

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1288**

55th Legislature  
1997 Regular Session

Passed by the House February 21, 1997  
Yeas 95 Nays 0

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**Speaker of the  
House of Representatives**

Passed by the Senate April 7, 1997  
Yeas 47 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1288** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 1288

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Passed Legislature - 1997 Regular Session

State of Washington                      55th Legislature                      1997 Regular Session

By Representatives Johnson, Hickel, Conway, Cody, Cole, Quall, Smith,  
Blalock, L. Thomas and D. Schmidt

Read first time 01/21/97. Referred to Committee on Education.

1            AN ACT Relating to changing the name of the noncertificated  
2 employee category; amending RCW 28A.150.260, 28A.150.260, 28A.170.050,  
3 28A.235.120, 28A.305.130, 28A.310.240, 28A.310.490, 28A.330.020,  
4 28A.400.210, 28A.400.300, 28A.400.310, 28A.400.380, 28A.405.465, and  
5 41.59.180; and providing a contingent effective date.

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

7            **Sec. 1.** RCW 28A.150.260 and 1995 c 77 s 2 are each amended to read  
8 as follows:

9            The basic education allocation for each annual average full time  
10 equivalent student shall be determined in accordance with the following  
11 procedures:

12            (1) The governor shall and the superintendent of public instruction  
13 may recommend to the legislature a formula based on a ratio of students  
14 to staff for the distribution of a basic education allocation for each  
15 annual average full time equivalent student enrolled in a common  
16 school. The distribution formula shall have the primary objective of  
17 equalizing educational opportunities and shall provide appropriate  
18 recognition of the following costs among the various districts within  
19 the state:

- 1 (a) Certificated instructional staff and their related costs;
- 2 (b) Certificated administrative staff and their related costs;
- 3 (c) Classified staff and their related costs;
- 4 (d) Nonsalary costs;
- 5 (e) Extraordinary costs of remote and necessary schools and small
- 6 high schools, including costs of additional certificated and classified
- 7 staff; and
- 8 (f) The attendance of students pursuant to RCW 28A.335.160 and
- 9 28A.225.250 who do not reside within the servicing school district.

10 (2)(a) This formula for distribution of basic education funds shall  
11 be reviewed biennially by the superintendent and governor. The  
12 recommended formula shall be subject to approval, amendment or  
13 rejection by the legislature. The formula shall be for allocation  
14 purposes only. While the legislature intends that the allocations for  
15 additional instructional staff be used to increase the ratio of such  
16 staff to students, nothing in this section shall require districts to  
17 reduce the number of administrative staff below existing levels.

18 (b) The formula adopted by the legislature shall reflect the  
19 following ratios at a minimum: (i) Forty-nine certificated  
20 instructional staff to one thousand annual average full time equivalent  
21 students enrolled in grades kindergarten through three; (ii) forty-six  
22 certificated instructional staff to one thousand annual average full  
23 time equivalent students in grades four through twelve; (iii) four  
24 certificated administrative staff to one thousand annual average full  
25 time equivalent students in grades kindergarten through twelve; and  
26 (iv) sixteen and sixty-seven one-hundredths classified personnel to one  
27 thousand annual average full time equivalent students enrolled in  
28 grades kindergarten through twelve.

29 (c) In the event the legislature rejects the distribution formula  
30 recommended by the governor, without adopting a new distribution  
31 formula, the distribution formula for the previous school year shall  
32 remain in effect: PROVIDED, That the distribution formula developed  
33 pursuant to this section shall be for state apportionment and  
34 equalization purposes only and shall not be construed as mandating  
35 specific operational functions of local school districts other than  
36 those program requirements identified in RCW 28A.150.220 and  
37 28A.150.100. The enrollment of any district shall be the annual  
38 average number of full time equivalent students and part time students  
39 as provided in RCW 28A.150.350, enrolled on the first school day of

1 each month and shall exclude full time equivalent students with  
2 disabilities recognized for the purposes of allocation of state funds  
3 for programs under RCW 28A.155.010 through 28A.155.100. The definition  
4 of full time equivalent student shall be determined by rules of the  
5 superintendent of public instruction: PROVIDED, That the definition  
6 shall be included as part of the superintendent's biennial budget  
7 request: PROVIDED, FURTHER, That any revision of the present  
8 definition shall not take effect until approved by the house  
9 appropriations committee and the senate ways and means committee:  
10 PROVIDED, FURTHER, That the office of financial management shall make  
11 a monthly review of the superintendent's reported full time equivalent  
12 students in the common schools in conjunction with RCW 43.62.050.

