
HOUSE BILL 1690

State of Washington

54th Legislature

1995 Regular Session

By Representatives McMorris, Brumsickle, L. Thomas, Mulliken, Sherstad, Talcott, McMahan, Thompson, Elliot, Fuhrman, D. Schmidt, Clements and Benton

Read first time 02/03/95. Referred to Committee on Education.

1 AN ACT Relating to mandates on school districts; amending RCW
2 28A.150.220, 28A.150.220, 28A.150.290, 28A.150.290, 28A.400.303,
3 28B.10.025, 43.17.205, 43.17.210, 43.19.455, 74.09.5243, 43.09.260, and
4 70.24.290; adding a new section to chapter 28A.150 RCW; creating a new
5 section; repealing RCW 28A.150.300, 28A.335.210, and 28A.225.320; and
6 providing a contingent effective date.

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

8 **Sec. 1.** RCW 28A.150.220 and 1993 c 371 s 1 are each amended to
9 read as follows:

10 (1) For the purposes of this section and RCW 28A.150.250 and
11 28A.150.260:

12 (a) The term "total program hour offering" shall mean those hours
13 when students are provided the opportunity to engage in educational
14 activity planned by and under the direction of school district staff,
15 as directed by the administration and board of directors of the
16 district, inclusive of intermissions for class changes, recess and
17 teacher/parent-guardian conferences which are planned and scheduled by
18 the district for the purpose of discussing students' educational needs
19 or progress, and exclusive of time actually spent for meals.

1 (b) "Instruction in work skills" shall include instruction in one
2 or more of the following areas: Industrial arts, home and family life
3 education, business and office education, distributive education,
4 agricultural education, health occupations education, vocational
5 education, trade and industrial education, technical education and
6 career education.

7 (2) Satisfaction of the basic education goal identified in RCW
8 28A.150.210 shall be considered to be implemented by the following
9 program requirements:

10 (a) Each school district shall make available to students in
11 kindergarten at least a total program offering of four hundred fifty
12 hours. The program shall include reading, arithmetic, language skills
13 and such other subjects and such activities as the school district
14 shall determine to be appropriate for the education of the school
15 district's students enrolled in such program;

16 (b) Each school district shall make available to students in grades
17 one through three, at least a total program hour offering of two
18 thousand seven hundred hours. A minimum of ninety-five percent of the
19 total program hour offerings shall be in the basic skills areas of
20 reading/language arts (which may include languages other than English,
21 including American Indian languages), mathematics, social studies,
22 science, music, art, health and physical education. The remaining five
23 percent of the total program hour offerings may include such subjects
24 and activities as the school district shall determine to be appropriate
25 for the education of the school district's students in such grades;

26 (c) Each school district shall make available to students in grades
27 four through six at least a total program hour offering of two thousand
28 nine hundred seventy hours. A minimum of ninety percent of the total
29 program hour offerings shall be in the basic skills areas of reading/
30 language arts (which may include languages other than English,
31 including American Indian languages), mathematics, social studies,
32 science, music, art, health and physical education. The remaining ten
33 percent of the total program hour offerings may include such subjects
34 and activities as the school district shall determine to be appropriate
35 for the education of the school district's students in such grades;

36 (d) Each school district shall make available to students in grades
37 seven through eight, at least a total program hour offering of one
38 thousand nine hundred eighty hours. A minimum of eighty-five percent
39 of the total program hour offerings shall be in the basic skills areas

1 of reading/language arts (which may include languages other than
2 English, including American Indian languages), mathematics, social
3 studies, science, music, art, health and physical education. A minimum
4 of ten percent of the total program hour offerings shall be in the area
5 of work skills. The remaining five percent of the total program hour
6 offerings may include such subjects and activities as the school
7 district shall determine to be appropriate for the education of the
8 school district's students in such grades;

