

such termination after demand by the affected escrow officer shall work a forfeiture of the escrow agent's certificate of registration.

The director may hold the escrow officer's license inactive for a period not exceeding three consecutive years upon application of the escrow officer: PROVIDED, That the escrow officer shall pay the annual renewal fee. Such license may be activated upon application of a certificated escrow agent on a form provided by the director, endorsement by an escrow officer, and the payment of a ~~((ten-dollar))~~ fee. The director shall thereupon issue a new license for the unexpired term if such escrow officer is otherwise entitled thereto. An escrow officer's first license shall not be issued inactive.

Passed the House April 28, 1985.

Passed the Senate April 27, 1985.

Approved by the Governor May 16, 1985.

Filed in Office of Secretary of State May 16, 1985.

## CHAPTER 341

[Substitute House Bill No. 262]

### COMMON SCHOOL PROVISIONS—OBSOLETE REFERENCES CORRECTED

AN ACT Relating to obsolete provisions in Title 28A RCW; amending RCW 28A.02.080, 28A.03.310, 28A.04.134, 28A.13.010, 28A.13.070, 28A.21.031, 28A.21.071, 28A.21.120, 28A.21.360, 28A.30.040, 28A.44.170, 28A.58.246, 28A.58.772, 28A.58.820, 28A.67.074, and 28B.15.543; repealing RCW 28A.03.400, 28A.03.401, 28A.03.402, 28A.03.403, 28A.03.405, 28A.03.407, 28A.03.409, 28A.13.065, 28A.41.250, 28A.41.270, 28A.41.280, 28A.41.290, 28A.41.412, 28A.58.248, 28A.58.832, and 28A.67.050; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 28A.02.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.02.080 are each amended to read as follows:

The study of the Constitution of the United States and the Constitution of the state of Washington shall be a condition prerequisite to graduation from the public and private high schools of this state (~~((and from all private or parochial high schools whose work is accepted in lieu of work otherwise performed in the public high schools))~~). The state board of education acting upon the advice of the superintendent of public instruction shall provide by rule or regulation for the implementation of this section.

Sec. 2. Section 2, chapter 78, Laws of 1975 1st ex. sess. and RCW 28A.03.310 are each amended to read as follows:

The superintendent of public instruction shall, by rule or regulation in accordance with chapter 34.04 RCW, adopt a program under which all public schools within the state carrying out an elementary school program shall implement an appropriate screening device designed to identify children with learning/language disabilities to be administered to first grade students prior to their entrance into the second grade. (~~((After approval by the superintendent, or his designee, of any such appropriate screening device~~

~~offered by a particular school, such screening shall be administered not later than January 1, 1976. The results thereof shall be forthwith transmitted to the superintendent of public instruction who shall prepare a detailed report thereof for submission to the governor and to the house and senate education and ways and means committees of the legislature prior to February 1, 1976. Such reports shall include a description of the type of learning/language disabilities identified and the number of children involved therewith, together with recommendations for additional legislation as the superintendent deems appropriate. In no instance in conducting any program under this section shall disclosure of any individual test score obtained pursuant to such program be permitted except to the parents or guardians of such child. PROVIDED, That such scores, without identification of the individual concerned, may be utilized in the report and recommendations of the superintendent. PROVIDED, That the office of the superintendent of public instruction, the educational service districts, or the local districts will not use any additional personnel to implement RCW 28A.03.300 through 28A.03.320.))~~

Sec. 3. Section 1, chapter 127, Laws of 1975 1st ex. sess. and RCW 28A.04.134 are each amended to read as follows:

~~((By January 1, 1976))~~ The state board of education shall adopt rules or regulations establishing minimum standards for integrating school district library and media services into learning resources centers in order to improve instruction, encourage programs of learning resources services, and to furnish a basis for continuing evaluation for such programs.