13 (3)(a) Certificated instructional staff shall include those persons  
14 employed by a school district who are nonsupervisory employees within  
15 the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases,  
16 people of unusual competence but without certification may teach  
17 students so long as a certificated person exercises general  
18 supervision: PROVIDED, FURTHER, That the hiring of such  
19 (~~noncertificated~~) classified people shall not occur during a labor  
20 dispute and such (~~noncertificated~~) classified people shall not be  
21 hired to replace certificated employees during a labor dispute.

22 (b) Certificated administrative staff shall include all those  
23 persons who are chief executive officers, chief administrative  
24 officers, confidential employees, supervisors, principals, or assistant  
25 principals within the meaning of RCW 41.59.020(4).

26 (4) Each annual average full time equivalent certificated classroom  
27 teacher's direct classroom contact hours shall average at least twenty-  
28 five hours per week. Direct classroom contact hours shall be exclusive  
29 of time required to be spent for preparation, conferences, or any other  
30 nonclassroom instruction duties. Up to two hundred minutes per week  
31 may be deducted from the twenty-five contact hour requirement, at the  
32 discretion of the school district board of directors, to accommodate  
33 authorized teacher/parent-guardian conferences, recess, passing time  
34 between classes, and informal instructional activity. Implementing  
35 rules to be adopted by the state board of education pursuant to RCW  
36 28A.150.220(4) shall provide that compliance with the direct contact  
37 hour requirement shall be based upon teachers' normally assigned weekly  
38 instructional schedules, as assigned by the district administration.  
39 Additional record-keeping by classroom teachers as a means of

1 accounting for contact hours shall not be required. Waivers from  
2 contact hours may be requested under RCW 28A.305.140.

3 **Sec. 2.** RCW 28A.150.260 and 1995 c 77 s 3 are each amended to read  
4 as follows:

5 The basic education allocation for each annual average full time  
6 equivalent student shall be determined in accordance with the following  
7 procedures:

8 (1) The governor shall and the superintendent of public instruction  
9 may recommend to the legislature a formula based on a ratio of students  
10 to staff for the distribution of a basic education allocation for each  
11 annual average full time equivalent student enrolled in a common  
12 school. The distribution formula shall have the primary objective of  
13 equalizing educational opportunities and shall provide appropriate  
14 recognition of the following costs among the various districts within  
15 the state:

16 (a) Certificated instructional staff and their related costs;

17 (b) Certificated administrative staff and their related costs;

18 (c) Classified staff and their related costs;

19 (d) Nonsalary costs;

20 (e) Extraordinary costs of remote and necessary schools and small  
21 high schools, including costs of additional certificated and classified  
22 staff; and

23 (f) The attendance of students pursuant to RCW 28A.335.160 and  
24 28A.225.250 who do not reside within the servicing school district.

25 (2)(a) This formula for distribution of basic education funds shall  
26 be reviewed biennially by the superintendent and governor. The  
27 recommended formula shall be subject to approval, amendment or  
28 rejection by the legislature. The formula shall be for allocation  
29 purposes only. While the legislature intends that the allocations for  
30 additional instructional staff be used to increase the ratio of such  
31 staff to students, nothing in this section shall require districts to  
32 reduce the number of administrative staff below existing levels.

33 (b) The formula adopted by the legislature shall reflect the  
34 following ratios at a minimum: (i) Forty-nine certificated  
35 instructional staff to one thousand annual average full time equivalent  
36 students enrolled in grades kindergarten through three; (ii) forty-six  
37 certificated instructional staff to one thousand annual average full  
38 time equivalent students in grades four through twelve; (iii) four

1 certificated administrative staff to one thousand annual average full  
2 time equivalent students in grades kindergarten through twelve; and  
3 (iv) sixteen and sixty-seven one-hundredths classified personnel to one  
4 thousand annual average full time equivalent students enrolled in  
5 grades kindergarten through twelve.

