

## **GENERAL ITEMS OF IMPORTANCE FOR SUPERINTENDENTS**

1. Superintendents
  - A. Bond, Oath: The board of directors of school districts of the first class (2000+ enrollment) are to fix and require the superintendent as secretary of the board to give bond in a sum of not less than five thousand dollars, and that the superintendent take an oath before a proper officer that he/she will support the Constitution of the United States and state of Washington and faithfully perform the duties of the office, which oath shall be filed with the ESD superintendent. (RCW 28A.330.060)
  - B. Notify ESD, Secretary to Board: Every school district superintendent in districts of the second class (under 2000-enrollment) shall within ten days after change in the office of chair of board or superintendent, notify the educational service district superintendent of such change. (RCW 28A.330.210) The superintendent shall serve as secretary to the board in districts of the second class. (RCW 28A.330.200)
  - C. Interim Superintendent: When a district of the second class is without a superintendent and the business of the district necessitates action by the superintendent, the board shall appoint any member to carry out the superintendent duties for a temporary time period. (RCW 28A.330.200)
  - D. Filing of Signature: Every school district superintendent and school district director on assuming the duties of the office shall place their signature, certified to by some school district official, on file with the office of the county auditor. (RCW 28A.400.020) Any official (i.e. anyone given power to act in a certain capacity) of the school district, after filing with the secretary of state his/her manual signature certified by him/her under oath, may execute or cause to be executed with a facsimile signature in lieu of a manual signature: (1) any public security; or (2) any instrument of payment. (RCW 39.62.020) (See RCW 28A.330.230 regarding warrants and secretary of board signature for districts of the second class and RCW 28A.330.080 for districts of the first class.)
2. Members of the Board of Directors
  - A. Eligibility: Persons are eligible to serve as members of a school district board of directors when they are (1) citizens of the United States and the state of Washington, and (2) a registered voter of the school district or director district as the case may be per RCW 28A.343.340.
  - B. Oath, Effective Date: Every person elected or appointed to the office of school director, before discharging of duties shall take an oath to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of the office. The oath shall be endorsed on written appointments or commissions and sworn before any officer authorized to administer oaths, school officials being authorized to administer oaths pertaining to their respective offices without charge or fee. All oaths shall be filed with the county auditor. Every elected member of the

board of directors assumes office at the first official meeting of the board following certification of the election results. (RCW 28A.343.360)

C. Board Vacancies, ESD Role: Vacancies for any reason in a board member position are filled by appointment of the remaining board members where there is still a legal majority of board members. Where there are fewer than a legal majority of board members on the local school district board, the educational service district board by majority vote will appoint sufficient number to constitute a legal majority. Should a local school board fail to fill a vacancy by appointment within ninety days, the educational service district board by majority vote will appoint to fill the vacancy. All appointees must meet the qualifications of elected board members. Board members who have resigned may not vote on their replacement. (The ESD 101 board has a policy on the procedure to be used to obtain names of individual to be appointed.) (RCW 28A.343.370)

D. Compensation: Board members may authorize the receipt and waiver of compensation for performance of duties as board members at a rate not to exceed fifty dollars (\$50) per day or prorate thereof and not in excess of forty eight hundred dollars (\$4800) per year. Such payments must come from locally collected excess property tax levy money, and such compensation can not cause the state to incur any present or future funding obligation. Such compensation is in addition to reimbursement for expenses. (RCW 28A.343.400) The IRS has opined that such compensation are not wages in the traditional sense and are therefore not subject to income tax withholding and social security contributions. However, it is taxable income to the individual, therefore, W-9 forms for contractors are needed. In addition, Department of Labor and Industries has declared that such compensation is subject to Worker's Compensation tax, as with other consultant/contractors that are not treated as employees.

3. Who can sign legal documents?

There are many statutes specifically requiring the signature of either the board members, board chairman, or the superintendent on certain documents or in certain situations. The superintendent as the delegated representative has authority to sign most documents on behalf of the board and or district. Generally, the superintendent can not delegate his/her signature responsibility. Experience is the best teacher, or follow the advice of legal counsel, or ESD can research situation.

4. Public Disclosure

The office of school director is subject to the campaign finance reporting requirements of the Public Disclosure Law. School superintendents who contact legislators may or may not need to register as lobbyist, depending on the nature of the discussions and positions advocated. (RCW 42.17)

