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**SUBSTITUTE SENATE BILL 5641**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Keiser and Honeyford)

AN ACT Relating to school district nomenclature; amending RCW 28A.210.300, 28A.300.065, 28A.310.370, 28A.330.100, 28A.330.110, 28A.330.200, 28A.330.210, 28A.330.230, 28A.335.240, 28A.335.260, 28A.335.290, 28A.340.020, 28A.343.030, 28A.343.050, 28A.343.300, 28A.343.600, 28A.343.610, 28A.343.620, 28A.343.630, 28A.343.640, 28A.343.650, 28A.343.660, 28A.343.670, 28A.343.680, 28A.505.050, 28A.505.060, 28A.505.170, 28A.505.180, 28A.525.166, 29A.04.340, 42.23.030, 53.36.020, and 84.52.020; and reenacting and amending RCW 28A.343.020.

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

**Sec.**  RCW 28A.210.300 and 1975 c 43 s 20 are each amended to read as follows:

The board of directors of any class two school district ((~~of the second class~~)) may employ a regularly licensed physician or a licensed public health nurse for the purpose of protecting the health of the children in said district.

**Sec.**  RCW 28A.300.065 and 1999 c 315 s 202 are each amended to read as follows:

(1) The superintendent of public instruction is responsible for the classification and numbering system of school districts.

(2) Any school district in the state that has a student enrollment in its public schools of two thousand pupils or more, as shown by evidence acceptable to the educational service district superintendent and the superintendent of public instruction, is a class one school district ((~~of the first class~~)). Any other school district is a class two school district ((~~of the second class~~)).

(3) Whenever the educational service district superintendent finds that the classification of a school district should be changed, and upon the approval of the superintendent of public instruction, the educational service district superintendent shall make an order in conformity with his or her findings and alter the records of his or her office accordingly. Thereafter, the board of directors of the district shall organize in the manner provided by law for the organization of the board of a district of the class to which the district then belongs.

(4) Notwithstanding any other provision of chapter 43, Laws of 1975, the educational service district superintendent, with the concurrence of the superintendent of public instruction, may delay approval of a change in classification of any school district for a period not exceeding three years when, in fact, the student enrollment of the district within any such time period does not exceed ten percent, either in a decrease or increase thereof.

**Sec.**  RCW 28A.310.370 and 1983 c 56 s 4 are each amended to read as follows:

The superintendent of public instruction shall examine and revise the biennial budget request of each educational service district and shall fix the amount to be requested in state funds for the educational service district system from the legislature. Once funds have been appropriated by the legislature, the superintendent of public instruction shall fix the annual budget of each educational service district and shall allocate quarterly the state's portion from funds appropriated for that purpose to the county treasurer of the headquarters county of the educational service district for deposit to the credit of the educational service district general expense fund.

In each educational service district, there shall be an educational service district general expense fund into which there shall be deposited such moneys as are allocated by the superintendent of public instruction under provisions of this chapter and other funds of the educational service district, and such moneys shall be expended according to the method used by ((~~first or second-class~~)) class one or class two school districts, whichever is deemed most feasible by the educational service district board. No vouchers for warrants other than moneys being distributed to the school districts shall be approved for expenditures not budgeted by the educational service district board.

**Sec.**  RCW 28A.330.100 and 2006 c 263 s 417 are each amended to read as follows:

Every board of directors of a class one school district ((~~of the first class~~)), in addition to the general powers for directors enumerated in this title, shall have the power:

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

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

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

(4) To employ, and for cause dismiss, supervisors of instruction and to define their duties and fix their compensation;

(5) To prescribe a course of study and a program of exercises which shall be consistent with the course of study prepared by the superintendent of public instruction for the use of the common schools of this state;

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

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

(8) To maintain a shop and repair department, and to employ, and for cause dismiss, a foreman and the necessary help for the maintenance and conduct thereof;

(9) To provide free textbooks and supplies for all children attending school;

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

(11) To prohibit all secret fraternities and sororities among the students in any of the schools of the said districts; and

(12) To appoint a practicing physician, resident of the school district, who shall be known as the school district medical inspector, and whose duty it shall be to decide for the board of directors all questions of sanitation and health affecting the safety and welfare of the public schools of the district who shall serve at the board's pleasure: PROVIDED, That children shall not be required to submit to vaccination against the will of their parents or guardian.

