
SUBSTITUTE HOUSE BILL 1303

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Education (originally sponsored by Representatives Hickel, Johnson, Talcott, Smith, Backlund, McMorris, Radcliff, Thompson, Clements, Sheahan, B. Thomas, D. Schmidt, L. Thomas, Huff, Crouse, Robertson, Schoesler, Pennington, Cooke, Sullivan, Mitchell, Kastama, Dyer, Cairnes, Sump, Sterk, McDonald and Koster)

Read first time 02/18/97.

1 AN ACT Relating to education; amending RCW 28A.405.100, 41.59.020,
2 41.59.935, and 28A.335.170; adding new sections to chapter 28A.320 RCW;
3 adding a new section to chapter 28A.150 RCW; adding a new section to
4 chapter 28A.155 RCW; adding a new section to chapter 28A.165 RCW;
5 adding a new section to chapter 28A.175 RCW; adding a new section to
6 chapter 28A.180 RCW; adding a new section to chapter 28A.185 RCW;
7 adding a new section to chapter 28A.210 RCW; adding a new section to
8 chapter 28A.220 RCW; adding a new section to chapter 28A.225 RCW;
9 adding a new section to chapter 28A.230 RCW; adding a new section to
10 chapter 28A.235 RCW; adding a new section to chapter 28A.300 RCW;
11 adding a new section to chapter 28A.305 RCW; adding a new section to
12 chapter 28A.330 RCW; adding a new section to chapter 28A.400 RCW;
13 adding a new section to chapter 28A.405 RCW; adding a new section to
14 chapter 28A.410 RCW; adding a new section to chapter 28A.600 RCW;
15 adding a new section to chapter 28A.640 RCW; adding a new section to
16 chapter 41.59 RCW; creating a new section; and repealing RCW
17 28A.305.140, 28A.305.145, and 28A.630.945.

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

1 NEW SECTION. **Sec. 1.** As we face a more complex society and
2 increasing demands are placed on schools and the educational services
3 they provide for children, it is important that school districts are
4 provided with flexibility to determine how best to work within their
5 communities to ensure students are meeting high academic standards. It
6 is the intent of the legislature to allow schools to approach their
7 educational mission with both increased flexibility and accountability
8 that will assist them in better meeting the needs of the students in
9 their district.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320
11 RCW to read as follows:

12 (1) As provided in sections 4 through 23 of this act and RCW
13 41.59.020, the board of directors of each school district may grant
14 waivers, or partial waivers, of state laws and rules to schools within
15 the district. The school board shall grant waivers in accordance with
16 this section.

17 (2) To apply for waivers, a school principal must prepare an
18 application to the board of directors that identifies which laws and
19 rules are being requested for waiver and the rationale for the request.
20 The rationale must identify how granting the waivers will improve
21 student learning or the delivery of education services in the school.
22 In developing the application, principals shall seek involvement from
23 the school's superintendent, site council, school staff, and parents.

24 (3) The school board shall provide for public review and comment
25 regarding the waiver request.

26 (4) The duration, renewal, and rescission of the waivers shall be
27 determined by the school district board of directors.

28 (5) The following may not be waived:

29 (a) Laws and rules pertaining to health, safety, and civil rights;

30 (b) The goals of the basic education act in RCW 28A.150.210 and the
31 essential academic learning requirements being developed by the
32 commission on student learning in RCW 28A.630.885;

33 (c) The assessment, accountability, and reporting requirements in
34 RCW 28A.230.190, the fourth grade standardized test; RCW 28A.230.230,
35 the eighth grade standardized test; RCW 28A.230.240, the eleventh grade
36 standardized test; RCW 28A.630.885, assessment requirements as
37 developed by the commission on student learning; and RCW 28A.320.205,
38 the annual performance report;

1 (d) Requirements in RCW 28A.150.220 pertaining to the total number
2 of program hours that must be offered;

3 (e) State and federal financial reporting and auditing
4 requirements; and

5 (f) State constitutional requirements.

