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HOUSE BILL 1640

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Hargrove, Hayes, and Magendanz

Read first time 01/26/15. Referred to Committee on Education.

1 AN ACT Relating to authorizing waivers of state requirements for  
2 school districts; adding new sections to chapter 28A.320 RCW; adding  
3 a new section to chapter 28A.150 RCW; adding a new section to chapter  
4 28A.160 RCW; adding a new section to chapter 28A.165 RCW; adding a  
5 new section to chapter 28A.170 RCW; adding a new section to chapter  
6 28A.175 RCW; adding a new section to chapter 28A.180 RCW; adding a  
7 new section to chapter 28A.185 RCW; adding a new section to chapter  
8 28A.190 RCW; adding a new section to chapter 28A.193 RCW; adding a  
9 new section to chapter 28A.194 RCW; adding a new section to chapter  
10 28A.215 RCW; adding a new section to chapter 28A.220 RCW; adding a  
11 new section to chapter 28A.225 RCW; adding a new section to chapter  
12 28A.230 RCW; adding a new section to chapter 28A.235 RCW; adding a  
13 new section to chapter 28A.245 RCW; adding a new section to chapter  
14 28A.250 RCW; adding a new section to chapter 28A.300 RCW; adding a  
15 new section to chapter 28A.305 RCW; adding a new section to chapter  
16 28A.325 RCW; adding a new section to chapter 28A.335 RCW; adding a  
17 new section to chapter 28A.340 RCW; adding a new section to chapter  
18 28A.345 RCW; adding a new section to chapter 28A.400 RCW; adding a  
19 new section to chapter 28A.405 RCW; adding a new section to chapter  
20 28A.410 RCW; adding a new section to chapter 28A.415 RCW; adding a  
21 new section to chapter 28A.600 RCW; adding a new section to chapter  
22 28A.605 RCW; adding a new section to chapter 28A.620 RCW; adding a  
23 new section to chapter 28A.623 RCW; adding a new section to chapter

1 28A.625 RCW; adding a new section to chapter 28A.630 RCW; adding a  
2 new section to chapter 28A.635 RCW; adding a new section to chapter  
3 28A.650 RCW; adding a new section to chapter 28A.655 RCW; adding a  
4 new section to chapter 28A.700 RCW; and creating new sections.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that many state  
7 requirements, while well-intentioned, do not necessarily fit the  
8 unique circumstances of the diverse array of school districts in the  
9 state. Washington state has a strong tradition of local control in  
10 the public school system, and the legislature should trust the  
11 judgment of and provide authority to locally elected officials  
12 wherever feasible. Therefore, the legislature intends to provide a  
13 process for school district boards of directors to waive certain  
14 state education requirements when the local board determines it is  
15 necessary to do so.

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

18 (1) Any school district board of directors may, as provided in  
19 this section, waive the requirements of state statutes under this  
20 title or administrative rules adopted under those statutes. To the  
21 extent and for the period of time that a school district board of  
22 directors exercises its waiver authority under this section, that  
23 school district is not subject to the requirements of the statute and  
24 any related rules that have been waived.

25 (2) To waive state requirements under this section, a school  
26 district board of directors must:

27 (a) Hold a public hearing on the statutes or rules proposed to be  
28 waived;

29 (b) Adopt a resolution that specifies the statutes or rules to be  
30 waived, the duration of the waiver, the problem or barrier that will  
31 be alleviated as a result of each waiver, and the expected  
32 administrative or operational efficiency or improvement in student  
33 learning as a result of each waiver; and

34 (c) Transmit a copy of the adopted resolution to the state board  
35 of education, the office of the superintendent of public instruction,  
36 and the office of the state auditor.

1 (3) A school district board of directors may waive state  
2 requirements under this section for a period not to exceed two school  
3 years, at which time the board of directors may adopt new waivers  
4 under the procedures specified in this section.