**Sec.**  RCW 28A.330.110 and 1983 c 59 s 16 are each amended to read as follows:

Class one school districts ((~~of the first class~~)), when in the judgment of the board of directors it be deemed expedient, shall have power to create and maintain an insurance reserve for said districts, to be used to meet losses specified by the board of directors of the school districts.

Funds required for maintenance of such an insurance reserve shall be budgeted and allowed as are other moneys required for the support of the school district.

**Sec.**  RCW 28A.330.200 and 1990 c 33 s 349 are each amended to read as follows:

The term of office of directors of class two school districts ((~~of the second class~~)) shall begin, and the board shall organize, as provided in RCW ((~~28A.315.500~~)) 28A.343.360. At the first meeting of the members of the board they shall elect a chair from among their number who shall serve for a term of one year or until his or her successor is elected. The school district superintendent as defined in RCW 28A.150.080 shall serve as secretary to the board. Whenever a district shall be without the services of such a superintendent and the business of the district necessitates action thereby, the board shall appoint any member thereof to carry out the superintendent's powers and duties for the district.

**Sec.**  RCW 28A.330.210 and 1990 c 33 s 350 are each amended to read as follows:

Every school district superintendent in class two school districts ((~~of the second class~~)) shall, within ten days after any change in the office of chair or superintendent, notify the educational service district superintendent of such change.

**Sec.**  RCW 28A.330.230 and 2012 c 209 s 2 are each amended to read as follows:

((~~Second-class~~)) Class two school districts, subject to the approval of the superintendent of public instruction, may draw and issue warrants for the payment of moneys upon approval of a majority of the board of directors, such warrants to be signed by the chair of the board and countersigned by the secretary: PROVIDED, That when, in the judgment of the board of directors, the orders for warrants issued by the district monthly shall have reached such numbers that the signing of each warrant by the chair of the board personally imposes too great a task on the chair, the board of directors, after auditing all payrolls and bills, may authorize the issuing of one general certificate to the county treasurer, to be signed by the chair of the board, authorizing said treasurer to pay all the warrants specified by date, number, name and amount, and the funds on which said warrants shall be drawn; thereupon the secretary of said board shall be authorized to draw and sign said orders for warrants. Orders for warrants and warrant registers may be sent in an electronic format and using facsimile signatures as provided under chapter 39.62 RCW.

**Sec.**  RCW 28A.335.240 and 2004 c 6 s 1 are each amended to read as follows:

(1) The board of directors of a ((~~second-class~~)) class two school district shall build schoolhouses and teachers' cottages when directed by a vote of the district to do so and may purchase real property for any school district purpose.

(2) The board of directors of a ((~~second-class~~)) class two nonhigh school district that is totally surrounded by water and serves fewer than forty students also may authorize the construction of teachers' cottages without a vote of the district using funds from the district's capital projects fund or general fund. Rental and other income from the cottages, including sale of the cottages, may be deposited, in whole or in part, into the school district's general fund, debt service fund, or capital projects fund as determined by the board of directors.

**Sec.**  RCW 28A.335.260 and 1990 c 33 s 363 are each amended to read as follows:

Each class two school district ((~~of the second class~~)), by itself or in combination with any other district or districts, shall have power, when in the judgment of the school board it shall be deemed expedient, to reconstruct, remodel, or build schoolhouses, and to erect, purchase, lease, or otherwise acquire other improvements and real and personal property, and establish a communal assembly place and appurtenances, and supply the same with suitable and convenient furnishings and facilities for the uses mentioned in RCW 28A.335.250.

**Sec.**  RCW 28A.335.290 and 1984 c 40 s 10 are each amended to read as follows:

Notwithstanding any other provision of law, any ((~~second-class~~)) class two school district with an enrollment of three hundred students or less may provide housing for the superintendent of the school district, or any person acting in the capacity of superintendent, by such means and with such moneys as the school district shall determine: PROVIDED, That any ((~~second-class~~)) class two school district presently providing such housing may continue to provide the same: PROVIDED FURTHER, That if such housing is exempt from real property taxation by virtue of school district ownership, the school district shall charge for such housing, rent at least equal to the amount of real property tax for which such housing would be liable were it not so owned.