9 (e) Each school district shall make available to students in grades
10 nine through twelve at least a total program hour offering of four
11 thousand three hundred twenty hours. A minimum of sixty percent of the
12 total program hour offerings shall be in the basic skills areas of
13 language arts, languages other than English, which may be American
14 Indian languages, mathematics, social studies, science, music, art,
15 health and physical education. A minimum of twenty percent of the
16 total program hour offerings shall be in the area of work skills. The
17 remaining twenty percent of the total program hour offerings may
18 include traffic safety or such subjects and activities as the school
19 district shall determine to be appropriate for the education of the
20 school district's students in such grades, with not less than one-half
21 thereof in basic skills and/or work skills: PROVIDED, That each school
22 district shall have the option of including grade nine within the
23 program hour offering requirements of grades seven and eight so long as
24 such requirements for grades seven through nine are increased to two
25 thousand nine hundred seventy hours and such requirements for grades
26 ten through twelve are decreased to three thousand two hundred forty
27 hours.

28 (3) In order to provide flexibility to the local school districts
29 in the setting of their curricula, and in order to maintain the intent
30 of this legislation, which is to stress the instruction of basic skills
31 and work skills, any local school district may establish minimum course
32 mix percentages that deviate by up to five percentage points above or
33 below those minimums required by subsection (2) of this section, so
34 long as the total program hour requirement is still met.

35 (4) Nothing contained in subsection (2) of this section shall be
36 construed to require individual students to attend school for any
37 particular number of hours per day or to take any particular courses.

38 (5) Each school district's kindergarten through twelfth grade basic
39 educational program shall be accessible to all students who are five

1 years of age, as provided by RCW 28A.225.160, and less than twenty-one
2 years of age and shall consist of a minimum of one hundred eighty
3 school days per school year in such grades as are conducted by a school
4 district, and one hundred eighty half-days of instruction, or
5 equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a
6 school district may schedule the last five school days of the one
7 hundred and eighty day school year for noninstructional purposes in the
8 case of students who are graduating from high school, including, but
9 not limited to, the observance of graduation and early release from
10 school upon the request of a student, and all such students may be
11 claimed as a full time equivalent student to the extent they could
12 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
13 28A.150.260.

14 (6) The state board of education shall adopt rules to implement
15 (~~and ensure compliance with~~) the program requirements imposed by this
16 section(~~(7)~~) and RCW 28A.150.250 and 28A.150.260(~~(7) and such related~~
17 ~~supplemental program approval requirements as the state board may~~
18 ~~establish~~): PROVIDED, That each school district board of directors
19 shall establish the basis and means for determining and monitoring the
20 district's compliance with the (~~basic skills and work skills~~
21 ~~percentage and course requirements of this section. The certification~~
22 ~~of the board of directors and the superintendent of a school district~~
23 ~~that the district is in compliance with such basic skills and work~~
24 ~~skills requirements may be accepted by the superintendent of public~~
25 ~~instruction and the state board of education~~) program requirements in
26 this section and in RCW 28A.150.250 and 28A.150.260.

27 (7) Handicapped education programs, vocational-technical institute
28 programs, state institution and state residential school programs, all
29 of which programs are conducted for the common school age, kindergarten
30 through secondary school program students encompassed by this section,
31 shall be exempt from the basic skills and work skills percentage and
32 course requirements of this section in order that the unique needs,
33 abilities or limitations of such students may be met.

34 (8) Any school district may petition the state board of education
35 for a reduction in the total program hour offering requirements for one
36 or more of the grade level groupings specified in this section. The
37 state board of education shall grant all such petitions that are
38 accompanied by an assurance that the minimum total program hour
39 offering requirements in one or more other grade level groupings will

1 be exceeded concurrently by no less than the number of hours of the
2 reduction.

