

SHB 2824 - S COMM AMD

By Committee on Early Learning & K-12 Education

ADOPTED AND ENGROSSED 3/1/18

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that specific
4 powers, duties, and functions of the state board of education and the
5 superintendent of public instruction should be realigned to better
6 serve students and families, educators, school districts, and schools
7 both public and private.

8 The legislature recognizes that the state board of education and
9 the superintendent of public instruction, with the support of the
10 governor's office, convened a roles and responsibilities task force
11 to review their authorities and made recommendations to clarify and
12 realign responsibilities among the agencies.

13 The legislature, therefore, intends to clarify, and in some cases
14 shift, responsibilities related to private schools, educational
15 service district boundaries, career and technical education
16 equivalencies, adoption of learning standards, waiver of school
17 district requirements, and compliance with basic education
18 requirements.

19 **PART I**

20 **EDUCATIONAL SERVICE DISTRICT BOUNDARIES**

21 **Sec. 101.** RCW 28A.310.020 and 1994 sp.s. c 6 s 513 are each
22 amended to read as follows:

23 The (~~state board of education~~) superintendent of public
24 instruction upon (~~its~~) his or her own initiative, or upon petition
25 of any educational service district board, or upon petition of at
26 least half of the district superintendents within an educational
27 service district, or upon request of the (~~superintendent of public~~
28 ~~instruction~~) state board of education, may make changes in the
29 number and boundaries of the educational service districts, including
30 an equitable adjustment and transfer of any and all property, assets,

1 and liabilities among the educational service districts whose
2 boundaries and duties and responsibilities are increased and/or
3 decreased by such changes, consistent with the purposes of RCW
4 28A.310.010: PROVIDED, That no reduction in the number of educational
5 service districts will take effect after June 30, 1995, without a
6 majority approval vote by the affected school directors voting in
7 such election by mail ballot. Prior to making any such changes, the
8 ~~((state board))~~ superintendent of public instruction, or his or her
9 designee, shall hold at least one public hearing on such proposed
10 action and shall consider any recommendations on such proposed
11 action.

12 The ~~((state board))~~ superintendent of public instruction in
13 making any change in boundaries shall give consideration to, but not
14 be limited by, the following factors: Size, population, topography,
15 and climate of the proposed district.

16 The superintendent of public instruction shall furnish personnel,
17 material, supplies, and information necessary to enable educational
18 service district boards and superintendents to consider the proposed
19 changes.

20 **PART II**
21 **PRIVATE SCHOOLS**

22 **Sec. 201.** RCW 28A.195.010 and 2009 c 548 s 303 are each amended
23 to read as follows:

24 The legislature hereby recognizes that private schools should be
25 subject only to those minimum state controls necessary to insure the
26 health and safety of all the students in the state and to insure a
27 sufficient basic education to meet usual graduation requirements. The
28 state, any agency or official thereof, shall not restrict or dictate
29 any specific educational or other programs for private schools except
30 as hereinafter in this section provided.

31 ~~((Principals))~~ The administrative or executive authority of
32 private schools or ~~((superintendents of))~~ private school districts
33 shall file each year with the state ~~((superintendent of public~~
34 ~~instruction))~~ board of education a statement certifying that the
35 minimum requirements hereinafter set forth are being met, noting any
36 deviations. The state board of education may request clarification or
37 additional information. After review of the statement, the state
38 ~~((superintendent))~~ board of education will notify schools or school

1 districts of (~~those~~) any concerns, deficiencies, and deviations
2 which must be corrected. (~~In case of major~~) If there are any
3 unresolved concerns, deficiencies, or deviations, the school or
4 school district may request (~~and~~) or the state board of education
5 on its own initiative may grant provisional status for one year in
6 order that the school or school district may take action to meet the
7 requirements. The state board of education shall not require private
8 school students to meet the student learning goals, obtain a
9 certificate of academic achievement, or a certificate of individual
10 achievement to graduate from high school, to master the essential
11 academic learning requirements, or to be assessed pursuant to RCW
12 28A.655.061. However, private schools may choose, on a voluntary
13 basis, to have their students master these essential academic
14 learning requirements, take the assessments, and obtain a certificate
15 of academic achievement or a certificate of individual achievement.
16 Minimum requirements shall be as follows:

17 (1) The minimum school year for instructional purposes shall
18 consist of no less than one hundred eighty school days or the
19 equivalent in annual minimum instructional hour offerings, with a
20 school-wide annual average total instructional hour offering of one
21 thousand hours for students enrolled in grades one through twelve,
22 and at least four hundred fifty hours for students enrolled in
23 kindergarten.

