

# SENATE BILL REPORT

## ESSB 5890

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As Passed Senate, March 10, 2009

**Title:** An act relating to flexibility in the education system.

**Brief Description:** Providing flexibility in the education system.

**Sponsors:** Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McDermott, McAuliffe, Oemig and Hobbs).

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 2/05/09, 2/18/09 [DPS, w/oRec].  
Passed Senate: 3/10/09, 46-1.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** That Substitute Senate Bill No. 5890 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Kauffman, Vice Chair, Early Learning; Oemig, Vice Chair, K-12; King, Ranking Minority Member; Brandland, Hobbs, Jarrett, McDermott and Tom.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Holmquist.

**Staff:** Kimberly Cushing (786-7421)

**Background:** Title 28A of the Revised Code of Washington encompasses the laws related to the common schools and establishes the organizational structure of the common school system. ("Common schools" are public schools operating a program for kindergarten through twelfth grade or any part thereof.) Separate chapters define the roles and responsibilities of the Superintendent of Public Instruction (SPI), the State Board of Education, educational service districts (ESDs), and school districts. Other chapters of Title 28A define requirements for health screening and requirements, traffic safety, compulsory school attendance and admission, compulsory course work and activities, awards, and academic achievement and accountability.

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Over the years, school districts have asked the Legislature to ease the burden that state mandates have placed on public schools. Deregulation may provide school districts with the flexibility to reallocate resources, personnel, materials, and training time.

**Summary of Engrossed Substitute Bill:** The following laws in Title 28A RCW relating to policy and program mandates are suspended or delayed, repealed, or required only to the extent funds are available.

The following programs or requirements established by law are each repealed:

- Public schools must observe Temperance and Good Citizenship Day. Annually the Office of Superintendent of Public Instruction (OSPI) must produce a related program for teachers.
- Superintendent of Public Instruction (SPI), the Office of the Attorney General, and the Washington State Bar Association must develop a volunteer-based conflict resolution and mediation program for use in community groups.
- If schools operate gardens or farms for educational purposes, students must be given the opportunity to be involved and must learn about both organic and conventional growing methods.

The following programs or requirements established by law are suspended until July 1, 2011:

- Schools are encouraged to offer financial literacy education.
- The Legislature established the Washington Civil Liberties Public Education Program, which provides grants to educate the public or develop presentations to schools or other interested parties. SPI must allocate grants under the Washington Civil Liberties Public Education Program.

The following laws are amended:

- To the extent funds are available, a school district that offers highly capable programs, must meet certain requirements.
- School districts are encouraged, rather than required, to meet minimum standards for a preschool program if a school district has one.
- SPI is authorized to establish rules of traffic safety education. Each school district must submit a report only in even-numbered years on its traffic safety program. If a district has a private school in its boundaries, to the extent funds are available, at least one class must be given outside of regular school hours if there is sufficient demand. By January 1, 2010, SPI must survey districts regarding the impact of the rules and minimum hours of training and make revisions in order to reduce the burden on school districts.
- During the week proceeding November 11, schools must prepare activities suitable to the observance of Veterans' Day regardless of available funds; however, schools are no longer required to have at least 60 minutes of educational activities.
- Beginning July 1, 2011, the Financial Literacy Public-Private Partnership must identify strategies to increase financial literacy of public school students. A final report is not due until June 20, 2013.
- Each school board must have a policy that addresses threats of violence. Specific requirements for procedures are removed. OSPI is no longer required to adopt a model policy.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:** PRO: Does the state really need to mandate all these things, even when in many cases the items do not cost much and may be worthy of being done. This is a beginning of a conversation of what can be done. While the bill as written has not been completely vetted and is not ready to be passed into law, the direction the bill is headed, as well as the ensuing discussions, are welcome. It is critical to preserve statutes dealing with student achievement, civil rights, health, safety, and federal funding. Agency regulations should be added. The maintenance and food nutrition people are ready to work with the Legislature.

CON: Suspending the requirement that AIDS education must be taught annually is very painful. The amendments to the Veterans' Day requirement and disability awareness month need some work. Even though many districts provide early intervention services voluntarily, these services would have become a requirement in 2009. This bill suspends the requirement, which is hard to believe after all the hard work done to get it into statute. The nurses, early learning community, and sexual assault coalition want to offer their expertise on related programs. Repealing PE is a major structural concern. Holocaust instruction is not mandated and it is currently funded by private dollars, thus hopefully it will be preserved. People who have worked hard on bills don't have lobbyists to come down and testify on these issues. We pass laws to make the few who will not do the right thing, even if told. Suspensions will cause confusion. If we are concerned about costs, put a moratorium on the WASL.

OTHER: This is not a specific unfunded mandate issue, but rather an underfunding issue overall. The challenges are the unintended consequences – such as which child will miss out on a part of their education when a program is suspended. Use the principal as a filter, if a principal does not know about the mandate, it probably is not needed.

**Persons Testifying:** PRO: Senator McDermott, prime sponsor; John Altman, OSPI; Barbara Mertens, Washington Association of School Administrators; Dan Steele, Washington State School Directors Association; Mitch Denning, Alliance of Education Association.

CON: Cassie Johnston, Cecile Lindquist, Wee Care Coalition; Lonnie Johns-Brown, School Nurse Organization for Washington; Zach Carstensen, Jewish Federation; Christie Perkins, Washington State Special Education Coalition.

OTHER: Lucinda Young, Washington Education Association; Jerry Bender, Association of Washington School Principals.