

Policy & Legal News

HELPING SCHOOL DISTRICTS TRANSLATE LAW INTO ACTION

Opioid Overdose Response

PLUS:

Cash Flows and Fund Balance

Jurassic Parliament: What are the
11 Duties of the Chair

Legal Updates

...AND MORE



WSSDA

OCTOBER 2024

WASHINGTON STATE SCHOOL
DIRECTORS' ASSOCIATION

Policy Classifications

ESSENTIAL

- Policy is required by state or federal law; or
- A specific program requires a policy in order to receive special funding.

ENCOURAGED

- While not required by law, policy is intended to reflect the spirit of existing state or federal law thus inuring districts to potential litigation;
- While not required by law, policy has potential to benefit the health, safety, and/or welfare of students, employees, directors, and/or the local community.

DISCRETIONARY

- Policy addresses an action likely deemed important by the board; or
- Policy would likely be deemed appropriate due to special circumstances of the board; or
- Policy communicates district philosophy that a board may want to promote to employees and/or the community.

Editor's Note

A friend of mine recently used the expression “not being able to see the forest for the trees,” which means losing sight of the overall picture by focusing too much on the details or specific obstacles. This common saying reflects a frequent human issue: it's easy to get caught up in the minutiae, which Henry Ford defined as “the frightful things you see when you take your eyes off your goals.”

Through visionary leadership, effective governance, and strategic advocacy, your primary goal as school directors is to benefit the students in your district and, by extension, your whole community. Even though laws change, policies are modified, abolished, and sometimes even reintroduced under new names, your goal remains the same: to nurture a healthy forest of students and community members.

In this issue, we have a featured article by WSSDA Accounting Analyst Daniel Lunghofer explaining the differences between cash flows and fund balance, and strategies to maintain your district's fiscal soundness (p.6). Also, Anne Hetzel, MSN, RN, NCSN, has contributed an article on the updated rules addressing opioid overdose prevention in schools (p.3).

As we all continue to engage in this work that ignites our passion, it's crucial to periodically refocus on our goals, rather than just the obstacles. Celebrate the success that is built tree by tree, for you are stewards of your community's forest.

Christine B. Geary, J.D.
Editor



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★ UPDATES TO MODEL POLICY

WSSDA has developed, revised, or retired the following model policies and procedures. Subscribers can find marked-up and clean versions of these documents (as applicable) in their subscriber portal on the WSSDA website by visiting wssda.org/login

ESSENTIAL

3420/3420P – Anaphylaxis Prevention and Response
3424/3424P – Opioid Related Overdose Reversal
5005 – Employment and Volunteers: Disclosures, Certification Requirements, Assurances, and Approval

ENCOURAGED

3414/3414P – Infectious Diseases
6600 – Transportation

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OCTOBER 2024

WASHINGTON STATE SCHOOL
DIRECTORS' ASSOCIATION

Opioid Overdose Response

By Anne Hetzel, MSN, RN, NCSN
School Health Consultant, OSPI

The risk of youth exposure to opioid-related overdoses has significantly increased in recent years in Washington state due to the rising prevalence of fentanyl, a potent synthetic opioid. In 2020, the Legislature mandated that every district with more than 2,000 students implement a policy to address opioid overdose and stock opioid overdose reversal medication (Narcan®, generically known as naloxone).

While the law required adoption of opioid overdose response policy and stocking medication at high schools in larger districts, many smaller districts also chose to adopt similar measures. Additionally, recognizing that accidental fentanyl exposure can occur among younger children or adults in any setting, many districts decided to stock naloxone at other grade levels as well. During this period, school nurses sought assistance from OSPI and other partners to obtain medication and enhance staff training resources.

In 2023, school nurses reported a large increase in the administration of naloxone in Washington state

schools. **See figure 1.** According to the Washington State Department of Health (DOH) Opioid and Drug Use Data Dashboard, there were 25 opioid overdose-related deaths in children ages 10-17 in 2023. This data underscores the urgent need to act to better protect our children and youth.

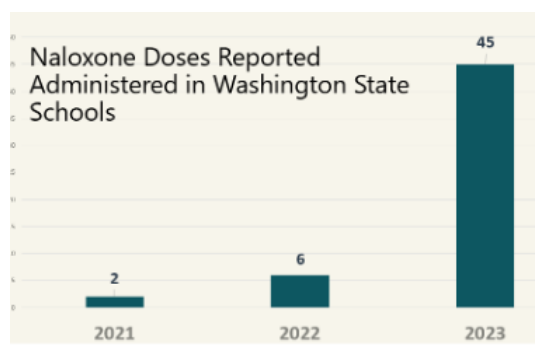


Figure 1

Feedback Collection Powers Policy Updates

In the 2024 legislative session, Senate Bill 5804 amended RCW 28A.210.390 to mandate that every public school implement an opioid overdose policy and stock reversal medication. It also required

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WSSDA to update model policy in collaboration with OSPI and DOH.

