
SUBSTITUTE HOUSE BILL 2220

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Education (originally sponsored by Representatives Elliot, Schoesler, Hickel, Thompson, McMorris and McMahan)

Read first time 01/30/96.

1 AN ACT Relating to allowing schools to receive waivers from state
2 laws, rules, and school district policies and procedures; amending RCW
3 28A.150.220; adding new sections to chapter 28A.320 RCW; adding a new
4 section to chapter 28A.150 RCW; adding a new section to chapter 28A.155
5 RCW; adding a new section to chapter 28A.165 RCW; adding a new section
6 to chapter 28A.175 RCW; adding a new section to chapter 28A.180 RCW;
7 adding a new section to chapter 28A.185 RCW; adding a new section to
8 chapter 28A.210 RCW; adding a new section to chapter 28A.220 RCW;
9 adding a new section to chapter 28A.225 RCW; adding a new section to
10 chapter 28A.230 RCW; adding a new section to chapter 28A.235 RCW;
11 adding a new section to chapter 28A.300 RCW; adding a new section to
12 chapter 28A.305 RCW; adding a new section to chapter 28A.330 RCW;
13 adding a new section to chapter 28A.400 RCW; adding a new section to
14 chapter 28A.405 RCW; adding a new section to chapter 28A.410 RCW;
15 adding a new section to chapter 28A.600 RCW; adding a new section to
16 chapter 28A.605 RCW; adding a new section to chapter 28A.640 RCW;
17 creating a new section; repealing RCW 28A.305.140, 28A.305.145, and
18 28A.630.945; and providing a contingent expiration date.

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

1 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.320
2 RCW to read as follows:

3 (1) The board of directors of each school district may grant
4 waivers, or partial waivers, of state laws and rules and of school
5 district policies and procedures to schools within the district in
6 accordance with this section.

7 (2) To apply for waivers, a school principal, in consultation with
8 school staff and parents, shall prepare an application to the board of
9 directors that identifies which laws, rules, policies, and procedures
10 are being requested to be waived and the rationale for requesting the
11 waivers.

12 (3) The school board shall provide for public review and comment
13 regarding the waiver request.

14 (4) The duration, renewal, and rescission of the waivers shall be
15 determined by the school district board of directors.

16 (5) The following may not be waived:

17 (a) Laws and rules pertaining to health, safety, and civil rights;

18 (b) The assessment, accountability, and reporting requirements in
19 RCW 28A.230.190, the fourth grade standardized test; RCW 28A.230.230,
20 the eighth grade standardized test; RCW 28A.230.240, the eleventh grade
21 standardized test; RCW 28A.630.885, assessment requirements; and RCW
22 28A.320.205, the annual performance report; and

23 (c) State and federal financial reporting and auditing
24 requirements.

25 (6) The granting of waivers by school district boards of directors
26 as authorized in this section shall not be subject to collective
27 bargaining.

28 (7) School district boards of directors shall transmit to the
29 superintendent of public instruction and the state board of education
30 a list of laws and rules that have been waived in accordance with this
31 section. The superintendent of public instruction and state board of
32 education shall review the waivers of state laws and rules within their
33 respective jurisdictions. The waivers shall be approved by the
34 superintendent of public instruction or the state board of education,
35 as appropriate, if the school district board of directors complied with
36 the requirements of this section. The superintendent or state board,
37 as appropriate, shall approve or deny the waiver request, in whole or
38 in part, within thirty calendar days of receiving the list of waivers.
39 The state board may delegate the responsibility for reviewing and

1 approving or denying the waivers to its staff if an appeal procedure to
2 the board is provided.

3 (8) The superintendent and state board of education shall report to
4 the legislature by December 1, 1999, the laws and rules that have been
5 waived in accordance with this section.