**Sec.**  RCW 28A.340.020 and 1990 c 33 s 367 are each amended to read as follows:

School districts eligible for funding as a small high school district pursuant to the state operating appropriations act shall be eligible to participate in a cooperative project: PROVIDED, That the superintendent of public instruction may adopt rules permitting ((~~second-class~~)) class two school districts that are not eligible for funding as a small high school district in the state operating appropriations act to participate in a cooperative project.

Two or more school districts may participate in a cooperative project pursuant to RCW 28A.340.020 through 28A.340.070.

**Sec.**  RCW 28A.343.020 and 1991 c 363 s 22 and 1991 c 288 s 3 are each reenacted and amended to read as follows:

Whenever an election shall be held for the purpose of securing the approval of the voters for the formation of a new school district other than a class one school district ((~~of the first class~~)) having within its boundaries a city with a population of four hundred thousand people or more, if requested by one of the boards of directors of the school districts affected, there shall also be submitted to the voters at the same election a proposition to authorize the board of directors to divide the school district, if formed, into five directors' districts in ((~~first-class~~)) class one school districts and a choice of five directors' districts or no fewer than three directors' districts with the balance of the directors to be elected at large in ((~~second-class~~)) class two school districts. Such director districts in ((~~second-class~~)) class two districts, if approved, shall not become effective until the regular school election following the next regular school election at which time a new board of directors shall be elected as provided in RCW ((~~28A.315.550~~)) 28A.343.680. Such director districts in ((~~first-class~~)) class one districts, if approved, shall not become effective until the next regular school election at which time a new board of directors shall be elected as provided in RCW ((~~28A.315.600, 28A.315.610, and 28A.315.620~~)) 28A.343.620, 28A.343.630, and 28A.343.640. Each of the five directors shall be elected from among the residents of the respective director district, or from among the residents of the entire school district in the case of directors at large, by the electors of the entire school district.

**Sec.**  RCW 28A.343.030 and 2015 c 53 s 10 are each amended to read as follows:

The board of directors of every ((~~first~~‑~~class~~)) class one school district other than a class one school district ((~~of the first class~~)) having within its boundaries a city with a population of four hundred thousand people or more which is not divided into directors' districts may submit to the voters at any regular school district election a proposition to authorize the board of directors to divide the district into directors' districts or for ((~~second-class~~)) class two school districts into director districts or a combination of no fewer than three director districts and no more than two at large positions. If a majority of the votes cast on the proposition is affirmative, the board of directors shall proceed to divide the district into directors' districts following the procedure established in RCW 29A.76.010. Such director districts, if approved, shall not become effective until the next regular school election when a new five member board of directors shall be elected, one from each of the director districts from among the residents of the respective director district, or from among the residents of the entire school district in the case of directors at large, by the electors of the entire district, two for a term of two years and three for a term of four years, unless such district elects its directors for six years, in which case, one for a term of two years, two for a term of four years, and two for a term of six years.

**Sec.**  RCW 28A.343.050 and 2008 c 9 s 1 are each amended to read as follows:

Upon receipt by the educational service district superintendent of a resolution adopted by the board of directors or a written petition from a ((~~first-class~~)) class one or ((~~second-class~~)) class two school district signed by at least twenty percent of the registered voters of a school district previously divided into directors' districts, which resolution or petition shall request dissolution of the existing directors' districts and reapportionment of the district into no fewer than three directors' districts and with no more than two directors at large, the superintendent, after formation of the question to be submitted to the voters, shall give notice thereof to the county auditor who shall call and hold a special election of the voters of the entire school district to approve or reject such proposal, such election to be called, conducted and the returns canvassed as in regular school district elections.

If approval of a majority of those registered voters voting in said election is acquired, at the expiration of terms of the incumbent directors of such school district their successors shall be elected in the manner approved.

**Sec.**  RCW 28A.343.300 and 2009 c 107 s 1 are each amended to read as follows:

The governing board of a school district shall be known as the board of directors of the district.

Unless otherwise specifically provided, as in RCW 29A.04.340, each member of a board of directors shall be elected by ballot by the registered voters of the school district and shall hold office for a term of four years and until a successor is elected and qualified. Terms of school directors shall be staggered, and insofar as possible, not more than a majority of one shall be elected to full terms at any regular election. In case a member or members of a board of directors are to be elected to fill an unexpired term or terms, the ballot shall specify the term for which each such member is to be elected.