In spring 2024, community input on the opioid overdose response policy, procedure, and OSPI Guidelines was sought through various methods:

- Statewide virtual convenings
- Open office hours
- Youth panels
- High school forums
- Online surveys

Additional feedback was gathered through meetings with professional organization representatives, subject matter experts, and partners in public health, education, and tribal education. The Department of Health Youth Advisory Council also provided input via the DOH program manager, who gathered feedback during a regular advisory meeting.

Policies and resources from Oregon and the 2023 Washington State Tribal Opioid Fentanyl Summit Summary Report were reviewed, along with various Washington state district policies. Most of the input was incorporated in the draft policy and procedure as appropriate. Other feedback was included in the revision of the OSPI [Opioid-Related Overdose Policy Guidelines & Training in the School Setting](#), which is pending publication.

Common Themes in the Comments

Several common themes emerged from community and partner engagement: addressing students' possession and self-carry of naloxone, naloxone storage in schools, increased support and resources for staff training, and the need for emotional support and debriefing for staff and students after an overdose incident at school. Other concerns included carrying naloxone on field trips, the burden on schools, and equitable access to naloxone across the state.

Generally, there is strong support for allowing students to carry naloxone without a prescription. *The law governing medications in schools explicitly states that it does not apply to opioid overdose reversal medications.* Allowing students to carry naloxone

facilitates vital conversations with school staff and others. Naloxone is not harmful, is easy to administer, and does not encourage illicit drug use.

The need for prompt response in an overdose situation, with immediate access to naloxone, was mentioned frequently as a reason to increase student access to opioid overdose reversal medication. More importantly, allowing students to carry naloxone at school ensures they have access to it outside of school or during extra-curricular activities. Students are deeply concerned about their peers and family members.

Students Lack Critical Awareness

Questions were raised about whether students would know to seek additional emergency help after administering naloxone. Parent consent was also a concern, as was the fear that students might not report incidents to avoid getting their friends in trouble.

We found that:

- None of the youth who provided input were aware that their school had a policy and stocked naloxone to respond to opioid overdoses, even though all of them did.
- Additionally, none were aware of the Good Samaritan law which protects individuals who activate emergency help for an overdose from being prosecuted for drug charges.
- All the students were very concerned about the risk of overdose for their peers.

The need to provide students and families with key information about the district's overdose process is addressed in the OSPI guidelines. Students must know that help is available and how to obtain it.

**MODEL POLICY &
PROCEDURE
3424/3424P
Opioid Related Overdose
Reversal**

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Trained Personnel Remain Key

Student possession of naloxone is not intended to take the place of having designated and trained school personnel respond to suspected overdoses during school and school sponsored activities.

Having designated and trained personnel respond ensures that emergency services will be summoned appropriately. However, students should not be disciplined for possessing naloxone or for administering it in good faith.

Other additions to the policy and guidelines include:

- The need to bring and use an Automated External Defibrillator (AED) for any instance of respiratory arrest as well as having CPR/AED-trained staff participate in the response whenever possible.
- Emotional support for students and staff after a suspected overdose incident.
- Expanded storage options so that districts may stock naloxone in AED or other locations on campus, in addition to having doses available in a secure location.

- Recommendation for districts to identify supply channels ahead of time for quick re-stocking in case of use.

The overarching goal of the policy and guideline updates is to promote student safety and ensure that students know that school personnel are prepared to help keep them safe.

Prevention Still a Priority

While this article focuses on opioid overdose reversal policies and guidelines for schools, prevention remains a top priority. Significant efforts are being made to increase community awareness and educate students. HB 1956 mandated an update to health learning standards to include information on the facts and dangers of fentanyl and opioids. Collaboration is ongoing across state and local agencies to increase access to resources and to launch a campaign aimed at raising community awareness.

Through enhanced collaboration between health, education, and other partners, we are strengthening the support infrastructure and resources available to schools and communities, thereby better protecting the lives of our children and youth.



