

CERTIFICATION OF ENROLLMENT

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1303**

Chapter 431, Laws of 1997

(partial veto)

55th Legislature  
1997 Regular Session

EDUCATION--WAIVERS FROM STATUTORY REQUIREMENTS

EFFECTIVE DATE: 7/27/97

Passed by the House April 26, 1997  
Yeas 66 Nays 32

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

Passed by the Senate April 18, 1997  
Yeas 25 Nays 24

BRAD OWEN  
**President of the Senate**

Approved May 20, 1997, with the  
exception of sections 4, 7, 10, 20 and  
21, which are vetoed.

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1303** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

May 20, 1997 - 11:41 a.m.

**Secretary of State  
State of Washington**

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**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1303**

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AS AMENDED BY THE SENATE

Passed Legislature - 1997 Regular Session

**State of Washington                      55th Legislature                      1997 Regular Session**

**By** House Committee on Appropriations (originally sponsored by Representatives Hickel, Johnson, Talcott, Smith, Backlund, McMorris, Radcliff, Thompson, Clements, Sheahan, B. Thomas, D. Schmidt, L. Thomas, Huff, Crouse, Robertson, Schoesler, Pennington, Cooke, Sullivan, Mitchell, Kastama, Dyer, Cairnes, Sump, Sterk, McDonald and Koster)

Read first time 03/05/97.

1            AN ACT Relating to education; amending RCW 28A.405.100, 41.59.935,  
2 and 28A.630.945; adding new sections to chapter 28A.320 RCW; adding a  
3 new section to chapter 28A.150 RCW; adding a new section to chapter  
4 28A.155 RCW; adding a new section to chapter 28A.165 RCW; adding a new  
5 section to chapter 28A.175 RCW; adding a new section to chapter 28A.180  
6 RCW; adding a new section to chapter 28A.185 RCW; adding a new section  
7 to chapter 28A.220 RCW; adding a new section to chapter 28A.225 RCW;  
8 adding a new section to chapter 28A.230 RCW; adding a new section to  
9 chapter 28A.235 RCW; adding a new section to chapter 28A.300 RCW;  
10 adding a new section to chapter 28A.305 RCW; adding a new section to  
11 chapter 28A.330 RCW; adding a new section to chapter 28A.400 RCW;  
12 adding a new section to chapter 28A.405 RCW; adding a new section to  
13 chapter 28A.600 RCW; adding a new section to chapter 28A.640 RCW;  
14 creating new sections; and providing expiration dates.

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

16            NEW SECTION.    **Sec. 1.**    As we face a more complex society and  
17 increasing demands are placed on schools and the educational services  
18 they provide for children, it is important that school districts are  
19 provided with flexibility to determine how best to work within their

1 communities to ensure students are meeting high academic standards. It  
2 is the intent of the legislature to allow schools to approach their  
3 educational mission with both increased flexibility and accountability  
4 that will assist them in better meeting the needs of the students in  
5 their district.

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

8 (1) As provided in sections 3 through 20 of this act, the board of  
9 directors of each school district may grant waivers, or partial  
10 waivers, of state laws and rules to schools within the district. The  
11 school board shall grant waivers in accordance with this section.

12 (2) To apply for waivers, a school principal must prepare an  
13 application to the board of directors that identifies which laws and  
14 rules are being requested for waiver and the rationale for the request.  
15 The rationale must identify how granting the waivers will improve  
16 student learning or the delivery of education services in the school.  
17 The application must include evidence that the school's teachers,  
18 classified employees, site council, parents, and students, as  
19 appropriate, are committed to working cooperatively in implementing the  
20 waiver.

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

23 (4) The duration, renewal, and rescission of the waivers shall be  
24 determined by the school district board of directors. The renewal of  
25 a waiver shall be subject to the review process by the superintendent  
26 of public instruction and the state board of education as provided in  
27 subsection (7) of this section.