6 (6) The granting of waivers of state laws and rules pursuant to
7 chapter . . ., Laws of 1997 (this act) by school district boards of
8 directors as authorized in this section is not subject to collective
9 bargaining. A school district may not include provisions in a
10 collective bargaining agreement that limit the district's authority to
11 grant waivers under this section.

12 (7) School district boards of directors granting waivers to state
13 laws and rules shall certify to the superintendent of public
14 instruction that they have a waiver review process in effect and shall
15 transmit to the superintendent of public instruction and the state
16 board of education a list of laws and rules that have been waived in
17 accordance with this section and a description of the process used in
18 considering the waivers. The superintendent of public instruction and
19 the state board of education shall review the waivers of state laws and
20 rules within their respective jurisdictions. The waivers shall be
21 approved by the superintendent of public instruction or the state board
22 of education, as appropriate, if the school district board of directors
23 complied with the requirements of this section. The superintendent of
24 public instruction or state board of education, as appropriate, shall
25 approve or deny the waiver request, in whole or in part, within forty
26 calendar days of receiving the list of waivers. If the district
27 receives no response from either the superintendent of public
28 instruction or the state board of education after forty days, the
29 waiver shall be deemed uncontested. If a waiver is contested by the
30 superintendent of public instruction or the state board of education,
31 either as appropriate, may make recommendations to the district that
32 will assist the district in accomplishing the goal sought through the
33 waiver. The state board of education may delegate the responsibility
34 for reviewing and approving or denying the waivers to its staff if an
35 appeal procedure to the board is provided.

36 (8) School district boards of directors granting waivers shall
37 report annually to the superintendent of public instruction the impact
38 on student learning or delivery of education services resulting from
39 the waivers granted.

1 (9) The superintendent of public instruction and state board of
2 education shall report to the legislature by November 1, 2000, the laws
3 and rules that have been waived in accordance with this section.

4 NEW SECTION. **Sec. 3.** The following acts or parts of acts are each
5 repealed:

6 (1) RCW 28A.305.140 and 1992 c 141 s 302, 1990 c 33 s 267, & 1985
7 c 349 s 6;

8 (2) RCW 28A.305.145 and 1993 c 336 s 302; and

9 (3) RCW 28A.630.945 and 1995 c 208 s 1.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.150
11 RCW to read as follows:

12 Schools may obtain, in accordance with section 2 of this act,
13 waivers from the statutory requirements in this chapter that pertain to
14 the instructional program, operation, and management of schools.
15 Waivers also may be obtained, in accordance with section 2 of this act,
16 from any rules of the state board of education and superintendent of
17 public instruction adopted to implement the statutory requirements.

18 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.155
19 RCW to read as follows:

20 Schools may obtain, in accordance with section 2 of this act,
21 waivers from the statutory requirements in this chapter that pertain to
22 the instructional program, operation, and management of schools.
23 Waivers also may be obtained, in accordance with section 2 of this act,
24 from any rules of the state board of education and superintendent of
25 public instruction adopted to implement the statutory requirements.
26 School districts may not waive the district's obligation to meet all
27 state and federal statutes applicable to the education of individuals
28 with disabilities.

29 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.165
30 RCW to read as follows:

31 Schools may obtain, in accordance with section 2 of this act,
32 waivers from the statutory requirements in this chapter that pertain to
33 the instructional program, operation, and management of schools.
34 Waivers also may be obtained, in accordance with section 2 of this act,

1 from any rules of the state board of education and superintendent of
2 public instruction adopted to implement the statutory requirements.

3 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.175
4 RCW to read as follows:

5 Schools may obtain, in accordance with section 2 of this act,
6 waivers from the statutory requirements in this chapter that pertain to
7 the instructional program, operation, and management of schools.
8 Waivers also may be obtained, in accordance with section 2 of this act,
9 from any rules of the state board of education and superintendent of
10 public instruction adopted to implement the statutory requirements.

11 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.180
12 RCW to read as follows:

13 Schools may obtain, in accordance with section 2 of this act,
14 waivers from the statutory requirements in this chapter that pertain to
15 the instructional program, operation, and management of schools.
16 Waivers also may be obtained, in accordance with section 2 of this act,
17 from any rules of the state board of education and superintendent of
18 public instruction adopted to implement the statutory requirements.