6 **Sec. 2.** RCW 28A.150.220 and 1995 c 77 s 1 are each amended to read
7 as follows:

8 (1) For the purposes of this section and RCW 28A.150.250 and
9 28A.150.260:

10 (a) The term "total program hour offering" shall mean those hours
11 when students are provided the opportunity to engage in educational
12 activity planned by and under the direction of school district staff,
13 as directed by the administration and board of directors of the
14 district, inclusive of intermissions for class changes, recess and
15 teacher/parent-guardian conferences which are planned and scheduled by
16 the district for the purpose of discussing students' educational needs
17 or progress, and exclusive of time actually spent for meals.

18 (b) "Instruction in work skills" shall include instruction in one
19 or more of the following areas: Industrial arts, home and family life
20 education, business and office education, distributive education,
21 agricultural education, health occupations education, vocational
22 education, trade and industrial education, technical education and
23 career education.

24 (2) Satisfaction of the basic education goal identified in RCW
25 28A.150.210 shall be considered to be implemented by the following
26 program requirements:

27 (a) Each school district shall make available to students in
28 kindergarten at least a total program offering of four hundred fifty
29 hours. The program shall include reading, arithmetic, language skills
30 and such other subjects and such activities as the school district
31 shall determine to be appropriate for the education of the school
32 district's students enrolled in such program;

33 (b) Each school district shall make available to students in grades
34 one through three, at least a total program hour offering of two
35 thousand seven hundred hours. A minimum of ninety-five percent of the
36 total program hour offerings shall be in the basic skills areas of
37 reading/language arts (which may include languages other than English,
38 including American Indian languages), mathematics, social studies,

1 science, music, art, health and physical education. The remaining five
2 percent of the total program hour offerings may include such subjects
3 and activities as the school district shall determine to be appropriate
4 for the education of the school district's students in such grades;

5 (c) Each school district shall make available to students in grades
6 four through six at least a total program hour offering of two thousand
7 nine hundred seventy hours. A minimum of ninety percent of the total
8 program hour offerings shall be in the basic skills areas of reading/
9 language arts (which may include languages other than English,
10 including American Indian languages), mathematics, social studies,
11 science, music, art, health and physical education. The remaining ten
12 percent of the total program hour offerings may include such subjects
13 and activities as the school district shall determine to be appropriate
14 for the education of the school district's students in such grades;

15 (d) Each school district shall make available to students in grades
16 seven through eight, at least a total program hour offering of one
17 thousand nine hundred eighty hours. A minimum of eighty-five percent
18 of the total program hour offerings shall be in the basic skills areas
19 of reading/language arts (which may include languages other than
20 English, including American Indian languages), mathematics, social
21 studies, science, music, art, health and physical education. A minimum
22 of ten percent of the total program hour offerings shall be in the area
23 of work skills. The remaining five percent of the total program hour
24 offerings may include such subjects and activities as the school
25 district shall determine to be appropriate for the education of the
26 school district's students in such grades;

27 (e) Each school district shall make available to students in grades
28 nine through twelve at least a total program hour offering of four
29 thousand three hundred twenty hours. A minimum of sixty percent of the
30 total program hour offerings shall be in the basic skills areas of
31 language arts, languages other than English, which may be American
32 Indian languages, mathematics, social studies, science, music, art,
33 health and physical education. A minimum of twenty percent of the
34 total program hour offerings shall be in the area of work skills. The
35 remaining twenty percent of the total program hour offerings may
36 include traffic safety or such subjects and activities as the school
37 district shall determine to be appropriate for the education of the
38 school district's students in such grades, with not less than one-half
39 thereof in basic skills and/or work skills: PROVIDED, That each school

1 district shall have the option of including grade nine within the
2 program hour offering requirements of grades seven and eight so long as
3 such requirements for grades seven through nine are increased to two
4 thousand nine hundred seventy hours and such requirements for grades
5 ten through twelve are decreased to three thousand two hundred forty
6 hours.

7 (3) In order to provide flexibility to the local school districts
8 in the setting of their curricula, and in order to maintain the intent
9 of this legislation, which is to stress the instruction of basic skills
10 and work skills, any local school district may establish minimum course
11 mix percentages that deviate by up to five percentage points above or
12 below those minimums required by subsection (2) of this section, so
13 long as the total program hour requirement is still met.