28 (5) The following may not be waived:

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

30 (b) Provisions of the basic education act relating to certificated  
31 instructional staff ratios, RCW 28A.150.100, except for waivers  
32 provided in accordance with RCW 28A.630.945; goals, RCW 28A.150.210;  
33 funding allocations, formulas, and definitions, RCW 28A.150.250 and  
34 28A.150.260, except for waivers provided in accordance with RCW  
35 28A.150.250; and salary and compensation minimum amounts and  
36 limitations, RCW 28A.400.200;

37 (c) The essential academic learning requirements being developed by  
38 the commission on student learning in RCW 28A.630.885;

1 (d) The assessment, accountability, and reporting requirements in  
2 RCW 28A.230.190, the fourth grade standardized test; RCW 28A.230.230,  
3 the eighth grade standardized test; RCW 28A.230.240, the eleventh grade  
4 standardized test; RCW 28A.630.885, assessment requirements as  
5 developed by the commission on student learning; and RCW 28A.320.205,  
6 the annual performance report;

7 (e) Requirements in RCW 28A.150.220 pertaining to the total number  
8 of program hours that must be offered, except for waivers provided in  
9 accordance with RCW 28A.305.140;

10 (f) State and federal financial reporting and auditing  
11 requirements;

12 (g) State constitutional requirements; and

13 (h) Certification and other requirements in chapter 28A.410 RCW.

14 (6) A school district may not include provisions in a collective  
15 bargaining agreement that limit the district's authority to grant  
16 waivers under this section.

17 (7) School district boards of directors granting waivers to state  
18 laws and rules shall certify to the superintendent of public  
19 instruction that they have a waiver review process in effect and shall  
20 transmit to the superintendent of public instruction and the state  
21 board of education a list of laws and rules that have been waived in  
22 accordance with this section and a description of the process used in  
23 considering the waivers. The superintendent of public instruction and  
24 the state board of education shall review the waivers of state laws and  
25 rules within their respective jurisdictions. The waivers shall be  
26 approved by the superintendent of public instruction or the state board  
27 of education, as appropriate, if the school district board of directors  
28 complied with the requirements of this section. The superintendent of  
29 public instruction or state board of education, as appropriate, shall  
30 approve or deny the waiver request, in whole or in part, within forty  
31 calendar days of receiving the list of waivers. If the district  
32 receives no response from either the superintendent of public  
33 instruction or the state board of education after forty days, the  
34 waiver shall be deemed uncontested. If a waiver is contested by the  
35 superintendent of public instruction or the state board of education,  
36 either as appropriate, may make recommendations to the district that  
37 will assist the district in accomplishing the goal sought through the  
38 waiver. The state board of education may delegate the responsibility

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

3 (8) School district boards of directors granting waivers shall  
4 report annually to the superintendent of public instruction the impact  
5 on student learning or delivery of education services resulting from  
6 the waivers granted.

7 (9) The superintendent of public instruction and state board of  
8 education shall report to the legislature by November 1, 2000, the laws  
9 and rules that have been waived in accordance with this section.

10 (10) This section expires June 30, 1999.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.150  
12 RCW to read as follows:

13 (1) Schools may obtain, in accordance with section 2 of this act,  
14 waivers from the statutory requirements in this chapter that pertain to  
15 the instructional program, operation, and management of schools.  
16 Waivers also may be obtained, in accordance with section 2 of this act,  
17 from any rules of the state board of education and superintendent of  
18 public instruction adopted to implement the statutory requirements.

19 (2) This section expires June 30, 1999.

20 *\*NEW SECTION. Sec. 4. A new section is added to chapter 28A.155*  
21 *RCW to read as follows:*

22 *(1) Schools may obtain, in accordance with section 2 of this act,*  
23 *wavers from the statutory requirements in this chapter that pertain to*  
24 *the instructional program, operation, and management of schools, except*  
25 *that the statutory requirements of RCW 28A.155.105 and RCW 28A.155.115*  
26 *may not be waived. Waivers also may be obtained, in accordance with*  
27 *section 2 of this act, from any rules of the state board of education*  
28 *and superintendent of public instruction adopted to implement the*  
29 *statutory requirements, except that any rules adopted to implement RCW*  
30 *28A.155.105 and RCW 28A.155.115 may not be waived. School districts*  
31 *may not waive the district's obligation to meet all federal statutes*  
32 *applicable to the education of individuals with disabilities.*

33 *(2) This section expires June 30, 1999.*

34 *\*Sec. 4 was vetoed. See message at end of chapter.*

35 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.165  
36 RCW to read as follows:

1 (1) Schools may obtain, in accordance with section 2 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 2 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 (2) This section expires June 30, 1999.

8 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.175  
9 RCW to read as follows:

10 (1) Schools may obtain, in accordance with section 2 of this act,  
11 waivers from the statutory requirements in this chapter that pertain to  
12 the instructional program, operation, and management of schools.  
13 Waivers also may be obtained, in accordance with section 2 of this act,  
14 from any rules of the state board of education and superintendent of  
15 public instruction adopted to implement the statutory requirements.