19 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.185
20 RCW to read as follows:

21 Schools may obtain, in accordance with section 2 of this act,
22 waivers from the statutory requirements in this chapter that pertain to
23 the instructional program, operation, and management of schools.
24 Waivers also may be obtained, in accordance with section 2 of this act,
25 from any rules of the state board of education and superintendent of
26 public instruction adopted to implement the statutory requirements.

27 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.210
28 RCW to read as follows:

29 Schools may obtain, in accordance with section 2 of this act,
30 waivers from the statutory requirements in this chapter that pertain to
31 the instructional program, operation, and management of schools.
32 Waivers also may be obtained, in accordance with section 2 of this act,
33 from any rules of the state board of education and superintendent of
34 public instruction adopted to implement the statutory requirements.

1 NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.220
2 RCW to read as follows:

3 Schools may obtain, in accordance with section 2 of this act,
4 waivers from the statutory requirements in this chapter that pertain to
5 the instructional program, operation, and management of schools.
6 Waivers also may be obtained, in accordance with section 2 of this act,
7 from any rules of the state board of education and superintendent of
8 public instruction adopted to implement the statutory requirements.

9 NEW SECTION. **Sec. 12.** A new section is added to chapter 28A.225
10 RCW to read as follows:

11 Schools may obtain, in accordance with section 2 of this act,
12 waivers from the statutory requirements in this chapter that pertain to
13 the instructional program, operation, and management of schools.
14 Waivers also may be obtained, in accordance with section 2 of this act,
15 from any rules of the state board of education and superintendent of
16 public instruction adopted to implement the statutory requirements.

17 NEW SECTION. **Sec. 13.** A new section is added to chapter 28A.230
18 RCW to read as follows:

19 Schools may obtain, in accordance with section 2 of this act,
20 waivers from the statutory requirements in this chapter that pertain to
21 the instructional program, operation, and management of schools.
22 Waivers also may be obtained, in accordance with section 2 of this act,
23 from any rules of the state board of education and superintendent of
24 public instruction adopted to implement the statutory requirements.

25 NEW SECTION. **Sec. 14.** A new section is added to chapter 28A.235
26 RCW to read as follows:

27 Schools may obtain, in accordance with section 2 of this act,
28 waivers from the statutory requirements in this chapter that pertain to
29 the instructional program, operation, and management of schools.
30 Waivers also may be obtained, in accordance with section 2 of this act,
31 from any rules of the state board of education and superintendent of
32 public instruction adopted to implement the statutory requirements.

33 NEW SECTION. **Sec. 15.** A new section is added to chapter 28A.300
34 RCW to read as follows:

1 Schools may obtain, in accordance with section 2 of this act,
2 waivers from the statutory requirements in this chapter that pertain to
3 the instructional program, operation, and management of schools.
4 Waivers also may be obtained, in accordance with section 2 of this act,
5 from any rules of the state board of education and superintendent of
6 public instruction adopted to implement the statutory requirements.

7 NEW SECTION. **Sec. 16.** A new section is added to chapter 28A.305
8 RCW to read as follows:

9 Schools may obtain, in accordance with section 2 of this act,
10 waivers from the statutory requirements in this chapter that pertain to
11 the instructional program, operation, and management of schools.
12 Waivers also may be obtained, in accordance with section 2 of this act,
13 from any rules of the state board of education and superintendent of
14 public instruction adopted to implement the statutory requirements.

15 NEW SECTION. **Sec. 17.** A new section is added to chapter 28A.320
16 RCW to read as follows:

17 Schools may obtain, in accordance with section 2 of this act,
18 waivers from the statutory requirements in this chapter that pertain to
19 the instructional program, operation, and management of schools.
20 Waivers also may be obtained, in accordance with section 2 of this act,
21 from any rules of the state board of education and superintendent of
22 public instruction adopted to implement the statutory requirements. No
23 waivers may be obtained from section 2 of this act.

