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RCW 28A.400.005 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 30.]

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

RCW 28A.400.007 Staffing enrichments to the program of basic education. (1) In addition to the staffing units in RCW 28A.150.260, the superintendent of public instruction must provide school districts with allocations for the following staff units if and to the extent that funding is specifically appropriated and designated for that category of staffing unit in the omnibus operating appropriations act.

(a) Additional staffing units for each level of prototypical school in RCW 28A.150.260:

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators	0.0470	0.0470	0.0200
Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs	0.3370	0.4810	0.4770
Paraeducators, including any aspect of educational instructional services provided by classified employees	0.988	0.224	0.272
Office support and other noninstructional aides	0.912	1.099	0.155
Custodians	0.0430	0.0580	0.0350
Classified staff providing student and staff safety	0.0000	0.6080	1.1590
Parent involvement coordinators	0.9175	1.0000	1.0000

(b) Additional certificated instructional staff units sufficient to achieve the following reductions in class size in each level of prototypical school under RCW 28A.150.260:

	General education certificated instructional staff units sufficient to achieve class size reduction of:
Grades K-3 class size	0.00
Grade 4	2.00
Grades 5-6	2.00
Grades 7-8	3.53
Grades 9-12	3.74
CTE	4.00
Skills	3.00

	High poverty certificated instructional staff units sufficient to achieve class size reduction of:
Grades K-3 class size	2.00
Grade 4	5.00
Grades 5-6	4.00
Grades 7-8	5.53
Grades 9-12	5.74

(2) The staffing units in subsection (1) of this section are an enrichment to and are beyond the state's statutory program of basic education in RCW 28A.150.220 and 28A.150.260. However, if and to the extent that any of these additional staffing units are funded by specific reference to this section in the omnibus operating appropriations act, those units become part of prototypical school funding formulas and a component of the state funding that the legislature deems necessary to support school districts in offering the statutory program of basic education under Article IX, section 1 of the state Constitution. [2024 c 191 s 3; 2022 c 109 s 5; 2017 3rd sp.s. c 13 s 904.]

Reviser's note: The effective date of 2022 c 109 s 5 is September 1, 2024. However, 2022 c 109 s 5 was amended by 2024 c 191 s 3, which has an effective date of June 6, 2024. Consequently, the effective date of this section is June 6, 2024.

Intent—2024 c 191: See note following RCW 28A.150.260.

Effective date—2022 c 109 ss 4 and 5: See note following RCW 28A.150.260.

Intent—2022 c 109: See note following RCW 28A.300.476.

Intent—2017 3rd sp.s. c 13: "The legislature recognizes that legislation enacted in 2014 and 2015 established a phase-in of increased school district staffing ratios. Under current law, these increased staffing ratios begin in the 2019-2021 biennium and exceed the school district staffing ratios established in chapter 236, Laws of 2010 (Substitute House Bill No. 2776) and in chapter 13, Laws of 2017 3rd sp. sess. In light of the education investments funded pursuant to the 2010 and 2017 legislation, the legislature intends to review and prioritize future staffing ratio increases to focus on reducing the opportunity gap, assisting struggling students, enhancing the educational outcomes for all students, and strengthening support for all schools and school district staff." [2017 3rd sp.s. c 13 s 903.]

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Collective bargaining agreements not impaired—2017 3rd sp.s. c 13: See note following RCW 41.56.139.

RCW 28A.400.009 Secondary traumatic stress—Policy and procedure. (1) The Washington state school directors' association shall develop or revise, and periodically update, a model policy and procedure to prevent and address secondary traumatic stress in the workforce.

(2) The model policy and procedure must include the following elements:

(a) A commitment to support mental health in the workplace;

(b) Promotion of a positive workplace climate with a focus on diversity and inclusion;

(c) Establishment of a district-wide workforce mental health committee with the following functions:

(i) Share secondary traumatic stress, stress management, and other mental health resources and supports available through the office of the superintendent of public instruction, the educational service districts, and the school employees' benefits board created in RCW 41.05.740;

(ii) Share links to a secondary traumatic stress self-assessment tool and any associated resources; and

(iii) Report to the school district board of directors at least once per year with a summary of committee activities;

(d) Regular assessment of district-level and school building-level implementation of the policy and procedures that includes input from the workforce; and

(e) Provision of appropriate resources and training to schools and staff for continuous improvement.

(3) The model policy and procedure developed under this section must be posted publicly on the Washington state school directors' association's website by August 1, 2021. Updates to the model policy and procedure must be posted publicly within a reasonable time of development.

(4) By the beginning of the 2021-22 school year, each school district must adopt, or amend if necessary, policies and procedures that, at a minimum, incorporate all the elements described in subsection (2) of this section. School districts must periodically review their policies and procedures for consistency with updated versions of the model policy and procedure. [2021 c 129 s 3.]

Finding—Intent—2021 c 129: See note following RCW 28A.300.825.

SUPERINTENDENTS

RCW 28A.400.010 Employment of superintendent—Superintendent's qualifications, general powers, term, contract renewal. In all districts the board of directors shall elect a superintendent who shall have such qualification as the local school board alone shall determine. The superintendent shall have supervision over the several departments of the schools thereof and carry out such other powers and duties as prescribed by law. Notwithstanding the provisions of *RCW 28A.400.300(1), the board may contract with such superintendent for a term not to exceed three years when deemed in the best interest of the district. The right to renew a contract of employment with any school superintendent shall rest solely with the discretion of the school board employing such school superintendent. Regarding such renewal of contracts of school superintendents the provisions of RCW 28A.405.210, 28A.405.240, and 28A.645.010 shall be inapplicable. [1990 c 33 s 376; 1985 c 7 s 94; 1975-'76 2nd ex.s. c 114 s 10; 1975-'76 2nd ex.s. c 15 s 10. Prior: 1975 1st ex.s. c 254 s 2; 1975-'76 1st ex.s. c 137 s 1; 1969 ex.s. c 223 s 28A.58.137; prior: (i) 1909 c 97 p 300 s 11; RRS s 4821. Formerly RCW 28.63.060. (ii) 1909 c 97 p 302 s 8; RRS s 4830. Formerly RCW 28.63.062. (iii) 1909 c 97 p 302 s 9; RRS s 4831. Formerly RCW 28.63.064. (iv) 1909 c 97 p 290 s 4, part; RRS s 4793, part. Formerly RCW 28A.58.137, 28.62.040, part.]

***Reviser's note:** RCW 28A.400.300 was amended by 2012 c 186 s 20, changing subsection (1) to subsection (1)(a).

Savings—1975-'76 2nd ex.s. c 114: "Nothing in this 1976 amendatory act shall be construed to annul or to modify or to preclude the continuation of any lawful agreement entered into prior to the effective date of this 1976 amendatory act." [1975-'76 2nd ex.s. c 114 s 11.]

Severability—1975-'76 2nd ex.s. c 114: "If any provision of this 1976 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." [1975-'76 2nd ex.s. c 114 s 12.]

Reimbursement of expenses of directors, other school representatives, and superintendent candidates—Advancing anticipated expenses: RCW 28A.320.050.

RCW 28A.400.020 Directors' and superintendents' signatures filed with auditor. Every school district director and school district superintendent, on assuming the duties of his or her office, shall place his or her signature, certified to by some school district official, on file in the office of the county auditor. [1990 c 33 s 377; 1969 ex.s. c 223 s 28A.58.140. Prior: 1909 c 97 p 289 s 12; RRS s 4787; prior: 1897 c 118 s 61; 1890 p 380 s 70. Formerly RCW 28A.58.140, 28.58.140.]

RCW 28A.400.030 Superintendent's duties. In addition to such other duties as a district school board shall prescribe the school district superintendent shall:

(1) Attend all meetings of the board of directors and cause to have made a record as to the proceedings thereof.

(2) Keep such records and reports and in such form as the district board of directors require or as otherwise required by law or rule or regulation of higher administrative agencies and turn the same over to his or her successor.

(3) Keep accurate and detailed accounts of all receipts and expenditures of school money. At each annual school meeting the superintendent must present his or her record book of board proceedings for public inspection, and shall make a statement of the financial condition of the district and such record book must always be open for public inspection.

(4) Give such notice of all annual or special elections as otherwise required by law; also give notice of the regular and special meetings of the board of directors.

(5) Sign all orders for warrants ordered to be issued by the board of directors.

(6) Carry out all orders of the board of directors made at any regular or special meeting. [1991 c 116 s 14; 1990 c 33 s 378; 1983 c 56 s 8; 1977 ex.s. c 80 s 30; 1975-'76 2nd ex.s. c 118 s 30; 1975 1st ex.s. c 275 s 110; 1971 c 48 s 30; 1969 ex.s. c 223 s 28A.58.150. Prior: 1909 c 97 p 304 s 2; RRS s 4842; prior: 1907 c 163 s 3; 1899 c 142 s 10; 1897 c 118 s 49; 1893 c 107 s 5; 1891 c 127 s 12; 1890 p 367 s 34; Code 1881 ss 3194, 3195, 3196, 3197; 1873 p 428 ss 10, 11, 12, 13. Formerly RCW 28A.58.150, 28.58.150.]

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

Purpose—Intent—Severability—1977 ex.s. c 80: See notes following RCW 4.16.190.

Severability—1975-'76 2nd ex.s. c 118: See note following RCW 28A.505.010.