5 (4) Statutes or administrative rules pertaining to the following  
6 state requirements may not be waived under this section:

7 (a) To hire, manage, and discharge any school employee in  
8 accordance with the terms of the relevant state law and rules and the  
9 local collective bargaining agreement, including chapters 41.56,  
10 41.58, and 41.59 RCW; including employing certificated instructional  
11 staff as required in RCW 28A.410.025; and including educator  
12 evaluation requirements under RCW 28A.405.100;

13 (b) To comply with the employee record check requirements in RCW  
14 28A.400.303;

15 (c) To adhere to the state and federal health, safety, parents'  
16 and students' rights, civil rights, special education, privacy, and  
17 nondiscrimination laws, rules, and regulations;

18 (d) To participate in free and reduced priced meal programs to  
19 the extent required by law;

20 (e) To provide the program of basic education required under RCW  
21 28A.150.200 and 28A.150.220 as it applies to schools and school  
22 districts, and administer the statewide assessments required under  
23 chapter 28A.655 RCW to assess whether a student has met the state  
24 standards;

25 (f) To adhere to statutes or rules associated with determining a  
26 school district's eligibility for disbursements of state funds,  
27 including capital funds, through state funding formulas;

28 (g) To adhere to laws or rules pertaining to bonded indebtedness;

29 (h) To meet the terms of the performance goals and reporting  
30 requirements under RCW 28A.655.100 and 28A.655.110;

31 (i) To comply with state and federal student accountability  
32 requirements;

33 (j) To annually adopt and file the district budget and financial  
34 statements;

35 (k) To be subject to financial examinations and audits as  
36 determined by the state auditor and the office of the superintendent  
37 of public instruction, including audits for legal and fiscal  
38 compliance;

39 (l) To follow the requirements of chapter 28A.500 RCW for local  
40 effort assistance;

1 (m) To adhere to the requirements for the election of school  
2 district directors as provided in chapter 28A.343 RCW and the  
3 requirements for school district boundaries and organization as  
4 provided under chapter 28A.315 RCW;

5 (n) To adhere to the provisions of the interstate compact on  
6 educational opportunity for military children; and

7 (o) To comply with state laws and administrative rules pertaining  
8 to alternative learning experience programs.

9 (5) By August 1, 2015, the office of the superintendent of public  
10 instruction, the professional educator standards board, and the state  
11 board of education shall jointly publish a list of each of the  
12 statutes under this title and administrative rules adopted under  
13 those statutes that may be waived under this section. The list shall  
14 be updated by August 1st of each year thereafter.

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

17 Section 2 of this act applies to this chapter.

18 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.160  
19 RCW to read as follows:

20 Section 2 of this act applies to this chapter.

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

23 Section 2 of this act applies to this chapter.

24 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.170  
25 RCW to read as follows:

26 Section 2 of this act applies to this chapter.

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

29 Section 2 of this act applies to this chapter.

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

32 Section 2 of this act applies to this chapter.

1        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 28A.185  
2    RCW to read as follows:  
3        Section 2 of this act applies to this chapter.

4        NEW SECTION.    **Sec. 10.**    A new section is added to chapter 28A.190  
5    RCW to read as follows:  
6        Section 2 of this act applies to this chapter.

7        NEW SECTION.    **Sec. 11.**    A new section is added to chapter 28A.193  
8    RCW to read as follows:  
9        Section 2 of this act applies to this chapter.

10       NEW SECTION.    **Sec. 12.**    A new section is added to chapter 28A.194  
11    RCW to read as follows:  
12       Section 2 of this act applies to this chapter.

13       NEW SECTION.    **Sec. 13.**    A new section is added to chapter 28A.215  
14    RCW to read as follows:  
15       Section 2 of this act applies to this chapter.

16       NEW SECTION.    **Sec. 14.**    A new section is added to chapter 28A.220  
17    RCW to read as follows:  
18       Section 2 of this act applies to this chapter.

19       NEW SECTION.    **Sec. 15.**    A new section is added to chapter 28A.225  
20    RCW to read as follows:  
21       Section 2 of this act applies to this chapter.

22       NEW SECTION.    **Sec. 16.**    A new section is added to chapter 28A.230  
23    RCW to read as follows:  
24       Section 2 of this act applies to this chapter.

25       NEW SECTION.    **Sec. 17.**    A new section is added to chapter 28A.235  
26    RCW to read as follows:  
27       Section 2 of this act applies to this chapter.

28       NEW SECTION.    **Sec. 18.**    A new section is added to chapter 28A.245  
29    RCW to read as follows:  
30       Section 2 of this act applies to this chapter.

1        NEW SECTION.    **Sec. 19.**    A new section is added to chapter 28A.250  
2    RCW to read as follows:  
3        Section 2 of this act applies to this chapter.

