

SENATE BILL REPORT

SB 5300

As of January 28, 1997

Title: An act relating to education.

Brief Description: Changing education provisions.

Sponsors: Senators Hochstatter, Johnson and Zarelli.

Brief History:

Committee Activity: Education: 1/28/97.

SENATE COMMITTEE ON EDUCATION

Staff: Susan Mielke (786-7422)

Background: Federal laws, state laws, state rules, and local school district policies and procedures provide requirements for the operation, management and instructional program of public schools. These requirements address areas including, but not limited to the following:

- Special education
- Learning assistance
- Dropout prevention and retrieval
- Transitional bilingual students
- Highly capable students
- Health screening
- Traffic safety
- Compulsory school attendance and admission
- Compulsory course work and activities
- Food services
- Certificated and non-certificated employees
- Students
- Parent access
- Sexual equality

Currently, school districts may seek waivers from statutes or rules relating to program hour requirements, the length of the school year, student-to-teacher ratios, and other administrative rules necessary to implement restructuring of its educational program.

Summary of Bill: School boards are given the authority to grant waivers, or partial waivers of state laws and rules, and school district policies and procedures pertaining to a school's instructional program, operation, and management.

The granting of waivers by school boards is not subject to collective bargaining and may not impair existing contracts or collective bargaining agreements.

Waiver Process: A school principal, in consultation with school staff and parents, may submit an application to the school board to request a waiver. The application must identify which laws, rules, policies, and procedures are requested to be waived and the rationale for requesting the waiver. The board must provide an opportunity for public review and comment regarding each waiver request. The board determines the length of each waiver, and whether a waiver is renewed or rescinded.

The board must submit a list of the waivers granted to the Superintendent of Public Instruction (SPI) and the State Board of Education (SBE). The SPI and the SBE must review the waivers and determine if the requirements of the act have been met. The appropriate agency must approve or deny the waiver request within 30 days of receiving the list of the waivers granted.

Non-waiveable Requirements: Laws and rules that may not be waived include provisions addressing health, safety and civil rights; the administration and reporting of the fourth, eighth, and eleventh grade state standardized tests; the assessments being developed by the Commission of Student Learning; the annual school performance report; and state and federal financial reporting and auditing requirements.

Reports: The SPI and the SBE must report to the Legislature by December 1, 2000, on the laws and rules that have been waived under this act.

Repealed: Existing authority and the processes by which schools and school districts obtain waivers are repealed. The Joint Select Committee on Education Restructuring is relieved of its charge to study waivers.

Specific Chapter Waivers: Language is added to 20 education code chapters referring to a school's ability to waive the chapter requirements and related rules in accordance with the act.

Certificated Employee Probation: Once a certificated employee is on probation, supervision of the employee may not be transferred. Before a request for transfer or reassignment is contemplated by either the probationary employee or the school district, the original evaluator must document improved performance or probable cause for nonrenewal.

Collective Bargaining: The transfer, assignment, scheduling, or school-year calendar of classified or certificated school employees may not be addressed by collective bargaining.

Appropriation: None.

Fiscal Note: Requested on January 24, 1997.

Effective Date: Ninety days after adjournment of session in which bill is passed.