Sec. 4. Section 28A.13.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 160, Laws of 1984 and RCW 28A.13.010 are each amended to read as follows:

There is established in the office of the superintendent of public instruction ~~((a division of special education for handicapped children, to be known as the division for handicapped children))~~ an administrative section or unit for the education of children with handicapping conditions.

Handicapped children are those children in school or out of school who are temporarily or permanently retarded in normal educational processes by reason of physical or mental handicap, or by reason of emotional maladjustment, or by reason of other handicap, and those children who have specific learning and language disabilities resulting from perceptual-motor handicaps, including problems in visual and auditory perception and integration.

The superintendent of public instruction shall require each school district in the state to insure an appropriate educational opportunity for all handicapped children between the ages of ~~((five))~~ three and twenty-one, but when the twenty-first birthday occurs during the school year, the educational program may be continued until the end of that school year. ~~((Special education and training programs provided by the state and school districts~~

~~for handicapped children shall be extended to include preschool age children four years of age and older commencing with the 1984-85 school year and shall be extended to include preschool age children three years of age and older commencing with the 1985-86 school year.))~~ The superintendent of public instruction, by rule and regulation, shall establish for the purpose of excess cost funding, as provided in this chapter, RCW 28A.24.100 and 28A.41.053, functional definitions of the various types of handicapping conditions and eligibility criteria for handicapped programs. For the purposes of this chapter, an appropriate education is defined as an education directed to the unique needs, abilities, and limitations of the handicapped children. School districts are strongly encouraged to provide parental training in the care and education of the children and to involve parents in the classroom.

Nothing in this section shall prohibit the establishment or continuation of existing cooperative programs between school districts or contracts with other agencies approved by the superintendent of public instruction, which can meet the obligations of school districts to provide education for handicapped children, or prohibit the continuation of needed related services to school districts by the department of social and health services.

This section shall not be construed as in any way limiting the powers of local school districts set forth in RCW 28A.13.050.

No child shall be removed from the jurisdiction of juvenile court for training or education under this chapter without the approval of the superior court of the county.

Sec. 5. Section 9, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.070 are each amended to read as follows:

The superintendent of public instruction shall have the duty and authority, through the ~~((division of special education))~~ administrative section or unit for the education of children with handicapping conditions, to:

(1) Assist school districts in the formation of total school programs to meet the needs of handicapped children.

(2) Develop interdistrict cooperation programs for handicapped children as authorized in RCW 28A.58.245.

(3) Provide, upon request, to parents or guardians of handicapped children, information as to the handicapped programs offered within the state.

(4) Assist, upon request, the parent or guardian of any handicapped child in the placement of any handicapped child who is eligible for but not receiving special educational aid for handicapped children.

(5) Approve school district and agency programs as being eligible for special excess cost financial aid to handicapped children.

(6) Adjudge, upon appeal by a parent or guardian of a handicapped child who is not receiving an educational program, whether the decision of a local school district superintendent under RCW 28A.13.060 to exclude such handicapped child was justified by the available facts and consistent with

the provisions of this chapter, RCW 28A.24.100 and 28A.41.053. If the superintendent of public instruction shall decide otherwise he shall apply sanctions as provided in RCW 28A.13.080 until such time as the school district assures compliance with the provisions of this chapter, RCW 28A.24.100 and 28A.41.053.

(7) Promulgate such rules and regulations as are necessary to implement the several provisions of this chapter, RCW 28A.24.100 and 28A.41.053 and to ensure educational opportunities within the common school system for all handicapped children who are not institutionalized.

**\*Sec. 6. Section 15, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.031 are each amended to read as follows:**

**~~((On or before the twenty-fifth day of August, 1978, and))~~ Not later than the twenty-fifth day of August of ((every subsequent)) each year, the secretary to the state board of education 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, rules, and regulations established by the state board of education for the conduct of the election.**

**\*Sec. 6 was vetoed, see message at end of chapter.**

**Sec. 7. Section 4, chapter 283, Laws of 1977 ex. sess. and RCW 28A.21.071 are each amended to read as follows:**

(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 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 for the position and recommend to the board a list of three candidates. The educational service district board shall select the new superintendent from the list of three candidates or shall reject the entire list and request the review committee to submit three additional candidates, and the educational service district board shall repeat this process until a superintendent is selected.