5. Conflicts of Interest (Superintendent and Board Members)
- A. Specific prohibitions:
1. No public official may use his/her position to secure special privileges for themselves or others;
  2. No public official may directly or indirectly give or receive or agree to receive any compensation, gift, reward, or gratuity for a matter connected with or related to the officials services in such office, unless provided by law;
  3. No public official may accept employment or engage in business that would require the disclosure of confidential information by reason of his/her public official capacity;
  4. No public official may disclose confidential information gained by reason of their public capacity nor use such information for their personal benefit.
- B. Comprehensive Prohibition. All actions are assumed to compromise the integrity of public officials in their transaction of public business, except for specific exceptions listed in the statutes.
- C. Application of Prohibition. Conflict of interest statutes apply to all elected and appointed officials of school districts. While it is clear they apply to board members, it is an interpretation as to who may be an “appointed” official. The superintendent or any other official delegated in any capacity to act on behalf of the board is probably an appointed official. This is especially true if they have authority to bind the district by contract.
- D. Exceptions to Prohibition. Situations which are deemed not to be conflicts for school officials are:
1. The furnishing of public utility services when at the same rate or terms as other customers of the utility;
  2. The designation of public depositories for school moneys;
  3. The publication of legal notices at the same rate or terms as other customers;
  4. The designation of a school director as clerk or both clerk and purchasing agent of the district;
  5. The employment of any person, except by a first class school district, for unskilled day labor at wages not exceeding one hundred dollars in any calendar month;
  6. The letting of any contract or series of contracts where in the total volume of business represented shall not exceed seven hundred fifty dollars in any calendar month, the district has a list available for the public of such contracts stating the supplier is a public official of the district and the official did not participate in the vote to award the contract; and, in the case of first class districts, notice of the contract shall be given in a newspaper of general circulation the district;
  7. The letting of a lease by a port district to a school official or party in which the school official is beneficially interested, if a board of three disinterested appraisers appointed by a superior court judge and both the board of appraisers and the court find such lease fair and in the public interest;

8. The letting of any employment contract to drive school bus in a second class school district under terms of compensation the same as others in the district;
  9. The letting of any employment contract to the spouse of an officer of a second class school district of less than two hundred FTE students for a certificated or classified position; or the letting of any employment contract to the spouse of an officer of a school district for substitute teaching when the compensation is commensurate with others and in the case of substitute teacher the contract is consistent with written policies of the district and there is a shortage of substitute teachers;
  10. The letting of any employment contract to the spouse of an officer of a school district if the spouse was under contract as a certificated or classified employee before the date the officer assuming office, as long as the terms of compensation for the spouse are commensurate with others.
- E. Remote Interests. All elected and appointed officers of a school district shall not be deemed interested in a contract if they have only a remote interest in the contract, such interest is disclosed to the board of directors, such interest is noted specifically in the official minutes or records of the district prior to entering into the contract, and the board approves the contract without the vote of the remotely interested official.  
Remote interest is:
1. A non salaried officer of a nonprofit corporation;
  2. An employee or agent of a contractor where the compensation of the employee or agent is entirely fixed wages or salary;
  3. A landlord or tenant of a contracting party;
  4. A holder of less than one percent (1%) of the shares of the contracting party.  
(RCW 42.23)

#### 6. Excess Property Tax Levy Elections

- A. Limitations: Maintenance and operations (excess) levies for 2015 and 2016 are limited to 28% collection (or your individual district percent if a grandfathered district) of the total of your prior fiscal year actual state and federal allocations, excluding impact aid, in-lieu of tax monies, local receipts, fiscal agent monies, and adjusted for current year inflation.
- B. Allocation Adjustment. The allocation total is adjusted for (1) anticipated increases in per pupil state basic education allocation, (2) appropriated levy reduction funds, and (3) the transfers of levy authority related to nonresident students.
- C. Revenue received as a fiscal agent on behalf of another entity are not included in the levy base.
- D. Equalization. Levy equalization moneys are based on the first 14% of levy authority in 2015 and 2016.
- E. Application. Property tax levies are specific to fund entities.

F. Collection periods:

1. Excess levies for general maintenance and operations may be authorized for one to four year collections;
2. Excess levies for transportation vehicles may be authorized for one or two year collections;
3. Excess levies for capital projects may be authorized for up to six years; (RCW 84.52.053);
4. Excess bond levies for capital improvements through long term debt may be authorized for up to thirty years; and
5. Within the constraints of debt limitations non-voted debt may be authorized by the board.

G. Levy/Bond Passage. All levy submissions to the voters require a simple majority to pass. Bond issues require a super majority passage and certification (certification requiring 40% of the voters who voted at the last general election cast votes and that 60% of those voters cast an affirmative vote for the bond issue).

H. Limits on Submission. No single levy proposition may be submitted to the voters more than twice in any twelve months. However, RCW 84.52.053 enacted language that allows school districts to seek an additional levy if subsequent legislation would permit a higher levy.

I. Election Dates, Exception. Levy Ballot issues must be submitted to county auditors in the form and format they require at least 82 days prior to the election date. General and primary election dates require submission 99 days prior to election. (<https://www.sos.wa.gov/elections/dates-and-deadlines.aspx>)

<b><u>Election Date 2018</u></b>	<b><u>Resolution Filing Deadline</u></b>
February 13, 2018	December 15, 2017
April 24, 2018	February 23, 2018
August 7, 2018 (Primary)	May 11, 2018
November 6, 2018 (General)	August 7, 2018

J. Certification of Amounts. Levy amounts must be annually certified to the county legislative authority by the board of directors for districts of the first class and by the ESD superintendent for districts of the second class.