Except for a class one school district ((~~of the first class~~)) having within its boundaries a city with a population of four hundred thousand people or more which shall have a board of directors of seven members, the board of directors of every class one school district ((~~of the first class~~)) or class two school district ((~~of the second class~~)) shall consist of five members.

**Sec.**  RCW 28A.343.600 and 2009 c 107 s 2 are each amended to read as follows:

Any ((~~first-class~~)) class one school district having a board of directors of five members as provided in RCW 28A.343.300 and which elects directors for a term of six years under the provisions of RCW 29A.04.340 shall cause the office of at least one director and no more than two directors to be up for election at each regular school district election held hereafter and, except as provided in RCW 28A.343.670, any ((~~first-class~~)) class one school district having a board of directors of seven members as provided in RCW 28A.343.300 shall cause the office of two directors and no more than three directors to be up for election at each regular school district election held hereafter.

**Sec.**  RCW 28A.343.610 and 1991 c 363 s 21 are each amended to read as follows:

After July 1, 1979, the election of directors of any ((~~first-class~~)) class one school district having within its boundaries a city with a population of four hundred thousand people or more, shall be to four-year terms. The initial four-year terms required by this section shall commence upon the expiration of terms in existence at July 1, 1979. Nothing in chapter 183, Laws of 1979 ex. sess. shall affect the term of office of any incumbent director of any such ((~~first-class~~)) class one school district.

**Sec.**  RCW 28A.343.620 and 1991 c 363 s 24 are each amended to read as follows:

Upon the establishment of a new class one school district ((~~of the first class~~)) as provided for in RCW ((~~28A.315.580~~)) 28A.343.020 containing no former ((~~first-class~~)) class one district, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in such new district, they shall become directors of said district and the educational service district board shall appoint the number of additional directors to constitute a board of five directors for the district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of ((~~first-class~~)) class one school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such ((~~first-class~~)) class one district is in a county with a population of two hundred ten thousand or more and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

**Sec.**  RCW 28A.343.630 and 1991 c 363 s 25 are each amended to read as follows:

Upon the establishment of a new class one school district ((~~of the first class~~)) as provided for in RCW ((~~28A.315.580~~)) 28A.343.020 containing only one former ((~~first-class~~)) class one district, the directors of the former ((~~first-class~~)) class one district and two directors representative of former ((~~second-class~~)) class two districts selected by a majority of the board members of former ((~~second-class~~)) class two districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of ((~~first-class~~)) class one school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such ((~~first-class~~)) class one district is in a county with a population of two hundred ten thousand or more and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

**Sec.**  RCW 28A.343.640 and 2009 c 107 s 3 are each amended to read as follows:

Upon the establishment of a new class one school district ((~~of the first class~~)) as provided for in RCW 28A.343.020 containing more than one former ((~~first-class~~)) class one district, the directors of the largest former ((~~first-class~~)) class one district and three directors representative of the other former ((~~first-class~~)) class one districts selected by a majority of the board members of the former ((~~first-class~~)) class one districts and two directors representative of former ((~~second-class~~)) class two districts selected by a majority of the board members of former ((~~second-class~~)) class two districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all of the powers and authority conferred by law upon boards of ((~~first-class~~)) class one districts until the next regular school election and until their successors are elected and qualified. At such election other than districts electing directors for six-year terms as provided in RCW 29A.04.340, five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. At such election for districts electing directors for six years other than a district having within its boundaries a city with a population of four hundred thousand people or more and electing directors for six year terms, five directors shall be elected either at large or by director districts, as the case may be, one for a term of two years, two for a term of four years, and two for a term of six years.

**Sec.**  RCW 28A.343.650 and 1991 c 363 s 27 are each amended to read as follows:

Upon the establishment of a new class one school district ((~~of the first class~~)) having within its boundaries a city with a population of four hundred thousand people or more, the directors of the largest former ((~~first-class~~)) class one district and three directors representative of the other former ((~~first-class~~)) class one districts selected by a majority of the board members of the former ((~~first-class~~)) class one districts and two directors representative of former ((~~second-class~~)) class two districts selected by a majority of the board members of former ((~~second-class~~)) class two districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and duties conferred by law upon boards of ((~~first-class~~)) class one districts, until the next regular school election and until their successors are elected and qualified. Such duties shall include establishment of new director districts as provided for in RCW ((~~28A.315.670~~)) 28A.343.660. At the next regular school election seven directors shall be elected by director districts, two for a term of two years, two for a term of four years and three for a term of six years. Thereafter their terms shall be as provided in RCW ((~~28A.315.460~~)) 28A.343.610.

Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

**Sec.**  RCW 28A.343.660 and 2015 c 53 s 14 are each amended to read as follows:

Notwithstanding any other provision of law, any class one school district ((~~of the first class~~)) having within its boundaries a city with a population of four hundred thousand people or more shall be divided into seven director districts. The boundaries of such director districts shall be established by the members of the school board, such boundaries to be established so that each such district shall comply, as nearly as practicable, with the criteria established in RCW 29A.76.010. Boundaries of such director districts shall be adjusted by the school board following the procedure established in RCW 29A.76.010 after each federal decennial census if population change shows the need thereof to comply with the criteria of RCW 29A.76.010. No person shall be eligible for the position of school director in any such director district unless such person resides in the particular director district. Residents in the particular director district desiring to be a candidate for school director shall file their declarations of candidacy for such director district and for the position of director in that district and shall be voted upon, in any primary required to be held for the position under Title 29A RCW, by the registered voters of that particular director district. In the general election, each position shall be voted upon by all the registered voters in the school district. The order of the names of candidates shall appear on the primary and general election ballots as required for nonpartisan positions under Title 29A RCW. Except as provided in RCW 28A.343.670, every such director so elected in school districts divided into seven director districts shall serve for a term of four years as otherwise provided in RCW 28A.343.610.

**Sec.**  RCW 28A.343.670 and 2015 c 53 s 15 are each amended to read as follows:

The school boards of any class one school district ((~~of the first class~~)) having within its boundaries a city with a population of four hundred thousand people or more shall establish the director district boundaries. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for four years. The term of office of incumbent members of the board of such district shall not be affected by RCW 28A.343.300, 28A.343.600, 28A.343.610, 28A.343.660, and ((~~28A.343.670~~)) this section.

**Sec.**  RCW 28A.343.680 and 1990 c 33 s 316 are each amended to read as follows:

Upon the establishment of a new class two school district ((~~of the second class~~)), the directors of the old school districts who reside within the limits of the new district shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in any such new ((~~second-class~~)) class two school district, they shall become directors of said district, and the educational service district board shall appoint the number of additional directors required to constitute a board of five directors for the new ((~~second-class~~)) class two district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than five in a ((~~second-class~~)) class two district, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of other districts of the same class. Each initial director shall hold office until his or her successor is elected and qualified: PROVIDED, That the election of the successor shall be held during the second district general election after the initial directors have assumed office. At such election, no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. Directors thereafter elected and qualified shall serve such terms as provided for in RCW ((~~28A.315.450~~)) 28A.343.300.

**Sec.**  RCW 28A.505.050 and 1995 c 121 s 2 are each amended to read as follows:

Upon completion of their budgets as provided in RCW 28A.505.040, every school district shall publish a notice stating that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting which shall occur no later than the thirty-first day of August for ((~~first-class~~)) class one school districts, and the first day of August for ((~~second-class~~)) class two school districts. The notice shall also state that any person may appear thereat and be heard for or against any part of such budget. Said notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately prior to the hearing.

**Sec.**  RCW 28A.505.060 and 1990 c 33 s 418 are each amended to read as follows:

On the date given in said notice as provided in RCW 28A.505.050 the school district board of directors shall meet at the time and place designated. Any person may appear thereat and be heard for or against any part of such budget. Such hearing may be continued not to exceed a total of two days: PROVIDED, That the budget must be adopted no later than August 31st in ((~~first-class~~)) class one school districts, and not later than August 1st in ((~~second-class~~)) class two school districts.

Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board: PROVIDED, That ((~~first-class~~)) class one school districts shall file copies of their adopted budget with their educational service district no later than September 3rd, and ((~~second-class~~)) class two school districts shall forward copies of their adopted budget to their educational service district no later than August 3rd for review, alteration and approval as provided for in RCW 28A.505.070 by the budget review committee.

