

Chapter 28A.310 RCW
EDUCATIONAL SERVICE DISTRICTS

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Chapter not to apply to certain materials printed in educational service district: RCW 82.04.600.

Interlocal cooperation act: Chapter 39.34 RCW.

Redistricting by local governments and municipal corporations—Census information for—Plan, prepared when, criteria for, hearing on,

request for review of, certification, remand—Sanctions when review request frivolous: RCW 29A.76.010.

RCW 28A.310.010 Purpose. It shall be the intent and purpose of this chapter to establish educational service districts as regional agencies which are intended to:

(1) Provide cooperative and informational services to local school districts;

(2) Assist the superintendent of public instruction and the state board of education in the performance of their respective statutory or constitutional duties; and

(3) Provide services to school districts and to the Washington center for deaf and hard of hearing youth and the school for the blind to assure equal educational opportunities. [2019 c 266 s 15; 2009 c 381 s 25; 1988 c 65 s 1; 1977 ex.s. c 283 s 1; 1975 1st ex.s. c 275 s 1; 1971 ex.s. c 282 s 1; 1969 ex.s. c 176 s 1. Formerly RCW 28A.21.010, 28.19.500.]

Findings—Intent—2009 c 381: See note following RCW 72.40.015.

Severability—1977 ex.s. c 283: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 283 s 26.]

Severability—1971 ex.s. c 282: "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 282 s 45.]

Rights preserved—1969 ex.s. c 176: "The amendment or repeal of any section referred to herein shall not be construed as affecting any existing right acquired under the provisions of the statutes amended or repealed nor any rule, regulation or order adopted pursuant thereto nor as affecting any proceeding as instituted thereunder." [1969 ex.s. c 176 s 160.]

Severability—1969 ex.s. c 176: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1969 ex.s. c 176 s 161.]

RCW 28A.310.020 Changes in number of, boundaries—Initiating, hearings, considerations—Superintendent's duties. The superintendent of public instruction upon his or her own initiative, or upon petition of any educational service district board, or upon petition of at least half of the district superintendents within an educational service district, or upon request of the state board of education, may make changes in the number and boundaries of the educational service districts, including an equitable adjustment and transfer of any and all property, assets, and liabilities among the educational service districts whose boundaries and duties and responsibilities are

increased and/or decreased by such changes, consistent with the purposes of RCW 28A.310.010: PROVIDED, That no reduction in the number of educational service districts will take effect after June 30, 1995, without a majority approval vote by the affected school directors voting in such election by mail ballot. Prior to making any such changes, the superintendent of public instruction, or his or her designee, shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.

The superintendent of public instruction in making any change in boundaries shall give consideration to, but not be limited by, the following factors: Size, population, topography, and climate of the proposed district.

The superintendent of public instruction shall furnish personnel, material, supplies, and information necessary to enable educational service district boards and superintendents to consider the proposed changes. [2018 c 177 s 101; 1994 sp.s. c 6 s 513; 1993 sp.s. c 24 s 522; 1990 c 33 s 270; 1977 ex.s. c 283 s 2; 1971 ex.s. c 282 s 2; 1969 ex.s. c 176 s 2. Formerly RCW 28A.21.020, 28.19.505.]

Finding—Intent—2018 c 177: See note following RCW 28A.305.905.

Severability—1994 sp.s. c 6: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1994 sp.s. c 6 s 904.]

Effective date—1994 sp.s. c 6: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 6, 1994]." [1994 sp.s. c 6 s 905.]

Severability—1993 sp.s. c 24: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1993 sp.s. c 24 s 932.]

Effective dates—1993 sp.s. c 24: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993, except for section 308(5) of this act which shall take effect immediately [May 28, 1993]." [1993 sp.s. c 24 s 933.]

Severability—1977 ex.s. c 283: See note following RCW 28A.310.010.

Severability—1971 ex.s. c 282: See note following RCW 28A.310.010.

Severability—Rights preserved—1969 ex.s. c 176: See notes following RCW 28A.310.010.

RCW 28A.310.030 ESD board—Membership—Board member district boundaries. Except as otherwise provided in this chapter, in each

educational service district there shall be an educational service district board consisting of seven members elected by the school directors of the educational service district, one from each of seven educational service district board-member districts. Board-member districts in districts reorganized under RCW 28A.310.020, or as provided for in RCW 28A.310.120 and under this section, shall be initially determined by the state board of education. If a reorganization pursuant to RCW 28A.310.020 places the residence of a board member into another or newly created educational service district, such member shall serve on the board of the educational service district of residence and at the next election called by the executive director of the Washington state school directors' association pursuant to RCW 28A.310.080 a new seven member board shall be elected. If the redrawing of board-member district boundaries pursuant to this chapter shall cause the resident board-member district of two or more board members to coincide, such board members shall continue to serve on the board and at the next election called by the executive director of the Washington state school directors' association a new board shall be elected. The board-member districts shall be arranged so far as practicable on a basis of equal population, with consideration being given existing board members of existing educational service district boards. Each educational service district board member shall be elected by the school directors of each school district within the educational service district. Beginning in 1971 and every ten years thereafter, educational service district boards shall review and, if necessary, shall change the boundaries of board-member districts so as to provide so far as practicable equal representation according to population of such board-member districts and to conform to school district boundary changes: PROVIDED, That all board-member district boundaries, to the extent necessary to conform with this chapter, shall be immediately redrawn for the purposes of the next election called by the executive director of the Washington state school directors' association following any reorganization pursuant to this chapter. Such district board, if failing to make the necessary changes prior to June 1st of the appropriate year, shall refer for settlement questions on board-member district boundaries to the office of the superintendent of public instruction, which, after a public hearing, shall decide such questions. [2022 c 79 s 3; 2006 c 263 s 603; 1990 c 33 s 271; 1977 ex.s. c 283 s 14; 1975 1st ex.s. c 275 s 3; 1974 ex.s. c 75 s 1; 1971 ex.s. c 282 s 3; 1969 ex.s. c 176 s 3. Formerly RCW 28A.21.030, 28.19.510.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Severability—1977 ex.s. c 283: See note following RCW 28A.310.010.

Severability—1974 ex.s. c 75: "If any provision of this 1974 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1974 ex.s. c 75 s 24.]

Severability—1971 ex.s. c 282: See note following RCW 28A.310.010.

Severability—Rights preserved—1969 ex.s. c 176: See notes following RCW 28A.310.010.

City, town, and district general elections—Exceptions—Special elections: RCW 29A.04.330.

RCW 28A.310.040 ESD board—Members—Terms. The term of office for each board member shall be four years and until a successor is duly elected and qualified. For the first election or an election following reorganization, board-member district positions numbered one, three, five, and seven in each educational service district shall be for a term of four years and positions numbered two, four, and six shall be for a term of two years. [1975 1st ex.s. c 275 s 5; 1974 ex.s. c 75 s 4. Formerly RCW 28A.21.0303.]

Severability—1974 ex.s. c 75: See note following RCW 28A.310.030.

RCW 28A.310.050 ESD board—Members—Nine member boards. Any educational service district board may elect by resolution of the board to increase the board member size to nine board members. In such case positions number eight and nine shall be filled at the next election called by the executive director of the Washington state school directors' association, position numbered eight to be for a term of two years, position numbered nine to be for a term of four years. Thereafter the terms for such positions shall be for four years. [2022 c 79 s 4; 2006 c 263 s 604; 1977 ex.s. c 283 s 19; 1975 1st ex.s. c 275 s 6; 1974 ex.s. c 75 s 5. Formerly RCW 28A.21.0304.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Severability—1977 ex.s. c 283: See note following RCW 28A.310.010.

Severability—1974 ex.s. c 75: See note following RCW 28A.310.030.