14 (4) Nothing contained in subsection (2) of this section shall be
15 construed to require individual students to attend school for any
16 particular number of hours per day or to take any particular courses.

17 (5) Each school district's kindergarten through twelfth grade basic
18 educational program shall be accessible to all students who are five
19 years of age, as provided by RCW 28A.225.160, and less than twenty-one
20 years of age and shall consist of a minimum of one hundred eighty
21 school days per school year in such grades as are conducted by a school
22 district, and one hundred eighty half-days of instruction, or
23 equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a
24 school district may schedule the last five school days of the one
25 hundred and eighty day school year for noninstructional purposes in the
26 case of students who are graduating from high school, including, but
27 not limited to, the observance of graduation and early release from
28 school upon the request of a student, and all such students may be
29 claimed as a full time equivalent student to the extent they could
30 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
31 28A.150.260.

32 (6) The state board of education shall adopt rules to implement and
33 ensure compliance with the program requirements imposed by this
34 section, RCW 28A.150.250 and 28A.150.260, and such related supplemental
35 program approval requirements as the state board may establish:
36 PROVIDED, That each school district board of directors shall establish
37 the basis and means for determining and monitoring the district's
38 compliance with the basic skills and work skills percentage and course
39 requirements of this section. The certification of the board of

1 directors and the superintendent of a school district that the district
2 is in compliance with such basic skills and work skills requirements
3 may be accepted by the superintendent of public instruction and the
4 state board of education.

5 (7) Special education programs for students with disabilities,
6 vocational-technical institute programs, state institution and state
7 residential school programs, all of which programs are conducted for
8 the common school age, kindergarten through secondary school program
9 students encompassed by this section, shall be exempt from the basic
10 skills and work skills percentage and course requirements of this
11 section in order that the unique needs, abilities or limitations of
12 such students may be met.

13 ~~((8) Any school district may petition the state board of education
14 for a reduction in the total program hour offering requirements for one
15 or more of the grade level groupings specified in this section. The
16 state board of education shall grant all such petitions that are
17 accompanied by an assurance that the minimum total program hour
18 offering requirements in one or more other grade level groupings will
19 be exceeded concurrently by no less than the number of hours of the
20 reduction.))~~

21 NEW SECTION. **Sec. 3.** The following acts or parts of acts are each
22 repealed:

23 (1) RCW 28A.305.140 and 1992 c 141 s 302, 1990 c 33 s 267, & 1985
24 c 349 s 6;

25 (2) RCW 28A.305.145 and 1993 c 336 s 302; and

26 (3) RCW 28A.630.945 and 1995 c 208 s 1.

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.150
28 RCW to read as follows:

29 Schools may obtain, in accordance with section 1 of this act,
30 waivers from the statutory requirements in this chapter that pertain to
31 the instructional program, operation, and management of schools.
32 Waivers also may be obtained, in accordance with section 1 of this act,
33 from any rules of the state board of education and superintendent of
34 public instruction adopted to implement the statutory requirements.

35 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.155
36 RCW to read as follows:

1 Schools may obtain, in accordance with section 1 of this act,
2 waivers from the statutory requirements in this chapter that pertain to
3 the instructional program, operation, and management of schools.
4 Waivers also may be obtained, in accordance with section 1 of this act,
5 from any rules of the state board of education and superintendent of
6 public instruction adopted to implement the statutory requirements.

7 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.165
8 RCW to read as follows:

9 Schools may obtain, in accordance with section 1 of this act,
10 waivers from the statutory requirements in this chapter that pertain to
11 the instructional program, operation, and management of schools.
12 Waivers also may be obtained, in accordance with section 1 of this act,
13 from any rules of the state board of education and superintendent of
14 public instruction adopted to implement the statutory requirements.