**Sec.**  RCW 28A.505.170 and 1990 c 33 s 424 are each amended to read as follows:

(1) Notwithstanding any other provision of this chapter, upon the happening of any emergency in ((~~first-class~~)) class one school districts caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the restoration to a condition of usefulness of any school district property, the usefulness of which has been destroyed by accident, and no provision has been made for such expenditures in the adopted appropriation, the board of directors, upon the adoption by the vote of the majority of all board members of a resolution stating the facts constituting the emergency, may make an appropriation therefor without notice or hearing.

(2) Notwithstanding any other provision of this chapter, if in ((~~first-class~~)) class one districts it becomes necessary to increase the amount of the appropriation, and if the reason is not one of the emergencies specifically enumerated in subsection (1) of this section, the school district board of directors, before incurring expenditures in excess of the appropriation, shall adopt a resolution stating the facts and the estimated amount of appropriation to meet it.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided in RCW 28A.505.050. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Copies of all adopted appropriation resolutions shall be filed with the educational service district who shall forward one copy each to the office of the superintendent of public instruction. One copy shall be retained by the educational service district.

**Sec.**  RCW 28A.505.180 and 1990 c 33 s 425 are each amended to read as follows:

Notwithstanding any other provision of this chapter, if a ((~~second-class~~)) class two school district needs to increase the amount of the appropriation from any fund for any reason, the school district board of directors, before incurring expenditures in excess of appropriation, shall adopt a resolution stating the facts and estimating the amount of additional appropriation needed.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by RCW 28A.505.050. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Upon passage of the appropriation resolution the school district shall petition the superintendent of public instruction for approval to increase the amount of its appropriations in the manner prescribed in rules and regulations for such approval by the superintendent.

Copies of all appropriation resolutions approved by the superintendent of public instruction shall be filed by the office of the superintendent of public instruction with the educational service district.

**Sec.**  RCW 28A.525.166 and 2015 3rd sp.s. c 3 s 7018 are each amended to read as follows:

Allocations to school districts of state funds provided by RCW 28A.525.162 through 28A.525.180 shall be made by the superintendent of public instruction and the amount of state funding assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The boards of directors of the districts shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the superintendent.

(2) The state funding assistance percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil shall be subtracted from three, and then the result of the foregoing shall be divided by three plus (the ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil).

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  | District adjusted | Total state |  |  |
|  |  | 3-valuation | ÷ | adjusted valuation |  |
| Computed |  | per pupil |  | per pupil |  | State |
| State | = |   | = - % | Funding |
| Ratio |  | District adjusted | Total state |  | Assistance |
|  |  | 3+valuation | ÷ | adjusted valuation |  |
|  |  | per pupil |  | per pupil |  |  |

PROVIDED, That in the event the state funding assistance percentage to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state funding assistance under RCW 28A.525.162 through 28A.525.180, the superintendent may establish for such district a state funding assistance percentage not in excess of twenty percent of the approved cost of the project, if the superintendent finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(3) In addition to the computed state funding assistance percentage developed in subsection (2) of this section, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed state funding assistance percentage for each percent of growth, with a maximum of twenty percent.

(4) In computing the state funding assistance percentage in subsection (2) of this section and adjusting the percentage under subsection (3) of this section, students residing outside the school district who are enrolled in alternative learning experience courses under RCW 28A.232.010 shall be excluded from the count of total pupils. In lieu of the exclusion in this subsection, a district may submit an alternative calculation for excluding students enrolled in alternative learning experience courses. The alternative calculation must show the student headcount use of district classroom facilities on a regular basis for a reasonable duration by out-of-district alternative learning experience students subtracted by the headcount of in-district alternative learning experience students not using district classroom facilities on a regular basis for a reasonable duration. The alternative calculation must be submitted in a form approved by the office of the superintendent of public instruction. The office of the superintendent of public instruction must develop rules to define "regular basis" and "reasonable duration."