3 **Sec. 2.** RCW 28A.150.220 and 1993 c 371 s 2 are each amended to
4 read as follows:

5 (1) Satisfaction of the basic education program requirements
6 identified in RCW 28A.150.210 shall be considered to be implemented by
7 the following program:

8 (a) Each school district shall make available to students enrolled
9 in kindergarten at least a total instructional offering of four hundred
10 fifty hours. The program shall include instruction in the essential
11 academic learning requirements under RCW 28A.630.885 and such other
12 subjects and such activities as the school district shall determine to
13 be appropriate for the education of the school district's students
14 enrolled in such program;

15 (b) Each school district shall make available to students enrolled
16 in grades one through twelve, at least a district-wide annual average
17 total instructional hour offering of one thousand hours. The state
18 board of education may define alternatives to classroom instructional
19 time for students in grades nine through twelve enrolled in alternative
20 learning experiences. The state board of education shall establish
21 rules to determine annual average instructional hours for districts
22 including fewer than twelve grades. The program shall include the
23 essential academic learning requirements under RCW 28A.630.885 and such
24 other subjects and such activities as the school district shall
25 determine to be appropriate for the education of the school district's
26 students enrolled in such group;

27 (c) If the essential academic learning requirements include a
28 requirement of languages other than English, the requirement may be met
29 by students receiving instruction in one or more American Indian
30 languages.

31 (2) Nothing contained in subsection (1) of this section shall be
32 construed to require individual students to attend school for any
33 particular number of hours per day or to take any particular courses.

34 (3) Each school district's kindergarten through twelfth grade basic
35 educational program shall be accessible to all students who are five
36 years of age, as provided by RCW 28A.225.160, and less than twenty-one
37 years of age and shall consist of a minimum of one hundred eighty
38 school days per school year in such grades as are conducted by a school

1 district, and one hundred eighty half-days of instruction, or
2 equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a
3 school district may schedule the last five school days of the one
4 hundred and eighty day school year for noninstructional purposes in the
5 case of students who are graduating from high school, including, but
6 not limited to, the observance of graduation and early release from
7 school upon the request of a student, and all such students may be
8 claimed as a full time equivalent student to the extent they could
9 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
10 28A.150.260.

11 (4) The state board of education shall adopt rules to implement
12 ~~((and ensure compliance with))~~ the program requirements imposed by this
13 section~~((,))~~ and RCW 28A.150.250 and 28A.150.260~~((, and such related~~
14 ~~supplemental program approval requirements as the state board may~~
15 ~~establish))~~.

16 **Sec. 3.** RCW 28A.150.290 and 1990 c 33 s 111 are each amended to
17 read as follows:

18 (1) The superintendent of public instruction shall have the power
19 and duty to make such rules and regulations as are necessary for the
20 proper administration of this chapter and RCW 28A.160.150 through
21 ~~((28A.160.220))~~ 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010
22 not inconsistent with the provisions thereof, and in addition to
23 require such reports as may be necessary to carry out his or her duties
24 under this chapter and RCW 28A.160.150 through ~~((28A.160.220))~~
25 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010. However, the
26 superintendent shall not request that school districts annually report
27 information on the sources of revenue for specific school district
28 programs.

29 (2) The superintendent of public instruction shall have the
30 authority to make rules and regulations which establish the terms and
31 conditions for allowing school districts to receive state basic
32 education moneys as provided in RCW 28A.150.250 when said districts are
33 unable to fulfill for one or more schools as officially scheduled the
34 requirement of a full school year of one hundred eighty days or the
35 total program hour offering, teacher contact hour, or course mix and
36 percentage requirements imposed by RCW 28A.150.220 and 28A.150.260 due
37 to one or more of the following conditions:

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

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

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

29 (3) The superintendent of public instruction shall make every
30 effort to reduce the amount of paperwork required in administration of
31 this chapter and RCW 28A.160.150 through ((28A.160.220)) 28A.160.210,
32 28A.300.035, 28A.300.170, and 28A.500.010; to simplify the application,
33 monitoring and evaluation processes used; to eliminate all duplicative
34 requests for information from local school districts; and to make every
35 effort to integrate and standardize information requests for other
36 state education acts and federal aid to education acts administered by
37 the superintendent of public instruction so as to reduce paperwork
38 requirements and duplicative information requests.