15 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.175
16 RCW to read as follows:

17 Schools may obtain, in accordance with section 1 of this act,
18 waivers from the statutory requirements in this chapter that pertain to
19 the instructional program, operation, and management of schools.
20 Waivers also may be obtained, in accordance with section 1 of this act,
21 from any rules of the state board of education and superintendent of
22 public instruction adopted to implement the statutory requirements.

23 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.180
24 RCW to read as follows:

25 Schools may obtain, in accordance with section 1 of this act,
26 waivers from the statutory requirements in this chapter that pertain to
27 the instructional program, operation, and management of schools.
28 Waivers also may be obtained, in accordance with section 1 of this act,
29 from any rules of the state board of education and superintendent of
30 public instruction adopted to implement the statutory requirements.

31 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.185
32 RCW to read as follows:

33 Schools may obtain, in accordance with section 1 of this act,
34 waivers from the statutory requirements in this chapter that pertain to
35 the instructional program, operation, and management of schools.

1 Waivers also may be obtained, in accordance with section 1 of this act,
2 from any rules of the state board of education and superintendent of
3 public instruction adopted to implement the statutory requirements.

4 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.210
5 RCW to read as follows:

6 Schools may obtain, in accordance with section 1 of this act,
7 waivers from the statutory requirements in this chapter that pertain to
8 the instructional program, operation, and management of schools.
9 Waivers also may be obtained, in accordance with section 1 of this act,
10 from any rules of the state board of education and superintendent of
11 public instruction adopted to implement the statutory requirements.

12 NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.220
13 RCW to read as follows:

14 Schools may obtain, in accordance with section 1 of this act,
15 waivers from the statutory requirements in this chapter that pertain to
16 the instructional program, operation, and management of schools.
17 Waivers also may be obtained, in accordance with section 1 of this act,
18 from any rules of the state board of education and superintendent of
19 public instruction adopted to implement the statutory requirements.

20 NEW SECTION. **Sec. 12.** A new section is added to chapter 28A.225
21 RCW to read as follows:

22 Schools may obtain, in accordance with section 1 of this act,
23 waivers from the statutory requirements in this chapter that pertain to
24 the instructional program, operation, and management of schools.
25 Waivers also may be obtained, in accordance with section 1 of this act,
26 from any rules of the state board of education and superintendent of
27 public instruction adopted to implement the statutory requirements.

28 NEW SECTION. **Sec. 13.** A new section is added to chapter 28A.230
29 RCW to read as follows:

30 Schools may obtain, in accordance with section 1 of this act,
31 waivers from the statutory requirements in this chapter that pertain to
32 the instructional program, operation, and management of schools.
33 Waivers also may be obtained, in accordance with section 1 of this act,
34 from any rules of the state board of education and superintendent of
35 public instruction adopted to implement the statutory requirements.

1 NEW SECTION. **Sec. 14.** A new section is added to chapter 28A.235
2 RCW to read as follows:

3 Schools may obtain, in accordance with section 1 of this act,
4 waivers from the statutory requirements in this chapter that pertain to
5 the instructional program, operation, and management of schools.
6 Waivers also may be obtained, in accordance with section 1 of this act,
7 from any rules of the state board of education and superintendent of
8 public instruction adopted to implement the statutory requirements.

9 NEW SECTION. **Sec. 15.** A new section is added to chapter 28A.300
10 RCW to read as follows:

11 Schools may obtain, in accordance with section 1 of this act,
12 waivers from the statutory requirements in this chapter that pertain to
13 the instructional program, operation, and management of schools.
14 Waivers also may be obtained, in accordance with section 1 of this act,
15 from any rules of the state board of education and superintendent of
16 public instruction adopted to implement the statutory requirements.

17 NEW SECTION. **Sec. 16.** A new section is added to chapter 28A.305
18 RCW to read as follows:

19 Schools may obtain, in accordance with section 1 of this act,
20 waivers from the statutory requirements in this chapter that pertain to
21 the instructional program, operation, and management of schools.
22 Waivers also may be obtained, in accordance with section 1 of this act,
23 from any rules of the state board of education and superintendent of
24 public instruction adopted to implement the statutory requirements.

