

ter in Title 15 RCW.

NEW SECTION. Sec. 32. The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other remedy.

NEW SECTION. Sec. 33. If any provision of this act or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 13, 1969
Passed the House March 10, 1969
Approved by the Governor March 25, 1969
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CHAPTER 130
[Engrossed Senate Bill No. 308]
COMMON SCHOOLS--SUPPORT--
PUPIL COSTS--INTERDISTRICT COOPERATION

AN ACT Relating to education; amending section 3, chapter 154, Laws of 1965 ex. sess. and RCW 28.41.140; amending section 4, chapter 312, Laws of 1909 and RCW 28.48.040; amending section 9, chapter 21, Laws of 1917 and RCW 28.58.230; amending section 2, chapter 47, Laws of 1963 and RCW 28.58.240; adding new sections to chapter 28.58 RCW; amending sections 28A.41.140, 28A.48.040, 28A.58.230 and 28A.58.240, chapter ..., Laws of 1969 (HB 58) and RCW 28A.41.140, 28A.48.040, 28A.58.230 and 28A.58.240; adding new sections to chapter 28A.58 RCW; providing sections to effect the correlative and pari materia construction of this 1969 amendatory act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring an emergency.

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

Part I. Sections affecting current law.

Section 1. Section 3, chapter 154, Laws of 1965 ex. sess. and RCW 28.41.140 are each amended to read as follows:

To determine a "weighted student enrolled," as that term is used in this ((act)) chapter a schedule shall be established by the superintendent of public instruction which shall provide appropriate recognition of the following costs among the various types of students

and districts of the state, with the equalization of educational opportunity being the primary objective:

- (1) Costs attributable to staff experience and professional preparation; ((and))
- (2) Costs to state and local funds attributable to the operation of approved educational programs arising as a result of a concentration of culturally disadvantaged students, or as a result of a high degree of transient enrollment; ((and))
- (3) Costs resulting from the operation of small school plants within districts: PROVIDED, That such plants are judged by the state board of education as remote and necessary; ((and))
- (4) Costs differentials attributable to the operation of approved elementary and secondary programs; ((and))
- (5) Costs which must be incurred to operate an approved vocational program; ((and))
- (6) ~~((Costs which must be incurred and are appropriated to operate an approved program for handicapped children.))~~ Costs resulting from the attendance of students who:

(a) Do not reside within the servicing school district: PROVIDED, That nothing within this provision shall be constructed as affecting the reimbursement procedures in RCW 28.44.040;

(b) Reside in any home or institution devoted to providing a home for dependent or otherwise referred or entrusted children: PROVIDED, Such home or institution is exempt from taxation under the laws of the state of Washington; or

(c) Constitute at least three percent of the student enrollment within the district and who reside within the servicing district on property of either the state, its political subdivisions, or any municipal corporation.

The weighting schedule when established shall be renewed biennially by the state superintendent and shall be subject to approval, rejection or amendment by the legislature. The schedule shall be submitted for approval as a part of the state superintendent's bi-

ennial state budget. In the event the legislature rejects the weighting schedule presented, without adopting a new schedule, the schedule established for the previous biennium shall remain in effect. The enrollment of any district, before weighting, shall be the average number of full time students enrolled on the first school day of each month.

Sec. 2. Section 4, chapter 312, Laws of 1909 and RCW 28.48-.040 are each amended to read as follows:

If a pupil attends any public school of the state, outside of his resident district, up to the ninth grade during the time the resident district maintains a school ~~((of))~~ with the same grade ~~((in-which the-pupil-belongs))~~, the attendance shall be credited to the district in which the pupil resides, unless mutually agreed otherwise by the directors of the two districts, or unless in accordance with the voluntary transfer provisions of section 5 of this 1969 amendatory act.