1 **Sec. 4.** RCW 28A.150.290 and 1992 c 141 s 504 are each amended to
2 read as follows:

3 (1) The superintendent of public instruction shall have the power
4 and duty to make such rules and regulations as are necessary for the
5 proper administration of this chapter and RCW 28A.160.150 through
6 (~~28A.160.220~~) 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010
7 not inconsistent with the provisions thereof, and in addition to
8 require such reports as may be necessary to carry out his or her duties
9 under this chapter and RCW 28A.160.150 through (~~28A.160.220~~)
10 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010. However, the
11 superintendent shall not request that school districts annually report
12 information on the sources of revenue for specific school district
13 programs.

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

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

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

1 labor dispute between a school district board of directors and any
2 employee of the school district.

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

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

23 NEW SECTION. **Sec. 5.** The office of the superintendent of public
24 instruction shall report to the legislature before December 1, 1995, on
25 specific actions it has taken in calendar year 1995 to meet paperwork
26 reduction and other requirements in RCW 28A.150.290(3).

27 **Sec. 6.** RCW 28A.400.303 and 1992 c 159 s 2 are each amended to
28 read as follows:

29 School districts, educational service districts, and their
30 contractors hiring employees who will have regularly scheduled
31 unsupervised access to children ~~((shall))~~ may require a record check
32 through the Washington state patrol criminal identification system
33 under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 ~~((and))~~
34 or through the federal bureau of investigation before hiring an
35 employee. ~~((The record check shall include a fingerprint check using
36 a complete Washington state criminal identification fingerprint card.
37 The requesting entity shall provide a copy of the record report to the~~

1 applicant. When necessary, applicants may be employed on a conditional
2 basis pending completion of the investigation. If the applicant has
3 had a record check within the previous two years, the district or
4 contractor may waive the requirement. The district, pursuant to
5 chapter 41.59 or 41.56 RCW, or contractor hiring the employee shall
6 determine who shall pay costs associated with the record check.))

7 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.150
8 RCW to read as follows:

9 Local superintendents, in consultation with principals, may develop
10 and adopt policies regarding the use of corporal punishment in the
11 common schools within their district.

12 NEW SECTION. **Sec. 8.** RCW 28A.150.300 and 1993 c 68 s 1 are each
13 repealed.

14 NEW SECTION. **Sec. 9.** RCW 28A.335.210 and 1983 c 204 s 7, 1982 c
15 191 s 2, & 1974 ex.s. c 176 s 5 are each repealed.

16 **Sec. 10.** RCW 28B.10.025 and 1990 c 33 s 557 are each amended to
17 read as follows:

18 The Washington state arts commission shall, in consultation with
19 the boards of regents of the University of Washington and Washington
20 State University and with the boards of trustees of the regional
21 universities, The Evergreen State College, and the community college
22 districts, determine the amount to be made available for the purchases
23 of art under RCW 28B.10.027, and payment therefor shall be made in
24 accordance with law. The designation of projects and sites, the
25 selection, contracting, purchase, commissioning, reviewing of design,
26 execution and placement, acceptance, maintenance, and sale, exchange,
27 or disposition of works of art shall be the responsibility of the
28 Washington state arts commission in consultation with the board of
29 regents or trustees. However, the costs to carry out the Washington
30 state arts commission's responsibility for maintenance shall not be
31 funded from the moneys referred to under this section, RCW 43.17.200,
32 or 43.19.455, ((~~or 28A.335.210,~~)) but shall be contingent upon adequate
33 appropriations being made for that purpose.

