

Chapter 28A.330 RCW
PROVISIONS APPLICABLE TO SCHOOL DISTRICTS

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*Missing children, participation by local school districts in providing
information: RCW 13.60.030.*

PROVISIONS APPLICABLE ONLY TO FIRST-CLASS DISTRICTS

RCW 28A.330.010 Board president, vice president or president pro tempore—Secretary. At the first meeting of the members of the board they shall elect a president and vice president from among their number who shall serve for a term of one year or until their successors are elected. In the event of the temporary absence or disability of both the president and vice president, the board of directors may elect a president pro tempore who shall discharge all the duties of president during such temporary absence or disability. The superintendent of such school district shall act as secretary to the board in accordance with the provisions of RCW 28A.400.030. [1990 c 33 s 341; 1969 ex.s. c 223 s 28A.59.030. Prior: 1953 c 111 s 6; prior: 1909 c 97 p 290 s 3, part; RRS s 4792, part. Formerly RCW 28A.59.030, 28.62.030.]

RCW 28A.330.020 Certain board elections, manner and vote required—Selection of personnel, manner. The election of the officers of the board of directors or to fill any vacancy as provided in *RCW 28A.315.530, and the selection of the school district superintendent shall be by oral call of the roll of all the members, and no person shall be declared elected or selected unless he or she receives a majority vote of all the members of the board. Selection of other certificated and classified personnel shall be made in such manner as the board shall determine. [1997 c 13 s 8; 1990 c 33 s 342; 1969 ex.s. c 223 s 28A.59.040. Prior: 1909 c 97 p 290 s 4; RRS s 4793. Formerly RCW 28A.59.040, 28.62.040.]

***Reviser's note:** RCW 28A.315.530 was recodified as RCW 28A.343.370 pursuant to 1999 c 315 s 804.

RCW 28A.330.030 Duties of president. It shall be the duty of the president to preside at all meetings of the board, and to perform such other duties as the board may prescribe. [1969 ex.s. c 223 s 28A.59.050. Prior: 1909 c 97 p 290 s 5; RRS s 4794. Formerly RCW 28A.59.050, 28.62.050.]

RCW 28A.330.040 Duties of vice president. It shall be the duty of the vice president to perform all the duties of president in case of the president's absence or disability. [1990 c 33 s 343; 1969 ex.s. c 223 s 28A.59.060. Prior: 1909 c 97 p 291 s 6; RRS s 4795. Formerly RCW 28A.59.060, 28.62.060.]

RCW 28A.330.050 Duties of superintendent as secretary of the board. In addition to the duties as prescribed in RCW 28A.400.030, the school district superintendent, as secretary of the board, may be authorized by the board to act as business manager, purchasing agent, and/or superintendent of buildings and janitors, and charged with the special care of school buildings and other property of the district, and he or she shall perform other duties as the board may direct. [1990 c 33 s 344; 1969 ex.s. c 223 s 28A.59.070. Prior: 1919 c 90 s 8; 1909 c 97 p 291 s 7; RRS s 4796. Formerly RCW 28A.59.070, 28.62.070.]

RCW 28A.330.060 Superintendent's bond and oath. Before entering upon the discharge of the superintendent's duties, the superintendent as secretary of the board shall give bond in such sum as the board of directors may fix from time to time, but for not less than five thousand dollars, with good and sufficient sureties, and shall take and subscribe an oath or affirmation, before a proper officer that he or she will support the Constitution of the United States and of the state of Washington and faithfully perform the duties of the office, a copy of which oath or affirmation shall be filed with the educational service district superintendent. [1990 c 33 s 345; 1975 1st ex.s. c 275 s 117; 1971 c 48 s 33; 1969 ex.s. c 223 s 28A.59.080. Prior: 1909 c 97 p 291 s 8; RRS s 4797. Formerly RCW 28A.59.080, 28.62.080.]

Severability—1971 c 48: See note following RCW 28A.310.250.