Cash Flows and Fund Balance



By Daniel Lunghofer, MPA
Accounting Analyst, WSSDA

In recent months, the number of news articles about school districts facing financial challenges has increased dramatically. Reduced enrollment, failed levies, and ending federal stimulus money are some of the many factors creating these challenges for districts. And, more districts are now on binding conditions with the state than at any point in many years.¹

In simple terms, districts are placed on binding conditions when they have, or are projected to have, a negative fund balance at the end of a fiscal year. That happens when a district's expenditures exceed revenues plus its beginning fund balance. Districts need to ensure that they have adequate cash on hand during the year to pay expenses when they come due and ensure staff members get their paychecks in a timely manner. However, to see a complete picture of your district's financial situation, it's necessary to look at financial operations over the

entire year, which includes understanding how cash flows through the district.

Understanding the District's Cash Flow

Like your bank account, the amount of cash a district has on hand will vary each month. In months when revenues exceed expenses, cash on hand goes up; cash on hand goes down when expenses exceed revenues. The amounts that districts spend and receive monthly will vary widely over the year. For revenues, this is due to the timing of when they are received, and for expenses, it will depend on the exact circumstances within the district.

The largest revenue stream for school districts is the state apportionment funding. This funding is paid to districts on a regular schedule set by the Legislature in RCW 28A.510.250. The amount is not equal every month – in the last two months of a district's fiscal year (July and August), it will receive 22.5% of the state funding. In some months, the percentage of state funding received is as low as 5%. While these

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¹ For a clear explanation of how school districts enter and leave binding conditions, see: School Districts in Financial Trouble: The Role of Binding Conditions & Oversight from the Fall 2024 issue of WSSDA Direct (wssda.org/direct)

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lower-funded months are partially offset by levy collections (see below), it does mean that in some months, a district might have a negative cash flow.

The other major source of funding in many districts is their local levy. According to OSPI data, over the past three years for which data is available (2020 through 2022), an average of 55.66% of a district's levy was collected in the spring, which primarily shows up in a district's financial statements in April, and 40.98% of a district's levy was collected in the fall, showing up primarily in October². These levy collections will help offset the reduced state funding in some months but may not be enough by themselves to fully offset any potential negative cash flow.

It should be noted that having a negative cash balance is a relatively rare occurrence. In 2022-2023, only 13 districts across the state had at least one month with a negative cash balance, and only 6 of those had a negative cash balance in more than one month.

Monitoring a District's Cash Flow

At the very least, the monthly budget status report to the board should provide a snapshot of whether or not the district has ended the month with a positive fund balance. However, relying on this report alone may not be enough to know if a district will have fund balance issues in future months. There are many tools that have been developed over the years by districts, ESDs, and vendors that can be used to project cash flow balances during the year. Including cash flow projections in monthly reports to the board will help them anticipate potential problems with cash flow or fund balance that the board may need to address.

Improving Cash Flows

While, in most cases, districts will have enough money on hand to meet all financial obligations, the district's exact circumstances may require it to temporarily improve its cash flow. Fortunately,

districts have a few options to help make ends meet.

Option One: Apportionment Advance

As mentioned above, state apportionment funding is generally paid on a regular schedule. However, state law allows for a district to receive an advance on some of that apportionment funding so that it can meet all financial obligations as they come due³. To apply for an apportionment advance, the district's board would pass a resolution detailing the amount of funding needed. The district's business office then provides OSPI's School Apportionment and Financial Services (SAFS) department with the resolution and a cash flow projection. OSPI provides a sample resolution on the SAFS portion of their website.

The amount that a district can request is limited to the lesser of:

- the amount listed in the resolution asking for the advance,
- the highest negative cash and investment balances between the date of the resolution and May 31 of the year, or
- no more than 10% of the amount due to the district in apportionment funding on the year.

Apportionment advances represent the district borrowing against the future apportionment payments. These advances must be repaid within a certain amount of time, depending on the month that the apportionment advance begins⁴:

- October – May: The district must repay 50% no later than June 30 and the remaining 50% in July and August.
- June: The district must repay 50% in July and again in August.
- July: The district must fully repay in August.

CONTINUED on next page

² OSPI's Financial Reporting Summary, General Fund 2022 Tax Collection Survey and Three-Year Average. As reported, the total does not add up to 100% due to uncollected property taxes.

³ RCW 28A.510.250 and WAC 392-121-436

⁴ WAC 392-121-443

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Apportionment advances are not allowed in September or August and cannot cross over fiscal years. OSPI rules also prevent a district from requesting another apportionment advance in a month after one was previously repaid.

Option Two: Interfund Loans

A second option for temporarily increasing a district's cash flow is to loan money from one fund to another. Only the district's general fund and capital projects fund may loan money to other funds⁵. The district's general fund, debt service fund, capital projects fund, and transportation vehicle fund may receive money loaned from another fund. A district's Associated Student Body fund (ASB fund) can neither loan money to nor receive loaned money from another fund.