1 **Sec. 11.** RCW 43.17.205 and 1990 c 33 s 574 are each amended to
2 read as follows:

3 The funds allocated under RCW 43.17.200(~~((, 28A.335.210,))~~) and
4 28B.10.025 shall be subject to interagency reimbursement for
5 expenditure by the visual arts program of the Washington state arts
6 commission when the particular law providing for the appropriation
7 becomes effective. For appropriations which are dependent upon the
8 sale of bonds, the amount or proportionate amount of the moneys under
9 RCW 43.17.200(~~((, 28A.335.210,))~~) and 28B.10.025 shall be subject to
10 interagency reimbursement for expenditure by the visual arts program of
11 the Washington state arts commission thirty days after the sale of a
12 bond or bonds.

13 **Sec. 12.** RCW 43.17.210 and 1990 c 33 s 575 are each amended to
14 read as follows:

15 The Washington state arts commission shall determine the amount to
16 be made available for the purchase of art in consultation with the
17 agency, except where another person or agency is specified under RCW
18 43.19.455(~~((, 28A.335.210,))~~) or 28B.10.025, and payments therefor shall
19 be made in accordance with law. The designation of projects and sites,
20 selection, contracting, purchase, commissioning, reviewing of design,
21 execution and placement, acceptance, maintenance, and sale, exchange,
22 or disposition of works of art shall be the responsibility of the
23 Washington state arts commission in consultation with the directors of
24 the state agencies. However, the costs to carry out the Washington
25 state arts commission's responsibility for maintenance shall not be
26 funded from the moneys referred to in RCW 43.17.200, 43.19.455,
27 (~~((28A.335.210,))~~) or 28B.10.025, but shall be contingent upon adequate
28 appropriations being made for that purpose.

29 **Sec. 13.** RCW 43.19.455 and 1990 c 33 s 576 are each amended to
30 read as follows:

31 Except as provided under RCW 43.17.210, the Washington state arts
32 commission shall determine the amount to be made available for the
33 purchase of art under RCW 43.17.200 in consultation with the director
34 of general administration, and payments therefor shall be made in
35 accordance with law. The designation of projects and sites, selection,
36 contracting, purchase, commissioning, reviewing of design, execution
37 and placement, acceptance, maintenance, and sale, exchange, or

1 disposition of works of art shall be the responsibility of the
2 Washington state arts commission in consultation with the director of
3 general administration. However, the costs to carry out the Washington
4 state arts commission's responsibility for maintenance shall not be
5 funded from the moneys referred to under this section, RCW 43.17.200,
6 ((28A.335.2107)) or 28B.10.025, but shall be contingent upon adequate
7 appropriations being made for that purpose.

8 **Sec. 14.** RCW 74.09.5243 and 1994 c 180 s 1 are each amended to
9 read as follows:

10 Unless the context clearly requires otherwise, the following
11 definitions apply throughout RCW 74.09.5241 through 74.09.5253 and
12 74.09.5254 through 74.09.5256.

13 (1) "District" means a first class school district as defined in
14 RCW 28A.315.230, educational service district, or educational
15 cooperatives offering special education services under chapter 28A.155
16 RCW.

17 (2) "Medical assistance" and "medicaid" means federal and state-
18 funded programs under which medical services are provided under Title
19 XIX of the federal social security act.

20 (3) "Medical services" means district services that qualify for
21 medicaid funding.

22 **Sec. 15.** RCW 43.09.260 and 1991 sp.s. c 30 s 26 are each amended
23 to read as follows:

24 The state auditor, the chief examiner, and every state examiner
25 shall have power by himself or herself or by any person legally
26 appointed to perform the service, to examine into all financial affairs
27 of every public office and officer.