RCW 28A.310.060 ESD board—Members—Terms—Vacancies. The term of every educational service district board member shall begin on the second Monday in January next following the election at which he or she was elected: PROVIDED, That a person elected to less than a full term pursuant to this section shall take office as soon as the election returns have been certified and he or she has qualified. In the event of a vacancy in the board from any cause, such vacancy shall be filled by appointment of a person from the same board-member district by the educational service district board. In the event that there are more than three vacancies in a seven-member board or four vacancies in a nine-member board, the Washington state school directors' association president shall fill by appointment sufficient vacancies so that there shall be a quorum of the board serving. Each appointed board member shall serve until his or her successor has been elected at the next election called by the executive director of the

Washington state school directors' association and has qualified. [2022 c 79 s 5; 2006 c 263 s 605; 1977 ex.s. c 283 s 20; 1975 1st ex.s. c 275 s 7; 1974 ex.s. c 75 s 6. Formerly RCW 28A.21.0305.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Severability—1977 ex.s. c 283: See note following RCW 28A.310.010.

Severability—1974 ex.s. c 75: See note following RCW 28A.310.030.

RCW 28A.310.070 ESD board—Members—Restriction on other service. No person shall serve as an employee of a school district or as a member of a board of directors of a common school district or as a member of the state board of education and as a member of an educational service district board at the same time. [1975 1st ex.s. c 275 s 8; 1974 ex.s. c 75 s 7. Formerly RCW 28A.21.0306.]

Severability—1974 ex.s. c 75: See note following RCW 28A.310.030.

RCW 28A.310.080 ESD board—Members—Elections, calling and notice. Not later than the 25th day of August of every odd-numbered year, the executive director of the Washington state school directors' association shall call an election to be held in each educational service district within which resides a member of the board of the educational service district whose term of office expires on the second Monday of January next following, and shall give written notice thereof to each member of the board of directors of each school district in such educational service district. Such notice shall include instructions and procedures established by the Washington state school directors' association for the conduct of the election. [2022 c 79 s 6; 2007 c 460 s 1; 2006 c 263 s 602; 1977 ex.s. c 283 s 15. Formerly RCW 28A.21.031.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Severability—1977 ex.s. c 283: See note following RCW 28A.310.010.

RCW 28A.310.090 ESD board—Members—Elections—Declarations of candidacy. Candidates for membership on an educational service district board shall file declarations of candidacy with the Washington state school directors' association on forms prepared by the association. Declarations of candidacy may be filed no earlier than the first day of September, nor later than the 16th day of September. The association may not accept any declaration of candidacy that is not received before the 17th day of September. [2023 c 83 s 1; 2022 c 79 s 7; 2006 c 263 s 606; 1977 ex.s. c 283 s 16. Formerly RCW 28A.21.032.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Severability—1977 ex.s. c 283: See note following RCW 28A.310.010.

RCW 28A.310.100 ESD board—Members—Elections—Certification.

Each member of an educational service district board shall be elected by a majority of the votes cast at the election for all candidates for the position. All votes shall be cast on forms developed by the Washington state school directors' association and no votes shall be accepted for counting if received after the 16th day of October. The executive director of the Washington state school directors' association and an election board comprised of three persons appointed by the association shall count and tally the votes not later than the 25th day of October in the following manner: Each vote cast by a school director shall be accorded as one vote. If no candidate receives a majority of the votes cast, then, not later than the first day of November, the executive director of the Washington state school directors' association shall call a second election to be conducted in the same manner and at which the candidates shall be the two candidates receiving the highest number of votes cast. No vote cast at such second election shall be received for counting after the 16th day of November and the votes shall be counted as hereinabove provided on the 25th day of November. The candidate receiving a majority of votes at any such second election shall be declared elected. In the event of a tie in such second election, the candidate elected shall be determined by a chance drawing of a nature established by the executive director of the Washington state school directors' association. Within 10 days following the count of votes in an election at which a member of an educational service district board is elected, the executive director of the Washington state school directors' association shall certify to the county auditor of the headquarters county of the educational service district the name or names of the persons elected to be members of the educational service district board. [2023 c 83 s 2; 2022 c 79 s 8; 2006 c 263 s 607; 1980 c 179 s 7; 1977 ex.s. c 283 s 17. Formerly RCW 28A.21.033.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Severability—1980 c 179: "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1980 c 179 s 8.]

Severability—1977 ex.s. c 283: See note following RCW 28A.310.010.

RCW 28A.310.110 ESD board—Members—Elections, contest of. Any common school district board member eligible to vote for a candidate for membership on an educational service district or any candidate for the position, within ten days after the secretary to the state board of education's certification of election, may contest the election of

the candidate pursuant to chapter 29A.68 RCW. [2005 c 497 s 404; 1990 c 33 s 272; 1977 ex.s. c 283 s 18. Formerly RCW 28A.21.034.]

Intent—Part headings not law—Effective date—2005 c 497: See notes following RCW 28A.305.011.

Severability—1977 ex.s. c 283: See note following RCW 28A.310.010.

RCW 28A.310.120 ESD board—Return to seven member board. Any educational service district board which elects under RCW 28A.310.050 to increase the size of the educational service district board from seven to nine members, after at least four years, may elect by resolution of the board to return to a membership of seven educational service board members. In such case, at the next election a new board consisting of seven educational service board members shall be elected in accordance with the provisions of this chapter. [1990 c 33 s 273; 1977 ex.s. c 283 s 21; 1975 1st ex.s. c 275 s 9; 1974 ex.s. c 75 s 8; 1971 ex.s. c 282 s 4. Formerly RCW 28A.21.035.]

Severability—1977 ex.s. c 283: See note following RCW 28A.310.010.

Severability—1974 ex.s. c 75: See note following RCW 28A.310.030.

Severability—1971 ex.s. c 282: See note following RCW 28A.310.010.

RCW 28A.310.130 ESD board—Vacation of board member position because of failure to attend meetings. Absence of any educational service district board member from four consecutive regular meetings of the board, unless excused on account of sickness or otherwise authorized by resolution of the board, shall be sufficient cause for the members of the educational service district board to declare by resolution that such board member position is vacated. [1975 1st ex.s. c 275 s 10; 1971 ex.s. c 282 s 5. Formerly RCW 28A.21.037.]

Severability—1971 ex.s. c 282: See note following RCW 28A.310.010.

RCW 28A.310.140 School district to be entirely within single educational service district. Every school district must be included entirely within a single educational service district. If the boundaries of any school district within an educational service district are changed in any manner so as to extend the school district beyond the boundaries of that educational service district, the superintendent of public instruction shall change the boundaries of the educational service districts so affected in a manner consistent with the purposes of RCW 28A.310.010 and this section. [2006 c 263 s 608; 1990 c 33 s 274; 1975 1st ex.s. c 275 s 11; 1971 ex.s. c 282 s 6; 1969 ex.s. c 176 s 4. Formerly RCW 28A.21.040, 28.19.515.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Severability—1971 ex.s. c 282: See note following RCW 28A.310.010.

Severability—Rights preserved—1969 ex.s. c 176: See notes following RCW 28A.310.010.

RCW 28A.310.150 ESD board—Members—Qualifications, oath, bond—Organization—Quorum. Every candidate for membership on a educational service district board shall be a registered voter and a resident of the board-member district for which such candidate files. On or before the date for taking office, every member shall make an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of the office according to the best of such member's ability. The members of the board shall not be required to give bond unless so directed by the superintendent of public instruction. At the first meeting of newly elected members and after the qualification for office of the newly elected members, each educational service district board shall reorganize by electing a chair and a vice chair. A majority of all of the members of the board shall constitute a quorum. [2006 c 263 s 609; 1990 c 33 s 275; 1977 ex.s. c 283 s 22; 1975 1st ex.s. c 275 s 12; 1971 ex.s. c 282 s 7; 1969 ex.s. c 176 s 5. Formerly RCW 28A.21.050, 28.19.520.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Severability—1977 ex.s. c 283: See note following RCW 28A.310.010.

Severability—1971 ex.s. c 282: See note following RCW 28A.310.010.

Severability—Rights preserved—1969 ex.s. c 176: See notes following RCW 28A.310.010.