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

PRINCIPALS

RCW 28A.400.100 Principals and vice principals—Employment of—Qualifications—Duties. School districts may employ public school principals and/or vice principals to supervise the operation and management of the school to which they are assigned. Such persons shall hold valid administrative certificates and shall hold or have held either valid teacher certificates or valid educational staff associate certificates. Persons who hold or have held valid educational staff associate certificates must also have demonstrated successful school-based experience in an instructional role with students. Persons whose certificates were revoked, suspended, or surrendered may not be employed as public school principals or vice principals. In addition to such other duties as shall be prescribed by law and by the job description adopted by the board of directors, each principal shall:

(1) Assume administrative authority, responsibility and instructional leadership, under the supervision of the school district superintendent, and in accordance with the policies of the school district board of directors, for the planning, management, supervision and evaluation of the educational program of the attendance area for which he or she is responsible.

(2) Submit recommendations to the school district superintendent regarding appointment, assignment, promotion, transfer and dismissal of all personnel assigned to the attendance area for which he or she is responsible.

(3) Submit recommendations to the school district superintendent regarding the fiscal needs to maintain and improve the instructional program of the attendance area for which he or she is responsible.

(4) Assume administrative authority and responsibility for the supervision, counseling and discipline of pupils in the attendance area for which he or she is responsible. [2002 c 78 s 1; 1977 ex.s. c 272 s 1. Formerly RCW 28A.58.160.]

Severability—1977 ex.s. c 272: "If any provision of this 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." [1977 ex.s. c 272 s 2.]

RCW 28A.400.110 Principal to assure appropriate student discipline—Building discipline standards—Classes to improve classroom management skills. Within each school the school principal shall determine that appropriate student discipline is established and

enforced. In order to assist the principal in carrying out the intent of this section, the principal and the certificated employees in a school building shall confer at least annually in order to develop and/or review building disciplinary standards and uniform enforcement of those standards. Such building standards shall be consistent with the provisions of RCW 28A.600.020(3).

School principals and certificated employees shall also confer annually, to establish criteria for determining when certificated employees must complete classes to improve classroom management skills. [1997 c 266 s 12; 1990 c 33 s 379; 1980 c 171 s 2; 1975-'76 2nd ex.s. c 97 s 3. Formerly RCW 28A.58.201.]

Findings—Intent—Severability—1997 c 266: See notes following RCW 28A.600.455.

SALARY AND COMPENSATION

RCW 28A.400.200 Salaries and compensation for employees—Minimum and maximum amounts—Limitations—Supplemental contracts. (1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Through the 2017-18 school year, salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a baccalaureate degree and zero years of service;

(b) Salaries for certificated instructional staff with a master's degree shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a master's degree and zero years of service; and

(c) Beginning with the 2018-19 school year:

(i) Salaries for full-time certificated instructional staff must not be less than forty thousand dollars, to be adjusted for regional differences in the cost of hiring staff as specified in RCW 28A.150.410, and to be adjusted annually by the same inflationary measure as provided in RCW 28A.400.205;

(ii) Salaries for full-time certificated instructional staff with at least five years of experience must exceed by at least ten percent the value specified in (c)(i) of this subsection;

(iii) A district may not pay full-time certificated instructional staff a salary that exceeds ninety thousand dollars, subject to adjustment for regional differences in the cost of hiring staff as specified in RCW 28A.150.410. This maximum salary is adjusted annually by the inflationary measure in RCW 28A.400.205;

(iv) These minimum and maximum salaries apply to the services provided as part of the state's statutory program of basic education and exclude supplemental contracts for additional time, responsibility, or incentive pursuant to this section or for enrichment pursuant to RCW 28A.150.276;

(v) A district may pay a salary that exceeds this maximum salary by up to ten percent for full-time certificated instructional staff: Who are educational staff associates; who teach in the subjects of science, technology, engineering, or math; or who teach in the transitional bilingual instruction or special education programs.

(3)(a)(i) Through the 2017-18 school year the actual average salary paid to certificated instructional staff shall not exceed the district's average certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.

(ii) For the 2018-19 school year, salaries for certificated instructional staff are subject to the limitations in *RCW 41.59.800.

(iii) Beginning with the 2019-20 school year, for purposes of subsection (4) of this section, RCW 28A.150.276, and 28A.505.100, each school district must annually identify the actual salary paid to each certificated instructional staff for services rendered as part of the state's program of basic education.

(b) Through the 2018-19 school year, fringe benefit contributions for certificated instructional staff shall be included as salary under (a)(i) of this subsection only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation, less the amount remitted by districts to the health care authority for retiree subsidies, provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210; employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4)(a) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, for additional responsibilities, or for incentives. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts must be accounted for by a school district when the district is developing its four-year budget plan under RCW 28A.505.040.

(b) Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 1 of the state Constitution and RCW 28A.150.220.

(c)(i) Beginning September 1, 2019, supplemental contracts for certificated instructional staff are subject to the following additional restrictions: School districts may enter into supplemental contracts only for enrichment activities as defined in and subject to the limitations of RCW 28A.150.276.

(ii) For a supplemental contract, or portion of a supplemental contract, that is time-based, the hourly rate the district pays may

not exceed the hourly rate provided to that same instructional staff for services under the basic education salary identified under subsection (3)(a)(iii) of this section. For a supplemental contract, or portion of a supplemental contract that is not time-based, the contract must document the additional duties, responsibilities, or incentives that are being funded in the contract.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350, 28A.400.275, and 28A.400.280. [2018 c 266 s 205; 2017 3rd sp.s. c 13 s 103; 2010 c 235 s 401; 2002 c 353 s 2; 1997 c 141 s 2; 1993 c 492 s 225. Prior: 1990 1st ex.s. c 11 s 2; 1990 c 33 s 381; 1987 1st ex.s. c 2 s 205. Formerly RCW 28A.58.0951.]

***Reviser's note:** RCW 41.59.800 expired August 31, 2019.

Finding—Intent—2018 c 266: See note following RCW 28A.150.410.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Collective bargaining agreements not impaired—2017 3rd sp.s. c 13: See note following RCW 41.56.139.

Finding—2010 c 235: See note following RCW 28A.405.245.

Effective date—2002 c 353: See note following RCW 28A.150.410.

Findings—Intent—1993 c 492: See notes following RCW 43.20.050.

Short title—Savings—Reservation of legislative power—Effective dates—1993 c 492: See RCW 43.72.910 through 43.72.915.

Intent—1990 1st ex.s. c 11: "The legislature recognizes the rising costs of health insurance premiums for school employees, and the increasing need to ensure effective use of state benefit dollars to obtain basic coverage for employees and their dependents. In school districts that do not pool benefit allocations among employees, increases in premium rates create particular hardships for employees with families. For many of these employees, the increases translate directly into larger payroll deductions simply to maintain basic benefits.

The goal of this act is to provide access for school employees to basic coverage, including coverage for dependents, while minimizing employees' out-of-pocket premium costs. Unnecessary utilization of medical services can contribute to rising health insurance costs. Therefore, the legislature intends to encourage plans that promote appropriate utilization without creating major barriers to access to care. The legislature also intends that school districts pool state benefit allocations so as to eliminate major differences in out-of-pocket premium expenses for employees who do and do not need coverage for dependents." [1990 1st ex.s. c 11 s 1.]

Intent—Severability—Effective date—1987 1st ex.s. c 2: See notes following RCW 84.52.0531.

RCW 28A.400.2001 Supplemental contracts—School district reporting—Report by the office of the superintendent of public

instruction. Beginning September 1, 2017, school districts must annually report to the superintendent of public instruction on supplemental contracts entered into subject to RCW 28A.400.200(4) for additional time, responsibility, or incentive. The office of the superintendent of public instruction shall summarize the district information and submit an annual report to the education and appropriate fiscal committees of the house of representatives and the senate. [2017 3rd sp.s. c 13 s 505.]

Effective date—2017 3rd sp.s. c 13 ss 102, 505, and 801: See note following RCW 28A.400.205.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Collective bargaining agreements not impaired—2017 3rd sp.s. c 13: See note following RCW 41.56.139.

RCW 28A.400.205 Salary inflationary increases for employees —"Inflationary adjustment index" defined. (1) School district employees shall be provided an annual salary inflationary increase in accordance with this section.

(a) The inflationary increase shall be calculated by applying the rate of the yearly increase in the inflationary adjustment index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the 2019-20 school year, each school district shall be provided an inflationary adjustment allocation sufficient to grant this inflationary increase.

(b) A school district shall distribute its inflationary adjustment allocation for salaries and salary-related benefits in accordance with the district's collective bargaining agreements and compensation policies. No later than the end of the school year, each school district shall certify to the superintendent of public instruction that it has spent funds provided for inflationary increases on salaries and salary-related benefits.

(c) Any funded inflationary increase shall be included in the salary base used to determine inflationary increases for school employees in subsequent years. For teachers and other certificated instructional staff, the rate of the annual inflationary increase funded for certificated instructional staff shall be applied to the base salary used with the statewide salary allocation methodology established under RCW 28A.150.410 and to any other salary allocation methodologies used to recognize school district personnel costs.

(2) For the purposes of this section, "inflationary adjustment index" means:

(a) For the 2023-24 school year, 3.7 percent; and

(b) Beginning with the 2024-25 school year, the implicit price deflator for the previous calendar year as of the beginning of the school year, using the official current base, compiled by the bureau of economic analysis, United States department of commerce. [2023 c 50 s 1; 2018 c 266 s 206; 2017 3rd sp.s. c 13 s 102; 2013 2nd sp.s. c 5 s 1; 2011 1st sp.s. c 18 s 1; 2009 c 573 s 1; 2003 1st sp.s. c 20 s 1; 2001 c 4 s 2 (Initiative Measure No. 732, approved November 7, 2000).]