Sec. 3. Section 9, chapter 21, Laws of 1917 and RCW 28.58-.230 are each amended to read as follows:

Every ~~((high-school-in-the-high))~~ school district shall admit on a tuition free basis all persons of school age who reside within ~~((are-residents-of))~~ this state ~~((;))~~ and ~~((not-residents-of))~~ do not reside within another ~~((high))~~ school district, carrying the grades for which they ~~((desire))~~ are eligible to enroll ~~((;-upon-presentation of-satisfactory-evidence-of-having-completed-in-a-creditable-manner-the state-eighth-grade-course-of-study-as-prescribed-by-the-state-board-of education))~~: PROVIDED, That nothing in this ~~((act))~~ section shall be construed as ~~((effecting))~~ affecting RCW 28.44.040, ((RCW)) 28.58.240, or section 5 of this 1969 amendatory act.

Sec. 4. Section 2, chapter 47, Laws of 1963 and RCW 28.58.240 are each amended to read as follows:

Any board of directors may make arrangements with adults wishing to attend school or with the directors of ~~((adjoining))~~ other districts for the attendance of children in the school district of either as may be best accommodated therein; ~~((in-absence-of-an-express))~~ ;

PROVIDED, That unless such arrangements ((therefor)) are approved by the state superintendent of public instruction, a reasonable tuition charge, fixed by the state superintendent of public instruction, shall be paid by such students. ((Children from nonadjoining districts may also be permitted to attend upon payment of a reasonable tuition.))

All tuition money must be paid over to the county treasurer within thirty days of its collection for the credit of the district in which such students attend.

Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a tuition charge as affecting the apportionment of current state school funds.

NEW SECTION. Sec. 5. There is added to chapter 28.58 RCW a new section to read as follows:

Notwithstanding any other provision of law, the state superintendent of public instruction is directed and authorized to develop and adopt rules and regulations to implement such voluntary, tuition free attendance programs among school districts that he deems necessary for the expressed purpose of:

- (1) Providing educational opportunities, including vocational skills programs, not otherwise provided;
- (2) Avoiding unnecessary duplication of specialized or unusually expensive education programs and facilities; or
- (3) Improving racial balance within and among school districts: PROVIDED, That no voluntary, tuition free attendance program among school districts developed by the superintendent of public instruction shall be instituted unless such program receives the approval of the boards of directors of the districts.

NEW SECTION. Sec. 6. There is added to chapter 28.58 RCW a new section to read as follows:

Any school district may cooperate with one or more school districts in the following:

- (1) The joint financing, planning, construction, equipping

and operating of any educational facility otherwise authorized by law: PROVIDED, That any cooperative financing plan involving the construction of school plant facilities must be approved by the state board of education pursuant to such rules as may now or hereafter be promulgated relating to state approval of school construction.

(2) The joint maintenance and operation of educational programs or services (a) either as a part of the operation of a joint facility or otherwise, (b) either on a full or part time attendance basis, and (c) either on a regular one hundred eighty day school year or extended school year: PROVIDED, That any such joint program or service must be operated pursuant to a written agreement approved by the superintendent of public instruction pursuant to rules and regulations promulgated therefor. In establishing rules and regulations the state superintendent shall consider, among such other factors as he deems appropriate, the economic feasibility of said services and programs, the educational and administrative scope of said agreement and the need for said programs or services.

Notwithstanding any other provision of the law, the state superintendent of public instruction shall establish rules and regulations for the apportionment of attendance credits for such students as are enrolled in a jointly operated facility or program, including apportionment for approved part time and extended school year attendance.

Part II. Sections affecting proposed 1969 education code.