RCW 28A.310.160 ESD board—Reimbursement of members for expenses. The actual expenses of educational service board members in going to, returning from and attending meetings called or held pursuant to district business or while otherwise engaged in the performance of their duties under this chapter shall be paid; all such claims shall be approved by the educational service district board and paid from the budget of the educational service district. [1977 ex.s. c 283 s 3; 1975-'76 2nd ex.s. c 34 s 68; 1975 1st ex.s. c 275 s 13; 1971 ex.s. c 282 s 8; 1969 ex.s. c 176 s 6. Formerly RCW 28A.21.060, 28.19.525.]

Severability—1977 ex.s. c 283: See note following RCW 28A.310.010.

Effective date—Severability—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

Severability—1971 ex.s. c 282: See note following RCW 28A.310.010.

Severability—Rights preserved—1969 ex.s. c 176: See notes following RCW 28A.310.010.

RCW 28A.310.170 ESD superintendent—Appointment, procedure—Term, salary, discharge—ESD superintendent review committee. (1) Every educational service district board shall employ and set the salary of an educational service district superintendent who shall be employed by a written contract for a term to be fixed by the board, but not to exceed three years, and who may be discharged for sufficient cause.

(2) There is hereby established within each educational service district an educational service district superintendent review committee. Such review committee shall be composed of a subcommittee of the board, two school district superintendents from within the educational service district selected by the educational service district board, and a representative of the state superintendent of public instruction selected by the state superintendent of public instruction.

(3) Prior to the employment by the educational service district board of a new educational service district superintendent, the review committee shall screen all applicants against the established qualifications for the position and recommend to the board a list of three or more candidates. The educational service district board shall either select the new superintendent from the list of three or more candidates, ask the review committee to add additional names to the list, or reject the entire list and ask the review committee to submit three or more additional candidates for consideration. The educational service district board shall repeat this process until a superintendent is selected. [2001 c 182 s 1; 1985 c 341 s 7; 1977 ex.s. c 283 s 4. Formerly RCW 28A.21.071.]

Severability—1977 ex.s. c 283: See note following RCW 28A.310.010.

RCW 28A.310.180 ESD board—Compliance with rules and regulations—Depository and distribution center—Cooperative service programs, joint purchasing programs, and direct student service programs including pupil transportation. In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Comply with rules of the state board of education and the superintendent of public instruction.

(2) If the district board deems necessary, establish and operate for the schools within the boundaries of the educational service district a depository and distribution center for films, tapes, charts, maps, and other instructional material as recommended by the school district superintendents within the service area of the educational service district. However, the district may also provide the services of the depository and distribution center to private

schools within the district so long as such private schools pay such fees that reflect actual costs for services and the use of instructional materials as may be established by the educational service district board.

(3) Establish cooperative service programs for school districts within the educational service district and joint purchasing programs for schools within the educational service district pursuant to RCW 28A.320.080(3). However, on matters relating to cooperative service programs the board and superintendent of the educational service district shall seek the prior advice of the superintendents of local school districts within the educational service district.

(4) Establish direct student service programs for school districts within the educational service district including pupil transportation. However, for the provision of state-funded pupil transportation for special education cooperatives programs for special education conducted under RCW 28A.155.010 through 28A.155.100, the educational service district, with the consent of the participating school districts, shall be entitled to receive directly state apportionment funds for that purpose: PROVIDED, That the board of directors and superintendent of a local school district request the educational service district to perform said service or services: PROVIDED FURTHER, That the educational service district board of directors and superintendents agree to provide the requested services: PROVIDED, FURTHER, That the provisions of chapter 39.34 RCW are strictly adhered to: PROVIDED FURTHER, That the educational service district board of directors may contract with the Washington center for deaf and hard of hearing youth and the school for the blind to provide transportation services or other services necessary for the regional delivery of educational services for children who are deaf or hearing impaired. [2019 c 266 s 16; 2009 c 381 s 26; 1990 c 33 s 276; 1988 c 65 s 2; 1987 c 508 s 3; 1982 c 46 s 1; 1979 ex.s. c 66 s 1; 1975 1st ex.s. c 275 s 16; 1971 ex.s. c 282 s 11. Formerly RCW 28A.21.086.]

Findings—Intent—2009 c 381: See note following RCW 72.40.015.

Severability—1979 ex.s. c 66: "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 66 s 3.]

Severability—1971 ex.s. c 282: See note following RCW 28A.310.010.

RCW 28A.310.190 ESD board—Teachers' institutes, directors' meetings—Cooperation with state supervisor—Certification of data. In addition to other powers and duties as provided by law, every educational service district board shall:

(1) If the district board deems necessary, hold each year one or more teachers' institutes as provided for in RCW 28A.415.010 and one or more school directors' meetings.

(2) Cooperate with the state supervisor of special aid for children with disabilities as provided in RCW 28A.155.010 through 28A.155.100.

(3) Certify statistical data as basis for apportionment purposes to county and state officials as provided in chapter 28A.545 RCW.

(4) Perform such other duties as may be prescribed by law or rule of the state board of education and/or the superintendent of public instruction as provided in RCW 28A.300.030 and *28A.305.210. [1995 c 77 s 20; 1990 c 33 s 277; 1983 c 56 s 2; 1981 c 103 s 2; 1975 1st ex.s. c 275 s 17; 1971 ex.s. c 282 s 12. Formerly RCW 28A.21.088.]

***Reviser's note:** RCW 28A.305.210 expired July 1, 2007.

Severability—1983 c 56: See note following RCW 28A.195.010.

Severability—1971 ex.s. c 282: See note following RCW 28A.310.010.

RCW 28A.310.200 ESD board—Powers and duties—Rules. In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Approve the budgets of the educational service district in accordance with the procedures provided for in this chapter;

(2) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the chair or a majority of the board;

(3) Approve the selection of educational service district personnel and clerical staff as provided in RCW 28A.310.230;

(4) Fix the amount of and approve the bonds for those educational service district employees designated by the board as being in need of bonding;

(5) Keep in the educational service district office a full and correct transcript of the boundaries of each school district within the educational service district;

(6) Acquire by borrowing funds or by purchase, lease, devise, bequest, and gift and otherwise contract for real and personal property necessary for the operation of the educational service district and to the execution of the duties of the board and superintendent thereof and sell, lease, or otherwise dispose of that property not necessary for district purposes. No real property shall be acquired or alienated without the prior approval of the superintendent of public instruction and the acquisition or alienation of all such property shall be subject to such provisions as the superintendent may establish. When borrowing funds for the purpose of acquiring property, the educational service district board shall pledge as collateral the property to be acquired. Borrowing shall be evidenced by a note or other instrument between the district and the lender;

(7) Under RCW 28A.310.010, upon the written request of the board of directors of a local school district or districts served by the educational service district, the educational service district board of directors may provide cooperative and informational services not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that support the education of preschool through twelfth grade students in the public schools or that support the effective, efficient, or safe management and operation of the school district or districts served by the educational service district;

(8) Adopt such bylaws and rules for its own operation as it deems necessary or appropriate; and

(9) Enter into contracts, including contracts with common and educational service districts and the Washington center for deaf and hard of hearing youth and the school for the blind for the joint financing of cooperative service programs conducted pursuant to RCW 28A.310.180(3), and employ consultants and legal counsel relating to any of the duties, functions, and powers of the educational service districts. [2019 c 266 s 17; 2009 c 381 s 27; 2006 c 263 s 610; 2001 c 143 s 1; 1993 c 298 s 1. Prior: 1990 c 159 s 1; 1990 c 33 s 278; 1988 c 65 s 3; 1983 c 56 s 3; 1975 1st ex.s. c 275 s 18; 1971 ex.s. c 282 s 13; 1971 c 53 s 1; 1969 ex.s. c 176 s 9. Formerly RCW 28A.21.090, 28.19.540.]

Findings—Intent—2009 c 381: See note following RCW 72.40.015.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Severability—1983 c 56: See note following RCW 28A.195.010.

Severability—1971 ex.s. c 282: See note following RCW 28A.310.010.

Severability—1971 c 53: See note following RCW 28A.323.060.

Severability—Rights preserved—1969 ex.s. c 176: See notes following RCW 28A.310.010.