24 NEW SECTION. **Sec. 18.** A new section is added to chapter 28A.330
25 RCW to read as follows:

26 Schools may obtain, in accordance with section 2 of this act,
27 waivers from the statutory requirements in this chapter that pertain to
28 the instructional program, operation, and management of schools.
29 Waivers also may be obtained, in accordance with section 2 of this act,
30 from any rules of the state board of education and superintendent of
31 public instruction adopted to implement the statutory requirements.

32 NEW SECTION. **Sec. 19.** A new section is added to chapter 28A.400
33 RCW to read as follows:

34 Schools may obtain, in accordance with section 2 of this act,
35 waivers from the statutory requirements in this chapter that pertain to

1 the instructional program, operation, and management of schools.
2 Waivers also may be obtained, in accordance with section 2 of this act,
3 from any rules of the state board of education and superintendent of
4 public instruction adopted to implement the statutory requirements.

5 NEW SECTION. **Sec. 20.** A new section is added to chapter 28A.405
6 RCW to read as follows:

7 Schools may obtain, in accordance with section 2 of this act,
8 waivers from the statutory requirements in this chapter that pertain to
9 the instructional program, operation, and management of schools.
10 Waivers also may be obtained, in accordance with section 2 of this act,
11 from any rules of the state board of education and superintendent of
12 public instruction adopted to implement the statutory requirements.

13 NEW SECTION. **Sec. 21.** A new section is added to chapter 28A.410
14 RCW to read as follows:

15 Schools may obtain, in accordance with section 2 of this act,
16 waivers from the statutory requirements in this chapter that pertain to
17 the instructional program, operation, and management of schools.
18 Waivers also may be obtained, in accordance with section 2 of this act,
19 from any rules of the state board of education and superintendent of
20 public instruction adopted to implement the statutory requirements.

21 NEW SECTION. **Sec. 22.** A new section is added to chapter 28A.600
22 RCW to read as follows:

23 Schools may obtain, in accordance with section 2 of this act,
24 waivers from the statutory requirements in this chapter that pertain to
25 the instructional program, operation, and management of schools.
26 Waivers also may be obtained, in accordance with section 2 of this act,
27 from any rules of the state board of education and superintendent of
28 public instruction adopted to implement the statutory requirements.

29 NEW SECTION. **Sec. 23.** A new section is added to chapter 28A.640
30 RCW to read as follows:

31 Schools may obtain, in accordance with section 2 of this act,
32 waivers from the statutory requirements in this chapter that pertain to
33 the instructional program, operation, and management of schools.
34 Waivers also may be obtained, in accordance with section 2 of this act,

1 from any rules of the state board of education and superintendent of
2 public instruction adopted to implement the statutory requirements.

3 **Sec. 24.** RCW 28A.405.100 and 1994 c 115 s 1 are each amended to
4 read as follows:

5 (1) The superintendent of public instruction shall establish and
6 may amend from time to time minimum criteria for the evaluation of the
7 professional performance capabilities and development of certificated
8 classroom teachers and certificated support personnel. For classroom
9 teachers the criteria shall be developed in the following categories:
10 Instructional skill; classroom management, professional preparation and
11 scholarship; effort toward improvement when needed; the handling of
12 student discipline and attendant problems; and interest in teaching
13 pupils and knowledge of subject matter.

14 Every board of directors shall, in accordance with procedure
15 provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920,
16 establish evaluative criteria and procedures for all certificated
17 classroom teachers and certificated support personnel. The evaluative
18 criteria must contain as a minimum the criteria established by the
19 superintendent of public instruction pursuant to this section and must
20 be prepared within six months following adoption of the superintendent
21 of public instruction's minimum criteria. The district must certify to
22 the superintendent of public instruction that evaluative criteria have
23 been so prepared by the district.