RCW 28A.330.070 Office of board—Records available for public inspection. The board of directors shall maintain an office where all records, vouchers and other important papers belonging to the board may be preserved. Such records, vouchers, and other important papers at all reasonable times shall be available for public inspection. The regular meetings shall be held within the district boundaries. [1989 c 232 s 1; 1969 ex.s. c 223 s 28A.59.100. Prior: 1909 c 97 p 291 s 10; RRS s 4799; prior: 1897 c 118 s 87; 1890 p 389 s 14. Formerly RCW 28A.59.100, 28.62.100.]

RCW 28A.330.080 Payment of claims—Signing of warrants. Moneys of such school districts shall be paid out only upon orders for warrants signed by the president, or a majority of the board of directors and countersigned by the secretary: PROVIDED, That when, in the judgment of the board of directors, the orders for warrants issued by the district monthly shall have reached such numbers that the signing of each warrant by the president personally imposes too great a task on the president, the board of directors, after auditing all payrolls and bills as provided by RCW 28A.330.090, may authorize the issuing of one general certificate to the county treasurer, to be signed by the president, authorizing said treasurer to pay all the warrants specified by date, number, name and amount, and the funds on which said warrants shall be drawn; thereupon the secretary of said board shall be authorized to draw and sign said orders for warrants. Orders for warrants and warrant registers may be sent in an electronic format and using facsimile signatures as provided under chapter 39.62 RCW. [2012 c 209 s 1; 1990 c 33 s 346; 1969 ex.s. c 223 s 28A.59.110. Prior: 1909 c 97 p 292 s 11; RRS s 4800. Formerly RCW 28A.59.110, 28.62.110.]

RCW 28A.330.090 Auditing committee and expenditures. All accounts shall be audited by a committee of board members chosen in such manner as the board so determines to be styled the "auditing committee," and, except as otherwise provided by law, no expenditure greater than three hundred dollars shall be voted by the board except in accordance with a written contract, nor shall any money or appropriation be paid out of the school fund except on a recorded affirmative vote of a majority of all members of the board: PROVIDED, That nothing herein shall be construed to prevent the board from making any repairs or improvements to the property of the district through their shop and repair department as otherwise provided in RCW 28A.335.190. [1990 c 33 s 347; 1983 c 56 s 9; 1975 1st ex.s. c 275 s 118; 1971 c 48 s 34; 1969 ex.s. c 223 s 28A.59.150. Prior: 1909 c 97 p 292 s 14; RRS s 4803. Formerly RCW 28A.59.150, 28.62.150, 28.62.160.]

Severability—1983 c 56: See note following RCW 28A.195.010.

Severability—1971 c 48: See note following RCW 28A.310.250.

RCW 28A.330.100 Additional powers of board. Every board of directors of a school district of the first class, in addition to the general powers for directors enumerated in this title, shall have the power:

- (1) To employ for a term of not exceeding three years a superintendent of schools of the district, and for cause to dismiss him or her, and to fix his or her duties and compensation;
- (2) To employ, and for cause dismiss one or more assistant superintendents and to define their duties and fix their compensation;
- (3) To employ a business manager, attorneys, architects, inspectors of construction, superintendents of buildings and a superintendent of supplies, all of whom shall serve at the board's pleasure, and to prescribe their duties and fix their compensation;
- (4) To employ, and for cause dismiss, supervisors of instruction and to define their duties and fix their compensation;
- (5) To prescribe a course of study and a program of exercises which shall be consistent with the course of study prepared by the superintendent of public instruction for the use of the common schools of this state;
- (6) To, in addition to the minimum requirements imposed by this title establish and maintain such grades and departments, including night, high, kindergarten, vocational training and, except as otherwise provided by law, industrial schools, and schools and departments for the education and training of any class or classes of youth with disabilities, as in the judgment of the board, best shall promote the interests of education in the district;
- (7) To determine the length of time over and above one hundred eighty days that school shall be maintained: PROVIDED, That for purposes of apportionment no district shall be credited with more than one hundred and eighty-three days' attendance in any school year; and to fix the time for annual opening and closing of schools and for the daily dismissal of pupils before the regular time for closing schools;
- (8) To maintain a shop and repair department, and to employ, and for cause dismiss, a foreman and the necessary help for the maintenance and conduct thereof;
- (9) To provide free textbooks and supplies for all children attending school;
- (10) To require of the officers or employees of the district to give a bond for the honest performance of their duties in such penal sum as may be fixed by the board with good and sufficient surety, and to cause the premium for all bonds required of all such officers or employees to be paid by the district: PROVIDED, That the board may, by written policy, allow that such bonds may include a deductible proviso not to exceed two percent of the officer's or employee's annual salary;
- (11) To prohibit all secret fraternities and sororities among the students in any of the schools of the said districts; and
- (12) To appoint a practicing physician, resident of the school district, who shall be known as the school district medical inspector, and whose duty it shall be to decide for the board of directors all questions of sanitation and health affecting the safety and welfare of the public schools of the district who shall serve at the board's pleasure: PROVIDED, That children shall not be required to submit to vaccination against the will of their parents or guardian. [2006 c 263 s 417. Prior: 1995 c 335 s 503; 1995 c 77 s 22; 1991 c 116 s 17; 1990 c 33 s 348; 1983 c 2 s 7; prior: 1982 c 191 s 11; 1982 c 158 s 6; 1969 ex.s. c 223 s 28A.59.180; prior: 1919 c 90 s 9; 1909 c 97 p 293 s 16; RRS s 4805. Formerly RCW 28A.59.180, 28.62.180, 28.31.070.]

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

Part headings, table of contents not law—1995 c 335: See note following RCW 28A.150.360.

Severability—1983 c 2: See note following RCW 18.71.030.

Severability—1982 c 191: See note following RCW 28A.335.210.

Severability—1982 c 158: See note following RCW 28A.150.220.

RCW 28A.330.110 Insurance reserve—Funds. School districts of the first class, when in the judgment of the board of directors it be deemed expedient, shall have power to create and maintain an insurance reserve for said districts, to be used to meet losses specified by the board of directors of the school districts.

Funds required for maintenance of such an insurance reserve shall be budgeted and allowed as are other moneys required for the support of the school district. [1983 c 59 s 16; 1982 c 191 s 12; 1969 ex.s. c 223 s 28A.59.185. Prior: (i) 1911 c 79 s 1; RRS s 4707. Formerly RCW 28.59.010. (ii) 1911 c 79 s 2; RRS s 4708. Formerly RCW 28.59.020. (iii) 1941 c 187 s 1; 1911 c 79 s 3; Rem. Supp. 1941 s 4709. Formerly RCW 28A.59.185, 28.59.030.]

Application—Effective date—Severability—1983 c 59: See notes following RCW 28A.505.010.

Severability—1982 c 191: See note following RCW 28A.335.210.

PROVISIONS APPLICABLE ONLY TO SECOND-CLASS DISTRICTS

RCW 28A.330.200 Organization of board—Assumption of superintendent's duties by board member, when. The term of office of directors of districts of the second class shall begin, and the board shall organize, as provided in *RCW 28A.315.500. At the first meeting of the members of the board they shall elect a chair from among their number who shall serve for a term of one year or until his or her successor is elected. The school district superintendent as defined in RCW 28A.150.080 shall serve as secretary to the board. Whenever a district shall be without the services of such a superintendent and the business of the district necessitates action thereby, the board shall appoint any member thereof to carry out the superintendent's powers and duties for the district. [1990 c 33 s 349; 1988 c 187 s 2; 1975 c 43 s 14; 1969 ex.s. c 223 s 28A.60.010. Prior: 1953 c 111 s 1; prior: (i) 1909 c 97 p 298 s 5; RRS s 4815. (ii) 1909 c 97 p 301 s 5; RRS s 4827. Formerly RCW 28A.60.010, 28.63.010.]

***Reviser's note:** RCW 28A.315.500 was recodified as RCW 28A.343.360 pursuant to 1999 c 315 s 804.

Effective date—Severability—1975 c 43: See notes following RCW 28A.535.050.