25 NEW SECTION. **Sec. 17.** A new section is added to chapter 28A.320
26 RCW to read as follows:

27 Schools may obtain, in accordance with section 1 of this act,
28 waivers from the statutory requirements in this chapter that pertain to
29 the instructional program, operation, and management of schools.
30 Waivers also may be obtained, in accordance with section 1 of this act,
31 from any rules of the state board of education and superintendent of
32 public instruction adopted to implement the statutory requirements.

33 NEW SECTION. **Sec. 18.** A new section is added to chapter 28A.330
34 RCW to read as follows:

1 Schools may obtain, in accordance with section 1 of this act,
2 waivers from the statutory requirements in this chapter that pertain to
3 the instructional program, operation, and management of schools.
4 Waivers also may be obtained, in accordance with section 1 of this act,
5 from any rules of the state board of education and superintendent of
6 public instruction adopted to implement the statutory requirements.

7 NEW SECTION. **Sec. 19.** A new section is added to chapter 28A.400
8 RCW to read as follows:

9 Schools may obtain, in accordance with section 1 of this act,
10 waivers from the statutory requirements in this chapter that pertain to
11 the instructional program, operation, and management of schools.
12 Waivers also may be obtained, in accordance with section 1 of this act,
13 from any rules of the state board of education and superintendent of
14 public instruction adopted to implement the statutory requirements.

15 NEW SECTION. **Sec. 20.** A new section is added to chapter 28A.405
16 RCW to read as follows:

17 Schools may obtain, in accordance with section 1 of this act,
18 waivers from the statutory requirements in this chapter that pertain to
19 the instructional program, operation, and management of schools.
20 Waivers also may be obtained, in accordance with section 1 of this act,
21 from any rules of the state board of education and superintendent of
22 public instruction adopted to implement the statutory requirements.

23 NEW SECTION. **Sec. 21.** A new section is added to chapter 28A.410
24 RCW to read as follows:

25 Schools may obtain, in accordance with section 1 of this act,
26 waivers from the statutory requirements in this chapter that pertain to
27 the instructional program, operation, and management of schools.
28 Waivers also may be obtained, in accordance with section 1 of this act,
29 from any rules of the state board of education and superintendent of
30 public instruction adopted to implement the statutory requirements.

31 NEW SECTION. **Sec. 22.** A new section is added to chapter 28A.600
32 RCW to read as follows:

33 Schools may obtain, in accordance with section 1 of this act,
34 waivers from the statutory requirements in this chapter that pertain to
35 the instructional program, operation, and management of schools.

1 Waivers also may be obtained, in accordance with section 1 of this act,
2 from any rules of the state board of education and superintendent of
3 public instruction adopted to implement the statutory requirements.

4 NEW SECTION. **Sec. 23.** A new section is added to chapter 28A.605
5 RCW to read as follows:

6 Schools may obtain, in accordance with section 1 of this act,
7 waivers from the statutory requirements in this chapter that pertain to
8 the instructional program, operation, and management of schools.
9 Waivers also may be obtained, in accordance with section 1 of this act,
10 from any rules of the state board of education and superintendent of
11 public instruction adopted to implement the statutory requirements.

12 NEW SECTION. **Sec. 24.** A new section is added to chapter 28A.640
13 RCW to read as follows:

14 Schools may obtain, in accordance with section 1 of this act,
15 waivers from the statutory requirements in this chapter that pertain to
16 the instructional program, operation, and management of schools.
17 Waivers also may be obtained, in accordance with section 1 of this act,
18 from any rules of the state board of education and superintendent of
19 public instruction adopted to implement the statutory requirements.

20 NEW SECTION. **Sec. 25.** Section 2 of this act shall expire
21 September 1, 2000. However, section 2 of this act shall not expire if,
22 by September 1, 2000, a law is not enacted stating that a school
23 accountability and academic assessment system is not in place.

24 NEW SECTION. **Sec. 26.** This 1996 act shall not constitute an
25 alternative to Initiative 177.

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