24 Except as provided in subsection (5) of this section, it shall be
25 the responsibility of a principal or his or her designee to evaluate
26 all certificated personnel in his or her school. During each school
27 year all classroom teachers and certificated support personnel,
28 hereinafter referred to as "employees" in this section, shall be
29 observed for the purposes of evaluation at least twice in the
30 performance of their assigned duties. Total observation time for each
31 employee for each school year shall be not less than sixty minutes.
32 Following each observation, or series of observations, the principal or
33 other evaluator shall promptly document the results of the observation
34 in writing, and shall provide the employee with a copy thereof within
35 three days after such report is prepared. New employees shall be
36 observed at least once for a total observation time of thirty minutes
37 during the first ninety calendar days of their employment period.

1 (~~Every~~) At any time after October 15th, an employee whose work is
2 judged unsatisfactory based on district evaluation criteria shall be
3 notified in writing of (~~stated~~) the specific areas of deficiencies
4 along with a (~~suggested specific and~~) reasonable program for
5 improvement (~~on or before February 1st of each year~~)). During the
6 period of probation, the employee may not be transferred from the
7 supervision of the original evaluator. Improvement of performance or
8 probable cause for nonrenewal must occur and be documented by the
9 original evaluator before any consideration of a request for transfer
10 or reassignment as contemplated by either the individual or the school
11 district. A probationary period of sixty school days shall be
12 established (~~beginning on or before February 1st and ending no later~~
13 than May 1st)). The establishment of a probationary period does not
14 adversely affect the contract status of an employee within the meaning
15 of RCW 28A.405.300. The purpose of the probationary period is to give
16 the employee opportunity to demonstrate improvements in his or her
17 areas of deficiency. The establishment of the probationary period and
18 the giving of the notice to the employee of deficiency shall be by the
19 school district superintendent and need not be submitted to the board
20 of directors for approval. During the probationary period the
21 evaluator shall meet with the employee at least twice monthly to
22 supervise and make a written evaluation of the progress, if any, made
23 by the employee. The evaluator may authorize one additional
24 certificated employee to evaluate the probationer and to aid the
25 employee in improving his or her areas of deficiency; such additional
26 certificated employee shall be immune from any civil liability that
27 might otherwise be incurred or imposed with regard to the good faith
28 performance of such evaluation. The probationer may be removed from
29 probation if he or she has demonstrated improvement to the satisfaction
30 of the principal in those areas specifically detailed in his or her
31 initial notice of deficiency and subsequently detailed in his or her
32 improvement program. Lack of necessary improvement (~~shall be~~) during
33 the established probationary period, as specifically documented in
34 writing with notification to the probationer and shall constitute
35 grounds for a finding of probable cause under RCW 28A.405.300 or
36 28A.405.210.

37 (~~The establishment of a probationary period shall not be deemed to~~
38 ~~adversely affect the contract status of an employee within the meaning~~
39 ~~of RCW 28A.405.300.))~~

1 Immediately following the completion of a probationary period that
2 does not produce performance changes detailed in the initial notice of
3 deficiencies and improvement program, the employee may be removed from
4 his or her assignment and placed into an alternative assignment for the
5 remainder of the school year. This reassignment may not displace
6 another employee nor may it adversely affect the probationary
7 employee's compensation or benefits for the remainder of the employee's
8 contract year. If such reassignment is not possible, the district may,
9 at its option, place the employee on paid leave for the balance of the
10 contract term.

11 (2) Every board of directors shall establish evaluative criteria
12 and procedures for all superintendents, principals, and other
13 administrators. It shall be the responsibility of the district
14 superintendent or his or her designee to evaluate all administrators.
15 Such evaluation shall be based on the administrative position job
16 description. Such criteria, when applicable, shall include at least
17 the following categories: Knowledge of, experience in, and training in
18 recognizing good professional performance, capabilities and
19 development; school administration and management; school finance;
20 professional preparation and scholarship; effort toward improvement
21 when needed; interest in pupils, employees, patrons and subjects taught
22 in school; leadership; and ability and performance of evaluation of
23 school personnel.

24 (3) Each certificated employee shall have the opportunity for
25 confidential conferences with his or her immediate supervisor on no
26 less than two occasions in each school year. Such confidential
27 conference shall have as its sole purpose the aiding of the
28 administrator in his or her assessment of the employee's professional
29 performance.