Sec. 7. Section 28A.41.140, chapter ..., Laws of 1969 (HB 58) and RCW 28A.41.140 are each amended to read as follows:

To determine a "weighted student enrolled," as that term is used in this chapter a schedule shall be established by the superintendent of public instruction which shall provide appropriate recognition of the following costs among the various types of students and districts of the state, with the equalization of educational opportunity being the primary objective:

(1) Costs attributable to staff experience and professional

preparation; and

(2) Costs to state and local funds attributable to the operation of approved educational programs arising as a result of a concentration of culturally disadvantaged students, or as a result of a high degree of transient enrollment; ((and))

(3) Costs resulting from the operation of small school plants within districts: PROVIDED, That such plants are judged by the state board of education as remote and necessary; ((and))

(4) Costs differentials attributable to the operation of approved elementary and secondary programs; ((and))

(5) Costs which must be incurred to operate an approved vocational program; ((and))

(6) ~~((Costs which must be incurred and are appropriated to operate an approved program for handicapped children.))~~ Costs resulting from the attendance of students who:

(a) Do not reside within the servicing school district: PROVIDED, That nothing within this provision shall be constructed as affecting the reimbursement procedures in RCW 28.44.040;

(b) Reside in any home or institution devoted to providing a home for dependent or otherwise referred or entrusted children: PROVIDED, Such home or institution is exempt from taxation under the laws of the state of Washington; or

(c) Constitute at least three percent of the student enrollment within the district and who reside within the servicing district on property of either the state, its political subdivisions, or any municipal corporation.

The weighting schedule when established shall be renewed biennially by the state superintendent and shall be subject to approval, rejection or amendment by the legislature. The schedule shall be submitted for approval as a part of the state superintendent's biennial state budget. In the event the legislature rejects the weighting schedule presented, without adopting a new schedule, the schedule established for the previous biennium shall remain in effect.

The enrollment of any district, before weighting, shall be the average number of full time students enrolled on the first school day of each month.

Sec. 8. Section 28A.48.040, chapter..., Laws of 1969 (HB 58) and RCW 28A.48.040 are each amended to read as follows:

If a pupil attends any common school of the state outside of his resident district for any of the grades one through eight during the time the resident district maintains a school with the same grade, the attendance shall be credited to the district in which the pupil resides, unless mutually agreed otherwise by the directors of the two districts, or unless in accordance with the voluntary transfer provisions of section 11 of this 1969 amendatory act.

Sec. 9. Section 28A.58.230, chapter ..., Laws of 1969 (HB 58) and RCW 28A.58.230 are each amended to read as follows:

Every (~~high~~) school district shall admit on a tuition free basis all persons of school age who (~~are residents of~~) reside within this state, and (~~except as provided in RCW 28A.58.240, not residents of~~) do not reside within another (~~high~~) school district carrying the grades for which they (~~desire~~) are eligible to enroll (~~upon presentation of satisfactory evidence by such persons of having completed in a creditable manner a course of study during the preceding grades similar in quality to that prescribed by the state board of education~~): PROVIDED, That nothing in this section shall be construed as affecting RCW 28A.44.040, 28A.58.240 or section 11 of this 1969 amendatory act.

Sec. 10. Section 28A.58.240, chapter ..., Laws of 1969 (HB 58) and RCW 28A.58.240 are each amended to read as follows:

Any board of directors may make agreements with adults wishing to attend school or with the directors of (~~adjoining~~) other districts for the attendance of children in the school district of either as may be best accommodated therein (~~in absence of an express agreement therefor between such adults or directors of adjoining districts and the board~~): PROVIDED, That unless such arrange-

ments are approved by the state superintendent of public instruction, a reasonable tuition charge, fixed by the state superintendent of public instruction, shall be paid by such students. ((Children from nonadjoining districts may also be permitted to attend upon payment of a reasonable tuition.)) All tuition money must be paid over to the county treasurer within thirty days of its collection for the credit of the district in which such students attend.

Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a tuition charge as affecting the apportionment of current state school funds.