16 (2) This section expires June 30, 1999.

17 *\*NEW SECTION. Sec. 7. A new section is added to chapter 28A.180*  
18 *RCW to read as follows:*

19 *(1) Schools may obtain, in accordance with section 2 of this act,*  
20 *wavers 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 2 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 *(2) This section expires June 30, 1999.*

26 *\*Sec. 7 was vetoed. See message at end of chapter.*

27 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.185  
28 RCW to read as follows:

29 (1) Schools may obtain, in accordance with section 2 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 2 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 (2) This section expires June 30, 1999.

1        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 28A.220  
2    RCW to read as follows:

3        (1) Schools may obtain, in accordance with section 2 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 2 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        (2) This section expires June 30, 1999.

10       \*NEW SECTION.    *Sec. 10.*    *A new section is added to chapter 28A.225*  
11    *RCW to read as follows:*

12       *(1) Schools may obtain, in accordance with section 2 of this act,*  
13    *wavers from the statutory requirements in this chapter that pertain to*  
14    *the instructional program, operation, and management of schools.*  
15    *Waivers also may be obtained, in accordance with section 2 of this act,*  
16    *from any rules of the state board of education and superintendent of*  
17    *public instruction adopted to implement the statutory requirements.*

18       *(2) This section expires June 30, 1999.*

19    *\*Sec. 10 was vetoed. See message at end of chapter.*

20       NEW SECTION.    **Sec. 11.**    A new section is added to chapter 28A.230  
21    RCW to read as follows:

22       (1) Schools may obtain, in accordance with section 2 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 2 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       (2) This section expires June 30, 1999.

29       NEW SECTION.    **Sec. 12.**    A new section is added to chapter 28A.235  
30    RCW to read as follows:

31       (1) Schools may obtain, in accordance with section 2 of this act,  
32    waivers from the statutory requirements in this chapter that pertain to  
33    the instructional program, operation, and management of schools.  
34    Waivers also may be obtained, in accordance with section 2 of this act,  
35    from any rules of the state board of education and superintendent of  
36    public instruction adopted to implement the statutory requirements.

1 (2) This section expires June 30, 1999.

2 NEW SECTION. **Sec. 13.** A new section is added to chapter 28A.300  
3 RCW to read as follows:

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

10 (2) This section expires June 30, 1999.

11 NEW SECTION. **Sec. 14.** A new section is added to chapter 28A.305  
12 RCW to read as follows:

13 (1) Schools may obtain, in accordance with section 2 of this act,  
14 waivers from the statutory requirements in this chapter that pertain to  
15 the instructional program, operation, and management of schools.  
16 Waivers also may be obtained, in accordance with section 2 of this act,  
17 from any rules of the state board of education and superintendent of  
18 public instruction adopted to implement the statutory requirements.

19 (2) This section expires June 30, 1999.

20 NEW SECTION. **Sec. 15.** A new section is added to chapter 28A.320  
21 RCW to read as follows:

22 (1) Schools may obtain, in accordance with section 2 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 2 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. No  
28 waivers may be obtained from section 2 of this act.

29 (2) This section expires June 30, 1999.

30 NEW SECTION. **Sec. 16.** A new section is added to chapter 28A.330  
31 RCW to read as follows:

32 (1) Schools may obtain, in accordance with section 2 of this act,  
33 waivers from the statutory requirements in this chapter that pertain to  
34 the instructional program, operation, and management of schools.  
35 Waivers also may be obtained, in accordance with section 2 of this act,



1 from any rules of the state board of education and superintendent of  
2 public instruction adopted to implement the statutory requirements.

3 (2) This section expires June 30, 1999.

4 NEW SECTION. **Sec. 17.** A new section is added to chapter 28A.400  
5 RCW to read as follows:

6 (1) Schools may obtain, in accordance with section 2 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 2 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 (2) This section expires June 30, 1999.

13 NEW SECTION. **Sec. 18.** A new section is added to chapter 28A.405  
14 RCW to read as follows:

15 (1) Schools may obtain, in accordance with section 2 of this act,  
16 waivers from the statutory requirements in this chapter that pertain to  
17 the instructional program, operation, and management of schools.  
18 Waivers also may be obtained, in accordance with section 2 of this act,  
19 from any rules of the state board of education and superintendent of  
20 public instruction adopted to implement the statutory requirements.