Finding—Intent—2018 c 266: See note following RCW 28A.150.410.

Effective date—2017 3rd sp.s. c 13 ss 102, 505, and 801: "Sections 102, 505, and 801 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [July 6, 2017]." [2017 3rd sp.s. c 13 s 1006.]

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Collective bargaining agreements not impaired—2017 3rd sp.s. c 13: See note following RCW 41.56.139.

Effective date—2013 2nd sp.s. c 5: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2013." [2013 2nd sp.s. c 5 s 5.]

Effective date—2011 1st sp.s. c 18: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2011." [2011 1st sp.s. c 18 s 7.]

Effective date—2009 c 573: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009." [2009 c 573 s 4.]

Severability—2001 c 4 (Initiative Measure No. 732): "If any provision of this 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." [2001 c 4 s 5 (Initiative Measure No. 732, approved November 7, 2000).]

RCW 28A.400.206 Cost-of-living increases—Duty of state. The Washington Constitution establishes "the paramount duty of the state to make ample provision for the education of all children." Providing quality education for all children in Washington requires well-qualified and experienced teachers and other school employees. However, salaries for educators have not kept up with the increased cost of living in the state. The failure to keep up with inflation threatens Washington's ability to compete with other states to attract first-rate teachers to Washington classrooms and to keep well-qualified educators from leaving for other professions. The state must provide a fair and reasonable cost-of-living increase, as provided in chapter 20, Laws of 2003 1st sp. sess., to help ensure that the state attracts and keeps the best teachers and school employees for the children of Washington. [2003 1st sp.s. c 20 s 2; 2001 c 4 s 1 (Initiative Measure No. 732, approved November 7, 2000).]

Severability—2001 c 4 (Initiative Measure No. 732): See note following RCW 28A.400.205.

RCW 28A.400.210 Employee attendance incentive program—Remuneration or benefit plan for unused sick leave. Every school district board of directors may, in accordance with chapters 41.56 and 41.59 RCW, establish an attendance incentive program for all certificated and classified employees in the following manner, including covering persons who were employed during the 1982-'83 school year:

(1) 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. 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.

(2) Except as provided in RCW 28A.400.212, at the time of separation from school district employment 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. For purposes of this subsection, "eligible employee" means (a) employees who separate from employment due to retirement or death; (b) employees who separate from employment and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(33), or under the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010(25); or (c) employees who separate from employment and who are at least age fifty-five and have at least fifteen years of service under the teachers' retirement system plan 2 as defined in RCW 41.32.010(32), under the Washington school employees' retirement system plan 2 as defined in RCW 41.35.010(24), or under the public employees' retirement system plan 2 as defined in RCW 41.40.010(28).

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

Moneys or benefits 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. [2020 c 18 s 12; 2000 c 231 s 1; 1997 c 13 s 9; 1992 c 234 s 12; 1991 c 92 s 2; 1989 c 69 s 2; 1983 c 275 s 2. Formerly RCW 28A.58.096.]

Explanatory statement—2020 c 18: See note following RCW 43.79A.040.

Intent—Construction—1983 c 275: "This act is intended to effectuate the legislature's intent in the original enactment of chapter 182, Laws of 1980 and constitutes a readoption of the relevant portions of that law. This act shall be construed as being in effect since June 12, 1980." [1983 c 275 s 5.]

RCW 28A.400.212 Employee attendance incentive program—Effect of early retirement. An employee of a school district that has established an attendance incentive program under RCW 28A.400.210 who retires under section 1 or 3, chapter 234, Laws of 1992, section 1 or 3, chapter 86, Laws of 1993, or section 4 or 6, chapter 519, Laws of 1993, shall receive, at the time of his or her separation from school district employment, not less than one-half of the remuneration for accrued leave for illness or injury payable to him or her under the district's incentive program. The school district board of directors may, at its discretion, pay the remainder of such an employee's remuneration for accrued leave for illness or injury after the time of the employee's separation from school district employment, but the employee or the employee's estate is entitled to receive the remainder of the remuneration no later than the date the employee would have been eligible to retire under the provisions of RCW 41.40.180 or 41.32.480 had the employee continued to work for the district until eligible to retire, or three years following the date of the employee's separation from school district employment, whichever occurs first. A district exercising its discretion under this section to pay the remainder of the remuneration after the time of the employee's separation from school district employment shall establish a policy and procedure for paying the remaining remuneration that applies to all affected employees equally and without discrimination. Any remuneration paid shall be based on the number of days of leave the employee had accrued and the compensation the employee received at the time he or she retired under section 1 or 3, chapter 234, Laws of 1992, section 1 or 3, chapter 86, Laws of 1993, or section 4 or 6, chapter 519, Laws of 1993. [1993 c 519 s 14; 1993 c 86 s 8; 1992 c 234 s 13.]

Reviser's note: This section was amended by 1993 c 86 s 8 and by 1993 c 519 s 14, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Part headings not law—1993 c 519: "Part headings as used in this act do not constitute any part of the law." [1993 c 519 s 24.]

Effective date—1993 c 519: "This act is necessary for the immediate preservation of the public peace, health, or safety, or

support of the state government and its existing public institutions, and shall take effect immediately [May 18, 1993]." [1993 c 519 s 25.]

Effective date—1993 c 86: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 21, 1993]." [1993 c 86 s 9.]

RCW 28A.400.220 Employee salary or compensation—Limitations respecting. (1) No school district board of directors or administrators may:

(a) Increase an employee's salary or compensation to include a payment in lieu of providing a fringe benefit; or

(b) Allow any payment to an employee which is partially or fully conditioned on the termination or retirement of the employee, except as provided in subsection (2) of this section.

(2) A school district board of directors may compensate an employee for termination of the employee's contract in accordance with the termination provisions of the contract. If no such provisions exist the compensation must be reasonable based on the proportion of the uncompleted contract. Compensation received under this subsection shall not be included for the purposes of computing a retirement allowance under any public retirement system in this state.

(3) Provisions of any contract in force on March 27, 1982, which conflict with the requirements of this section shall continue in effect until contract expiration. After expiration, any new contract including any renewal, extension, amendment or modification of an existing contract executed between the parties shall be consistent with this section. [1989 c 11 s 5; 1982 1st ex.s. c 10 s 1. Formerly RCW 28A.58.098.]

Severability—1989 c 11: See note following RCW 9A.56.220.

Severability—1982 1st ex.s. c 10: "If any provision of this 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." [1982 1st ex.s. c 10 s 3.]

RCW 28A.400.230 Deposit of cumulative total of earnings of group of employees—Authorized—Conditions. Any school district authorized to draw and issue their own warrants may deposit the cumulative total of the net earnings of any group of employees in one or more banks within the state such group or groups may designate, to be credited to the individuals composing such groups, by a single warrant to each bank so designated or by other commercially acceptable methods: PROVIDED, That any such collective authorization shall be made in writing by a minimum of twenty-five employees or ten percent of the employees, whichever is less. [1973 c 111 s 5. Formerly RCW 28A.58.730.]

Severability—1973 c 111: See note following RCW 28A.330.230.

RCW 28A.400.240 Deferred compensation plan for school district or educational service district employees—Limitations. In addition to any other powers and duties, any school district or educational service district may contract with any classified or certificated employee to defer a portion of that employee's income, which deferred portion shall in no event exceed the appropriate internal revenue service exclusion allowance for such plans, and shall subsequently with the consent of the employee, deposit or invest in a credit union, savings and loan association, bank, mutual savings bank, or purchase life insurance, shares of an investment company, or a fixed and/or variable annuity contract, for the purpose of funding a deferred compensation program for the employee, from any life underwriter or registered representative duly licensed by this state who represents an insurance company or an investment company licensed to contract business in this state. In no event shall the total investments or payments, and the employee's nondeferred income for any year exceed the total annual salary, or compensation under the existing salary schedule or classification plan applicable to such employee in such year. Any income deferred under such a plan shall continue to be included as regular compensation, for the purpose of computing the retirement and pension benefits earned by any employee, but any sum so deducted shall not be included in the computation of any taxes withheld on behalf of any such employee. [2001 c 266 s 1; 1975 1st ex.s. c 205 s 1; 1974 ex.s. c 11 s 1. Formerly RCW 28A.58.740.]

RCW 28A.400.250 Tax deferred annuities—Regulated company stock. (1) The board of directors of any school district, the Washington state teachers' retirement system, the superintendent of public instruction, and educational service district superintendents are authorized to provide and pay for tax deferred annuities or regulated company stock held in a custodial account for their respective employees in lieu of a portion of salary or wages as authorized under the provisions of 26 U.S.C. section 403(b), as amended by Public Law 87-370, 75 Stat. 796, as now or hereafter amended. The superintendent of public instruction and educational service district superintendents, if eligible, may also be provided with such options.

(2) At the request of at least five employees, the employees' employer shall arrange for the:

(a) Purchase of tax deferred annuity contracts which meet the requirements of 26 U.S.C. section 403(b), as now or hereafter amended, for the employees from any company the employees may choose that is authorized to do business in this state through a Washington-licensed insurance agent that the employees may select; or

(b) Payment to a custodial account for investment in the stock of a regulated investment company as defined in 26 U.S.C. section 403(b)(7)(c).

(3) Payroll deductions shall be made in accordance with the arrangements for the purpose of paying the entire premium due and to become due under the contracts. Employees' rights under the annuity contract are nonforfeitable except for the failure to pay premiums.