6 (c) In the event the legislature rejects the distribution formula  
7 recommended by the governor, without adopting a new distribution  
8 formula, the distribution formula for the previous school year shall  
9 remain in effect: PROVIDED, That the distribution formula developed  
10 pursuant to this section shall be for state apportionment and  
11 equalization purposes only and shall not be construed as mandating  
12 specific operational functions of local school districts other than  
13 those program requirements identified in RCW 28A.150.220 and  
14 28A.150.100. The enrollment of any district shall be the annual  
15 average number of full time equivalent students and part time students  
16 as provided in RCW 28A.150.350, enrolled on the first school day of  
17 each month and shall exclude full time equivalent students with  
18 disabilities recognized for the purposes of allocation of state funds  
19 for programs under RCW 28A.155.010 through 28A.155.100. The definition  
20 of full time equivalent student shall be determined by rules of the  
21 superintendent of public instruction: PROVIDED, That the definition  
22 shall be included as part of the superintendent's biennial budget  
23 request: PROVIDED, FURTHER, That any revision of the present  
24 definition shall not take effect until approved by the house  
25 appropriations committee and the senate ways and means committee:  
26 PROVIDED, FURTHER, That the office of financial management shall make  
27 a monthly review of the superintendent's reported full time equivalent  
28 students in the common schools in conjunction with RCW 43.62.050.

29 (3)(a) Certificated instructional staff shall include those persons  
30 employed by a school district who are nonsupervisory employees within  
31 the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases,  
32 people of unusual competence but without certification may teach  
33 students so long as a certificated person exercises general  
34 supervision: PROVIDED, FURTHER, That the hiring of such  
35 ((~~noncertificated~~)) classified people shall not occur during a labor  
36 dispute and such ((~~noncertificated~~)) classified people shall not be  
37 hired to replace certificated employees during a labor dispute.

38 (b) Certificated administrative staff shall include all those  
39 persons who are chief executive officers, chief administrative

1 officers, confidential employees, supervisors, principals, or assistant  
2 principals within the meaning of RCW 41.59.020(4).

3 **Sec. 3.** RCW 28A.170.050 and 1987 c 518 s 209 are each amended to  
4 read as follows:

5 The superintendent of public instruction shall appoint a substance  
6 abuse advisory committee comprised of: Representatives of certificated  
7 and (~~noncertificated~~) classified staff; administrators; parents;  
8 students; school directors; the bureau of alcohol and substance abuse  
9 within the department of social and health services; the traffic safety  
10 commission; and county coordinators of alcohol and drug treatment. The  
11 committee shall advise the superintendent on matters of local program  
12 development, coordination, and evaluation.

13 **Sec. 4.** RCW 28A.235.120 and 1990 c 33 s 247 are each amended to  
14 read as follows:

15 The directors of any school district may establish, equip and  
16 operate lunchrooms in school buildings for pupils, certificated and  
17 (~~noncertificated~~) classified employees, and for school or employee  
18 functions: PROVIDED, That the expenditures for food supplies shall not  
19 exceed the estimated revenues from the sale of lunches, federal lunch  
20 aid, Indian education fund lunch aid, or other anticipated revenue,  
21 including donations, to be received for that purpose: PROVIDED  
22 FURTHER, That the directors of any school district may provide for the  
23 use of kitchens and lunchrooms or other facilities in school buildings  
24 to furnish meals to elderly persons at cost as provided in RCW  
25 28A.623.020: PROVIDED, FURTHER, That the directors of any school  
26 district may provide for the use of kitchens and lunchrooms or other  
27 facilities in school buildings to furnish meals at cost as provided in  
28 RCW 28A.623.030 to children who are participating in educational or  
29 training or care programs or activities conducted by private, nonprofit  
30 organizations and entities and to students who are attending private  
31 elementary and secondary schools. Operation for the purposes of this  
32 section shall include the employment and discharge for sufficient cause  
33 of personnel necessary for preparation of food or supervision of  
34 students during lunch periods and fixing their compensation, payable  
35 from the district general fund, or entering into agreement with a  
36 private agency for the establishment, management and/or operation of a  
37 food service program or any part thereof.

1       **Sec. 5.** RCW 28A.305.130 and 1996 c 83 s 1 are each amended to read  
2 as follows:

3       In addition to any other powers and duties as provided by law, the  
4 state board of education shall:

5       (1) Approve or disapprove the program of courses leading to  
6 teacher, school administrator, and school specialized personnel  
7 certification offered by all institutions of higher education within  
8 the state which may be accredited and whose graduates may become  
9 entitled to receive such certification.

10       (2) Conduct every five years a review of the program approval  
11 standards, including the minimum standards for teachers,  
12 administrators, and educational staff associates, to reflect research  
13 findings and assure continued improvement of preparation programs for  
14 teachers, administrators, and educational staff associates.

15       (3) Investigate the character of the work required to be performed  
16 as a condition of entrance to and graduation from any institution of  
17 higher education in this state relative to such certification as  
18 provided for in subsection (1) above, and prepare a list of accredited  
19 institutions of higher education of this and other states whose  
20 graduates may be awarded such certificates.