Like an advance on apportionment, an interfund loan must be accompanied by a resolution from the district's board of directors. The resolution must outline the following terms of the loan:

- Which fund is receiving the money, and which fund is loaning the money.
- The amount of the loan.
- The specific funding sources or revenue streams that will be used for the repayment of the loan.
- The length of repayment of the loan, which must be under one calendar year. Unlike an apportionment advance, this loan can cross fiscal years.
- The rate of interest that will be paid by the borrowing fund to the lending fund. This interest rate must not be less than the current warrant interest rate charged by the county treasurer.

An interfund loan cannot be initiated if it would push the lending fund into a negative fund balance, or if it would prevent the lending fund from being able to perform the functions it is intended for.

Option Three: "Borrowing" From the County Treasurer

Districts can work with their county treasurer to pay for issued warrants using money held by the county treasurer from other entities.

RCW 36.29.010 allows the county treasurer to contract with any taxing district within the county (including school districts) for a period of time to cover warrants that are issued for which there are insufficient funds in the district's account. This contract will also specify the interest rate for which the district is essentially borrowing money from the county treasurer to pay for the warrants. If a district already has one contract with the county treasurer, it cannot issue more warrants outside of the scope of the agreement without contacting the treasurer and perhaps renegotiating the contract.

Improved Cash Flow Doesn't Mean Better Fund Balance

It's important to understand that having positive cash flow doesn't necessarily mean a district has a positive fund balance. The three options mentioned earlier only offer temporary relief for financial needs because they don't increase revenue. They only provide short-term liquidity by providing cash that needs to be repaid in the future.

Long-term improvements to a district's position can be made by assessing the overall situation and implementing changes to achieve lasting financial stability. This ultimately means reducing expenditures to levels at or below the district's revenues to improve fund balance.

⁵ WAC 392-123-140

OTHER UPDATES

3420/3420P

Anaphylaxis Prevention and Response

Classification: **ESSENTIAL**

WSSDA has revised this policy and procedure based on HB 1608 - Expanding access to anaphylaxis medications in schools. This legislation requires the secretary of health or the secretary's designee to issue a statewide standing order prescribing epinephrine and epinephrine autoinjectors to any school district or school for use by a school nurse or other designated trained school personnel. Additional provisions related to permitting the use of epinephrine and epinephrine autoinjectors in schools and sanctioned excursions are included.

3414/3414P

Infectious Diseases

Classification: **ENCOURAGED**

WSSDA has revised this policy and procedure to update terminology and provide general housekeeping based on recommendations from the Office of Superintendent of Public Instruction's health services department.

5005

Employment and Volunteers: Disclosures, Certification Requirements, Assurances, and Approval

Classification: **ESSENTIAL**

WSSDA has revised this policy to provide definition and clarity around "unsupervised access to children".

6600

Transportation

Category: **ENCOURAGED**

WSSDA has revised this policy based on Senate Bill 5891 - Protecting the safety and security of students and maintaining order within school buses by designating trespassing on a school bus as a criminal offense. This legislation creates the gross misdemeanor criminal offense of trespassing on school buses.



What are the 11 duties of the chair?

Under Robert's Rules of Order, the chair of a meeting has 11 duties, listed on the next page.

These duties are listed in *Robert's Rules of Order Newly Revised, 12th edition*, the only official and current version of Robert's Rules, in section 47:7.

THE MEETING may be that of a city council, a nonprofit board, a professional society, a homeowners' association, a fraternal order or any group that is organized as a "voluntary association" (that is, not a hierarchical organization such as the workplace with its "boss.")

THE CHAIR (the person running the meeting) may be called chair, president, presiding officer, or something else.

Note that these duties are all about procedure—running the meeting well. The duties DO NOT INCLUDE lecturing or criticizing group members to make them vote the way you want, trying to convince people that you are right and they are wrong, or exercising your leadership position to determine the outcome of the vote. During the meeting, you are not responsible for the decision the group makes. You are the facilitator and the servant of the group.

It is important to note that in large groups, the chair does not make motions, debate them, or vote (except by ballot). Robert has special rules for small boards (up to about 12 people). In small boards, unless state law, regulations, or the group's bylaws say otherwise, the chair may debate, make motions and vote. Even so, the chair must exercise restraint. In order to achieve this, Jurassic Parliament recommends that on a small board, the chair should speak and vote last. Read our blog post [When does the chair discuss and vote?](#) for more details.