(4) The board of directors of any school district, the Washington state teachers' retirement system, the superintendent of public instruction, and educational service district superintendents shall not restrict, except as provided in this section, employees' right to select the tax deferred annuity of their choice, the regulated company

stock held in a custodial account, or the agent, broker, or company licensed by the state of Washington through which the tax deferred annuity or regulated company stock is placed or purchased, and shall not place limitations on the time or place that the employees make the selection.

(5) The board of directors of any school district, the Washington state teachers' retirement system, the superintendent of public instruction, and educational service district superintendents may each adopt rules regulating the sale of tax deferred annuities or regulated company stock held in a custodial account which: (a) Prohibit solicitation of employees for the purposes of selling tax deferred annuities or regulated company stock held in a custodial account on school premises during normal school hours; (b) only permit the solicitation of tax deferred annuities or regulated company stock held in a custodial account by agents, brokers, and companies licensed by the state of Washington; and (c) require participating companies to execute reasonable agreements protecting the respective employers from any liability attendant to procuring tax deferred annuities or regulated company stock held in a custodial account. [2010 c 41 s 1; 1984 c 228 s 1; 1975 1st ex.s. c 275 s 113; 1971 c 48 s 31; 1969 c 97 s 2; 1969 ex.s. c 223 s 28A.58.560. Prior: 1965 c 54 s 1, part. Formerly RCW 28A.58.560, 28.02.120, part.]

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

RCW 28A.400.260 Pension benefits or annuity benefits for certain classifications of employees—Procedure. Notwithstanding any other provision of law, any school district shall have the authority to provide for all employees within an employment classification pension benefits or annuity benefits as may already be established and in effect by other employers of a similar classification of employees, and payment therefor may be made by making contributions to such pension plans or funds already established and in effect by the other employers and in which the school district is permitted to participate for such particular classifications of its employees by the trustees or other persons responsible for the administration of such established plans or funds.

Notwithstanding provisions of RCW 41.40.023(4), the coverage under such private plan shall not exclude such employees from simultaneous coverage under the Washington public employees' retirement system. [1972 ex.s. c 27 s 1. Formerly RCW 28A.58.565.]

RCW 28A.400.270 Employee benefit—Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28A.400.275 and 28A.400.280.

(1) "Basic benefits" are limited to medical, dental, vision, group term life, and group long-term disability insurance coverage.

(2) "Benefit providers" include insurers, third party claims administrators, direct providers of employee fringe benefits, health maintenance organizations, health care service contractors, and the Washington state health care authority or any plan offered by the authority.

(3) "Fringe benefit" does not include liability coverage, old-age survivors' insurance, workers' compensation, unemployment

compensation, retirement benefits under the Washington state retirement system, or payment for unused leave for illness or injury under RCW 28A.400.210.

(4) "Group long-term disability insurance coverage" means long-term disability insurance coverage provided for, at a minimum, all full-time employees in a bargaining unit or all full-time nonbargaining group employees.

(5) "Group term life insurance coverage" means term life insurance coverage provided for, at a minimum, all full-time employees in a bargaining unit or all full-time nonbargaining group employees.

(6) "School district employee benefit plan" means the overall plan used by the district for distributing fringe benefit subsidies to employees, including the method of determining employee coverage. It shall not include coverage offered to district employees for which there is no contribution from public funds. [2017 3rd sp.s. c 13 s 813; 1990 1st ex.s. c 11 s 4.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Collective bargaining agreements not impaired—2017 3rd sp.s. c 13: See note following RCW 41.56.139.

Intent—1990 1st ex.s. c 11: See note following RCW 28A.400.200.

RCW 28A.400.275 Employee benefits—Contracts or agreements—Submission of information to the health care authority. (1) Any contract or agreement for employee benefits executed after April 13, 1990, between a school district or educational service district and a benefit provider or employee bargaining unit is null and void unless it contains an agreement to abide by state laws relating to school district and educational service district employee benefits. The term of the contract or agreement may not exceed one year, except that the final contract or agreement entered into for the 2018-19 school year must exceed one year only by the months necessary to ensure employee benefits are maintained through December 31, 2019.

(2) School districts, educational service districts, and their benefit providers shall submit data to the health care authority in accordance with RCW 41.05.075(3).

(3) Any benefit provider offering a benefit plan by contract or agreement with a school district or educational service district under subsection (1) of this section shall make available to the school district or educational service district the benefit plan descriptions and, where available, the demographic information on plan subscribers that the school district, educational service district, and benefit provider are required to report to the health care authority under this section.

(4) Each school district and educational service district shall:

(a) Carry out all actions required by the school employees' benefits board and the health care authority under chapter 41.05 RCW including, but not limited to, those necessary for the operation of benefit plans, education of employees, claims administration, and appeals process; and

(b) Report all data relating to employees eligible to participate in benefits or plans administered by the school employees' benefits board and the health care authority in a format designed and communicated by the school employees' benefits board and the health care authority. [2018 c 260 s 22. Prior: 2017 3rd sp.s. c 13 s 814; 2017 3rd sp.s. c 7 s 1; 2012 2nd sp.s. c 3 s 4; 1990 1st ex.s. c 11 s 5.]

Effective date—2018 c 260 ss 14, 22, 23, 31, and 32: See note following RCW 41.05.075.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Collective bargaining agreements not impaired—2017 3rd sp.s. c 13: See note following RCW 41.56.139.

Findings—Goals—Intent—2012 2nd sp.s. c 3: "(1) The legislature finds that:

(a) Each year, nearly one billion dollars in public funds are spent on the purchase of employee insurance benefits for more than two hundred thousand public school employees and their dependents;

(b) The legislature and school districts and their employees need better information to improve current practices and inform future decisions with regard to health insurance benefits;

(c) Recent work by the state auditor's office and the state health care authority have advanced discussions throughout the state on opportunities to improve the current system; and

(d) Two major themes have emerged: (i) The state, school districts, and employees need better information and data to make better health insurance purchasing decisions within the K-12 system; (ii) affordability is a significant concern for all employees, especially for employees seeking full family insurance coverage and for the lowest-paid and part-time employees.

(2) The legislature establishes the following goals:

(a) Improve the transparency of health benefit plan claims and financial data to assure prudent and efficient use of taxpayers' funds at the state and local levels;

(b) Create greater affordability for full family coverage and greater equity between premium costs for full family coverage and for employee only coverage for the same health benefit plan;

(c) Promote health care innovations and cost savings, and significantly reduce administrative costs; and

(d) Provide greater parity in state allocations for state employee and K-12 employee health benefits.

(3) The legislature intends to retain current collective bargaining for benefits, and retain state, school district, and employee contributions to benefits." [2012 2nd sp.s. c 3 s 1.]

Intent—1990 1st ex.s. c 11: See note following RCW 28A.400.200.

RCW 28A.400.280 Employee benefits—Employer contributions—Optional benefits—Annual report. (1) Except as provided in subsection (2) of this section, school districts may provide employer fringe benefit contributions after October 1, 1990, only for basic benefits. However, school districts may continue payments under

contracts with employees or benefit providers in effect on April 13, 1990, until the contract expires.

(2)(a) School districts may provide employer contributions after October 1, 1990, for optional benefit plans, in addition to basic benefits. Beginning January 1, 2020, school district optional benefits must not compete with any form of the basic or optional benefits offered in the school employees' benefits board program either under the school employees' benefits board's authority in RCW 41.05.740 or offered under the authority of the health care authority in the salary reduction plan authorized in RCW 41.05.300 and 41.05.310.

(b) Beginning December 1, 2019, and each December 1st thereafter, school district optional benefits must be reported to the school employees' benefits board and health care authority.

(c) School districts, and the applicable carrier, must work with the health care authority to either modify and remove competing components of the district-based benefit or end any district-based benefit offering in competition with either the health care authority's or the school employees' benefits board offered benefits.

(d) Unless the school employees' benefits board offers such benefits, school districts may offer only the following optional benefits to school employees:

(i) Benefits listed in RCW 41.05.745(1) (a) through (i), offered as employee-paid, voluntary benefits that may be administered by using payroll deductions; and

(ii) Voluntary employees' beneficiary association accounts, including benefit plans authorized in RCW 28A.400.210(3).

(3) School districts are not intended to divert state basic benefit allocations for other purposes. Beginning January 1, 2020, school districts must offer all benefits offered by the school employees' benefits board administered by the health care authority, and consistent with RCW 41.56.139(2).

(4) Any optional benefits offered by a school district under subsection (2) of this section are considered an enhancement to the state's definition of basic education. [2020 c 231 s 1; 2018 c 260 s 29; 2017 3rd sp.s. c 13 s 815; 2012 2nd sp.s. c 3 s 2; 2011 c 269 s 1; 1990 1st ex.s. c 11 s 6.]

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Collective bargaining agreements not impaired—2017 3rd sp.s. c 13: See note following RCW 41.56.139.

Findings—Goals—Intent—2012 2nd sp.s. c 3: See note following RCW 28A.400.275.

Intent—1990 1st ex.s. c 11: See note following RCW 28A.400.200.

RCW 28A.400.285 Contracts for services performed by classified employees. (1) When a school district or educational service district enters into a contract for services that had been previously performed by classified school employees, the contract shall contain a specific clause requiring the contractor to provide for persons performing such services under the contract, health benefits that are similar to those provided for school employees who would otherwise perform the work, but in no case are such health benefits required to be greater than

the benefits provided for basic health care services under chapter 70.47 RCW.

