or an unforeseen action  
2 or inaction by one or more persons, including negligence and  
3 threats, that (i) is beyond the control of both a school district

4 board of directors and its employees and (ii) has the direct or  
5 indirect effect of rendering one or more school district facilities  
6 unsafe, unhealthy, inaccessible, or inoperable. Such actions,  
7 inactions or mechanical failures may include, but are not  
8 necessarily limited to, arson, vandalism, riots, insurrections,  
9 bomb threats, bombings, delays in the scheduled completion of  
10 construction projects, and the discontinuance or disruption of  
11 utilities such as heating, lighting and water ((:—PROVIDED, That  
12 an unforeseen action or inaction shall not include any labor  
13 dispute between a school district board of directors and any  
14 employee of the school district.)) ; and

15 (c) A labor dispute between a school district board of directors  
16 and any employee of the school district is not an unforeseen action  
17 or inaction and any strike, work slowdown, or stoppage shall be  
18 penalized by forfeiture of one day's pay for each day each teacher  
19 participates in such action or inaction.

20 A condition is foreseeable for the purposes of this subsection  
21 to the extent a reasonably prudent person would have anticipated  
22 prior to August first of the preceding school year that the  
23 condition probably would occur during the ensuing school year  
24 because of the occurrence of an event or a circumstance which  
25 existed during such preceding school year or a prior school year.  
26 A board of directors of a school district is deemed for the  
27 purposes of this subsection to have knowledge of events and  
28 circumstances which are a matter of common knowledge within the  
29 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  
33 of this chapter and RCW 28A.160.150 through 28A.160.220,  
34 28A.300.170, and 28A.500.010; to simplify the application, monitor-  
35 ing and evaluation processes used; to eliminate all duplicative  
36 requests for information from local school districts; and to make  
37 every effort to integrate and standardize information requests for

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

4 On page 1, line 14 of the title, after "28A.630.310," insert  
5 "28A.150.290,"

EFFECT: Provides for the Superintendent to write regulations about labor disputes as foreseeable and to include a penalty for teachers who participate in strikes, work slowdowns, or stoppages during the regularly scheduled school year.