~~((4) To be eligible for nomination or selection to the office of educational service district superintendent, a candidate must meet the educational~~

~~and experience requirements statutorily set for school district superintendents. PROVIDED, That any person employed on September 21, 1977 as an educational service district superintendent or assistant superintendent shall be deemed qualified to hold the office of educational service district superintendent.))~~

Sec. 8. Section 12, chapter 176, Laws of 1969 ex. sess. as last amended by section 28, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.21-.120 are each amended to read as follows:

The educational service district board shall designate the headquarters office of the educational service district. ~~((The board of county commissioners in each county, when so requested by the educational service district board, in each year prior to July 1, 1979, shall provide the educational service district superintendent and employees with suitable quarters and office, which shall include heating, contents insurance, electricity, and custodial services, for the operations of the educational service district. Commencing July 1, 1979.))~~ 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.21-.020, the state board of education 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.

Sec. 9. Section 6, chapter 182, Laws of 1980 and RCW 28A.21.360 are each amended to read as follows:

Every educational service district board of directors shall establish an attendance incentive program for all certificated and noncertificated employees in the following manner. 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: PROVIDED, That 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.

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 (~~(; PROVIDED, That an employee shall be entitled to all the benefits conferred by this section as of June 12, 1980, but the educational service district may, in its discretion, delay payments due upon retirement or death, with interest at the rate of eight percent per year, to an eligible employee or the employee's estate until September 1, 1981)).~~

Moneys 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.

Sec. 10. Section 28A.30.040, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 20, Laws of 1979 ex. sess. and RCW 28A.30.040 are each amended to read as follows:

There is created in the office of the state superintendent of public instruction a revolving fund to be designated the surplus and donated food commodities revolving fund (~~(, and there is hereby appropriated to said revolving fund from the general fund for the fiscal biennium ending June 30, 1981, the sum of seventy-five thousand dollars or so much thereof as shall be necessary to carry out the purposes of this chapter. The state treasurer shall, with the approval of the governor, transfer so much of this appropriation to the revolving fund from time to time as the superintendent deems necessary to maintain said fund in a condition adequate to carry out the purposes of this chapter)).~~

Sec. 11. Section 3, chapter 264, Laws of 1981 and RCW 28A.44.170 are each amended to read as follows:

~~((The implementation of RCW 28A.44.150 through 28A.44.230 and 84.52.0531 shall commence with the 1981-82 school year and consist of the following three stages of implementation:~~

~~(1) No later than December 31, 1981, the amounts due by the various nonhigh school districts to high school districts for the 1980-81 school year shall be fixed, certified and paid in accordance with the provisions of RCW 28A.44.080, 28A.44.085, 28A.44.090, and 28A.44.100 in a manner which recognizes advance payments made by nonhigh school districts toward such amounts as well as agreements between high school and nonhigh school districts for the payment of lesser amounts;~~

~~(2) At such time as the superintendent of public instruction determines and certifies the maximum amounts of school district levies allowable pursuant to RCW 84.52.0531, as now or hereafter amended, for collection in 1982, he shall also determine pursuant to subsections (1)(a) and (b) of RCW 28A.44.190 the estimated amount due by nonhigh school districts to high school districts for the 1981-82 school year; and~~

~~(3))~~ Each year ~~((thereafter))~~ at such time as the superintendent of public instruction determines and certifies such maximum allowable amounts of school district levies under RCW 84.52.0531 he or she shall also:

~~((a))~~ (1) Determine the extent to which the estimated amounts due by nonhigh school districts for the previous school year exceeded or fell short of the actual amounts due; and

~~((b))~~ (2) Determine the estimated amounts due by nonhigh school districts for the current school year and increase or decrease the same to the extent of overpayments or underpayments for the previous school year.