(2) Decisions to enter into contracts for services by a school district or educational service district may only be made: (a) After the affected district has conducted a feasibility study determining the potential costs and benefits, including the impact on district employees who would otherwise perform the work, that would result from contracting for the services; (b) after the decision to contract for the services has been reviewed and approved by the superintendent of public instruction; and (c) subject to any applicable requirements for collective bargaining. The factors to be considered in the feasibility study shall be developed in consultation with representatives of the affected employees and may include both long-term and short-term effects of the proposal to contract for services.

(3) This section applies only if a contract is for services performed by classified school employees on or after July 25, 1993.

(4) This section does not apply to:

(a) Temporary, nonongoing, or nonrecurring service contracts; or

(b) Contracts for services previously performed by employees in director/supervisor, professional, and technical positions.

(5) For the purposes of subsection (4) of this section:

(a) "Director/supervisor position" means a position in which an employee directs staff members and manages a function, a program, or a support service.

(b) "Professional position" means a position for which an employee is required to have a high degree of knowledge and skills acquired through a baccalaureate degree or its equivalent.

(c) "Technical position" means a position for which an employee is required to have a combination of knowledge and skills that can be obtained through approximately two years of posthigh school education, such as from a community or technical college, or by on-the-job training. [1997 c 267 s 2; 1993 c 349 s 1.]

HIRING AND DISCHARGE

RCW 28A.400.300 Hiring and discharging of employees—Written leave policies—Seniority and leave benefits of employees transferring between school districts and other educational employers. (1) Every board of directors, unless otherwise specially provided by law, shall:

(a) Except as provided in RCW 28A.405.210(2) and subsection (3) of this section, employ for not more than one year, and for sufficient cause discharge all certificated and classified employees;

(b) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or classified qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and, emergencies for both certificated and classified employees, and with such compensation as the board of directors prescribe. However, the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness, injury and emergencies as follows:

(i) For such persons under contract with the school district for a full year, at least 10 days;

(ii) For such persons under contract with the school district as part time employees, at least that portion of 10 days as the total number of days contracted for bears to 180 days;

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

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

(v) Leave provided in this proviso not taken shall accumulate from year to year up to a maximum of 180 days for the purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes up to a maximum of the number of contract days agreed to in a given contract, but not greater than one year. Such accumulated time may be taken at any time during the school year or up to 12 days per year may be used for the purpose of payments for unused sick leave;

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

(vii) Any leave for injury or illness accumulated up to a maximum of 45 days shall be creditable as service rendered for the purpose of determining the time at which an employee is eligible to retire, if such leave is taken it may not be compensated under the provisions of RCW 28A.400.210 and 28A.310.490;

(viii) Accumulated leave under this proviso shall be transferred to and from one district to another, the office of superintendent of public instruction, offices of educational service district superintendents and boards, the state school for the blind, the Washington center for deaf and hard of hearing youth, institutions of higher education, and community and technical colleges, to and from such districts, schools, offices, institutions of higher education, and community and technical colleges;

(ix) Leave accumulated by a person in a district prior to leaving said district may, under rules of the board, be granted to such person when the person returns to the employment of the district.

(2) When any certificated or classified employee leaves one school district within the state and commences employment with another school district within the state, the employee shall retain the same seniority, leave benefits and other benefits that the employee had in his or her previous position. However, classified employees who transfer between districts after July 28, 1985, shall not retain any seniority rights other than longevity when leaving one school district and beginning employment with another. If the school district to which the person transfers has a different system for computing seniority, leave benefits, and other benefits, then the employee shall be granted the same seniority, leave benefits and other benefits as a person in that district who has similar occupational status and total years of service.

(3) Notwithstanding subsection (1)(a) of this section, discharges of certificated and classified employees in school districts that are dissolved due to financial insolvency shall be conducted in accordance with RCW 28A.315.229. [2023 c 362 s 2; 2019 c 266 s 19; 2012 c 186 s 20; 2009 c 47 s 2; 2008 c 174 s 2; 1997 c 13 s 10; 1990 c 33 s 382. Prior: 1985 c 210 s 1; 1985 c 46 s 1; 1983 c 275 s 3. Formerly RCW 28A.58.099.]

Effective date—2012 c 186: See note following RCW 28A.315.025.

Rule-making authority—2012 c 186: See RCW 28A.315.902.

Intent—Construction—1983 c 275: See note following RCW 28A.400.210.

RCW 28A.400.301 Information on past sexual misconduct—Requirement for applicants—Limitation on contracts and agreements—Employee right to review personnel file. (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Applicant" means an applicant for employment in a certificated or classified position who is currently or was previously employed by a school district.

(b) "Employer" means a school district employer.

(2) Before hiring an applicant, a school district shall request the applicant to sign a statement:

(a) Authorizing the applicant's current and past employers, including employers outside of Washington state, to disclose to the hiring school district sexual misconduct, if any, by the applicant and making available to the hiring school district copies of all documents in the previous employer's personnel, investigative, or other files relating to sexual misconduct by the applicant; and

(b) Releasing the applicant's current and past employers, and employees acting on behalf of that employer, from any liability for providing information described in (a) of this subsection, as provided in subsection (4) of this section.

(3) Before hiring an applicant, a school district shall request in writing, electronic or otherwise, the applicant's current and past employers, including out-of-state employers, to provide the information described in subsection (2)(a) of this section, if any. The request shall include a copy of the statement signed by the applicant under subsection (2) of this section.

(4) Not later than twenty business days after receiving a request under subsection (3) of this section, a school district shall provide the information requested and make available to the requesting school district copies of all documents in the applicant's personnel record relating to the sexual misconduct. The school district, or an employee acting on behalf of the school district, who in good faith discloses information under this section is immune from civil liability for the disclosure.

(5) A hiring district shall request from the office of the superintendent of public instruction verification of certification status, including information relating to sexual misconduct as established by the provisions of subsection (11) of this section, if any, for applicants for certificated employment.

(6) A school district shall not hire an applicant who does not sign the statement described in subsection (2) of this section.

(7) School districts may employ applicants on a conditional basis pending the district's review of information obtained under this section. When requests are sent to out-of-state employers under subsection (3) of this section, an applicant who has signed the statement described in subsection (2) of this section, shall not be prevented from gaining employment in Washington public schools if the laws or policies of that other state prevent documents from being made available to Washington state school districts or if the out-of-state school district fails or refuses to cooperate with the request.

(8) Information received under this section shall be used by a school district only for the purpose of evaluating an applicant's qualifications for employment in the position for which he or she has applied. Except as otherwise provided by law, a board member or employee of a school district shall not disclose the information to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment. A person who violates this subsection is guilty of a misdemeanor.

(9) Beginning September 1, 2004, the board or an official of a school district shall not enter into a collective bargaining agreement, individual employment contract, resignation agreement, severance agreement, or any other contract or agreement that has the effect of suppressing information about verbal or physical abuse or sexual misconduct by a present or former employee or of expunging information about that abuse or sexual misconduct from any documents in the previous employer's personnel, investigative, or other files relating to verbal or physical abuse or sexual misconduct by the applicant. Any provision of a contract or agreement that is contrary to this subsection is void and unenforceable, and may not be withheld from disclosure by the entry of any administrative or court order. This subsection does not restrict the expungement from a personnel file of information about alleged verbal or physical abuse or sexual misconduct that has not been substantiated.

(10) This section does not prevent a school district from requesting or requiring an applicant to provide information other than that described in this section.

(11) By September 1, 2004, the state board of education has the authority to and shall adopt rules defining "verbal abuse," "physical abuse," and "sexual misconduct" as used in this section for application to all classified and certificated employees. The definitions of verbal and physical abuse and sexual misconduct adopted by the state board of education must include the requirement that the school district has made a determination that there is sufficient information to conclude that the abuse or misconduct occurred and that the abuse or misconduct resulted in the employee's leaving his or her position at the school district.

(12) Except as limited by chapter 49.12 RCW, at the conclusion of a school district's investigation, a school employee has the right to review his or her entire personnel file, investigative file, or other file maintained by the school district relating to sexual misconduct as addressed in this section and to attach rebuttals to any documents as the employee deems necessary. Rebuttal documents shall be disclosed in the same manner as the documents to which they are attached. The provisions of this subsection do not supersede the protections

provided individuals under the state whistleblower laws in chapter 42.41 RCW. [2005 c 266 s 1; 2004 c 29 s 2.]

Findings—2004 c 29: "The legislature recognizes that state law requires criminal background checks of applicants for school district employment. However, the legislature finds that, because they generally are limited to criminal conviction histories, results of background checks are more complete when supplemented by an applicant's history of past sexual misconduct. Therefore, the legislature finds that additional safeguards are necessary in the hiring of school district employees to ensure the safety of Washington's school children. In order to provide the safest educational environment for children, school districts must provide known information regarding employees' sexual misconduct when those employees attempt to transfer to different school districts." [2004 c 29 s 1.]

RCW 28A.400.302 Application question on administrative leave. A school district employment application may not include a question asking whether the applicant has ever been placed on administrative leave. [2019 c 295 s 311.]

Effective date—Findings—Intent—2019 c 295: See notes following RCW 28A.310.235.

Findings—Intent—2019 c 295: See notes following RCW 28B.10.033.

Intent—2019 c 295: See note following RCW 28B.102.030.

Findings—Intent—2019 c 295: See note following RCW 28A.415.265.

Findings—Intent—2019 c 295: See note following RCW 28A.180.120.