30 (4) The failure of any evaluator to evaluate or supervise or cause
31 the evaluation or supervision of certificated employees or
32 administrators in accordance with this section, as now or hereafter
33 amended, when it is his or her specific assigned or delegated
34 responsibility to do so, shall be sufficient cause for the nonrenewal
35 of any such evaluator's contract under RCW 28A.405.210, or the
36 discharge of such evaluator under RCW 28A.405.300.

37 (5) After an employee has four years of satisfactory evaluations
38 under subsection (1) of this section, a school district may use a short
39 form of evaluation, a locally bargained evaluation emphasizing

1 professional growth, an evaluation under subsection (1) of this
2 section, or any combination thereof. The short form of evaluation
3 shall include either a thirty minute observation during the school year
4 with a written summary or a final annual written evaluation based on
5 the criteria in subsection (1) of this section and based on at least
6 two observation periods during the school year totaling at least sixty
7 minutes without a written summary of such observations being prepared.
8 However, the evaluation process set forth in subsection (1) of this
9 section shall be followed at least once every three years unless this
10 time is extended by a local school district under the bargaining
11 process set forth in chapter 41.59 RCW. The employee or evaluator may
12 require that the evaluation process set forth in subsection (1) of this
13 section be conducted in any given school year. No evaluation other
14 than the evaluation authorized under subsection (1) of this section may
15 be used as a basis for determining that an employee's work is
16 unsatisfactory under subsection (1) of this section or as probable
17 cause for the nonrenewal of an employee's contract under RCW
18 28A.405.210 unless an evaluation process developed under chapter 41.59
19 RCW determines otherwise.

20 NEW SECTION. **Sec. 25.** A new section is added to chapter 41.59 RCW
21 to read as follows:

22 In the case of school district employees and employers who are
23 parties to a collective bargaining agreement that is in effect on the
24 effective date of this section, chapter . . ., Laws of 1997 (this act)
25 does not apply with respect to issues in which there is a conflict
26 between chapter . . ., Laws of 1997 (this act) and the agreement until
27 the first day following expiration of the collective bargaining
28 agreement. On that day, chapter . . ., Laws of 1997 (this act) applies
29 without regard to renewal or extension of the agreement.

30 **Sec. 26.** RCW 41.59.020 and 1989 c 11 s 11 are each amended to read
31 as follows:

32 As used in this chapter:

33 (1) The term "employee organization" means any organization, union,
34 association, agency, committee, council, or group of any kind in which
35 employees participate, and which exists for the purpose, in whole or in
36 part, of collective bargaining with employers.

1 (2) The term "collective bargaining" or "bargaining" means the
2 performance of the mutual obligation of the representatives of the
3 employer and the exclusive bargaining representative to meet at
4 reasonable times in light of the time limitations of the budget-making
5 process, and to bargain in good faith in an effort to reach agreement
6 with respect to the wages, hours, and terms and conditions of
7 employment(~~(:—PROVIDED,—That)~~). "Collective bargaining" or
8 "bargaining" does not include transfer, assignment, or scheduling of
9 employees, the school year calendar, or the granting of waivers under
10 section 2 of this act. Prior law, practice or interpretation shall be
11 neither restrictive, expansive, nor determinative with respect to the
12 scope of bargaining. A written contract incorporating any agreements
13 reached shall be executed if requested by either party. The obligation
14 to bargain does not compel either party to agree to a proposal or to
15 make a concession.

16 In the event of a dispute between an employer and an exclusive
17 bargaining representative over the matters that are terms and
18 conditions of employment, the commission shall decide which item(s) are
19 mandatory subjects for bargaining and which item(s) are nonmandatory.

20 (3) The term "commission" means the public employment relations
21 commission established by RCW 41.58.010.

22 (4) The terms "employee" and "educational employee" means any
23 certificated employee of a school district, except:

24 (a) The chief executive officer of the employer.