21 (2) This section expires June 30, 1999.

22 NEW SECTION. **Sec. 19.** A new section is added to chapter 28A.600  
23 RCW to read as follows:

24 (1) Schools may obtain, in accordance with section 2 of this act,  
25 waivers from the statutory requirements in this chapter that pertain to  
26 the instructional program, operation, and management of schools.  
27 Waivers also may be obtained, in accordance with section 2 of this act,  
28 from any rules of the state board of education and superintendent of  
29 public instruction adopted to implement the statutory requirements.

30 (2) This section expires June 30, 1999.

31 *\*NEW SECTION.* *Sec. 20.* *A new section is added to chapter 28A.640*  
32 *RCW to read as follows:*

33 *(1) Schools may obtain, in accordance with section 2 of this act,*  
34 *wavers 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 2 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 *(2) This section expires June 30, 1999.*

5 *\*Sec. 20 was vetoed. See message at end of chapter.*

6 *\*Sec. 21. RCW 28A.405.100 and 1994 c 115 s 1 are each amended to*  
7 *read as follows:*

8 *(1) The superintendent of public instruction shall establish and*  
9 *may amend from time to time minimum criteria for the evaluation of the*  
10 *professional performance capabilities and development of certificated*  
11 *classroom teachers and certificated support personnel. For classroom*  
12 *teachers the criteria shall be developed in the following categories:*  
13 *Instructional skill; classroom management, professional preparation and*  
14 *scholarship; effort toward improvement when needed; the handling of*  
15 *student discipline and attendant problems; and interest in teaching*  
16 *pupils and knowledge of subject matter.*

17 *Every board of directors shall, in accordance with procedure*  
18 *provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920,*  
19 *establish evaluative criteria and procedures for all certificated*  
20 *classroom teachers and certificated support personnel. The evaluative*  
21 *criteria must contain as a minimum the criteria established by the*  
22 *superintendent of public instruction pursuant to this section and must*  
23 *be prepared within six months following adoption of the superintendent*  
24 *of public instruction's minimum criteria. The district must certify to*  
25 *the superintendent of public instruction that evaluative criteria have*  
26 *been so prepared by the district.*

27 *Except as provided in subsection (5) of this section, it shall be*  
28 *the responsibility of a principal or his or her designee to evaluate*  
29 *all certificated personnel in his or her school. During each school*  
30 *year all classroom teachers and certificated support personnel,*  
31 *hereinafter referred to as "employees" in this section, shall be*  
32 *observed for the purposes of evaluation at least twice in the*  
33 *performance of their assigned duties. Total observation time for each*  
34 *employee for each school year shall be not less than sixty minutes.*  
35 *Following each observation, or series of observations, the principal or*  
36 *other evaluator shall promptly document the results of the observation*  
37 *in writing, and shall provide the employee with a copy thereof within*  
38 *three days after such report is prepared. New employees shall be*

1 observed at least once for a total observation time of thirty minutes  
2 during the first ninety calendar days of their employment period.

3 ~~((Every))~~ At any time after October 15th, an employee whose work is  
4 judged unsatisfactory based on district evaluation criteria shall be  
5 notified in writing of ~~((stated))~~ the specific areas of deficiencies  
6 along with a ~~((suggested-specific-and))~~ reasonable program for  
7 improvement ~~((on or before February 1st of each year))~~. During the  
8 period of probation, the employee may not be transferred from the  
9 supervision of the original evaluator. Improvement of performance or  
10 probable cause for nonrenewal must occur and be documented by the  
11 original evaluator before any consideration of a request for transfer  
12 or reassignment as contemplated by either the individual or the school  
13 district. A probationary period of sixty school days shall be  
14 established ~~((beginning on or before February 1st and ending no later~~  
15 than May 1st)). The establishment of a probationary period does not  
16 adversely affect the contract status of an employee within the meaning  
17 of RCW 28A.405.300. The purpose of the probationary period is to give  
18 the employee opportunity to demonstrate improvements in his or her  
19 areas of deficiency. The establishment of the probationary period and  
20 the giving of the notice to the employee of deficiency shall be by the  
21 school district superintendent and need not be submitted to the board  
22 of directors for approval. During the probationary period the  
23 evaluator shall meet with the employee at least twice monthly to  
24 supervise and make a written evaluation of the progress, if any, made  
25 by the employee. The evaluator may authorize one additional  
26 certificated employee to evaluate the probationer and to aid the  
27 employee in improving his or her areas of deficiency; such additional  
28 certificated employee shall be immune from any civil liability that  
29 might otherwise be incurred or imposed with regard to the good faith  
30 performance of such evaluation. The probationer may be removed from  
31 probation if he or she has demonstrated improvement to the satisfaction  
32 of the principal in those areas specifically detailed in his or her  
33 initial notice of deficiency and subsequently detailed in his or her  
34 improvement program. Lack of necessary improvement ~~((shall be))~~ during  
35 the established probationary period, as specifically documented in  
36 writing with notification to the probationer and shall constitute  
37 grounds for a finding of probable cause under RCW 28A.405.300 or  
38 28A.405.210.