RCW 28A.400.303 Record checks for employees and certain volunteers and contractors—Cost. (1)(a) School districts, educational service districts, the Washington center for deaf and hard of hearing youth, the state school for the blind, the office of the superintendent of public instruction, and their contractors shall require a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of investigation criminal justice information systems before hiring the following employees:

(i) Employees who will have regularly scheduled unsupervised access to children or persons with developmental disabilities; and

(ii) Employees who receive criminal history record information or personally identifiable information from the record check.

(b) A record check under this section must include a fingerprint check using a complete Washington state criminal identification fingerprint card.

(c) The requesting entity may provide a copy of the record report to the applicant at the applicant's request.

(d) When necessary, applicants for employment may be employed on a conditional basis pending completion of the record check.

(e) If the applicant for employment has had a record check within the previous two years, the district, the Washington center for deaf and hard of hearing youth, the state school for the blind, the office of the superintendent of public instruction, or contractor may waive the requirement.

(f) Except as provided in subsection (2) of this section, the school district, pursuant to chapter 41.59 or 41.56 RCW, the Washington center for deaf and hard of hearing youth, the state school for the blind, the office of the superintendent of public instruction, or contractor hiring the employee shall determine who shall pay costs associated with the record check.

(2) Federal bureau of Indian affairs-funded schools may use the process in subsection (1)(a) of this section to perform record checks for their employees and applicants for employment.

(3)(a) School districts, educational service districts, the Washington center for deaf and hard of hearing youth, the state school for the blind, federal bureau of Indian affairs-funded schools, charter schools established under chapter 28A.710 RCW, schools that are the subject of a state-tribal education compact under chapter 28A.715 RCW, and their contractors may use the process in subsection (1)(a) of this section to perform record checks for any prospective volunteer who will have regularly scheduled unsupervised access to children under eighteen years of age or persons with developmental disabilities, during the course of his or her involvement with the school or organization under circumstances where access will or may involve the following:

(i) Groups of five or fewer children under twelve years of age;

(ii) Groups of three or fewer children between twelve and eighteen years of age; or

(iii) Persons with developmental disabilities.

(b) For purposes of (a) of this subsection, "unsupervised" means not in the presence of:

(i) Another employee or volunteer from the same school or organization; or

(ii) Any relative or guardian of any of the children or persons with developmental disabilities to which the prospective employee or volunteer has access during the course of his or her involvement with the school or organization.

(4) Individuals who hold a valid portable background check clearance card issued by the department of children, youth, and families consistent with RCW 43.216.270 can meet the requirements in subsection (1) of this section by providing a true and accurate copy of their Washington state patrol and federal bureau of investigation background report results to the office of the superintendent of public instruction.

(5) The cost of record checks must include: The fees established by the Washington state patrol and the federal bureau of investigation for the criminal history background checks; a fee paid to the superintendent of public instruction for the cost of administering this section and RCW 28A.195.080 and 28A.410.010; and other applicable fees for obtaining the fingerprints. [2020 c 22 s 1; 2019 c 266 s 20. Prior: 2017 3rd sp.s. c 33 s 1; 2017 3rd sp.s. c 6 s 220; 2014 c 50 s 1; 2009 c 381 s 29; 2007 c 35 s 1; 2001 c 296 s 3; 1992 c 159 s 2.]

Effective date—2017 3rd sp.s. c 6 ss 102, 104-115, 201-227, 301-337, 401-419, 501-513, 801-803, and 805-822: See note following RCW 43.216.025.

Conflict with federal requirements—2017 3rd sp.s. c 6: See RCW 43.216.908.

Findings—Intent—2009 c 381: See note following RCW 72.40.015.

Intent—2001 c 296: See note following RCW 9.96A.060.

Findings—1992 c 159: "The legislature finds that additional safeguards are necessary to ensure the safety of Washington's school children. The legislature further finds that the results from state patrol record checks are more complete when fingerprints of individuals are provided, and that information from the federal bureau of investigation also is necessary to obtain information on out-of-state criminal records. The legislature further finds that confidentiality safeguards in state law are in place to ensure that the rights of applicants for certification or jobs and newly hired employees are protected." [1992 c 159 s 1.]

Criminal history record information—School volunteers: RCW 28A.320.155.

RCW 28A.400.305 Record check information—Access—Rules. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to implement RCW 28A.400.303. The rules shall include, but not be limited to the following:

(1) Written procedures providing a school district, approved private school, Washington center for deaf and hard of hearing youth, state school for the blind, federal bureau of Indian affairs-funded school employee, charter school established under chapter 28A.710 RCW, school that is the subject of a state-tribal education compact under chapter 28A.715 RCW, or applicant for certification or employment access to and review of information obtained based on the record check required under RCW 28A.400.303; and

(2) Written procedures limiting access to the superintendent of public instruction record check database to only those individuals processing record check information at the office of the superintendent of public instruction, the appropriate school district or districts, approved private schools, the Washington center for deaf and hard of hearing youth, the state school for the blind, the appropriate educational service district or districts, the appropriate federal bureau of Indian affairs-funded schools, the appropriate charter schools, and the appropriate state-tribal education compact schools. [2019 c 266 s 21; 2017 3rd sp.s. c 33 s 2; 2010 c 100 s 1; 2009 c 381 s 30; 2007 c 35 s 2; 2001 c 296 s 4; 1996 c 126 s 5.]

Findings—Intent—2009 c 381: See note following RCW 72.40.015.

Intent—2001 c 296: See note following RCW 9.96A.060.

Effective date—1996 c 126: "This act is necessary for the immediate preservation of the public peace, health, or safety, or

support of the state government and its existing public institutions, and shall take effect immediately [March 21, 1996]." [1996 c 126 s 7.]

RCW 28A.400.306 Fingerprints accepted by the state patrol—Fingerprints forwarded to the federal bureau of investigation—Conditions. The state patrol shall accept fingerprints obtained under this chapter only if it can ensure that the patrol will not retain a record of the fingerprints after the check is complete. It shall not forward fingerprints obtained under this chapter to the federal bureau of investigation unless it can ensure that the federal bureau of investigation will not retain a record of the fingerprints after the check is complete. [1995 c 335 s 504; 1992 c 159 s 9.]

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

Findings—1992 c 159: See note following RCW 28A.400.303.

RCW 28A.400.309 K-12 criminal background check account. The K-12 criminal background check account is created in the custody of the state treasurer. All fees collected by the office of the superintendent of public instruction pursuant to RCW 28A.400.303 must be deposited in the account. Expenditures from the account may be made only for the purpose of administering the office of the superintendent of public instruction's duties under RCW 28A.400.303 and 28A.410.010. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2017 3rd sp.s. c 33 s 5.]

RCW 28A.400.310 Law against discrimination applicable to districts' employment practices. The provisions of chapter 49.60 RCW as now or hereafter amended shall be applicable to the employment of any certificated or classified employee by any school district organized in this state. [1997 c 13 s 11; 1969 ex.s. c 223 s 28A.02.050. Prior: (i) 1937 c 52 s 1; RRS s 4693-1. Formerly RCW 28.02.050. (ii) 1937 c 52 s 2; RRS s 4693-2. Formerly RCW 28A.02.050, 28.02.051.]

RCW 28A.400.312 Antiretaliation protections. (1) School district employees and directors may not take an adverse employment action against any employee of the school district for:

(a) Supporting students in the exercise of their legal rights, including their right to a learning environment with historically and scientifically accurate information that: Includes the histories, contributions, and perspectives of historically marginalized and underrepresented groups as provided in RCW 28A.345.130; and provides students with an appreciation for the contributions and perspectives of diverse, global cultures; or

(b) Performing work in a manner consistent with RCW 28A.642.080, 28A.642.020, 28A.605.005, 28A.320.209, and 28A.230.005 and section 201, chapter 369, Laws of 2025.

(2) In addition to the prohibitions established in subsection (1) of this section, school district employees and directors may not take an adverse employment action against a teacher of the school district for:

(a) Instructing students in a manner consistent with state learning standards; or

(b) Using instructional materials approved in accordance with RCW 28A.320.230 that are culturally and experientially representative, including materials on the study of the role and contributions of individuals or groups that are part of a protected class under RCW 28A.642.010 and 28A.640.010.

(3) For the purposes of this section, an "adverse employment action" includes termination, demotion, suspension, discipline, denial of promotion, reassignment, negatively impacting the evaluation of certificated staff under RCW 28A.405.100, removal from, or denying access to, a supplemental contract, or otherwise taking any negative employment action against the employee.

(4) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020, and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools subject to chapter 28A.715 RCW to the same extent as it applies to school districts. [2025 c 369 s 401.]

Effective date—2025 c 369: See note following RCW 28A.320.209.

RCW 28A.400.315 Employment contracts. Employment contracts entered into between an employer and a superintendent, or administrator as defined in RCW 28A.405.230, under RCW 28A.400.010, 28A.400.300, or 28A.405.210:

(1) Shall end no later than June 30th of the calendar year that the contract expires except that, a contract entered into after June 30th of a given year may expire during that same calendar year; and

(2) Shall not be revised or entered into retroactively. [1990 c 8 s 6.]

Findings—1990 c 8: See note following RCW 41.50.065.

RCW 28A.400.317 Physical or sexual abuse, sexual misconduct, or assault by school employee or contractor—Duty to report—Training. (1) A certificated or classified school employee or school contractor who has knowledge or reasonable cause to believe that a student has been a victim, target, or recipient of physical or sexual abuse, sexual misconduct, or assault by another school employee or contractor, shall report such abuse, misconduct, or assault to the appropriate school administrator. The school administrator shall cause a report to be made to the proper law enforcement agency if he or she has reasonable cause to believe that the sexual misconduct, physical or sexual abuse, or assault has occurred as required under RCW 26.44.030. During the process of making a reasonable cause determination, the school administrator shall contact all parties

involved in the complaint and immediately notify parents and legal guardians as required by RCW 28A.320.160.