NEW SECTION. Sec. 11. There is added to chapter 28A.58 RCW a new section to read as follows:

Notwithstanding any other provision of law, the state superintendent of public instruction is directed and authorized to develop and adopt rules and regulations to implement such voluntary, tuition free attendance programs among school districts that he deems necessary for the expressed purpose of:

- (1) Providing educational opportunities, including vocational skills programs, not otherwise provided;
- (2) Avoiding unnecessary duplication of specialized or unusually expensive educational programs and facilities; or
- (3) Improving racial balance within and among school districts: PROVIDED, That no voluntary, tuition free attendance program among school districts developed by the superintendent of public instruction shall be instituted unless such program receives the approval of the boards of directors of the districts.

NEW SECTION. Sec. 12. There is added to chapter 28A.58 RCW a new section to read as follows:

Any school district may cooperate with one or more school districts in the following:

- (1) The joint financing, planning, construction, equipping and operating of any educational facility otherwise authorized by

law: PROVIDED, That any cooperative financing plan involving the construction of school plant facilities must be approved by the state board of education pursuant to such rules as may now or hereafter be promulgated relating to state approval of school construction.

(2) The joint maintenance and operation of educational programs or services (a) either as a part of the operation of a joint facility or otherwise, (b) either on a full or part time attendance basis, and (c) either on a regular one hundred eighty day school year or extended school year: PROVIDED, That any such joint program or service must be operated pursuant to a written agreement approved by the superintendent of public instruction pursuant to rules and regulations promulgated therefor. In establishing rules and regulations the state superintendent shall consider, among such other factors as he deems appropriate, the economic feasibility of said services and programs, the educational and administrative scope of said agreement and the need for said programs or services.

Notwithstanding any other provision of the law, the state superintendent of public instruction shall establish rules and regulations for the apportionment of attendance credits for such students as are enrolled in a jointly operated facility or program, including apportionment for approved part time and extended school year attendance.

Part III. Construction.

NEW SECTION. Sec. 13. The forty-first legislature has before it a bill proposing a complete revision of the education laws of this state (1969 HB 58). The provisions of Part I of the instant bill seek to change existing laws. The provisions of Part II seek to change correlative provisions of the proposed 1969 education code if such code becomes law. It is the intent of the legislature that the provisions of Part I shall be effective only until the date upon which the 1969 education code shall take effect, upon which date the provisions of Part I shall expire and the provisions of Part II shall concomitantly become effective. It is the further intent of the leg-

islature that Part II of the instant bill shall not take effect unless the proposed 1969 education code is adopted at this legislature, but if such event occurs then any amendatory provisions of Part II of this bill shall be construed as amending the correlative sections of the 1969 education code, any repealing provisions of Part II shall be construed as repealing the correlative section of the 1969 education code, and any new or additional provisions of Part II shall be construed as being in pari materia with the 1969 education code.

NEW SECTION. Sec. 14. Part II of this 1969 amendatory act is 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 on the date upon which the 1969 education code becomes effective.

Passed the Senate February 27, 1969
Passed the House March 11, 1969
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Filed in office of Secretary of State March 25, 1969

CHAPTER 131

[Engrossed Senate Bill No. 142]

SCHOOL DIRECTORS--FIRST CLASS DISTRICTS
ENROLLING 70,000 PUPILS OR MORE, IN FIRST CLASS COUNTIES

AN ACT Relating to education; amending section 10, chapter 266, Laws of 1947 as last amended by section 1, chapter 67, Laws of 1957 and RCW 28.57.338; amending section 13, chapter 268, Laws of 1959 and RCW 28.57.430; amending sections 29.21.180, 29.21.210 and 29.21.230, chapter 9, Laws of 1965 and RCW 29.21.180, 29.21.210 and 29.21.230; adding new sections to chapter 28.57 RCW; amending section 28A.57.312, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.312; amending section 28A.57.336, chapter ..., Laws of 1969 (HB 58) and RCW 28A.57.336; adding new sections to chapter 28A.57 RCW; providing sections to effect the correlative and pari materia construction of this 1969 amendatory act with the provisions of Title 28 RCW, or of Titles 28A and 28B RCW if such titles shall be enacted; and declaring emergencies.

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