1       (~~The establishment of a probationary period shall not be deemed to~~  
2 ~~adversely affect the contract status of an employee within the meaning~~  
3 ~~of RCW 28A.405.300.~~)

4       Immediately following the completion of a probationary period that  
5 does not produce performance changes detailed in the initial notice of  
6 deficiencies and improvement program, the employee may be removed from  
7 his or her assignment and placed into an alternative assignment for the  
8 remainder of the school year. This reassignment may not displace  
9 another employee nor may it adversely affect the probationary  
10 employee's compensation or benefits for the remainder of the employee's  
11 contract year. If such reassignment is not possible, the district may,  
12 at its option, place the employee on paid leave for the balance of the  
13 contract term.

14       (2) Every board of directors shall establish evaluative criteria  
15 and procedures for all superintendents, principals, and other  
16 administrators. It shall be the responsibility of the district  
17 superintendent or his or her designee to evaluate all administrators.  
18 Such evaluation shall be based on the administrative position job  
19 description. Such criteria, when applicable, shall include at least  
20 the following categories: Knowledge of, experience in, and training in  
21 recognizing good professional performance, capabilities and  
22 development; school administration and management; school finance;  
23 professional preparation and scholarship; effort toward improvement  
24 when needed; interest in pupils, employees, patrons and subjects taught  
25 in school; leadership; and ability and performance of evaluation of  
26 school personnel.

27       (3) Each certificated employee shall have the opportunity for  
28 confidential conferences with his or her immediate supervisor on no  
29 less than two occasions in each school year. Such confidential  
30 conference shall have as its sole purpose the aiding of the  
31 administrator in his or her assessment of the employee's professional  
32 performance.

33       (4) The failure of any evaluator to evaluate or supervise or cause  
34 the evaluation or supervision of certificated employees or  
35 administrators in accordance with this section, as now or hereafter  
36 amended, when it is his or her specific assigned or delegated  
37 responsibility to do so, shall be sufficient cause for the nonrenewal  
38 of any such evaluator's contract under RCW 28A.405.210, or the  
39 discharge of such evaluator under RCW 28A.405.300.

1       (5) After an employee has four years of satisfactory evaluations  
2 under subsection (1) of this section, a school district may use a short  
3 form of evaluation, a locally bargained evaluation emphasizing  
4 professional growth, an evaluation under subsection (1) of this  
5 section, or any combination thereof. The short form of evaluation  
6 shall include either a thirty minute observation during the school year  
7 with a written summary or a final annual written evaluation based on  
8 the criteria in subsection (1) of this section and based on at least  
9 two observation periods during the school year totaling at least sixty  
10 minutes without a written summary of such observations being prepared.  
11 However, the evaluation process set forth in subsection (1) of this  
12 section shall be followed at least once every three years unless this  
13 time is extended by a local school district under the bargaining  
14 process set forth in chapter 41.59 RCW. The employee or evaluator may  
15 require that the evaluation process set forth in subsection (1) of this  
16 section be conducted in any given school year. No evaluation other  
17 than the evaluation authorized under subsection (1) of this section may  
18 be used as a basis for determining that an employee's work is  
19 unsatisfactory under subsection (1) of this section or as probable  
20 cause for the nonrenewal of an employee's contract under RCW  
21 28A.405.210 unless an evaluation process developed under chapter 41.59  
22 RCW determines otherwise.

23       (6) This section expires June 30, 1999.

24 \*Sec. 21 was vetoed. See message at end of chapter.