Sec. 12. Section 1, chapter 120, Laws of 1979 ex. sess. and RCW 28A.58.246 are each amended to read as follows:

The purposes of RCW 28A.58.246 ~~((through 28A.58.248))~~ and 28A-.58.247 are to:

(1) Provide educational, recreational, cultural, and other community services and programs through the establishment of the concept of community education with the community school serving as the center for such activity;

(2) Promote a more efficient and expanded use of existing school buildings and equipment;

(3) Help provide personnel to work with schools, citizens and with other agencies and groups;

(4) Provide a wide range of opportunities for all citizens; and

(5) Help develop a sense of community in which the citizens cooperate with the public schools and community agencies and groups to resolve their school and community concerns and to recognize that the schools are available for use by the community day and night, year-round or any time when the programming will not interfere with the preschool through grade twelve program.

Sec. 13. Section 2, chapter 217, Laws of 1979 ex. sess. as amended by section 3, chapter 160, Laws of 1984 and RCW 28A.58.772 are each amended to read as follows:

Each school district within which there is located a residential school shall, singly or in concert with another school district pursuant to RCW 28A.58.075 and 28A.58.245 or pursuant to chapter 39.34 RCW, each as now or hereafter amended, conduct a program of education, including related student activities, for residents of the residential school. Except as otherwise provided for by contract pursuant to RCW 28A.58.776, as now or

hereafter amended, the duties and authority of a school district and its employees to conduct such a program shall be limited to the following:

(1) The employment, supervision and control of administrators, teachers, specialized personnel and other persons, deemed necessary by the school district for the conduct of the program of education;

(2) The purchase, lease or rental and provision of textbooks, maps, audio-visual equipment, paper, writing instruments, physical education equipment and other instructional equipment, materials and supplies, deemed necessary by the school district for the conduct of the program of education;

(3) The development and implementation, in consultation with the superintendent or chief administrator of the residential school or his or her designee, of the curriculum;

(4) The conduct of a program of education, including related student activities, for residents who are ~~((five and less than twenty-one years of age until the 1984-85 school year and, commencing with the 1984-85 school year, for residents who are four years of age and less than twenty-one years of age and, commencing with the 1985-86 school year, for residents who are))~~ three years of age and less than twenty-one years of age, and have not met high school graduation requirements as now or hereafter established by the state board of education and the school district which includes:

(a) Not less than one hundred and eighty school days each school year;

(b) Special education pursuant to chapter 28A.13 RCW, as now or hereafter amended, and vocational education, as necessary to address the unique needs and limitations of residents; and

(c) Such courses of instruction and school related student activities as are provided by the school district for nonresidential school students to the extent it is practical and judged appropriate for the residents by the school district after consultation with the superintendent or chief administrator of the residential school: PROVIDED, That a preschool special education program may be provided for handicapped residential school students;

(5) The control of students while participating in a program of education conducted pursuant to this section and the discipline, suspension or expulsion of students for violation of reasonable rules of conduct adopted by the school district; and

(6) The expenditure of funds for the direct and indirect costs of maintaining and operating the program of education that are appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating residential school programs of education, and funds from federal and private grants, bequests and gifts made for the purpose of maintaining and operating the program of education.

Sec. 14. Section 1, chapter 54, Laws of 1981 and RCW 28A.58.820 are each amended to read as follows:



Each year high schools in the state of Washington graduate a significant number of students who have distinguished themselves through outstanding academic achievement. The purpose of RCW 28A.58.820 through ~~((28A.58.832))~~ 28A.58.830 is to establish a consistent and uniform program which will recognize and honor the accomplishments of these students; encourage and facilitate privately funded scholarship awards among them; stimulate the recruitment of outstanding students to Washington public and private colleges and universities; and allow educational and legislative leaders, as well as the governor, to reaffirm the importance of educational excellence to the future of this state.