RCW 28A.330.210 Notice to ESD superintendent of change of chairman or superintendent. Every school district superintendent in districts of the second class shall within ten days after any change in the office of chair or superintendent, notify the educational service district superintendent of such change. [1990 c 33 s 350; 1975-'76 2nd ex.s. c 15 s 11. Prior: 1975 1st ex.s. c 275 s 119; 1975 c 43 s 15; 1971 c 48 s 35; 1969 ex.s. c 223 s 28A.60.070; prior: 1909 c 97 p 304 s 1; RRS s 4841; prior: 1903 c 104 s 19. Formerly RCW 28A.60.070, 28.63.070.]

Effective date—Severability—1975 c 43: See notes following RCW 28A.535.050.

Severability—1971 c 48: See note following RCW 28A.310.250.

RCW 28A.330.220 Attorney may be employed. The board of directors of every second-class district in addition to their other powers are authorized to employ an attorney and to prescribe the attorney's duties and fix the attorney's compensation. [1990 c 33 s 351; 1975 c 43 s 19; 1971 c 8 s 5. Prior: 1967 c 220 s 1. Formerly RCW 28A.60.310, 28.63.340.]

Effective date—Severability—1975 c 43: See notes following RCW 28A.535.050.

Severability—1971 c 8: See note following RCW 28A.320.310.

RCW 28A.330.230 Drawing and issuance of warrants. Second-class school districts, subject to the approval of the superintendent of public instruction, may draw and issue warrants for the payment of moneys upon approval of a majority of the board of directors, such warrants to be signed by the chair of the board and countersigned by the secretary: PROVIDED, That when, in the judgment of the board of directors, the orders for warrants issued by the district monthly shall have reached such numbers that the signing of each warrant by the chair of the board personally imposes too great a task on the chair, the board of directors, after auditing all payrolls and bills, may authorize the issuing of one general certificate to the county treasurer, to be signed by the chair of the board, authorizing said treasurer to pay all the warrants specified by date, number, name and amount, and the funds on which said warrants shall be drawn; thereupon the secretary of said board shall be authorized to draw and sign said orders for warrants. Orders for warrants and warrant registers may be sent in an electronic format and using facsimile signatures as provided under chapter 39.62 RCW. [2012 c 209 s 2; 1990 c 33 s 352; 1983 c 56 s 10; 1975 c 43 s 21; 1973 c 111 s 1. Formerly RCW 28A.60.328.]

Severability—1983 c 56: See note following RCW 28A.195.010.

Effective date—Severability—1975 c 43: See notes following RCW 28A.535.050.

Severability—1973 c 111: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 c 111 s 6.]

RCW 28A.330.240 Employment contracts. The board of directors of each second-class school district shall adopt a written policy governing procedures for the letting of any employment contract authorized under RCW 42.23.030. This policy shall include provisions to ensure fairness and the appearance of fairness in all matters pertaining to employment contracts so authorized. [1989 c 263 s 2. Formerly RCW 28A.60.360.]

Severability—1989 c 263: See note following RCW 42.23.030.

RCW 28A.330.250 Condensed compliance reports. (1) Beginning September 1, 2011, second-class districts may annually submit a condensed compliance report to the superintendent of public instruction.

(2) The boards of directors of second-class districts that choose to submit a condensed compliance report must:

(a) Dedicate a public meeting for reviewing the report and receiving public testimony;

(b) Adopt the report at a public meeting; and

(c) Require the report to be signed by the school district superintendent and chair of the board and acknowledged before a notary public.

(3) Compliance requests from the superintendent of public instruction not tied to funding are voluntary for second-class districts submitting a condensed compliance report.

(4) For the purposes of this section, compliance requests do not include data requests required to be submitted in accordance with federal or state law or for purposes of program evaluation or accountability, including data for a comprehensive K-12 education data improvement system. [2011 c 45 s 1.]

Conflict with federal requirements—2011 c 45: "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state." [2011 c 45 s 51.]

RCW 28A.330.251 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 s 26.]

Conflict with federal requirements—2011 c 45: See note following
RCW 28A.330.250.