RCW 28A.310.210 ESD board—Payment of member expenses—Payment of dues into statewide association of board members, restrictions. In addition to other powers and duties prescribed by law every educational service district board shall be authorized to:

(1) Pay the expenses of its members in accordance with law for attendance at statewide meetings of educational service district board members.

(2) Pay dues from educational service district funds in an amount not to exceed one hundred dollars per board member per year for membership in a statewide association of educational service district board members: PROVIDED, That dues to such an association shall not be paid unless the formation of such an association, including its constitution and bylaws, is approved by a resolution passed by at least two-thirds of the educational service district boards within the state: PROVIDED FURTHER, That such association if formed shall not employ any staff but shall contract either with the Washington state school directors' association or with the superintendent of public instruction for staff and informational services. [1975 1st ex.s. c 275 s 19; 1971 ex.s. c 282 s 14. Formerly RCW 28A.21.092.]

Severability—1971 ex.s. c 282: See note following RCW 28A.310.010.

RCW 28A.310.220 ESD board—Delegation of powers and duties to superintendent. Each educational service district board, by written

order filed in the headquarters office, may delegate to the educational service district superintendent any of the powers and duties vested in or imposed upon the board by law or rule or regulation of the state board of education and/or the superintendent of public instruction. Such delegated powers and duties shall not be in conflict with rules or regulations of the superintendent of public instruction or the state board of education and may be exercised by the educational service district superintendent in the name of the board. [1975 1st ex.s. c 275 s 20; 1974 ex.s. c 75 s 9; 1971 ex.s. c 282 s 15. Formerly RCW 28A.21.095.]

Severability—1974 ex.s. c 75: See note following RCW 28A.310.030.

Severability—1971 ex.s. c 282: See note following RCW 28A.310.010.

RCW 28A.310.230 Assistant superintendents and other personnel—Appointment, salaries, duties. The educational service district superintendent may appoint with the consent of the educational service district board assistant superintendents and such other professional personnel and clerical help as may be necessary to perform the work of the office at such salaries as may be determined by the educational service district board and shall pay such salaries out of the budget of the district. In the absence of the educational service district superintendent a designated assistant superintendent shall perform the duties of the office. The educational service district superintendent shall have the authority to appoint on an acting basis an assistant superintendent to perform any of the duties of the office. [1975 1st ex.s. c 275 s 21; 1974 ex.s. c 75 s 10; 1971 ex.s. c 282 s 16; 1969 ex.s. c 176 s 10. Formerly RCW 28A.21.100, 28.19.545.]

Severability—1974 ex.s. c 75: See note following RCW 28A.310.030.

Severability—1971 ex.s. c 282: See note following RCW 28A.310.010.

Severability—Rights preserved—1969 ex.s. c 176: See notes following RCW 28A.310.010.

Job sharing: RCW 28A.405.070.

RCW 28A.310.235 Educator recruitment. (1) For the purpose of this section, "educator" means a paraeducator, teacher, principal, administrator, superintendent, school counselor, school psychologist, school social worker, school nurse, school physical therapist, school occupational therapist, or school speech-language pathologist or audiologist.

(2) An educational service district may employ a person whose duties are to provide to local school districts the following services related to educator recruitment:

(a) Serve as a liaison between local school districts and educator preparation programs, between their region and other regions

in the state, and between the local school districts and agencies that may be helpful in educator recruitment efforts, including the office of the superintendent of public instruction, the Washington professional educator standards board, the paraeducator board, the student achievement council, the state board for community and technical colleges, the state department of veterans affairs, the state military department, and the workforce training and education coordinating board;

(b) Encourage and support local school districts to develop or expand a recruiting Washington teachers program under RCW 28A.415.370, a career and technical education careers in education program, or an alternative route teacher certification program under chapter 28A.660 RCW;

(c) Provide outreach to community members who may be interested in becoming educators, including high school and college students, subject matter experts, and former military personnel and their spouses;

(d) Support persons interested in becoming educators by providing resources and assistance with navigating transition points on the path to a career in education; and

(e) Provide resources and technical assistance to local school districts on best hiring processes and practices.

(3) A person employed to provide the services described in subsection (2) of this section must be reflective of, and have an understanding of, the local community. [2019 c 295 s 102.]

Effective date—2019 c 295: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 8, 2019]." [2019 c 295 s 403.]

Findings—Intent—2019 c 295: "(1) The legislature finds that discrete efforts are being made at state and local levels to address the educator shortage, but these efforts need to be streamlined and performed in concert, in order to enhance the effect of these recruitment and retention strategies.

(2) The legislature also reaffirms that excellent, effective educators and educator leaders are essential to the state's ongoing efforts to establish a world-class, globally competitive education system. As acknowledged in Engrossed Substitute House Bill No. 2261 (chapter 548, Laws of 2009), "Teachers, principals, and administrators must be provided with access to the opportunities they need to gain the knowledge and skills that will enable them to be increasingly successful in their classroom and schools. A system that clearly defines, supports, measures, and recognizes effective teaching and leadership is one of the most important investments to be made."

(3) Therefore, the legislature intends to seize the challenges presented by the educator workforce shortage in Washington to build the capacity of the education system to attract, retain, support, and sustain successful educators through:

- (a) Intentional recruitment strategies;
- (b) Expanding educator training programs;
- (c) Focused financial incentives, assistance, and supports;
- (d) Responsive and responsible retention strategies; and
- (e) Deeper systems evaluation." [2019 c 295 s 1.]

Findings—Intent—2019 c 295: "(1) The legislature finds that effective educators who share their love of learning inspire students to enter into the education profession. The legislature further finds that every category and level of educator should support and inspire the next generation into careers in education.

(2) The legislature finds that a comprehensive effort is needed to repair the disjointed system for attracting persons into certificated educator professions. The legislature acknowledges that Washington is facing a short-term recruitment problem with the immediate need to fill classroom vacancies, but recognizes that it must also solve its long-term recruitment problem by creating a pipeline of interested persons entering into, and remaining in, the educator workforce.

(3) Therefore, the legislature intends to support a multipronged grow-your-own initiative to develop persons from the community, which includes programs that target middle and high school students, paraeducators, military personnel, and career changers who are subject matter experts, and that supports these persons to become educators. The initiative includes:

(a) Improvements to existing programs and activities, including the recruiting Washington teachers program, the high school career and technical education course called careers in education, and the alternative route teacher certification programs; and

(b) Development and implementation of additional programs and activities, including the coordination of existing resources that attract persons with needed skills and abilities, improving standards of practice, and reviewing barriers to recruitment." [2019 c 295 s 101.]

Findings—Intent—2019 c 295: See notes following RCW 28B.10.033.

Intent—2019 c 295: See note following RCW 28B.102.030.

Findings—Intent—2019 c 295: See note following RCW 28A.415.265.

Findings—Intent—2019 c 295: See note following RCW 28A.180.120.

RCW 28A.310.240 Employee leave policy required. (1) Every educational service district board shall adopt written policies granting leaves to persons under contracts of employment with the district in positions requiring either certification or classified qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement, and emergencies for both certificated and classified employees, with such compensation as the board prescribes. The board shall adopt written policies granting annual leave with compensation for illness, injury, and emergencies as follows:

(a) For persons under contract with the district for a full fiscal year, at least ten days;

(b) For persons under contract with the district as part-time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(c) For certificated and classified employees, annual leave with compensation for illness, injury, and emergencies shall be granted and accrue at a rate not to exceed twelve days per fiscal year. Provisions of any contract in force on July 23, 1989, which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(d) Compensation for leave for illness or injury actually taken shall be the same as the compensation the person would have received had the person not taken the leave provided in this section;

(e) Leave provided in this section not taken shall accumulate from fiscal year to fiscal year up to a maximum of one hundred eighty days for the purposes of RCW 28A.310.490, and for leave purposes up to a maximum of the number of contract days agreed to in a given contract, but not greater than one fiscal year. Such accumulated time may be taken at any time during the fiscal year, or up to twelve days per year may be used for the purpose of payments for unused sick leave; and

(f) Accumulated leave under this section shall be transferred to educational service districts, school districts, the office of the superintendent of public instruction, the state school for the blind, the *school for the deaf, institutions of higher education, and community and technical colleges, and from any such district, school, or office to another such district, school, office, institution of higher education, or community or technical college. An intervening customary summer break in employment or the performance of employment duties shall not preclude such a transfer.