(2) Certificated and classified school employees shall receive training regarding their reporting obligations under state law in their orientation training when hired and then every three years thereafter. The training required under this subsection may be incorporated within existing training programs and related resources.

(3) Nothing in this section changes any of the duties established under RCW 26.44.030. [2025 c 369 s 602; 2013 c 10 s 4; 2004 c 135 s 1.]

Effective date—2025 c 369: See note following RCW 28A.320.209.

Finding—2013 c 10: See note following RCW 28A.410.035.

RCW 28A.400.320 Crimes against children—Mandatory termination of classified employees—Appeal—Recovery of salary or compensation by district. (1) The school district board of directors shall immediately terminate the employment of any classified employee who has contact with children during the course of his or her employment upon a guilty plea or conviction of any felony crime specified under RCW 28A.400.322.

(2) The employee shall have a right of appeal under chapter 28A.645 RCW including any right of appeal under a collective bargaining agreement. A school district board of directors is entitled to recover from the employee any salary or other compensation that may have been paid to the employee for the period between such time as the employee was placed on administrative leave, based upon criminal charges that the employee committed a felony crime specified under RCW 28A.400.322, and the time termination becomes final. [2009 c 396 s 2; 1990 c 33 s 383; 1989 c 320 s 3. Formerly RCW 28A.58.1001.]

Severability—1989 c 320: See note following RCW 28A.410.090.

Notification of conviction or guilty plea of certain felony crimes: RCW 43.43.845.

RCW 28A.400.322 Crimes against children—Crimes specified. (1) RCW 28A.400.320, 28A.400.330, 28A.405.470, *28A.410.090(3), 28A.410.110, 9.96A.020, and 43.43.845 apply upon a guilty plea or conviction occurring after July 23, 1989, and before July 26, 2009, for any of the following felony crimes:

(a) Any felony crime involving the physical neglect of a child under chapter 9A.42 RCW;

(b) The physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, except motor vehicle violations under chapter 46.61 RCW;

(c) Sexual exploitation of a child under chapter 9.68A RCW;

(d) Sexual offenses under chapter 9A.44 RCW where a minor is the victim;

(e) Promoting prostitution of a minor under chapter 9A.88 RCW;

(f) The sale or purchase of a minor child under RCW 9A.64.030;

(g) Violation of laws of another jurisdiction that are similar to those specified in (a) through (f) of this subsection.

(2) RCW 28A.400.320, 28A.400.330, 28A.405.470, *28A.410.090(3), 28A.410.110, 9.96A.020, and 43.43.845 apply upon a guilty plea or conviction occurring on or after July 26, 2009, for any of the following felony crimes or attempts, conspiracies, or solicitations to commit any of the following felony crimes:

(a) A felony violation of RCW 9A.88.010, indecent exposure;

(b) A felony violation of chapter 9A.42 RCW involving physical neglect;

(c) A felony violation of chapter 9A.32 RCW;

(d) A violation of RCW 9A.36.011, assault 1; 9A.36.021, assault 2; 9A.36.120, assault of a child 1; 9A.36.130, assault of a child 2; or any other felony violation of chapter 9A.36 RCW involving physical injury except assault 3 where the victim is eighteen years of age or older;

(e) A sex offense as defined in RCW 9.94A.030;

(f) A violation of RCW 9A.40.020, kidnapping 1; or 9A.40.030, kidnapping 2;

(g) A violation of RCW 9A.64.030, child selling or child buying;

(h) A violation of RCW 9A.88.070, promoting prostitution 1;

(i) A violation of RCW 9A.56.200, robbery 1; or

(j) A violation of laws of another jurisdiction that are similar to those specified in (a) through (i) of this subsection. [2009 c 396 s 1.]

***Reviser's note:** RCW 28A.410.090 was amended by 2013 c 163 s 1, changing subsection (3) to subsection (4).

RCW 28A.400.330 Crimes against children—Contractor employees—Termination of contract. The school district board of directors shall include in any contract for services with an entity or individual other than an employee of the school district a provision requiring the contractor to prohibit any employee of the contractor from working at a public school who has contact with children at a public school during the course of his or her employment and who has pled guilty to or been convicted of any felony crime specified under RCW 28A.400.322. The contract shall also contain a provision that any failure to comply with this section shall be grounds for the school district immediately terminating the contract. [2009 c 396 s 3; 1989 c 320 s 4. Formerly RCW 28A.58.1002.]

Severability—1989 c 320: See note following RCW 28A.410.090.

RCW 28A.400.332 Use of persons, money, or property for private gain. (1) No school district employee may employ or use any person, money, or property under the employee's official control or direction, in his or her official custody, without authorization, for the private benefit or gain of the employee or another.

(2) This section does not prohibit the use of public resources to benefit others as part of the employee's official duties.

(3) Each school district board of directors may adopt policies providing exceptions to this section for occasional use of the employee, of de minimis cost and value, if the activity does not result in interference with the proper performance of public duties.

(4) The office of the superintendent of public instruction shall adopt disciplinary guidelines for violations of this section. [2009 c 224 s 1.]

RCW 28A.400.340 Notice of discharge to contain notice of right to appeal if available. Any notice of discharge given to a classified or certificated employee, if that employee has a right to appeal the discharge, shall contain notice of that right, notice that a description of the appeal process is available, and how the description of the appeal process may be obtained. [1991 c 102 s 1.]

RCW 28A.400.345 School safety and security staff—Required training. (1) Prior to assigning safety and security staff to work on school property when students are expected to be present, school districts and their contractors must either:

(a) Confirm that the safety and security staff have training series documentation provided under RCW 28A.310.515; or

(b) Require the safety and security staff to complete the training series described in subsection (2) of this section.

(2)(a) The training series, two components for school resource officers and three components for other safety and security staff, must meet the requirements in this subsection.

(b) All safety and security staff must complete classroom training on the subjects listed in RCW 28A.310.515(2), within the first six months of working on school property when students are expected to be present.

(c) All safety and security staff must complete two days of on-the-job training with experienced safety and security staff, at the school of the experienced staff, within the first year of working on school property when students are expected to be present.

(d) Safety and security staff who are not school resource officers must complete at least six check-in trainings with experienced staff within the first year of working on school property when students are expected to be present.

(3) School safety and security staff who complete the training series described in subsection (2) of this section, and staff with significant prior training and experience, may request training series documentation from an educational service district under RCW 28A.310.515.

(4) Nothing in this section effects the categorization of safety and security staff as classified staff. Safety and security staff are not considered certificated instructional staff as that term and its meaning are used in this title.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Safety and security staff" or "staff" has the same meaning as in RCW 28A.320.124.

(b) "School resource officer" has the same meaning as in RCW 28A.320.124. [2021 c 38 s 3.]

Findings—Intent—2021 c 38: "(1) The legislature acknowledges the disproportionate impact that interactions with police have on youth of color and on black youth in particular. Not only are black youth more likely than their white peers to have contact with police at a young

age despite similar or lower rates of illegal behavior, but early police contact for black youth is predictive of future arrests in a way that is not true for white youth.

(2) The legislature finds that schools should be a place in which all youth feel safe and it is imperative that school resource officers, school security officers, and other school safety and security staff do not contribute to an unsafe environment for black youth and youth of color.

(3) The legislature recognizes that chapter 333, Laws of 2019 made significant improvements to the quality and transparency of school districts' school resource officer programs by implementing training and intergovernmental agreement requirements. However, the legislature intends to expand these requirements to other school safety and security staff. The legislature also expects to require on-the-job training. In addition, the legislature finds that in order to understand the full scope and impact of safety and security staff on school property, additional information must be collected and made publicly available." [2021 c 38 s 1.]

INSURANCE

RCW 28A.400.350 Medical, dental, vision, liability, life, accident, disability, and salary insurance authorized—Expiration of authority for basic and optional benefits—Health savings accounts—Premiums—Noncompliance. (1) The board of directors of any of the state's school districts or educational service districts may make available medical, dental, vision, liability, life, accident, disability, and salary protection or insurance, direct agreements as defined in chapter 48.150 RCW, or any one of, or a combination of the types of employee benefits enumerated in this subsection, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district or educational service district, and their dependents. Except as provided in subsection (6) of this section, such coverage may be provided by contracts or agreements with private carriers, with the state health care authority, or through self-insurance or self-funding pursuant to chapter 48.62 RCW, or in any other manner authorized by law. Any direct agreement must comply with RCW 48.150.050.

(2)(a) Whenever funds are available for these purposes the board of directors of the school district or educational service district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts or educational service districts and their dependents. The premiums on such liability insurance shall be borne by the school district or educational service district.

(b) After October 1, 1990, school districts may not contribute to any employee protection or insurance other than liability insurance unless the district's employee benefit plan conforms to RCW 28A.400.275 and 28A.400.280.

(c) After December 31, 2019, school district contributions to any employee insurance that is purchased through the health care authority must conform to the requirements established by chapter 41.05 RCW and the school employees' benefits board.