28 The examination of the financial affairs of all taxing districts
29 shall be made at such reasonable, periodic intervals as the state
30 auditor shall determine. However, an examination of the financial
31 affairs of all taxing districts shall be made at least once in every
32 three years, and an examination of individual local government health
33 and welfare benefit plans and local government self-insurance programs
34 shall be made at least once every two years. Examinations of school
35 districts shall be made every three years, unless the state auditor has
36 evidence that a more frequent audit of an individual school district is
37 needed. The term "taxing districts" for purposes of RCW 43.09.190

1 through 43.09.285 includes but is not limited to all counties, cities,
2 and other political subdivisions, municipal corporations, and quasi-
3 municipal corporations, however denominated.

4 The state auditor shall establish a schedule to govern the auditing
5 of taxing districts which shall include: A designation of the various
6 classifications of taxing districts; a designation of the frequency for
7 auditing each type of taxing district; and a description of events
8 which cause a more frequent audit to be conducted.

9 On every such examination, inquiry shall be made as to the
10 financial condition and resources of the taxing district; whether the
11 Constitution and laws of the state, the ordinances and orders of the
12 taxing district, and the requirements of the division of municipal
13 corporations have been properly complied with; and into the methods and
14 accuracy of the accounts and reports.

15 The state auditor, his or her deputies, every state examiner and
16 every person legally appointed to perform such service, may issue
17 subpoenas and compulsory process and direct the service thereof by any
18 constable or sheriff, compel the attendance of witnesses and the
19 production of books and papers before him or her at any designated time
20 and place, and may administer oaths.

21 When any person summoned to appear and give testimony neglects or
22 refuses so to do, or neglects or refuses to answer any question that
23 may be put to him or her touching any matter under examination, or to
24 produce any books or papers required, the person making such
25 examination shall apply to a superior court judge of the proper county
26 to issue a subpoena for the appearance of such person before him or
27 her; and the judge shall order the issuance of a subpoena for the
28 appearance of such person forthwith before him to give testimony; and
29 if any person so summoned fails to appear, or appearing, refuses to
30 testify, or to produce any books or papers required, he or she shall be
31 subject to like proceedings and penalties for contempt as witnesses in
32 the superior court. Willful false swearing in any such examination
33 shall be perjury and punishable as such.

34 A report of such examination shall be made in triplicate, one copy
35 to be filed in the office of the state auditor, one in the auditing
36 department of the taxing district reported upon, and one in the office
37 of the attorney general. If any such report discloses malfeasance,
38 misfeasance, or nonfeasance in office on the part of any public officer
39 or employee, within thirty days from the receipt of his copy of the

1 report, the attorney general shall institute, in the proper county,
2 such legal action as is proper in the premises by civil process and
3 prosecute the same to final determination to carry into effect the
4 findings of the examination.

5 It shall be unlawful for the county commissioners or any board or
6 officer to make a settlement or compromise of any claim arising out of
7 such malfeasance, misfeasance, or nonfeasance, or any action commenced
8 therefor, or for any court to enter upon any compromise or settlement
9 of such action, without the written approval and consent of the
10 attorney general and the state auditor.

11 **Sec. 16.** RCW 70.24.290 and 1988 c 206 s 606 are each amended to
12 read as follows:

13 The superintendent of public instruction shall (~~adopt rules that~~
14 ~~require appropriate education and training, to be included as part of~~
15 ~~their present continuing education requirements,)~~ make available to
16 school districts information and training material developed for public
17 school employees on the prevention, transmission, and treatment of
18 AIDS. Neither the superintendent nor the department of health may
19 require that school employees receive training in AIDS. The
20 superintendent of public instruction shall work with the office on AIDS
21 under RCW 70.24.250 to develop the educational and training material
22 necessary for school employees.

23 NEW SECTION. **Sec. 17.** RCW 28A.225.320 and 1990 1st ex.s. c 9 s
24 210 are each repealed.

25 NEW SECTION. **Sec. 18.** Sections 2 and 4 of this act shall take
26 effect September 1, 2000. However, sections 2 and 4 of this act shall
27 not take effect if, by September 1, 2000, a law is enacted stating that
28 a school accountability and academic assessment system is not in place.

--- END ---