(5) The approved cost of the project determined in the manner prescribed in this section multiplied by the state funding assistance percentage derived as provided for in this section shall be the amount of state funding assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the superintendent: PROVIDED, FURTHER, That additional state funding assistance may be allowed if it is found by the superintendent, considering policy recommendations from the school facilities citizen advisory panel that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden resulting from projects of statewide significance or imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state funding assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity with the requirements of such programs, after having first applied for and been denied state funding assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state owned housing, or (e) a need for the construction of a school building to provide for improved school district organization or racial balance, or (f) conditions similar to those defined under (a), (b), (c), (d), and (e) of this subsection, creating a like emergency.

(6) For the 2015-2017 biennium, schools determined to have a lack of sufficient space to provide science classrooms or labs, to meet the requirements of law, have a special housing burden condition similar to those defined under subsection (5)(b) of this section, creating a like emergency. For the 2015-2017 biennium, school districts are entitled to additional percentage points for school construction projects that have a special housing burden condition only and have received private donations in the form of cash, in-kind, or equipment of more than one hundred thousand dollars. The additional percentage points are determined by (a) school district student enrollments in the free and reduced-price meals program, (b) school district class as defined by RCW 28A.300.065, and (c) the funding assistance percentage as calculated in subsection (2) of this section. The additional percentage points under (a) of this subsection are twenty percent of the percent of student enrollments eligible and enrolled in the free and reduced-price meals program. The additional percentage points under (b) of this subsection are ten for ((~~second~~)) class two school districts. The additional percentage points under (c) of this subsection are ten for school districts with funding assistance percentages of more than fifty percent.

**Sec.**  RCW 29A.04.340 and 2009 c 107 s 4 are each amended to read as follows:

(1) In each county with a population of two hundred ten thousand or more, ((~~first-class~~)) class one school districts containing a city of the first-class shall hold their elections biennially as provided in RCW 29A.04.330.

(2) Except as provided in RCW 28A.343.610, the directors to be elected may be elected for terms of six years and until their successors are elected, qualified, and assume office in accordance with RCW ((~~29A.20.040~~)) 29A.60.280.

(3) If the board of directors of a school district pursuant to subsection (1) of this section reduces the length of the term of office for school directors in the district from six to four years, the reduction in the length of term must not affect the term of office of any incumbent director without his or her consent, and a provision must be made to appropriately stagger future elections of school directors.

**Sec.**  RCW 42.23.030 and 2007 c 298 s 1 are each amended to read as follows:

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. This section shall not apply in the following cases:

(1) The furnishing of electrical, water or other utility services by a municipality engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;

(2) The designation of public depositaries for municipal funds;

(3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;

(4) The designation of a school director as clerk or as both clerk and purchasing agent of a school district;

(5) The employment of any person by a municipality for unskilled day labor at wages not exceeding two hundred dollars in any calendar month. The exception provided in this subsection does not apply to a county with a population of one hundred twenty-five thousand or more, a city with a population of more than one thousand five hundred, an irrigation district encompassing more than fifty thousand acres, or a ((~~first-class~~)) class one school district;

(6)(a) The letting of any other contract in which the total amount received under the contract or contracts by the municipal officer or the municipal officer's business does not exceed one thousand five hundred dollars in any calendar month.

(b) However, in the case of a particular officer of a second-class city or town, or a noncharter optional code city, or a member of any county fair board in a county which has not established a county purchasing department pursuant to RCW 36.32.240, the total amount of such contract or contracts authorized in this subsection (6) may exceed one thousand five hundred dollars in any calendar month but shall not exceed eighteen thousand dollars in any calendar year.

(c)(i) In the case of a particular officer of a rural public hospital district, as defined in RCW 70.44.460, the total amount of such contract or contracts authorized in this subsection (6) may exceed one thousand five hundred dollars in any calendar month, but shall not exceed twenty-four thousand dollars in any calendar year.

(ii) At the beginning of each calendar year, beginning with the 2006 calendar year, the legislative authority of the rural public hospital district shall increase the calendar year limitation described in this subsection (6)(c) by an amount equal to the dollar amount for the previous calendar year multiplied by the change in the consumer price index as of the close of the twelve-month period ending December 31st of that previous calendar year. If the new dollar amount established under this subsection is not a multiple of ten dollars, the increase shall be rounded to the next lowest multiple of ten dollars. As used in this subsection, "consumer price index" means the consumer price index compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used.