4        NEW SECTION.    **Sec. 20.**    A new section is added to chapter 28A.300  
5    RCW to read as follows:  
6        Section 2 of this act applies to this chapter.

7        NEW SECTION.    **Sec. 21.**    A new section is added to chapter 28A.305  
8    RCW to read as follows:  
9        Section 2 of this act applies to this chapter.

10       NEW SECTION.    **Sec. 22.**    A new section is added to chapter 28A.320  
11    RCW to read as follows:  
12       Section 2 of this act applies to this chapter.

13       NEW SECTION.    **Sec. 23.**    A new section is added to chapter 28A.325  
14    RCW to read as follows:  
15       Section 2 of this act applies to this chapter.

16       NEW SECTION.    **Sec. 24.**    A new section is added to chapter 28A.335  
17    RCW to read as follows:  
18       Section 2 of this act applies to this chapter.

19       NEW SECTION.    **Sec. 25.**    A new section is added to chapter 28A.340  
20    RCW to read as follows:  
21       Section 2 of this act applies to this chapter.

22       NEW SECTION.    **Sec. 26.**    A new section is added to chapter 28A.345  
23    RCW to read as follows:  
24       Section 2 of this act applies to this chapter.

25       NEW SECTION.    **Sec. 27.**    A new section is added to chapter 28A.400  
26    RCW to read as follows:  
27       Section 2 of this act applies to this chapter.

28       NEW SECTION.    **Sec. 28.**    A new section is added to chapter 28A.405  
29    RCW to read as follows:  
30       Section 2 of this act applies to this chapter.

1        NEW SECTION.    **Sec. 29.**    A new section is added to chapter 28A.410  
2    RCW to read as follows:  
3        Section 2 of this act applies to this chapter.

4        NEW SECTION.    **Sec. 30.**    A new section is added to chapter 28A.415  
5    RCW to read as follows:  
6        Section 2 of this act applies to this chapter.

7        NEW SECTION.    **Sec. 31.**    A new section is added to chapter 28A.600  
8    RCW to read as follows:  
9        Section 2 of this act applies to this chapter.

10       NEW SECTION.    **Sec. 32.**    A new section is added to chapter 28A.605  
11    RCW to read as follows:  
12       Section 2 of this act applies to this chapter.

13       NEW SECTION.    **Sec. 33.**    A new section is added to chapter 28A.620  
14    RCW to read as follows:  
15       Section 2 of this act applies to this chapter.

16       NEW SECTION.    **Sec. 34.**    A new section is added to chapter 28A.623  
17    RCW to read as follows:  
18       Section 2 of this act applies to this chapter.

19       NEW SECTION.    **Sec. 35.**    A new section is added to chapter 28A.625  
20    RCW to read as follows:  
21       Section 2 of this act applies to this chapter.

22       NEW SECTION.    **Sec. 36.**    A new section is added to chapter 28A.630  
23    RCW to read as follows:  
24       Section 2 of this act applies to this chapter.

25       NEW SECTION.    **Sec. 37.**    A new section is added to chapter 28A.635  
26    RCW to read as follows:  
27       Section 2 of this act applies to this chapter.

28       NEW SECTION.    **Sec. 38.**    A new section is added to chapter 28A.650  
29    RCW to read as follows:  
30       Section 2 of this act applies to this chapter.

1        NEW SECTION.    **Sec. 39.**    A new section is added to chapter 28A.655  
2    RCW to read as follows:  
3        Section 2 of this act applies to this chapter.

4        NEW SECTION.    **Sec. 40.**    A new section is added to chapter 28A.700  
5    RCW to read as follows:  
6        Section 2 of this act applies to this chapter.

7        NEW SECTION.    **Sec. 41.**    If any provision of this act or its  
8    application to any person or circumstance is held invalid, the  
9    remainder of the act or the application of the provision to other  
10   persons or circumstances is not affected.

11       NEW SECTION.    **Sec. 42.**    If any part of this act is found to be in  
12   conflict with federal requirements that are a prescribed condition to  
13   the allocation of federal funds to the state, the conflicting part of  
14   this act is inoperative solely to the extent of the conflict and with  
15   respect to the agencies directly affected, and this finding does not  
16   affect the operation of the remainder of this act in its application  
17   to the agencies concerned. Rules adopted under this act must meet  
18   federal requirements that are a necessary condition to the receipt of  
19   federal funds by the state.

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