21       (4)(a) The state board of education shall adopt rules to allow a  
22 teacher certification candidate to fulfill, in part, teacher  
23 preparation program requirements through work experience as a  
24 (~~noncertificated~~) classified teacher's aide in a public school or  
25 private school meeting the requirements of RCW 28A.195.010. The rules  
26 shall include, but are not limited to, limitations based upon the  
27 recency of the teacher preparation candidate's teacher aide work  
28 experience, and limitations based on the amount of work experience that  
29 may apply toward teacher preparation program requirements under this  
30 chapter.

31       (b) The state board of education shall require that at the time of  
32 the individual's enrollment in a teacher preparation program, the  
33 supervising teacher and the building principal shall jointly provide to  
34 the teacher preparation program of the higher education institution at  
35 which the teacher candidate is enrolled, a written assessment of the  
36 performance of the teacher candidate. The assessment shall contain  
37 such information as determined by the state board of education and  
38 shall include: Evidence that at least fifty percent of the candidate's  
39 work as a (~~noncertificated~~) classified teacher's aide was involved in

1 instructional activities with children under the supervision of a  
2 certificated teacher and that the candidate worked a minimum of six  
3 hundred thirty hours for one school year; the type of work performed by  
4 the candidate; and a recommendation of whether the candidate's work  
5 experience as a ((noncertificated)) classified teacher's aide should be  
6 substituted for teacher preparation program requirements. In  
7 compliance with such rules as may be established by the state board of  
8 education under this section, the teacher preparation programs of the  
9 higher education institution where the candidate is enrolled shall make  
10 the final determination as to what teacher preparation program  
11 requirements may be fulfilled by teacher aide work experience.

12 (5) Supervise the issuance of such certificates as provided for in  
13 subsection (1) above and specify the types and kinds of certificates  
14 necessary for the several departments of the common schools by rule or  
15 regulation in accordance with RCW 28A.410.010.

16 (6) Accredite, subject to such accreditation standards and  
17 procedures as may be established by the state board of education, all  
18 schools that apply for accreditation, and approve, subject to the  
19 provisions of RCW 28A.195.010, private schools carrying out a program  
20 for any or all of the grades kindergarten through twelve: PROVIDED,  
21 That no private school may be approved that operates a kindergarten  
22 program only: PROVIDED FURTHER, That no public or private schools  
23 shall be placed upon the list of accredited schools so long as secret  
24 societies are knowingly allowed to exist among its students by school  
25 officials: PROVIDED FURTHER, That the state board may elect to require  
26 all or certain classifications of the public schools to conduct and  
27 participate in such pre-accreditation examination and evaluation  
28 processes as may now or hereafter be established by the board.

29 (7) Make rules and regulations governing the establishment in any  
30 existing nonhigh school district of any secondary program or any new  
31 grades in grades nine through twelve. Before any such program or any  
32 new grades are established the district must obtain prior approval of  
33 the state board.

34 (8) Prepare such outline of study for the common schools as the  
35 board shall deem necessary, and prescribe such rules for the general  
36 government of the common schools, as shall seek to secure regularity of  
37 attendance, prevent truancy, secure efficiency, and promote the true  
38 interest of the common schools.

1 (9) Continuously reevaluate courses and adopt and enforce  
2 regulations within the common schools so as to meet the educational  
3 needs of students and articulate with the institutions of higher  
4 education and unify the work of the public school system.

5 (10) Carry out board powers and duties relating to the organization  
6 and reorganization of school districts under RCW 28A.315.010 through  
7 28A.315.680 and 28A.315.900.

8 (11) By rule or regulation promulgated upon the advice of the chief  
9 of the Washington state patrol, through the director of fire  
10 protection, provide for instruction of pupils in the public and private  
11 schools carrying out a K through 12 program, or any part thereof, so  
12 that in case of sudden emergency they shall be able to leave their  
13 particular school building in the shortest possible time or take such  
14 other steps as the particular emergency demands, and without confusion  
15 or panic; such rules and regulations shall be published and distributed  
16 to certificated personnel throughout the state whose duties shall  
17 include a familiarization therewith as well as the means of  
18 implementation thereof at their particular school.

19 (12) Hear and decide appeals as otherwise provided by law.

20 The state board of education is given the authority to promulgate  
21 information and rules dealing with the prevention of child abuse for  
22 purposes of curriculum use in the common schools.

