

## CHAPTER 142

[Substitute House Bill No. 413]

EDUCATION--DISTRICT PERSONNEL, DEFENSES, INSURANCE--  
TEACHERS, LEAVE, REPLACEMENT--REALTY SALES, AGENTS--RULES,  
INTERPRETATION

AN ACT Relating to education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Whenever any action, claim or proceeding is instituted against any director, officer, employee or agent of a school district or intermediate school district arising out of the performance or failure of performance of duties for, or employment with any such district, the board of directors of the school district or intermediate school district board, as the case may be, may grant a request by such person that the prosecuting attorney and/or attorney of the district's choosing be authorized to defend said claim, suit or proceeding, and the costs of defense, attorney's fees, and any obligation for payment arising from such action may be paid from the school district's general fund, or in the case of an intermediate school district, from any appropriation made for the support of the intermediate school district, to which said person is attached: PROVIDED, That costs of defense and/or judgment against such person shall not be paid in any case where the court has found that such person was not acting in good faith or within the scope of his employment with or duties for the district.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Any school district board of directors and intermediate school district board are authorized to purchase insurance to protect and hold personally harmless any director, officer, employee or agent of the respective school district or intermediate school district from any action, claim or proceeding instituted against him arising out of the performance or failure of performance of duties for or employment with such institution and to hold him harmless from any expenses connected with the defense, settlement or monetary judgments from such actions.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW a new section to read as

follows:

Certificated employees subject to the provisions of this chapter shall not include those certificated employees hired to replace certificated employees who have been granted sabbatical, regular, or other leave by school districts: PROVIDED, That certificated employees hired under the provisions of this section shall be accorded preferential treatment for future employment by the hiring district in the event that positions for which they qualify subsequently become available.

It is not the intention of the legislature that this section apply to any regularly hired certificated employee or that the legal or constitutional rights of such employee be limited, abridged, or abrogated.

NEW SECTION. Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

In addition to the powers conferred under RCW 28A.58.045, the board of directors of any school district may, in the event the board finds that a sale of real property cannot be made in the manner provided by RCW 28A.58.045, engage an agent to negotiate the sale of any real property, the sale of which is authorized under RCW 28A.58.045: PROVIDED, That the board shall not obligate the school district to pay a fee for any such agent's services unless a sale be concluded for not less than ninety percent of the appraised value thereof.

NEW SECTION. Sec. 5. There is added to chapter 28A.58 RCW a new section to read as follows:

The rules adopted pursuant to RCW 28A.58.101 shall be interpreted to insure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere.

NEW SECTION. Sec. 6. Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

Passed the House February 19, 1972.

Passed the Senate February 18, 1972.

Approved by the Governor February 25, 1972 with the exception of an item in section 3 which is vetoed.

Filed in Office of Secretary of State February 28, 1972.

Note: Governor's explanation of partial veto is as follows:

"...Section 3 of this bill permits school districts to hire certificated employees to replace staff personnel who have been granted leaves by the district without being bound by the qualifications chapter with its rules on the termination of teachers once hired. The proviso in section 3 mandates that school districts give preferential treatment to teachers hired to fill these vacancies if a permanent staff position subsequently becomes available in the district. This proviso is not limited to a specific time period so teachers hired to fill a vacancy could return to the district a number of years after their initial temporary employment and demand preferential treatment under this section. Additionally, this proviso would eliminate the practice of many school districts that hire experienced teachers on a one-year basis to fill leave vacancies when they could not afford to hire a teacher at that experience level on a permanent status. If these teachers must be given preferential treatment for vacancies which occur after the one year for which they were first hired, school districts may well be forced to hire only inexperienced teachers for such positions.

Veto  
Message

I believe that school districts must be bound by the provisions now existing in the common school code when hiring and retaining teachers on a permanent basis but should also be given the flexibility contemplated by the first portion of this section to hire teachers for a short term to fill vacancies created by permanent staff members on leave. I have therefore vetoed the proviso in section 3 of the bill.

With the exception of this item in section 3, the remainder of the bill is approved."

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CHAPTER 143

[House Bill No. 521]

TUBERCULOSIS AND TUBERCULOSIS HOSPITALIZATION

AN ACT Relating to tuberculosis and tuberculosis hospitalization; amending section 11, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.070; adding new sections to chapter 70.30 RCW; adding new sections to chapter 70.35 RCW; repealing section 1, chapter 172, Laws of 1913, section 8, chapter 54, Laws of 1967 and RCW 70.30.010; repealing section 2, chapter 172, Laws of 1913, section 1, chapter 68, Laws of 1945 and RCW 70.30.020;