(2) Leave accumulated by a person in a district prior to leaving the district may, under rules of the board, be granted to the person when the person returns to the employment of the district.

(3) Leave for illness or injury accumulated before July 23, 1989, under the administrative practices of an educational service district, and such leave transferred before July 23, 1989, to or from an educational service district, school district, or the office of the superintendent of public instruction under the administrative practices of the district or office, is declared valid and shall be added to such leave for illness or injury accumulated after July 23, 1989. [2009 c 47 s 1; 2008 c 174 s 1; 1997 c 13 s 6; 1990 c 33 s 279; 1989 c 208 s 1. Formerly RCW 28A.21.102.]

***Reviser's note:** The "state school for the deaf" was abolished pursuant to 2009 c 381 s 11 and powers, duties, and functions were transferred to the Washington state center for childhood deafness and hearing loss. The "Washington state center for childhood deafness and hearing loss" was renamed the "Washington center for deaf and hard of hearing youth" by 2019 c 266 s 1.

RCW 28A.310.250 Certificated employees of district—Contracts of employment—Nonrenewal of contracts—Notice. No certificated employee of an educational service district shall be employed as such except by written contract, which shall be in conformity with the laws of this state. Every such contract shall be made in duplicate, one copy of which shall be retained by the educational service district superintendent and the other shall be delivered to the employee.

Every educational service district superintendent or board determining that there is probable cause or causes that the employment

contract of a certificated employee thereof is not to be renewed for the next ensuing term shall be notified in writing on or before May 15th preceding the commencement of such term of that determination or if the omnibus appropriations act has not passed the legislature by the end of the regular legislative session for that year, then notification shall be no later than June 15th, which notification shall specify the cause or causes for nonrenewal of contract. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. The procedure and standards for the review of the decision of the hearing officer, superintendent or board and appeal therefrom shall be as prescribed for nonrenewal cases of teachers in RCW 28A.405.210, 28A.405.300 through 28A.405.380, and 28A.645.010. Appeals may be filed in the superior court of any county in the educational service district. [2016 c 85 s 5; 2009 c 57 s 4; 1996 c 201 s 4; 1990 c 33 s 280; 1977 ex.s. c 283 s 7; 1975 1st ex.s. c 275 s 22; 1974 ex.s. c 75 s 11; 1971 c 48 s 6; 1969 ex.s. c 34 s 19. Formerly RCW 28A.21.105.]

Effective date—2016 c 85: See note following RCW 28A.405.210.

Effective date—2009 c 57: See note following RCW 28A.405.210.

Severability—1977 ex.s. c 283: See note following RCW 28A.310.010.

Severability—1974 ex.s. c 75: See note following RCW 28A.310.030.

Severability—1971 c 48: "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 c 48 s 55.]

RCW 28A.310.260 Certificated employees of district—Adverse change in contract status—Notice—Probable cause—Review—Appeal. Every educational service district superintendent or board determining that there is probable cause or causes for a certificated employee or superintendent, hereinafter referred to as employee, of that educational service district to be discharged or otherwise adversely affected in his or her contract status shall notify such employee in writing of its decision, which notice shall specify the cause or causes for such action. Such notice shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. The procedure and standards for review of the decision of the superintendent or board and appeal therefrom shall be as prescribed in discharge cases of teachers in RCW 28A.405.210, 28A.405.300 through 28A.405.380, and 28A.645.010. The board and the educational service district superintendent, respectively, shall have the duties of the boards of directors and superintendents of school districts in RCW 28A.405.210, 28A.405.300 through 28A.405.380, and 28A.645.010. Appeals may be filed

in the superior court of any county in the educational service district. [1990 c 33 s 281; 1977 ex.s. c 283 s 8; 1975 1st ex.s. c 275 s 23; 1974 ex.s. c 75 s 12; 1971 c 48 s 7; 1969 ex.s. c 34 s 20. Formerly RCW 28A.21.106.]

Severability—1977 ex.s. c 283: See note following RCW 28A.310.010.

Severability—1974 ex.s. c 75: See note following RCW 28A.310.030.

Severability—1971 c 48: See note following RCW 28A.310.250.

RCW 28A.310.270 ESD superintendent's powers and duties—Chief executive officer. In addition to other powers and duties as provided by law, each educational service district superintendent shall:

(1) Serve as chief executive officer of the educational service district and secretary of the educational service district board.

(2) Visit the schools in the educational service district, counsel with directors and staff, and assist in every possible way to advance the educational interest in the educational service district. [1975 1st ex.s. c 275 s 24; 1974 ex.s. c 75 s 13; 1972 ex.s. c 3 s 1; 1971 ex.s. c 282 s 17; 1969 ex.s. c 176 s 11. Formerly RCW 28A.21.110, 28.19.550.]

Severability—1974 ex.s. c 75: See note following RCW 28A.310.030.

Severability—1971 ex.s. c 282: See note following RCW 28A.310.010.

Severability—Rights preserved—1969 ex.s. c 176: See notes following RCW 28A.310.010.

RCW 28A.310.280 ESD superintendent's powers and duties—Records and reports. In addition to other powers and duties as provided by law, each educational service district superintendent shall:

(1) Perform such recordkeeping, including such annual reports as may be required, and liaison and informational services to local school districts and the superintendent of public instruction as required by rule or regulation of the superintendent of public instruction or state board of education: PROVIDED, That the superintendent of public instruction and the state board of education may require some or all of the school districts to report information directly when such reporting procedures are deemed desirable or feasible.

(2) Keep records of official acts of the educational service district board and superintendents in accordance with *RCW 28A.21.120, as now or hereafter amended.

(3) Preserve carefully all reports of school officers and teachers and deliver to the successor of the office all records, books, documents, and papers belonging to the office either personally or through a personal representative, taking a receipt for the same, which shall be filed in the office of the county auditor in the county

where the office is located. [1975 1st ex.s. c 275 s 25; 1974 ex.s. c 75 s 14. Formerly RCW 28A.21.111.]

***Reviser's note:** RCW 28A.21.120 was recodified as RCW 28A.310.310 pursuant to 1990 c 33 s 4.

Severability—1974 ex.s. c 75: See note following RCW 28A.310.030.

RCW 28A.310.290 ESD superintendent's powers and duties—Oaths and affirmations. In addition to other powers and duties as provided by law, each educational service district superintendent shall:

(1) Administer oaths and affirmations to school directors, teachers, and other persons on official matters connected with or relating to schools, when appropriate, but not make or collect any charge or fee for so doing.

(2) Require the oath of office of all school district officers be filed as provided in *RCW 28A.315.500 and furnish a directory of all such officers to the county auditor and to the county treasurer of the county in which the school district is located as soon as such information can be obtained after the election or appointment of such officers is determined and their oaths placed on file. [1990 c 33 s 282; 1975 1st ex.s. c 275 s 26; 1974 ex.s. c 75 s 15. Formerly RCW 28A.21.112.]

***Reviser's note:** RCW 28A.315.500 was recodified as RCW 28A.343.360 pursuant to 1999 c 315 s 804.

Severability—1974 ex.s. c 75: See note following RCW 28A.310.030.

RCW 28A.310.300 ESD superintendent's powers and duties—Generally. In addition to other powers and duties as provided by law, each educational service district superintendent shall:

(1) Assist the school districts in preparation of their budgets as provided in chapter 28A.505 RCW.

(2) Enforce the provisions of the compulsory attendance law as provided in RCW 28A.225.010 through 28A.225.140, 28A.200.010, and 28A.200.020.

(3) Perform duties relating to capital fund aid by nonhigh districts as provided in chapter 28A.540 RCW.

(4) Carry out the duties and issue orders creating new school districts and transfers of territory as provided in chapter 28A.315 RCW.

(5) Perform the limited duties as provided in chapter 28A.193 RCW.