OUTSIDE THE MEETING the chair has other duties which may involve giving orders, making decisions, managing affairs and setting a direction. We encourage all chairs of nonprofit boards and leaders in local government to keep this distinction clear. Outside the meeting, exercise all your proper powers. During the meeting, be the servant of the group, and always remember that you are not responsible for the decision the group makes. The group is responsible, and the group is the final authority.

Read more about how the group's authority is exercised in our book, *Mastering Council Meetings*, and in blog posts about "appeal" on our website.

Open meeting	To open the meeting at the appointed time by taking the chair (sitting in the seat reserved for the presiding officer), after finding that a quorum is present, and calling the meeting to order.
Announce next activity	To announce in proper sequence the next activity before the group in accordance with the prescribed order of business.
Recognize members	To recognize group members who are entitled to the floor (who have the exclusive right to be heard at that time).
State questions and put to vote	To state and put to vote all questions that legitimately come before the group as motions or that otherwise arise in the course of proceedings, and to announce the result of each vote; or, if a motion that is not in order is made, to rule it out of order.
Refuse to recognize dilatory motions	To protect the group from obviously dilatory (time-wasting or obstructive) motions by refusing to recognize them.
Enforce order and decorum	To enforce the rules relating to debate and those relating to order and decorum within the group.
Expedite business	To expedite business in every way compatible with the rights of group members and the group rules.
Decide all questions of order	To decide all questions of order subject to appeal—unless, when in doubt, the chair prefers initially to submit such a question to the group for decision.
Respond to inquiries	To respond to inquiries of group members relating to parliamentary procedure or factual information bearing on the business of the group.
Authenticate documents	To authenticate by signature, when necessary, all acts, orders and proceedings of the group.
Close meeting	To declare the meeting adjourned when the group so votes or—where applicable—at the time prescribed in the agenda, or at any time in the event of a sudden emergency affecting the safety of those present.

What are the 11 duties of the chair?

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Policy & Legal News

Policy & Legal News is published quarterly by the Washington State School Directors' Association to provide information of interest to school directors and the education community. The views expressed in opinion articles appearing in *Policy & Legal News* are those of the writers and do not necessarily represent WSSDA policies or positions. © 2020-2025 Washington State School Directors' Association. All rights reserved.

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VISION

All Washington School Directors effectively govern to ensure each and every student has what they need to be successful within our state's public education system.

MISSION

WSSDA builds leaders by empowering its members with tools, knowledge and skills to govern with excellence and advocate for public education.

BELIEFS

WSSDA believes:

- Public education is the foundation to the creation of our citizenry, and locally elected school boards are the foundation to the success of public education.
- High-functioning, locally elected school boards are essential to create the foundation for successfully impacting the learning, development and achievement of each and every student.
- Ethical, effective and knowledgeable school directors are essential for quality public schools.
- Focusing on and addressing educational equity is paramount to assure the achievement of each and every student.
- Public school directors are best served through an innovative, responsive, and flexible organization that provides exceptional leadership, professional learning, and services in governance, policy, and advocacy.



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★ SPECIAL THANKS

OCTOBER 2024

The Editor would like to thank the following people for their contributions to this issue:

Annie Hetzel, MSN, RN, NCSN, School Health Services Consultant, Office of Superintendent of Public Instruction (OSPI):

Annie has been involved in health services since 2001, focusing on K-12 from 2007. She's held various roles, such as clinical nurse, school nurse, School Nurse Corps administrator, and her current role as a school health services consultant. She has a bachelor's degree in nursing and a master's in nursing education.

Daniel Lunghofer, MPA, Accounting Analyst, WSSDA:

Daniel has been involved in school finance since 2006. He has served in the business office of three school districts and served as the school district accounting supervisor at OSPI from 2008 to 2014. He has been with WSSDA since early 2020. He has a bachelor's degree in business administration from the University of Washington, and a master's degree in public administration from Pennsylvania State University.

Kelli Schmidt, JD, AWI-CH, Advance Law Office, PLLC:

Kelli has over 25 years of experience in conducting civil rights, retaliation, and bullying/civility investigations in schools, colleges, and workplaces. Kelli has a Juris Doctor degree and a Bachelor of Arts in English/American literature and women's studies.

Keeping your board's policies current can be challenging

Reduce your legal vulnerabilities and save your district staff time by contacting WSSDA for help!

Changes in the law and recommended practices occur frequently, so policy-making should be an ongoing task for school boards.

WSSDA's policy review services are tailored to your district's needs. Our review will occur in installments to make it easier for your board to consider revisions on an ongoing basis.

Visit wssda.org/policyreview for more information.