23 **Sec. 6.** RCW 28A.310.240 and 1990 c 33 s 279 are each amended to  
24 read as follows:

25 (1) Every educational service district board shall adopt written  
26 policies granting leaves to persons under contracts of employment with  
27 the district in positions requiring either certification or  
28 (~~noncertification~~) classified qualifications, including but not  
29 limited to leaves for attendance at official or private institutes and  
30 conferences and sabbatical leaves for employees in positions requiring  
31 certification qualification, and leaves for illness, injury,  
32 bereavement, and emergencies for both certificated and  
33 (~~noncertificated~~) classified employees, with such compensation as the  
34 board prescribes. The board shall adopt written policies granting  
35 annual leave with compensation for illness, injury, and emergencies as  
36 follows:

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

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

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

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

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

21 (f) Accumulated leave under this section shall be transferred to  
22 educational service districts, school districts, and the office of the  
23 superintendent of public instruction, and from any such district or  
24 office to another such district or office. An intervening customary  
25 summer break in employment or the performance of employment duties  
26 shall not preclude such a transfer.

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

30 (3) Leave for illness or injury accumulated before July 23, 1989,  
31 under the administrative practices of an educational service district,  
32 and such leave transferred before July 23, 1989, to or from an  
33 educational service district, school district, or the office of the  
34 superintendent of public instruction under the administrative practices  
35 of the district or office, is declared valid and shall be added to such  
36 leave for illness or injury accumulated after July 23, 1989.

37 **Sec. 7.** RCW 28A.310.490 and 1991 c 92 s 1 are each amended to read  
38 as follows:

1 Every educational service district board of directors shall  
2 establish an attendance incentive program for all certificated and  
3 (~~noncertificated~~) classified employees in the following manner.

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

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

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

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

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

1       Should the legislature revoke any benefits granted under this  
2 section, no affected employee shall be entitled thereafter to receive  
3 such benefits as a matter of contractual right.

4       **Sec. 8.** RCW 28A.330.020 and 1990 c 33 s 342 are each amended to  
5 read as follows:

6       The election of the officers of the board of directors or to fill  
7 any vacancy as provided in RCW 28A.315.530, and the selection of the  
8 school district superintendent shall be by oral call of the roll of all  
9 the members, and no person shall be declared elected or selected unless  
10 he or she receives a majority vote of all the members of the board.  
11 Selection of other certificated and (~~noncertificated~~) classified  
12 personnel shall be made in such manner as the board shall determine.

13       **Sec. 9.** RCW 28A.400.210 and 1992 c 234 s 12 are each amended to  
14 read as follows:

15       Every school district board of directors may, in accordance with  
16 chapters 41.56 and 41.59 RCW, establish an attendance incentive program  
17 for all certificated and (~~noncertificated~~) classified employees in  
18 the following manner, including covering persons who were employed  
19 during the 1982-'83 school year:

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

32       (2) Except as provided in RCW 28A.400.212, at the time of  
33 separation from school district employment due to retirement or death  
34 an eligible employee or the employee's estate shall receive  
35 remuneration at a rate equal to one day's current monetary compensation  
36 of the employee for each four full days accrued leave for illness or  
37 injury.

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

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

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

20 Should the legislature revoke any benefits granted under this  
21 section, no affected employee shall be entitled thereafter to receive  
22 such benefits as a matter of contractual right.

23 **Sec. 10.** RCW 28A.400.300 and 1990 c 33 s 382 are each amended to  
24 read as follows:

25 Every board of directors, unless otherwise specially provided by  
26 law, shall:

27 (1) Employ for not more than one year, and for sufficient cause  
28 discharge all certificated and (~~noncertificated~~) classified  
29 employees;

30 (2) Adopt written policies granting leaves to persons under  
31 contracts of employment with the school district(s) in positions  
32 requiring either certification or (~~noncertification~~) classified  
33 qualifications, including but not limited to leaves for attendance at  
34 official or private institutes and conferences and sabbatical leaves  
35 for employees in positions requiring certification qualification, and  
36 leaves for illness, injury, bereavement and, emergencies for both  
37 certificated and (~~noncertificated~~) classified employees, and with  
38 such compensation as the board of directors prescribe: PROVIDED, That

1 the board of directors shall adopt written policies granting to such  
2 persons annual leave with compensation for illness, injury and  
3 emergencies as follows:

4 (a) For such persons under contract with the school district for a  
5 full year, at least ten days;