(6) Perform all other duties prescribed by law and the educational service district board. [1998 c 244 s 13; 1990 c 33 s 283; 1975 1st ex.s. c 275 s 27; 1974 ex.s. c 75 s 16. Formerly RCW 28A.21.113.]

Effective date—1998 c 244: See RCW 28A.193.900.

Severability—1974 ex.s. c 75: See note following RCW 28A.310.030.

RCW 28A.310.310 Headquarters office—Official records—Transfers of records. The educational service district board shall designate the headquarters office of the educational service district. Educational service districts shall provide for their own office space, heating, contents insurance, electricity, and custodial services, which may be obtained through contracting with any board of county commissioners. Official records of the educational service district board and superintendent, including each of the county superintendents abolished by chapter 176, Laws of 1969 ex. sess., shall be kept by the educational service district superintendent. Whenever the boundaries of any of the educational service districts are reorganized pursuant to RCW 28A.310.020, the superintendent of public instruction shall supervise the transferral of such records so that each educational service district superintendent shall receive those records relating to school districts within the appropriate educational service district. [2006 c 263 s 611; 1990 c 33 s 284; 1985 c 341 s 8; 1975 1st ex.s. c 275 s 28; 1974 ex.s. c 75 s 17; 1971 ex.s. c 282 s 18; 1969 ex.s. c 176 s 12. Formerly RCW 28A.21.120, 28.19.555.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Severability—1974 ex.s. c 75: See note following RCW 28A.310.030.

Severability—1971 ex.s. c 282: See note following RCW 28A.310.010.

Severability—Rights preserved—1969 ex.s. c 176: See notes following RCW 28A.310.010.

RCW 28A.310.320 ESD superintendents, employees—Travel expenses and subsistence—Advance payment. For all actual and necessary travel in the performance of official duties and while in attendance upon meetings and conferences, each educational service district superintendent and employee shall be reimbursed for their travel expenses in the amounts provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. All claims shall be approved by the educational service district board and paid from the funds budgeted by the district. Each educational service district superintendent and employee may be advanced sufficient sums to cover their anticipated expenses in accordance with rules and regulations promulgated by the state auditor and which shall substantially conform to the procedures provided in RCW 43.03.150 through 43.03.210. [1975-'76 2nd ex.s. c 34 s 69; 1975 1st ex.s. c 275 s 29; 1971 ex.s. c 282 s 19; 1969 ex.s. c 176 s 13. Formerly RCW 28A.21.130, 28.19.560.]

Effective date—Severability—1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

Severability—1971 ex.s. c 282: See note following RCW 28A.310.010.

Severability—Rights preserved—1969 ex.s. c 176: See notes following RCW 28A.310.010.

RCW 28A.310.330 Budgeting procedures for districts. The superintendent of public instruction by rule and regulation shall adopt budgeting procedures for educational service districts modeled after the statutory procedures for school districts as provided in chapter 28A.505 RCW and in accordance with RCW 28A.310.340, 28A.310.350, and 28A.310.360. [1990 c 33 s 285; 1977 ex.s. c 283 s 12; 1975 1st ex.s. c 275 s 30; 1971 ex.s. c 282 s 20. Formerly RCW 28A.21.135.]

Severability—1977 ex.s. c 283: See note following RCW 28A.310.010.

Severability—1971 ex.s. c 282: See note following RCW 28A.310.010.

RCW 28A.310.340 Identification of core services for budget purposes—Generally. It is the intent of the legislature that a basic core of uniform services be provided by educational service districts and be identified in statute so that biennial budget requests for educational service districts may be based upon measurable goals and needs. Educational service districts as noted in RCW 28A.310.010, are intended primarily to:

(1) Provide cooperative and informational services to local districts and to perform functions for those districts when such functions are more effectively or economically administered from the regional level;

(2) Assist the state educational agencies, office of superintendent of public instruction and the state board of education in the legal performance of their duties; and

(3) Assist in providing pupils with equal educational opportunities.

The purpose of RCW 28A.310.350 and 28A.310.360 is to further identify those core services in order to prepare educational service district budgets for the 1979-81 biennium, and those bienniums beyond. [1990 c 33 s 286; 1977 ex.s. c 283 s 9. Formerly RCW 28A.21.136.]

Severability—1977 ex.s. c 283: See note following RCW 28A.310.010.

RCW 28A.310.350 Identification of core services for budget purposes—Specific services listed. The basic core services and cost upon which educational service districts are budgeted shall include, but not be limited to, the following:

(1) Educational service district administration and facilities such as office space, maintenance and utilities;

(2) Cooperative administrative services such as assistance in carrying out procedures to abolish sex and race bias in school programs, fiscal services, grants management services, special education services and transportation services;

(3) Personnel services such as certification/registration services;

(4) Learning resource services such as audiovisual aids;

(5) Cooperative curriculum services such as health promotion and health education services, in-service training, workshops and assessment;

(6) Professional development services identified by statute or the omnibus appropriations act; and

(7) Special needs of local education agencies. [2007 c 402 s 8; 1977 ex.s. c 283 s 10. Formerly RCW 28A.21.137.]

Captions not law—2007 c 402: See note following RCW 28A.415.340.

Severability—1977 ex.s. c 283: See note following RCW 28A.310.010.

RCW 28A.310.360 Identification of core services for budget purposes—Formula utilized for ESD's biennial budget request. The superintendent of public instruction, pursuant to RCW 28A.310.330 shall prepare the biennial budget request for the operation of educational service districts based upon a formula using the following factors:

(1) The core service cost itemized in RCW 28A.310.350 which shall receive primary weighting for formula purposes;

(2) A weighting factor constituting a geographical factor which shall be used to weight the larger sized educational service districts for formula purposes; and

(3) A weighting factor which shall be based on the number and size of local school districts within each educational service district for formula purposes.

The sum of subsection (1) of this section, together with the weighting factors of subsections (2) and (3) of this section for each educational service district, shall reflect the variables among the educational service districts and when combined, a total budget for all educational service districts shall be the result. [1990 c 33 s 287; 1977 ex.s. c 283 s 11. Formerly RCW 28A.21.138.]

Severability—1977 ex.s. c 283: See note following RCW 28A.310.010.

RCW 28A.310.370 District budget—State funds, allocation of—District general expense fund—Created, deposits, expenditures. 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 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. [1983 c 56 s 4; 1975 1st ex.s. c 275 s 31; 1971 ex.s. c 282 s 22; 1969 ex.s. c 176 s 14. Formerly RCW 28A.21.140, 28.19.565.]

Severability—1983 c 56: See note following RCW 28A.195.010.

Severability—1971 ex.s. c 282: See note following RCW 28A.310.010.

Severability—Rights preserved—1969 ex.s. c 176: See notes following RCW 28A.310.010.

RCW 28A.310.390 District budget request—Procedure for approval. The biennial budget request of each educational service district shall be approved by the respective educational service district board and then forwarded to the superintendent of public instruction for revision and approval as provided in RCW 28A.310.370. [1990 c 33 s 288; 1975 1st ex.s. c 275 s 33; 1971 ex.s. c 282 s 21; 1969 ex.s. c 176 s 17. Formerly RCW 28A.21.170, 28.19.580.]

Severability—1971 ex.s. c 282: See note following RCW 28A.310.010.

Severability—Rights preserved—1969 ex.s. c 176: See notes following RCW 28A.310.010.

RCW 28A.310.395 State funding—Benefits covered by a collective bargaining agreement. State funding shall be provided to each educational service district for the employer cost of school employees' benefits that are provided to employees of an educational service district that are covered by a collective bargaining agreement. [2022 c 87 s 1.]

RCW 28A.310.400 Legal services. The superintendent of public instruction shall be responsible for the provision of legal services to all educational service districts: PROVIDED, That any educational service district board may contract with any county for the legal services of its prosecuting attorney. [1975 1st ex.s. c 275 s 35; 1974 ex.s. c 75 s 23. Formerly RCW 28A.21.195.]

Severability—1974 ex.s. c 75: See note following RCW 28A.310.030.