24 (2) The school day shall be the same as defined in RCW
25 28A.150.203.

26 (3) All classroom teachers shall hold appropriate Washington
27 state certification except as follows:

28 (a) Teachers for religious courses or courses for which no
29 counterpart exists in public schools shall not be required to obtain
30 a state certificate to teach those courses.

31 (b) In exceptional cases, people of unusual competence but
32 without certification may teach students so long as a certified
33 person exercises general supervision. Annual written statements shall
34 be submitted to the (~~office of the superintendent of public~~
35 ~~instruction~~) state board of education reporting and explaining such
36 circumstances.

37 (4) An approved private school may operate an extension program
38 for parents, guardians, or persons having legal custody of a child to
39 teach children in their custody. The extension program shall require
40 at a minimum that:

1 (a) The parent, guardian, or custodian be under the supervision
2 of an employee of the approved private school who is (~~certified~~)
3 certificated under chapter 28A.410 RCW;

4 (b) The planning by the (~~certified~~) certificated person and the
5 parent, guardian, or person having legal custody include objectives
6 consistent with this subsection and subsections (1), (2), (5), (6),
7 and (7) of this section;

8 (c) The (~~certified~~) certificated person spend a minimum average
9 each month of one contact hour per week with each student under his
10 or her supervision who is enrolled in the approved private school
11 extension program;

12 (d) Each student's progress be evaluated by the (~~certified~~)
13 certificated person; and

14 (e) The (~~certified~~) certificated employee shall not supervise
15 more than thirty students enrolled in the approved private school's
16 extension program.

17 (5) Appropriate measures shall be taken to safeguard all
18 permanent records against loss or damage.

19 (6) The physical facilities of the school or district shall be
20 adequate to meet the program offered by the school or district:
21 PROVIDED, That each school building shall meet reasonable health and
22 fire safety requirements. A residential dwelling of the parent,
23 guardian, or custodian shall be deemed to be an adequate physical
24 facility when a parent, guardian, or person having legal custody is
25 instructing his or her child under subsection (4) of this section.

26 (7) Private school curriculum shall include instruction of the
27 basic skills of occupational education, science, mathematics,
28 language, social studies, history, health, reading, writing,
29 spelling, and the development of appreciation of art and music, all
30 in sufficient units for meeting state board of education graduation
31 requirements.

32 (8) Each school or school district shall be required to maintain
33 up-to-date policy statements related to the administration and
34 operation of the school or school district.

35 All decisions of policy, philosophy, selection of books, teaching
36 material, curriculum, except as in subsection (7) of this section
37 provided, school rules and administration, or other matters not
38 specifically referred to in this section, shall be the responsibility
39 of the administration and administrators of the particular private
40 school involved.

1 **Sec. 202.** RCW 28A.195.030 and 1974 ex.s. c 92 s 4 are each
2 amended to read as follows:

3 Any private school may appeal the actions of the (~~state~~
4 ~~superintendent of public instruction or~~) state board of education as
5 provided in chapter 34.05 RCW.

6 **Sec. 203.** RCW 28A.195.060 and 1975 1st ex.s. c 275 s 70 are each
7 amended to read as follows:

8 (~~It shall be the duty of~~) The administrative or executive
9 authority of every private school in this state (~~to~~) must report to
10 the (~~educational service district~~) superintendent of public
11 instruction on or before the thirtieth day of June in each year, on
12 (~~a~~) forms to be furnished, such information as may be required by
13 the superintendent of public instruction, to make complete the
14 records of education work pertaining to all children residing within
15 the state.