25       **Sec. 22.** RCW 41.59.935 and 1990 c 33 s 571 are each amended to  
26 read as follows:

27       (1) Nothing in this chapter shall be construed to grant employers  
28 or employees the right to reach agreements regarding:

29       (a) Salary or compensation increases in excess of those authorized  
30 in accordance with RCW 28A.150.410 and 28A.400.200; or

31       (b) Limiting the employer's authority to grant waivers under  
32 section 2 of this act.

33       (2) This section expires June 30, 1999.

34       **Sec. 23.** RCW 28A.630.945 and 1995 c 208 s 1 are each amended to  
35 read as follows:

36       (1) The state board of education, where appropriate, or the  
37 superintendent of public instruction, where appropriate, may grant

1 waivers to districts from the provisions of statutes or rules relating  
2 to: The length of the school year; student-to-teacher ratios; and  
3 other administrative rules that in the opinion of the state board of  
4 education or the opinion of the superintendent of public instruction  
5 may need to be waived in order for a district to implement a plan for  
6 restructuring its educational program or the educational program of  
7 individual schools within the district.

8 (2) School districts may use the application process in RCW  
9 28A.305.140 or 28A.300.138 to apply for the waivers under subsection  
10 (1) of this section.

11 ~~(3) ((The joint select committee on education restructuring shall  
12 study which waivers of state laws or rules are necessary for school  
13 districts to implement education restructuring. The committee shall  
14 study whether the waivers are used to implement specific essential  
15 academic learning requirements and student learning goals. The  
16 committee shall study the availability of waivers under the schools for  
17 the twenty first century program created by chapter 525, Laws of 1987,  
18 and the use of those waivers by schools participating in that program.  
19 The committee shall also study the use of waivers authorized under RCW  
20 28A.305.140. The committee shall report its findings to the  
21 legislature by December 1, 1997)) This section expires June 30, 1999.~~

22 NEW SECTION. **Sec. 24.** The superintendent of public instruction,  
23 in collaboration with school district personnel and the state board of  
24 education, shall conduct a study to identify additional actions that  
25 can be taken to increase flexibility for individual schools and school  
26 districts. The study shall review the superintendent of public  
27 instruction's rule-making process, the granting of waivers from  
28 provisions of collective bargaining agreements, and other policies and  
29 practices that reduce school and school district flexibility. The  
30 study shall be submitted to the education committees of the senate and  
31 house of representatives by December 1, 1997.

Passed the House April 26, 1997.

Passed the Senate April 18, 1997.

Approved by the Governor May 20, 1997, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State May 20, 1997.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to sections 4, 7,  
3 10, 20 and 21, Engrossed Second Substitute House Bill No. 1303  
4 entitled:

1 "AN ACT Relating to education;"

2 Engrossed Second Substitute House Bill No. 1303 authorizes school  
3 districts' boards of directors to grant to individual schools within  
4 their districts full or partial waivers of specified laws and rules  
5 relating to education. This authorization provides greater flexibility  
6 to locally elected officials and enables principals to propose what is  
7 best for the children in their schools. Because the authorization is  
8 granted only until June 30, 1999, and because the legislation requires  
9 the Superintendent of Public Instruction to study the effect of the  
10 waivers, it is clear the Legislature intended this legislation to be an  
11 *experiment* in greater local authority and flexibility.

12 Section 4 would allow the waiver of statutes that protect the  
13 educational rights of students with disabilities, section 7 would allow  
14 the waiver of statutes that protect bilingual students, section 10  
15 would allow waiver of the state wide truancy standards, section 20  
16 would allow waiver of statutes that protect sexual equality, and  
17 section 21 amends the statute regarding probationary periods for  
18 certificated school employees. I believe there is sufficient new  
19 authority and flexibility in this bill regarding other parts of  
20 education law to enable a meaningful "experiment in greater local  
21 authority and flexibility" without the inclusion of these statutes  
22 designed to protect special populations of students.

23 The state wide truancy standards were part of the "Becca Bill" and  
24 are just beginning to have an effect. It would be inappropriate to  
25 allow them to be waived so soon. Except for the expiration date,  
26 section 21 is identical to provisions in SB 5340 which I have already  
27 approved.

28 For these reasons, I have vetoed sections 4, 7, 10, 20 and 21 of  
29 Engrossed Second Substitute House Bill No. 1303.

30 With the exception of sections 4, 7, 10, 20, and 21, Engrossed  
31 Second Substitute House Bill 1303 is approved."