RCW 28A.310.410 Ex officio treasurer of district. The county treasurer of the county in which the headquarters office of the

educational service district is located shall serve as the ex officio treasurer of the district. The treasurer shall keep all funds and moneys of the district separate and apart from all other funds and moneys in the treasurer's custody and shall disburse such moneys only upon proper order of the educational service district board or superintendent. [1990 c 33 s 289; 1975 1st ex.s. c 275 s 36; 1969 ex.s. c 176 s 21. Formerly RCW 28A.21.200, 28.19.595.]

Severability—Rights preserved—1969 ex.s. c 176: See notes following RCW 28A.310.010.

RCW 28A.310.420 County or intermediate district superintendent and board employees to terminate or transfer employment—Benefits retained. As of July 1, 1969, employees of the various offices of county or intermediate district superintendent and county or intermediate district board shall terminate their employment therein, or such employees, at their election, may transfer their employment to the new intermediate school district in which their respective county is located. If such employment is so transferred, each employee shall retain the same leave benefits and other benefits that he or she had in his or her previous position. If the intermediate school district has a different system of computing leave benefits and other benefits, then the employee shall be granted the same leave and other benefits as a person will receive who would have had similar occupational status and total years of service with the new intermediate school district. [1990 c 33 s 290; 1969 ex.s. c 176 s 22. Formerly RCW 28A.21.210, 28.19.600.]

Severability—Rights preserved—1969 ex.s. c 176: See notes following RCW 28A.310.010.

RCW 28A.310.430 Local school district superintendents to advise board and superintendent. The superintendents of all local school districts within an educational service district shall serve in an advisory capacity to the educational service district board and superintendent in matters pertaining to budgets, programs, policy, and staff. [1975 1st ex.s. c 275 s 37; 1971 ex.s. c 282 s 28; 1969 ex.s. c 176 s 23. Formerly RCW 28A.21.220, 28.19.605.]

Severability—1971 ex.s. c 282: See note following RCW 28A.310.010.

Severability—Rights preserved—1969 ex.s. c 176: See notes following RCW 28A.310.010.

RCW 28A.310.440 ESD as self-insurer—Authority. The board of directors of any educational service district is authorized to enter into agreements with the board of directors of any local school district and/or other educational service districts to form a self-insurance group for the purpose of qualifying as a self-insurer under chapter 51.14 RCW. [1982 c 191 s 9. Formerly RCW 28A.21.255.]

Severability—1982 c 191: See note following RCW 28A.335.210.

Educational service districts as self-insurers: RCW 51.14.150 and 51.14.160.

RCW 28A.310.460 Contracts to lease building space and portable buildings and lease or have maintained security systems, computers and other equipment. The board of any educational service district may enter into contracts for their respective districts for periods not exceeding twenty years in duration with public and private persons, organizations, and entities for the following purposes:

(1) To rent or lease building space, portable buildings, security systems, computers and other equipment; and

(2) To have maintained and repaired security systems, computers and other equipment.

The budget of each educational service district shall identify that portion of each contractual liability incurred pursuant to this section extending beyond the fiscal year by amount, duration, and nature of the contracted service and/or item in accordance with rules and regulations of the superintendent of public instruction adopted pursuant to RCW 28A.310.330 and 28A.505.140. [1990 c 33 s 291; 1987 c 508 s 2; 1977 ex.s. c 210 s 2. Formerly RCW 28A.21.310.]

Severability—1977 ex.s. c 210: See note following RCW 28A.335.170.

RCW 28A.310.470 Delegation to ESD of SPI program, project or service—Contract. The superintendent of public instruction may delegate to any educational service district or combination of educational service districts all or any portion of a program, project, or service authorized or directed by the legislature to be performed by the superintendent of public instruction: PROVIDED, That any such delegation shall be by contract pursuant to chapter 39.34 RCW, as now or hereafter amended. [1977 ex.s. c 283 s 5. Formerly RCW 28A.21.350.]

Severability—1977 ex.s. c 283: See note following RCW 28A.310.010.

RCW 28A.310.480 Delegation to ESD of state board of education program, project or service—Contract. The state board of education may delegate to any educational service district or combination of educational service districts all or any portion of a program, project, or service authorized or directed by the legislature to be performed by the state board of education: PROVIDED, That any such delegation shall be by contract pursuant to chapter 39.34 RCW, as now or hereafter amended. [1977 ex.s. c 283 s 6. Formerly RCW 28A.21.355.]

Severability—1977 ex.s. c 283: See note following RCW 28A.310.010.

RCW 28A.310.490 ESD employee attendance incentive program—Remuneration or benefit plan for unused sick leave. Every educational

service district board of directors shall establish an attendance incentive program for all certificated and classified employees in the following manner.

(1) In January of the year following any year in which a minimum of sixty days of leave for illness or injury is accrued, and each January thereafter, any eligible employee may exercise an option to receive remuneration for unused leave for illness or injury accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued leave for illness or injury in excess of sixty days. Leave for illness or injury for which compensation has been received shall be deducted from accrued leave for illness or injury at the rate of four days for every one day's monetary compensation. No employee may receive compensation under this section for any portion of leave for illness or injury accumulated at a rate in excess of one day per month.

(2) At the time of separation from educational service district employment due to retirement or death an eligible employee or the employee's estate shall receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days accrued leave for illness or injury.

(3) In lieu of remuneration for unused leave for illness or injury as provided for in subsections (1) and (2) of this section, an educational service district board of directors may, with equivalent funds, provide eligible employees a benefit plan that provides reimbursement for medical expenses. Any benefit plan adopted after July 28, 1991, shall require, as a condition of participation under the plan, that the employee sign an agreement with the district to hold the district harmless should the United States government find that the district or the employee is in debt to the United States as a result of the employee not paying income taxes due on the equivalent funds placed into the plan, or as a result of the district not withholding or deducting any tax, assessment, or other payment on such funds as required under federal law.

Moneys or benefits received under this section shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

The superintendent of public instruction in its administration hereof, shall promulgate uniform rules and regulations to carry out the purposes of this section.

Should the legislature revoke any benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right. [1997 c 13 s 7; 1991 c 92 s 1; 1989 c 69 s 1; 1985 c 341 s 9; 1980 c 182 s 6. Formerly RCW 28A.21.360.]

Severability—1980 c 182: See note following RCW 41.04.340.

RCW 28A.310.495 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 s 21.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

RCW 28A.310.500 Youth suicide screening and referral—Response to emotional or behavioral distress in students—Training for educators and staff—Suicide prevention training. (1) Each educational service district shall develop and maintain the capacity to offer training for educators and other school district staff on youth suicide screening and referral, and on recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. An educational service district may demonstrate capacity by employing staff with sufficient expertise to offer the training or by contracting with individuals or organizations to offer the training. Training may be offered on a fee-for-service basis, or at no cost to school districts or educators if funds are appropriated specifically for this purpose or made available through grants or other sources.

(2) (a) Subject to the availability of amounts appropriated for this specific purpose, Forefront at the University of Washington shall convene a one-day in-person training of student support staff from the educational service districts to deepen the staff's capacity to assist schools in their districts in responding to concerns about suicide. Educational service districts shall send staff members to the one-day in-person training within existing resources.

(b) Subject to the availability of amounts appropriated for this specific purpose, after establishing these relationships with the educational service districts, Forefront at the University of Washington must continue to meet with the educational service districts via videoconference on a monthly basis to answer questions that arise for the educational service districts, and to assess the feasibility of collaborating with the educational service districts to develop a multiyear, statewide rollout of a comprehensive school suicide prevention model involving regional trainings, on-site coaching, and cohorts of participating schools in each educational service district.

(c) Subject to the availability of amounts appropriated for this specific purpose, Forefront at the University of Washington must work to develop public-private partnerships to support the rollout of a comprehensive school suicide prevention model across Washington's middle and high schools.

