

## **Education Committee**

### **HB 1475**

**Brief Description:** Authorizing waivers of state requirements for school districts.

**Sponsors:** Representatives Magendanz, Dahlquist, Haigh, Zeiger, Hargrove and Fagan.

#### **Brief Summary of Bill**

- Authorizes school districts to waive certain education laws and rules after holding a public hearing, adopting a resolution that specifies the proposed laws or rules to be waived, and transmitting a copy of the resolution to the State Board of Education (SBE), the Office of the Superintendent of Public Instruction (OSPI), and the Washington State Auditor's Office.
- Creates a list of laws and rules that may not be waived, but allows waiver of the remaining laws and rules.
- Requires the OSPI, the Professional Educator Standards Board, and the SBE to publish and annually update the list of rules and laws that may be waived.

**Hearing Date:** 2/8/13

**Staff:** Luke Wickham (786-7146).

#### **Background:**

Title 28A of the Revised Code of Washington includes most of the laws relating to Washington's public school system. School districts are political subdivisions of the state whose structure, duties, and responsibilities are established by state law, and their functions are carried out under the direction of elected boards of directors.

The Office of the Superintendent of Public Instruction (OSPI) is assigned duties and responsibilities regarding oversight of the public school system and is authorized to adopt rules to implement those responsibilities. The State Board of Education (SBE) may adopt rules relating to school accountability, graduation requirements, and basic education requirements among other things. The Professional Educator Standards Board (PESB) has rule-making

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authority related to the preparation, certification, continuing education, and assignment of certificated K-12 educators.

School districts are allowed to seek waivers of certain laws and rules under certain circumstances. The SBE may grant waivers of Basic Education program requirements, including minimal instructional hours, the length of the school year, and student-teacher ratios. Waivers may be granted if they "are necessary to implement successfully a local plan to provide for all students in the district an effective education system that is designed to enhance the educational program for each student." The OSPI and the SBE may also grant waivers of the same requirements to districts in order for a district to implement a plan for restructuring its educational program.

In addition to the other authorized waivers, the SBE may grant waivers from the 180-day school year to school districts that propose to operate schools on a flexible calendar for purposes of economy and efficiency. Only five districts may receive these waivers, two districts with student populations under 150, and three districts with student populations between 150 and 500. Currently only two districts are receiving waivers for purposes of economy and efficiency.

The SBE also grants waivers from credit-based graduation requirements. Only one district is currently receiving this type of waiver.

### **Summary of Bill:**

Any school district board of directors may waive the requirements of certain state laws and rules for a period up to two years according to a certain procedure. To waive state requirements, school district boards of directors must:

1. hold a public hearing on the requirements proposed to be waived,
2. adopt a resolution that specifies the waived requirements, the duration of the waiver, the problem that will be alleviated as a result of the waiver, and the expected efficiency or improvement in student learning as a result of the waiver,
3. transmit a copy of the resolution to the SBE, OSPI, and the Office of the State Auditor.

A school district may adopt new waivers after the two year waiver period expires.

Requirements dealing with certain issues may not be waived, including:

1. hiring, managing, and discharge of school employees in accordance with laws, rules and collective bargaining agreements;
2. complying with employee record check requirements;
3. complying with state and federal health, safety, parents' and students' rights, civil rights, special education, privacy, and nondiscrimination laws, rules and regulations;
4. participation in the free and reduced lunch program;
5. providing the basic education program and administering statewide assessments;
6. adhering to laws and rules related to bonded indebtedness;
7. meeting the terms of performance goals and reporting requirements;
8. complying with federal and state student accountability requirements;
9. annually adopting and filing district budget and financial statements;

10. being subject to financial examinations and audits as determined by the State Auditor and the OSPI;
11. following the requirements of laws for local effort assistance;
12. adhering to the requirements for the election of school district directors and school district boundaries and organization;
13. adhering to the Interstate Compact on Educational Opportunity for Military Children; and
14. complying with Alternative Learning Experience program laws and rules.

New sections are added to allow waivers of laws and rules using the procedure described.

By August 1, 2013, the OSPI, the PESB, and the SBE shall jointly publish a list of each of the statutes and rules that may be waived. This list must be updated every year.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.