

# SENATE BILL REPORT

## ESSB 6604

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As Amended by House, March 2, 2010

**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 Hobbs, King, McAuliffe, Oemig, Tom, Brandland, Holmquist, McDermott and Kline).

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/28/10, 2/03/10, 2/04/10 [DPS].

Passed Senate: 2/10/10, 48-0.

Passed House: 3/02/10, 94-3.

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

**Majority Report:** That Substitute Senate Bill No. 6604 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, Gordon, Hobbs, McDermott and Roach.

**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 12th grade or any part thereof). Separate chapters define the roles and responsibilities of the Superintendent of Public Instruction (SPI), the State Board of Education (SBE), 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.

**Summary of Engrossed Substitute Bill:** The following laws in Title 28A RCW are repealed, suspended until July 1, 2013, or amended.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The following laws are each repealed:

- SPI must provide information about the immunization program.
- SPI must include information on the proper use of the left-hand lane in traffic safety courses.
- SPI must include information on motorcycle awareness in traffic safety courses.
- SPI must include information on driving safely among bicyclists and pedestrians in traffic safety courses.
- Public schools must observe Temperance and Good Citizenship Day. Annually OSPI must produce a program for teachers for the day.
- 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 garden or farms for educational purposes, students must be given the opportunity to be involved and must learn about both organic and conventional growing methods.
- Student Learning Plans are required for eighth through 12th grade students who were not successful on any or all of the content areas of the WASL or who may not be on track to graduate due to credit deficiencies or absences.

The following programs or requirements established by law are each suspended until July 1, 2013:

- 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.
- A financial education public-private partnership, which includes four members of the Legislature, is established. The partnership is suspended except to the extent private funds are available.
- SPI must review current policies and assess the adequacy of programs for children with incarcerated parents and adopt additional policies. SPI must gather information and data on these children and participate in the Children of Incarcerated Parents Advisory Committee.

The following laws are amended:

- To the extent funds are available, public school districts must comply with high-performance public buildings requirements and all major facility projects of public school districts receiving any funding in a state capital budget must be designed and constructed to at least the Leadership in Energy and Environmental Design silver standard or the Washington Sustainable School design protocol.
- Public and private schools must provide access to information about the meningococcal and human papillomavirus diseases and their vaccinations. Online access is sufficient, unless a parent specifically requests the information in writing.
- 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, 2011, 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.

- Beginning with the 2011-12 year, SPI must provide high schools the contact information for programs offering college credit, including online advanced placement classes. These schools must publish entrance requirements and availability of local programs that lead to college credits.
- SPI must collect and disseminate to districts information on child abuse and neglect prevention curriculum and adopt rules for the prevention of child abuse for curriculum use. Providing online access to this information is sufficient, unless a parent specifically requests the information in writing.
- OSPI must not require annual training for child abuse and neglect. OSPI may consider offering training every four years. It is clarified that this does not apply to new employees who must receive training within the first year of their hire date. School districts are encouraged to work with private or nonprofit entities that have the ability to provide the appropriate training for staff.
- OSPI must not require annual training in conflict resolution and other violence prevention topics. The training may be offered every four years.
- To the extent funds are available, every school district must provide free instruction in lip reading to children and adults disabled by defective hearing whenever it appears to be in the best interest of the school district and the adults concerned.
- School districts must provide parents of a student alleged to be a victim of sexual misconduct with information regarding their rights under the Public Records Act, concerning requesting school employee discipline records for sexual misconduct. The information must be provided annually to all parents, but online access satisfies the requirement.
- The members of the boards of directors of Washington's school districts are no longer required to be become members of the Washington School Directors' Association (WSSDA). The WSSDA dues for each member school district are payable on the first day of January.
- A school district's sexual harassment policy must be provided to each employee. The districts may choose to provide a copy of the policy online. OSPI must not require annual training to address sexual harassment policies. Beginning in 2013, training may be offered every four years, except for new employees who must receive training within the first year of their hire date.

**Appropriation:** None.

**Fiscal Note:** Available on original bill.

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

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

**Staff Summary of Public Testimony on Original Bill:** PRO: The goal is to lift the burden of unfunded mandates on school districts. The time is now. Schools are having a hard time during this economic downturn. Businesses hate mandates and schools hate them as well. It is not a perfect bill, but we appreciate the effort, concept, and message. In some cases, a delay may be better than repealing. The elimination of student learning plans would make a

difference. The intent for the plans is worthwhile, but in reality they have little or no real impact on students and are very difficult to accomplish. The gang taskforce brought forth bills this year, perhaps we need to rethink whether they should be eliminated.

CON: The nutrition sections create a model policy and set goals and should not have a fiscal impact. The policies have been developed so they are not a mandate. The goals to improve are not a mandate. Lack of vision screening could cause more kids to be referred to special education and to receive the wrong services. Vision screening should not be suspended. But if suspension is necessary, school districts must notify parents that the responsibility for vision is being transferred to them. One of the key deliverables for the Financial Education Public-Private Partnership is to make financial materials available, to the extent funds are available. There is no mandate in statute and the work can be funded with private dollars.

OTHER: Future mandates should come with appropriate funding. We applaud some changes in the bill, especially putting the information about meningococcal and human papillomavirus diseases and their vaccinations online. However, we oppose the decrease in training for asthma and anaphylaxis. Asthma is a dangerous chronic condition. School-based programs for asthma prevent missed school days. Not all staff have the knowledge to handle an anaphylactic situation. Training could be done electronically, and it should be available for new staff entering a district and for others once every three years. Do not repeal dues to WSSDA; it is important to have a statewide organization for districts. Do not delay funding for highly capable programs.

**Persons Testifying:** PRO: Senator Hobbs, prime sponsor; Senator King, sponsor; Lucinda Young, WA Education Assn (WEA); Jerry Bender, Assn of WA School Principals; Karen Eittrheim, North Thurston Public Schools; Dan Steele, WSSDA; Barbara Mertens, WA Assn of School Administrators.

CON: Lucinda Young, WEA; Terry Kahl, Hope Heart Institute; Christie Perkins, WA State Special Education Coalition; Brad Tower, Optometric Physicians of WA; Stacy Augustine, WA Credit Union League; Linda Jekel, Department of Financial Institutions.

OTHER: Robert Butts, OSPI; Marilyn Fenn, School Nurse Organization of WA; Janis Traver, WA Coalition for Gifted Education/PTA; Marcia Holland, WA Coalition for Gifted Education; Carrie Nyssen, American Lung Association; Mitch Denning, Alliance of Education Assns; Dan Steele, WSSDA.

**House Amendment(s):** Removes all provisions of the underlying bill, except the repeal of the requirement that school districts prepare Student Learning Plans for fifth grade and ninth through 12th grade. The requirement that school districts prepare Student Learning Plans for students in eighth grade who have not been successful on the state assessment or are not on track to graduate was removed from the bill. Adds provisions to the bill to permit rather than require school districts to:

- notify and schedule a conference with parents in the case of unexcused absences if the student is in fifth grade or below, including students who are age six or seven;
- take steps to eliminate or reduce student absences;
- take certain actions after a student's fifth unexcused absence in a month, including referring the student to a community truancy board or filing a truancy petition; and

- file a truancy petition after seven unexcused absences in a month, or ten unexcused absences in a school year, including for students who are age six or seven.

Allow notice of unexcused absences to parents to be via email and allow conferences to be via telephone.