(3) For school board members, educational service district board members, and students, the premiums due on such protection or insurance shall be borne by the assenting school board member, educational service district board member, or student. The school district or educational service district may contribute all or part of the costs, including the premiums, of life, health, health care, accident or disability insurance which shall be offered to all students participating in interschool activities on the behalf of or as representative of their school, school district, or educational service district. The school district board of directors and the educational service district board may require any student participating in extracurricular interschool activities to, as a condition of participation, document evidence of insurance or purchase insurance that will provide adequate coverage, as determined by the school district board of directors or the educational service district board, for medical expenses incurred as a result of injury sustained while participating in the extracurricular activity. In establishing such a requirement, the district shall adopt regulations for waiving or reducing the premiums of such coverage as may be offered through the school district or educational service district to students participating in extracurricular activities, for those students whose families, by reason of their low income, would have difficulty paying the entire amount of such insurance premiums. The district board shall adopt regulations for waiving or reducing the insurance coverage requirements for low-income students in order to assure such students are not prohibited from participating in extracurricular interschool activities.

(4) All contracts or agreements for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57, and 18.71 RCW.

(5)(a) Until the creation of the school employees' benefits board under RCW 41.05.740, school districts offering medical, vision, and dental benefits shall:

(i) Offer a high deductible health plan option with a health savings account that conforms to section 223, part VII of subchapter 1 of the internal revenue code of 1986. School districts shall comply with all applicable federal standards related to the establishment of health savings accounts;

(ii) Make progress toward employee premiums that are established to ensure that full family coverage premiums are not more than three times the premiums for employees purchasing single coverage for the same coverage plan, unless a subsequent premium differential target is defined as a result of the review and subsequent actions described in *RCW 41.05.655;

(iii) Offer employees at least one health benefit plan that is not a high deductible health plan offered in conjunction with a health savings account in which the employee share of the premium cost for a full-time employee, regardless of whether the employee chooses employee-only coverage or coverage that includes dependents, does not exceed the share of premium cost paid by state employees during the state employee benefits year that started immediately prior to the school year.

(b) All contracts or agreements for employee benefits must be held to responsible contracting standards, meaning a fair, prudent, and accountable competitive procedure for procuring services that

includes an open competitive process, except where an open process would compromise cost-effective purchasing, with documentation justifying the approach.

(c) School districts offering medical, vision, and dental benefits shall also make progress on promoting health care innovations and cost savings and significantly reduce administrative costs.

(d) All contracts or agreements for insurance or protection described in this section shall be in compliance with chapter 3, Laws of 2012 2nd sp. sess.

(6) The authority to make available basic and optional benefits to school employees under this section expires December 31, 2019, except (a) for nonrepresented employees of educational service districts for which the authority expires December 31, 2023, and (b) as authorized under RCW 28A.400.280. Beginning January 1, 2020, school districts, for all school employees, and educational service districts, for represented employees, shall make available basic and optional benefits through plans offered by the health care authority and the school employees' benefits board. Beginning January 1, 2024, educational service districts, for nonrepresented employees, shall make available basic and optional benefits through plans offered by the health care authority and the school employees' benefits board. [2020 c 231 s 2; 2019 c 411 s 6; 2018 c 260 s 23; 2017 3rd sp.s. c 13 s 816; 2012 2nd sp.s. c 3 s 3; 2011 c 269 s 2; 2001 c 266 s 2. Prior: 1995 1st sp.s. c 6 s 18; 1995 c 126 s 1; 1993 c 492 s 226; prior: 1990 1st ex.s. c 11 s 3; 1990 c 74 s 1; 1988 c 107 s 16; 1985 c 277 s 8; 1977 ex.s. c 255 s 1; 1973 1st ex.s. c 9 s 1; 1971 ex.s. c 269 s 2; 1971 c 8 s 3; 1969 ex.s. c 237 s 3; 1969 ex.s. c 223 s 28A.58.420; prior: 1967 c 135 s 2, part; 1959 c 187 s 1, part. Formerly RCW 28A.58.420, 28.76.410, part.]

***Reviser's note:** RCW 41.05.655 was repealed by 2017 3rd sp.s. c 25 s 23.

Effective date—2018 c 260 ss 14, 22, 23, 31, and 32: See note following RCW 41.05.075.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Collective bargaining agreements not impaired—2017 3rd sp.s. c 13: See note following RCW 41.56.139.

Findings—Goals—Intent—2012 2nd sp.s. c 3: See note following RCW 28A.400.275.

Effective date—1995 1st sp.s. c 6: See note following RCW 28A.400.410.

Findings—Intent—1993 c 492: See notes following RCW 43.20.050.

Short title—Savings—Reservation of legislative power—Effective dates—1993 c 492: See RCW 43.72.910 through 43.72.915.

Intent—1990 1st ex.s. c 11: See note following RCW 28A.400.200.

Implementation—Effective dates—1988 c 107: See RCW 41.05.901.

Retrospective application—1985 c 277: See note following RCW 48.01.050.

Severability—1971 ex.s. c 269: "If any provision of this 1971 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." [1971 ex.s. c 269 s 4.]

Hospitalization and medical insurance authorized: RCW 41.04.180.

Operation of student transportation program responsibility of local district—Scope—Transporting of elderly—Insurance: RCW 28A.160.010.

Retirement allowance deductions for health care benefit plans: RCW 41.04.235.

RCW 28A.400.360 Liability insurance for officials and employees authorized. The board of directors of each school district may purchase liability insurance with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties. [1973 c 125 s 1. Formerly RCW 28A.58.423.]

RCW 28A.400.370 Mandatory insurance protection for employees. Notwithstanding any other provision of law, after August 9, 1971 boards of directors of all school districts shall provide their employees with insurance protection covering those employees while engaged in the maintenance of order and discipline and the protection of school personnel and students and the property thereof when that is deemed necessary by such employees. Such insurance protection must include as a minimum, liability insurance covering injury to persons and property, and insurance protecting those employees from loss or damage of their personal property incurred while so engaged. [1971 ex.s. c 269 s 1. Formerly RCW 28A.58.425.]

Severability—1971 ex.s. c 269: See note following RCW 28A.400.350.

RCW 28A.400.380 Leave sharing program. Every school district board of directors and educational service district superintendent may, in accordance with RCW 41.04.650 through 41.04.665, establish and administer a leave sharing program for their certificated and classified employees. For employees of school districts and educational service districts, the superintendent of public instruction shall adopt standards: (1) Establishing appropriate parameters for the program which are consistent with the provisions of RCW 41.04.650 through 41.04.665; and (2) establishing procedures to ensure that the program does not significantly increase the cost of providing leave. [1997 c 13 s 12; 1990 c 23 s 4; 1989 c 93 s 6. Formerly RCW 28A.58.0991.]

Severability—1989 c 93: See note following RCW 41.04.650.

RCW 28A.400.391 Insurance for retired and disabled employees—Application—Rules.

(1) Every group disability insurance policy, health care service contract, health maintenance agreement, and health and welfare benefit plan obtained or created to provide benefits to employees of school districts and their dependents shall contain provisions that permit retired and disabled employees to continue medical, dental, or vision coverage under the group policy, contract, agreement, or plan until September 30, 1993, or until the employee becomes eligible for federal medicare coverage, whichever occurs first. The terms and conditions for election and maintenance of such continued coverage shall conform to the standards established under the federal consolidated omnibus budget reconciliation act of 1985, as amended. The period of continued coverage provided under this section shall run concurrently with any period of coverage guaranteed under the federal consolidated omnibus budget reconciliation act of 1985, as amended.

(2) This section applies to:

(a) School district employees who retired or lost insurance coverage due to disability after July 28, 1991;

(b) School district employees who retired or lost insurance coverage due to disability within the eighteen-month period ending on July 28, 1991; and

(c) School district employees who retired or lost insurance coverage due to disability prior to January 28, 1990, and who were covered by their employing district's insurance plan on January 1, 1991.

(3) For the purposes of this section "retired employee" means an employee who separates from district service and is eligible at the time of separation from service to receive, immediately following separation from service, a retirement allowance under chapter 41.32 or 41.40 RCW.

(4) The superintendent of public instruction shall adopt administrative rules to implement this section. [1993 c 386 s 2; 1992 c 152 s 1.]

Intent—1993 c 386: "It is the legislature's intent to increase access to health insurance for retired and disabled school employees and also to improve equity between state employees and school employees by providing for the reduction of health insurance premiums charged to retired school employees through a subsidy charged against health insurance allocations for active employees. It is further the legislature's intent to improve the cost-effectiveness of state purchased health care by managing programs for public employees, in this case retired school employees, through the state health care authority." [1993 c 386 s 1.]

Effective date—1993 c 386 ss 1, 2, 4-6, 8-10, and 12-16: "Sections 1, 2, 4 through 6, 8 through 10, and 12 through 16 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 15, 1993]." [1993 c 386 s 18.]

RCW 28A.400.395 Insurance for retired employees and their dependents—Method of payment of premium. A group disability insurance policy, health care service contract, health maintenance agreement, or health and welfare benefit plan that provides benefits to retired school district employees and eligible dependents shall not require the beneficiary to make payment by monthly deduction from the beneficiary's state retirement allowance if the payment exceeds the retirement allowance. In such cases, the payment may be made directly by the individual beneficiary. [1992 c 152 s 3.]

RCW 28A.400.410 Payment to the public employees' and retirees' insurance account. (1) In a manner prescribed by the state health care authority, school districts and educational service districts shall remit to the health care authority for deposit in the public employees' and retirees' insurance account established in RCW 41.05.120 the amount specified for remittance in the omnibus appropriations act.

(2) The remittance requirements specified in this section shall not apply to employees of a school district or educational service district who receive insurance benefits through contracts with the health care authority. [1995 1st sp.s. c 6 s 1.]

Effective date—1995 1st sp.s. c 6: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995." [1995 1st sp.s. c 6 s 23.]