(d) The comprehensive school suicide prevention model must consist of:

(i) School-specific revisions to safe school plans required under RCW 28A.320.125, to include procedures for suicide prevention, intervention, assessment, referral, reentry, and intervention and recovery after a suicide attempt or death;

(ii) Developing, within the school, capacity to train staff, teachers, parents, and students in how to recognize and support a student who may be struggling with behavioral health issues;

(iii) Improved identification such as screening, and response systems such as family counseling, to support students who are at risk;

(iv) Enhanced community-based linkages of support; and

(v) School selection of appropriate curricula and programs to enhance student awareness of behavioral health issues to reduce stigma, and to promote resilience and coping skills.

(e) Subject to the availability of amounts appropriated for this specific purpose, and by December 15, 2017, Forefront at the

University of Washington shall report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, with the outcomes of the educational service district trainings, any public-private partnership developments, and recommendations on ways to work with the educational service districts or others to implement suicide prevention. [2016 c 96 s 5; 2013 c 197 s 6.]

Findings—Intent—2016 c 96: See note following RCW 74.09.495.

Finding—Intent—2013 c 197: See note following RCW 43.20A.765.

Findings—Intent—2013 c 197: See note following RCW 28A.410.226.

RCW 28A.310.501 Civil liability—2013 c 197. This act does not create any civil liability on the part of the state or any state agency, officer, employee, agent, political subdivision, or school district. [2013 c 197 s 10.]

Finding—Intent—2013 c 197: See note following RCW 43.20A.765.

Findings—Intent—2013 c 197: See note following RCW 28A.410.226.

RCW 28A.310.510 Regional school safety centers. (1) Subject to the availability of amounts appropriated for this specific purpose, each educational service district must establish a regional school safety center as provided in this section.

(2) The regional school safety centers working in collaboration with one another and the state school safety center, established in RCW 28A.300.630, form a statewide network for school safety. The purpose of this statewide network is to provide coordination of school safety efforts throughout the state and to provide school safety resources to the school districts in each educational service district region.

(3) Working in collaboration with the office of the superintendent of public instruction and the statewide network, each regional school safety center must provide to the school districts in its region:

(a) Behavioral health coordination that, at a minimum, includes:

(i) Providing support for school district development and implementation of plans for recognition, initial screening, and response to emotional or behavioral distress in students as required by RCW 28A.320.127;

(ii) Suicide prevention training for school counselors, school psychologists, and school social workers;

(iii) Facilitating partnerships and coordination between school districts, public schools, and existing regional and local systems of behavioral health care services and supports in order to increase student and family access to the services and supports;

(iv) Assisting school districts and public schools in building capacity to identify and support students in need of behavioral health care services and to link students and families with community-based behavioral health care services;

(v) Identifying, sharing, and integrating, to the extent practicable, behavioral and physical health care service delivery models;

(vi) Providing medicaid billing related training, technical assistance, and coordination between school districts; and

(vii) Guidance in implementing best practices in response to, and to recover from, the suicide or attempted suicide of a student;

(b) School-based threat assessment coordination that, at a minimum, includes:

(i) Providing training and technical assistance regarding the use of the model policy and procedure to establish a school-based threat assessment program, developed under RCW 28A.300.640;

(ii) Assisting with ongoing identification and implementation of best practices for school-based threat assessment programs, described under RCW 28A.320.123; and

(iii) Building partnerships with community partners, such as behavioral health providers, law enforcement agencies, emergency responders, juvenile justice organizations, and child welfare agencies, for the purpose of implementing school-based threat assessment programs that comply with best practices;

(c) Assistance with coordinating other entities in the region to provide support to school districts before emergencies occur;

(d) Plan, coordinate, and deliver the trainings required by this subsection (3), and other school district staff trainings related to school safety, in order to maximize quality professional learning;

(e) Technical assistance to school districts seeking funding for first aid, health, and safety and security resources;

(f) Information about systems and programs that allow anonymous reporting of student concerns;

(g) Real-time support and assistance for school districts in crisis, such as offering information, technical assistance associated with best practices, and staff trained in responding to school emergencies;

(h) Develop collaborative relationships with community organizations, private schools, businesses, and others interested in supporting safe schools; and

(i) Other services consistent with state and federal school safety requirements, including comprehensive safe school planning under RCW 28A.320.125.

(4) The regional school safety centers may, based on the needs of the school districts in their region, and in collaboration with emergency responders, provide assistance to, and facilitate communication between, emergency responders and schools or school districts impacted by emergency situations. [2019 c 333 s 3.]

Findings—Intent—2019 c 333: See note following RCW 28A.300.630.

Intent—2019 c 333: See note following RCW 28A.320.124.

RCW 28A.310.515 School safety and security staff—Training program—Guidelines for on-the-job and check-in training. (1) (a) A safety and security staff training program is established. The program must be jointly developed by the educational service districts, but may be administered primarily by one or more educational service districts. The program must meet the requirements of this section.

(b) When developing the safety and security staff training program, the educational service districts should engage with the state school safety center established in RCW 28A.300.630 and the school safety and student well-being advisory committee established in RCW 28A.300.635.

(2) The educational service districts must identify or develop classroom training on the following subjects:

(a) Constitutional and civil rights of children in schools, including state law governing search and interrogation of youth in schools;

(b) Child and adolescent development;

(c) Trauma-informed approaches to working with youth;

(d) Recognizing and responding to youth mental health issues;

(e) Educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities;

(f) Bias free policing and cultural competency, including best practices for interacting with students from particular backgrounds, including English learner, LGBTQ, immigrant, female, and nonbinary students;

(g) Local and national disparities in the use of force and arrests of children;

(h) Collateral consequences of arrest, referral for prosecution, and court involvement;

(i) Resources available in the community that serve as alternatives to arrest and prosecution and pathways for youth to access services without court or criminal justice involvement;

(j) De-escalation techniques when working with youth or groups of youth;

(k) State law regarding restraint and isolation in schools, including RCW 28A.600.485;

(l) The federal family educational rights and privacy act (20 U.S.C. Sec. 1232g) requirements including limits on access to and dissemination of student records for noneducational purposes; and

(m) Restorative justice principles and practices.

(3) The educational service districts must provide, or arrange for the delivery of, classroom training on the subjects listed in subsection (2) of this section. At a minimum, classroom trainings on each subject must be provided annually, remotely, synchronously or asynchronously, and by at least one educational service district. Classroom training may be provided on a fee-for-service basis and should be self-supporting.

(4) The educational service districts must provide to safety and security staff, upon request, documentation that the safety and security staff training series described in RCW 28A.400.345(2) has been completed. Before providing this training series documentation, completion of each component of the training series must be verified or, in the case of safety and security staff with significant prior training and experience, waived.

(5) The educational service districts must develop and publish guidelines for on-the-job training and check-in training that include recommendations for identifying and recruiting experienced safety and security staff to provide the trainings, suggested activities during on-the-job trainings, and best practices for meaningful check-in trainings. The guidelines for check-in training must also include recommended frequency, possible topics of discussion, and options for connecting virtually.

(6) For purposes of this section, the term "safety and security staff" has the same meaning as in RCW 28A.320.124. [2021 c 38 s 4.]

Findings—Intent—2021 c 38: See note following RCW 28A.400.345.

RCW 28A.310.520 Posting of department of health information.

(1) Within existing resources, each educational service district that maintains a website must post a prominent link on their homepage to information from the department of health provided in accordance with RCW 70.54.490 that addresses substance use trends, overdose symptoms and response, and the secure storage of prescription drugs, over-the-counter medications, and firearms and ammunition.

(2) Each educational service district, for the purpose of informing students, families, and other interested persons about available health and safety resources, must also make the information from the department of health accessible through other internet-based communications, such as social media accounts used by the educational service district and through other digital and nondigital communications of the educational service district. Postings required by this subsection must be made multiple times annually and no less frequently than quarterly. [2023 c 173 s 3.]

Findings—Intent—2023 c 173: See note following RCW 70.54.490.

RCW 28A.310.530 Posting of complaint resolution and referral access point. Each educational service district shall post on its website a prominent link to the complaint resolution and referral access point maintained by the office of the education ombuds, described in RCW 43.06B.070. [2024 c 219 s 3.]