Sec. 15. Section 2, chapter 283, Laws of 1969 ex. sess. and RCW 28A.67.074 are each amended to read as follows:

No certificated employee shall be required to perform duties not described in the contract unless a new or supplemental contract is made, except that in an unexpected emergency the board of directors or school district administration may require the employee to perform other reasonable duties on a temporary basis.

No supplemental contract shall be subject to the continuing contract provisions of Title~~((s))~~ 28A ~~((or 28B))~~ RCW.

Sec. 16. Section 17, chapter 278, Laws of 1984 and RCW 28B.15.543 are each amended to read as follows:

(1) The boards of regents and trustees of the regional universities, state universities, and The Evergreen State College shall waive tuition, operating, and service and activities fees for two years for recipients of the Washington scholars award under RCW 28A.58.820 through ~~((28A.58.832))~~ 28A.58.830. To qualify for the waiver, recipients shall enter the college or university within three years of high school graduation and maintain a minimum grade point average at the college or university equivalent to 3.50.

(2) The council for postsecondary education shall report to the legislature on or before January 15, 1986, on the tuition waivers for the Washington scholars program. The report shall include an evaluation and recommendations on the effect of extending the waivers for a period of four years.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 89, Laws of 1977 ex. sess. and RCW 28A.03-.400;

(2) Section 2, chapter 89, Laws of 1977 ex. sess. and RCW 28A.03-.401;

(3) Section 3, chapter 89, Laws of 1977 ex. sess. and RCW 28A.03-.402;

(4) Section 4, chapter 89, Laws of 1977 ex. sess. and RCW 28A.03-.403;

- (5) Section 5, chapter 89, Laws of 1977 ex. sess., section 2, chapter 198, Laws of 1981 and RCW 28A.03.405;
- (6) Section 6, chapter 89, Laws of 1977 ex. sess., section 1, chapter 89, Laws of 1979 and RCW 28A.03.407;
- (7) Section 7, chapter 89, Laws of 1977 ex. sess. and RCW 28A.03-.409;
- (8) Section 2, chapter 160, Laws of 1984 and RCW 28A.13.065;
- (9) Section 1, chapter 85, Laws of 1974 ex. sess., section 6, chapter 87, Laws of 1980 and RCW 28A.41.250;
- (10) Section 3, chapter 85, Laws of 1974 ex. sess. and RCW 28A.41-.270;
- (11) Section 4, chapter 85, Laws of 1974 ex. sess. and RCW 28A.41-.280;
- (12) Section 5, chapter 85, Laws of 1974 ex. sess. and RCW 28A.41-.290;
- (13) Section 7, chapter 149, Laws of 1979, section 2, chapter 163, Laws of 1982 and RCW 28A.41.412;
- (14) Section 3, chapter 120, Laws of 1979 ex. sess. and RCW 28A.58-.248;
- (15) Section 7, chapter 54, Laws of 1981 and RCW 28A.58.832; and
- (16) Section 28A.67.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.050.

NEW SECTION. Sec. 18. Sections 4 and 13 of this act shall take effect August 1, 1985.

Passed the House April 22, 1985.

Passed the Senate April 15, 1985.

Approved by the Governor May 16, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 16, 1985.

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

"I am returning herewith without my approval as to one section Substitute House Bill No. 262, entitled:

"AN ACT Relating to obsolete provisions in Title 28A RCW;"

Substitute House Bill No. 262 was introduced at the request of the Superintendent of Public Instruction to modify or repeal certain obsolete provisions of Title 28A RCW, the education code.

Due to a drafting oversight, the Section 6 modification is an updating of existing State Board of Education member election law rather than a change to reflect current practice. Current law provides that elections be held annually. In practice, these elections are held biennially. The State Board intended that this section be modified to authorize the practice of biennial elections. The State Board has requested a veto of this section, with the understanding that they will request mandatory legislation in 1986 to bring Board member election practice in line with statutory requirements.

With the exception of Section 6, which I have vetoed, the remainder of Substitute House Bill No. 262 is approved."