7. Attendance (Truancy) (RCW 28A.225.010)

A. Student Attendance Requirement

1. All parents/guardians will cause children age eight through seventeen to attend resident district unless:
  - a. Child attends approved private school or an extension program provided through RCW 28A.195.040(4);
  - b. Child is home schooled;
  - c. Child is attending an education center per RCW 28A.205;

- d. Superintendent has excused the child from attendance because:
    - (1) Child is physically/mentally unable to attend;
    - (2) Child is attending a DSHS residential school;
    - (3) Child has been temporarily excused.
  - e. Child is sixteen years of age, and
    - (1) is regularly and lawfully employed and parent/guardian(s) agrees child should not be required to attend school, or the child is emancipated per RCW 13.64
    - (2) Child already meets graduation requirements;
    - (3) Child has a GED issued through RCW 28A.305.190;
- B. Truancy Qualification, Work with Child or Parents: If a child fails to attend school without valid excuse the school shall:
- 1. Inform the parent/guardian(s) in writing or by telephone of unexcused absence after one occurrence in a month and of the potential consequences of additional unexcused absences
  - 2. Schedule conference(s) with parent/guardian(s) and child for all persons involved to analyze causes of absences after two unexcused absences in a month;
  - 3. Take steps to reduce unexcused absences including;
    - a. adjusting child's program, school, or course assignment(s);
    - b. provide individual or remedial instruction;
    - c. provide vocational courses or work experience;
    - d. refer child to a community truancy board;
    - e. require child to attend an alternative school or program; or
    - f. assist the child or parent/guardian(s) to obtain supplementary services.
  - 4. If parent/guardian(s) does not attend scheduled conference(s), conference(s) may be held with child, however, parent/guardian(s) shall be notified of steps agreed on to eliminate or reduce unexcused absences. (Chapter RCW 28A.225.020)
- C. Report to Juvenile Court: If above actions are unsuccessful in reducing unexcused absences, then the school district shall not later than the seventh unexcused absences in a month or not later than the tenth unexcused absence in a school year file a truancy petition and supporting affidavit for a civil action with the juvenile court alleging the child, the parent/guardian(s) or both violated the attendance law. (RCW 28A.225.030)
- D. Accommodations. A district shall not later than the fifth unexcused absence in a month:
- 1. Enter into an agreement with the child and parent/guardian(s) that establishes school attendance requirements
  - 2. Refer the child to a community truancy board
  - 3. File the truancy petition with juvenile court.
- E. Who Files. Petitions may be filed by a school district employee who is not an attorney.

- F. Parent Truancy Petitions. If a district fails to file a petition with the juvenile court, the custodial parent/guardian may. (RCW 28A.225.030)
- G. Juvenile Court Requirements. (Additionally, SSB 6702 has enacted legislation requiring school districts which have adult jails within the school boundary to provide a program of education for juveniles confined within). Juvenile court shall:
1. Schedule a hearing;
  2. Send separate notifications of the hearing to the child, parent/guardian(s), and school district;
  3. Notify the child and parent/guardian(s) of the right to present evidence;
  4. Notify the child and parent/guardian(s) of options and rights available under RCW 13.32A;
  5. Grant the petition and enter an order assuming jurisdiction for the remainder of the school year if petition allegations are supported by a preponderance of the evidence.
  6. Retain jurisdiction over truancy petitions beyond the end of the school year.
- Juvenile court may:
1. Require the attendance of child and parent/guardian(s) at any hearing;
  2. Permit the first hearing to be held without legal representation of either party, or without guardian ad litem for the child;
  3. At the request of the school district, permit a school district representative who is not an attorney to represent the district at future hearings. (RCW 28A.225.035)
- H. Continued Reporting. If the juvenile court assumes jurisdiction for the remainder of the school year. The district shall report any additional unexcused absence to the court.
- I. Fees for Filing. There are no filing fees for the petitions.
- J. Reporting.
1. School buildings document actions to the school district superintendent who in turn reports to the OSPI on the following:
    - a. Number of total district students and total unexcused absences;
    - b. Number of conferences, program adjustments, and petitions filed;
    - c. OSPI shall select ten districts by May 1 to report the following year, although any district failing to keep appropriate records shall be required to report;
    - d. Number of students with ten unexcused absences in a year or five in a month;
    - e. Number of programs or schools established to serve truant children, the number of children in such programs or schools, and any children placed in private schools or programs under court order;
    - f. Schools are to refrain from identifying individual children when making required reports. (RCW 28A.225.151)
- K. Juvenile Court Action. Juvenile court may order a child:
- a. To attend current school;

- b. To attend another public school, alternative school or program, skill center, dropout prevention program, or another public educational program;
- c. To attend a private nonsectarian school after making a determination that it is the best alternative, that the private school is willing to accept, that the private school fees do not exceed state apportionment, and the private school is willing to serve the child by contract with the district;
- d. Be referred to a community truancy board;
- e. Be sentenced to detention upon failure to attend;
- f. Parent/guardian(s) to perform community service in lieu of paying a monetary fine.

L. Truancy Boards Authorized. Each school district may create a “community truancy board” to advise the district on methods for improving school attendance. Existing juvenile diversion boards must agree to be truancy boards. Truancy petitions, at-risk youth petitions, and child in need of services petitions shall be coordinated by the community truancy board.