25 (b) The chief administrative officers of the employer, which shall
26 mean the superintendent of the district, deputy superintendents,
27 administrative assistants to the superintendent, assistant
28 superintendents, and business manager. Title variation from all
29 positions enumerated in this subsection (b) may be appealed to the
30 commission for determination of inclusion in, or exclusion from, the
31 term "educational employee".

32 (c) Confidential employees, which shall mean:

33 (i) Any person who participates directly on behalf of an employer
34 in the formulation of labor relations policy, the preparation for or
35 conduct of collective bargaining, or the administration of collective
36 bargaining agreements, except that the role of such person is not
37 merely routine or clerical in nature but calls for the consistent
38 exercise of independent judgment; and

1 (ii) Any person who assists and acts in a confidential capacity to
2 such person.

3 (d) Unless included within a bargaining unit pursuant to RCW
4 41.59.080, any supervisor, which means any employee having authority,
5 in the interest of an employer, to hire, assign, promote, transfer,
6 layoff, recall, suspend, discipline, or discharge other employees, or
7 to adjust their grievances, or to recommend effectively such action, if
8 in connection with the foregoing the exercise of such authority is not
9 merely routine or clerical in nature but calls for the consistent
10 exercise of independent judgment, and shall not include any persons
11 solely by reason of their membership on a faculty tenure or other
12 governance committee or body. The term "supervisor" shall include only
13 those employees who perform a preponderance of the above-specified acts
14 of authority.

15 (e) Unless included within a bargaining unit pursuant to RCW
16 41.59.080, principals and assistant principals in school districts.

17 (5) The term "employer" means any school district.

18 (6) The term "exclusive bargaining representative" means any
19 employee organization which has:

20 (a) Been selected or designated pursuant to the provisions of this
21 chapter as the representative of the employees in an appropriate
22 collective bargaining unit; or

23 (b) Prior to January 1, 1976, been recognized under a predecessor
24 statute as the representative of the employees in an appropriate
25 collective bargaining or negotiations unit.

26 (7) The term "person" means one or more individuals, organizations,
27 unions, associations, partnerships, corporations, boards, committees,
28 commissions, agencies, or other entities, or their representatives.

29 (8) The term "nonsupervisory employee" means all educational
30 employees other than principals, assistant principals and supervisors.

31 **Sec. 27.** RCW 41.59.935 and 1990 c 33 s 571 are each amended to
32 read as follows:

33 Nothing in this chapter shall be construed to grant employers or
34 employees the right to reach agreements regarding:

35 (1) Salary or compensation increases in excess of those authorized
36 in accordance with RCW 28A.150.410 and 28A.400.200; or

37 (2) Limiting the employer's authority to grant waivers under
38 section 2 of this act.

1 **Sec. 28.** RCW 28A.335.170 and 1990 c 33 s 360 are each amended to
2 read as follows:

3 The board of directors of any school district may enter into
4 contracts for their respective districts for periods not exceeding five
5 years in duration with public and private persons, organizations, and
6 entities for the following purposes:

7 (1) To rent or lease building space, portable buildings, security
8 systems, computers and other equipment. A school district
9 administrator or principal may obtain, in accordance with section 2 of
10 this act, waivers from the five-year restriction. Waivers also may be
11 obtained, in accordance with section 2 of this act, from any rules of
12 the state board of education and superintendent of public instruction
13 adopted to implement the statutory requirements;

14 (2) To have maintained and repaired security systems, computers and
15 other equipment; and

16 (3) To provide pupil transportation services.

17 No school district may enter into a contract for pupil
18 transportation unless it has notified the superintendent of public
19 instruction that, in the best judgment of the district, the cost of
20 contracting will not exceed the projected cost of operating its own
21 pupil transportation.

22 The budget of each school district shall identify that portion of
23 each contractual liability incurred pursuant to this section extending
24 beyond the fiscal year by amount, duration, and nature of the
25 contracted service and/or item in accordance with rules and regulations
26 of the superintendent of public instruction adopted pursuant to RCW
27 28A.505.140 and 28A.310.330.

28 The provisions of this section shall not have any effect on the
29 length of contracts for school district employees specified by RCW
30 28A.400.300 and 28A.405.210.

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