
SENATE BILL 5395

State of Washington

60th Legislature

2007 Regular Session

By Senators Clements, Holmquist, Hobbs, Kauffman, Rasmussen, Zarelli, Brandland and McAuliffe

Read first time 01/18/2007. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to school districts not being required to make up
2 school days missed due to unforeseen natural events or mechanical
3 failures occurring during the 2006-07 school year; creating a new
4 section; providing an expiration date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** (1) If during the 2006-07 school year a
7 school district is unable to fulfill for one or more schools as
8 officially scheduled the requirement of a full school year of one
9 hundred eighty days or the annual average total instructional hour
10 offering required by RCW 28A.150.220 and 28A.150.260 due to one or more
11 of the conditions listed in subsection (2) of this section, then the
12 school district is not required to make up any school days and the
13 state basic education moneys received by the school district pursuant
14 to RCW 28A.150.250 shall not be affected, but shall be provided as
15 though no school days were missed.

16 (2) The conditions required to meet subsection (1) of this section
17 are:

18 (a) An unforeseen natural event including, but not limited to, a

1 flood, windstorm, ice storm, or snowstorm, that has the direct or
2 indirect effect of rendering one or more school district facilities
3 unsafe, unhealthy, inaccessible, or inoperative; and

4 (b) An unforeseen mechanical failure including, but not limited to,
5 the discontinuance or disruption of utilities such as heating,
6 lighting, and water, that (i) is beyond the control of both a school
7 district board of directors and its employees and (ii) has the direct
8 or indirect effect of rendering one or more school district facilities
9 unsafe, unhealthy, inaccessible, or inoperative.

10 (3) For the purposes of this section, a condition is foreseeable to
11 the extent a reasonably prudent person would have anticipated before
12 August 1st of the preceding school year that the condition probably
13 would occur during the ensuing school year because of the occurrence of
14 an event or a circumstance that existed during the preceding school
15 year or a prior school year. A board of directors of a school district
16 is deemed for the purposes of this section to have knowledge of events
17 and circumstances that are a matter of common knowledge within the
18 school district and of those events and circumstances that can be
19 discovered upon prudent inquiry or inspection.

20 (4) This section expires August 31, 2007.

21 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of the
23 state government and its existing public institutions, and takes effect
24 immediately.

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