(d) The exceptions provided in this subsection (6) do not apply to:

(i) A sale or lease by the municipality as the seller or lessor;

(ii) The letting of any contract by a county with a population of one hundred twenty-five thousand or more, a city with a population of ten thousand or more, or an irrigation district encompassing more than fifty thousand acres; or

(iii) Contracts for legal services, except for reimbursement of expenditures.

(e) The municipality shall maintain a list of all contracts that are awarded under this subsection (6). The list must be made available for public inspection and copying;

(7) The leasing by a port district as lessor of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers and the superior court in the county where the property is situated finds that all terms and conditions of such lease are fair to the port district and are in the public interest. The appraisers must be appointed from members of the American Institute of Real Estate Appraisers by the presiding judge of the superior court;

(8) The letting of any employment contract for the driving of a school bus in a ((~~second-class~~)) class two school district if the terms of such contract are commensurate with the pay plan or collective bargaining agreement operating in the district;

(9) The letting of an employment contract as a substitute teacher or substitute educational aide to an officer of a ((~~second-class~~)) class two school district that has two hundred or fewer full-time equivalent students, if the terms of the contract are commensurate with the pay plan or collective bargaining agreement operating in the district and the board of directors has found, consistent with the written policy under RCW 28A.330.240, that there is a shortage of substitute teachers in the school district;

(10) The letting of any employment contract to the spouse of an officer of a school district, when such contract is solely for employment as a substitute teacher for the school district. This exception applies only if the terms of the contract are commensurate with the pay plan or collective bargaining agreement applicable to all district employees and the board of directors has found, consistent with the written policy under RCW 28A.330.240, that there is a shortage of substitute teachers in the school district;

(11) The letting of any employment contract to the spouse of an officer of a school district if the spouse was under contract as a certificated or classified employee with the school district before the date in which the officer assumes office and the terms of the contract are commensurate with the pay plan or collective bargaining agreement operating in the district. However, in a ((~~second-class~~)) class two school district that has less than two hundred full-time equivalent students enrolled at the start of the school year as defined in RCW 28A.150.040, the spouse is not required to be under contract as a certificated or classified employee before the date on which the officer assumes office;

(12) The authorization, approval, or ratification of any employment contract with the spouse of a public hospital district commissioner if: (a) The spouse was employed by the public hospital district before the date the commissioner was initially elected; (b) the terms of the contract are commensurate with the pay plan or collective bargaining agreement operating in the district for similar employees; (c) the interest of the commissioner is disclosed to the board of commissioners and noted in the official minutes or similar records of the public hospital district prior to the letting or continuation of the contract; and (d) and the commissioner does not vote on the authorization, approval, or ratification of the contract or any conditions in the contract.

A municipal officer may not vote in the authorization, approval, or ratification of a contract in which he or she is beneficially interested even though one of the exemptions allowing the awarding of such a contract applies. The interest of the municipal officer must be disclosed to the governing body of the municipality and noted in the official minutes or similar records of the municipality before the formation of the contract.

**Sec.**  RCW 53.36.020 and 1973 1st ex.s. c 195 s 56 are each amended to read as follows:

A district may raise revenue by levy of an annual tax not to exceed forty-five cents per thousand dollars of assessed value against the assessed valuation of the taxable property in such port district for general port purposes, including the establishment of a capital improvement fund for future capital improvements, except that any levy for the payment of the principal and interest of the general bonded indebtedness of the port district shall be in excess of any levy made by the port district under the forty-five cents per thousand dollars of assessed value limitation. The levy shall be made and taxes collected in the manner provided for the levy and collection of taxes in class one school districts ((~~of the first class~~)).

**Sec.**  RCW 84.52.020 and 2005 c 52 s 1 are each amended to read as follows:

It shall be the duty of the city council or other governing body of every city, other than a city having a population of three hundred thousand or more, the board of directors of class one school districts ((~~of the first class~~)), the superintendent of each educational service district for each constituent ((~~second-class~~)) class two school district, commissioners of port districts, commissioners of metropolitan park districts, and of all officials or boards of taxing districts within or coextensive with any county required by law to certify to the county legislative authority, for the purpose of levying district taxes, budgets or estimates of the amounts to be raised by taxation on the assessed valuation of the property in the city or district, through their chair and clerk, or secretary, to make and file such certified budget or estimates with the clerk of the county legislative authority on or before the thirtieth day of November.

**--- END ---**