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

9 (c) For certificated and (~~noncertificated~~) classified employees,  
10 annual leave with compensation for illness, injury, and emergencies  
11 shall be granted and accrue at a rate not to exceed twelve days per  
12 year; provisions of any contract in force on June 12, 1980, which  
13 conflict with requirements of this subsection shall continue in effect  
14 until contract expiration; after expiration, any new contract executed  
15 between the parties shall be consistent with this subsection;

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

19 (e) Leave provided in this proviso not taken shall accumulate from  
20 year to year up to a maximum of one hundred eighty days for the  
21 purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes up  
22 to a maximum of the number of contract days agreed to in a given  
23 contract, but not greater than one year. Such accumulated time may be  
24 taken at any time during the school year or up to twelve days per year  
25 may be used for the purpose of payments for unused sick leave.

26 (f) Sick leave heretofore accumulated under section 1, chapter 195,  
27 Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under  
28 administrative practice of school districts prior to the effective date  
29 of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is  
30 hereby declared valid, and shall be added to leave for illness or  
31 injury accumulated under this proviso;

32 (g) Any leave for injury or illness accumulated up to a maximum of  
33 forty-five days shall be creditable as service rendered for the purpose  
34 of determining the time at which an employee is eligible to retire, if  
35 such leave is taken it may not be compensated under the provisions of  
36 RCW 28A.400.210 and 28A.310.490;

37 (h) Accumulated leave under this proviso shall be transferred to  
38 and from one district to another, the office of superintendent of  
39 public instruction and offices of educational service district

1 superintendents and boards, to and from such districts and such  
2 offices;

3 (i) Leave accumulated by a person in a district prior to leaving  
4 said district may, under rules and regulations of the board, be granted  
5 to such person when the person returns to the employment of the  
6 district.

7 When any certificated or classified employee leaves one school  
8 district within the state and commences employment with another school  
9 district within the state, the employee shall retain the same  
10 seniority, leave benefits and other benefits that the employee had in  
11 his or her previous position: PROVIDED, That classified employees who  
12 transfer between districts after July 28, 1985, shall not retain any  
13 seniority rights other than longevity when leaving one school district  
14 and beginning employment with another. If the school district to which  
15 the person transfers has a different system for computing seniority,  
16 leave benefits, and other benefits, then the employee shall be granted  
17 the same seniority, leave benefits and other benefits as a person in  
18 that district who has similar occupational status and total years of  
19 service.

20 **Sec. 11.** RCW 28A.400.310 and 1969 ex.s. c 223 s 28A.02.050 are  
21 each amended to read as follows:

22 The provisions of chapter 49.60 RCW as now or hereafter amended  
23 shall be applicable to the employment of any certificated or  
24 (~~noncertificated~~) classified employee by any school district  
25 organized in this state.

26 **Sec. 12.** RCW 28A.400.380 and 1990 c 23 s 4 are each amended to  
27 read as follows:

28 Every school district board of directors and educational service  
29 district superintendent may, in accordance with RCW 41.04.650 through  
30 41.04.665, establish and administer a leave sharing program for their  
31 certificated and (~~noncertificated~~) classified employees. For  
32 employees of school districts and educational service districts, the  
33 superintendent of public instruction shall adopt standards: (1)  
34 Establishing appropriate parameters for the program which are  
35 consistent with the provisions of RCW 41.04.650 through 41.04.665; and  
36 (2) establishing procedures to ensure that the program does not  
37 significantly increase the cost of providing leave.

1       **Sec. 13.** RCW 28A.405.465 and 1991 c 116 s 16 are each amended to  
2 read as follows:

3       Any school district may employ (~~noncertificated~~) classified  
4 personnel to supervise school children in noninstructional activities,  
5 and in instructional activities while under the supervision of a  
6 certificated employee.

7       **Sec. 14.** RCW 41.59.180 and 1975 1st ex.s. c 288 s 23 are each  
8 amended to read as follows:

9       Notwithstanding the definition of "employee" in RCW 41.59.020, the  
10 commission may exclude from the coverage of this chapter any  
11 specialized job category of an employer where a majority of the persons  
12 employed in that job category consists of (~~noncertificated~~)  
13 classified employees. At such time as a majority of such employees are  
14 certificated, the job category may be considered an appropriate unit  
15 under this chapter.

16       NEW SECTION. **Sec. 15.** Section 2 of this act shall take effect  
17 September 1, 2000. However, section 2 of this act shall not take  
18 effect if, by September 1, 2000, a law is enacted stating that a school  
19 accountability and academic assessment system is not in place.

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