16 **PART III**

17 **CTE COURSE EQUIVALENCY**

18 **Sec. 301.** RCW 28A.230.097 and 2014 c 217 s 204 and 2014 c 217 s
19 102 are each reenacted and amended to read as follows:

20 (1) Each high school or school district board of directors shall
21 adopt course equivalencies for career and technical high school
22 courses offered to students in high schools and skill centers. A
23 career and technical course equivalency may be for whole or partial
24 credit. Each school district board of directors shall develop a
25 course equivalency approval procedure. Boards of directors must
26 approve AP computer science courses as equivalent to high school
27 mathematics or science, and must denote on a student's transcript
28 that AP computer science qualifies as a math-based quantitative
29 course for students who take the course in their senior year. In
30 order for a board to approve AP computer science as equivalent to
31 high school mathematics, the student must be concurrently enrolled in
32 or have successfully completed algebra II. Beginning no later than
33 the 2015-16 school year, a school district board of directors must,
34 at a minimum, grant academic course equivalency in mathematics or
35 science for a high school career and technical course from the list
36 of courses approved by the (~~state board of education~~)
37 superintendent of public instruction under RCW 28A.700.070, but is

1 not limited to the courses on the list. If the list of courses is
2 revised after the 2015-16 school year, the school district board of
3 directors must grant academic course equivalency based on the revised
4 list beginning with the school year immediately following the
5 revision.

6 (2) Career and technical courses determined to be equivalent to
7 academic core courses, in full or in part, by the high school or
8 school district shall be accepted as meeting core requirements,
9 including graduation requirements, if the courses are recorded on the
10 student's transcript using the equivalent academic high school
11 department designation and title. Full or partial credit shall be
12 recorded as appropriate. The high school or school district shall
13 also issue and keep record of course completion certificates that
14 demonstrate that the career and technical courses were successfully
15 completed as needed for industry certification, college credit, or
16 preapprenticeship, as applicable. The certificate shall be part of
17 the student's high school and beyond plan. The office of the
18 superintendent of public instruction shall develop and make available
19 electronic samples of certificates of course completion.

20 **Sec. 302.** RCW 28A.230.010 and 2014 c 217 s 103 are each amended
21 to read as follows:

22 (1) School district boards of directors shall identify and offer
23 courses with content that meet or exceed: (a) The basic education
24 skills identified in RCW 28A.150.210; (b) the graduation requirements
25 under RCW 28A.230.090; (c) the courses required to meet the minimum
26 college entrance requirements under RCW 28A.230.130; and (d) the
27 course options for career development under RCW 28A.230.130. Such
28 courses may be applied or theoretical, academic, or vocational.

29 (2) School district boards of directors must provide high school
30 students with the opportunity to access at least one career and
31 technical education course that is considered equivalent to a
32 mathematics course or at least one career and technical education
33 course that is considered equivalent to a science course as
34 determined by the office of the superintendent of public instruction
35 (~~(and the state board of education)~~) in RCW 28A.700.070. Students may
36 access such courses at high schools, interdistrict cooperatives,
37 skill centers or branch or satellite skill centers, or through online
38 learning or applicable running start vocational courses.

1 (3)(a) Until January 1, 2019, school district boards of directors
2 of school districts with fewer than two thousand students may apply
3 to the state board of education for a waiver from the provisions of
4 subsection (2) of this section.

5 (b) On and after January 1, 2019, school district boards of
6 directors of school districts with fewer than two thousand students
7 may apply to the superintendent of public instruction for a waiver
8 from the provisions of subsection (2) of this section under section
9 504 of this act.

10 **Sec. 303.** RCW 28A.300.236 and 2017 3rd sp.s. c 13 s 410 are each
11 amended to read as follows:

12 (1) Subject to the availability of amounts appropriated for this
13 specific purpose, the office of the superintendent of public
14 instruction must create methodologies for implementing equivalency
15 crediting on a broader scale across the state and facilitate its
16 implementation including, but not limited to, the following:

17 (a) Implementing statewide career and technical education course
18 equivalency frameworks authorized under RCW 28A.700.070 for high
19 schools and skill centers in science, technology, engineering, and
20 mathematics. This may include development of additional equivalency
21 course frameworks in core subject areas, course performance
22 assessments, and development and delivery of professional development
23 for districts and skill centers implementing the career and technical
24 education frameworks; and

25 (b) Providing competitive grant funds to school districts to
26 increase the integration and rigor of academic instruction in career
27 and technical education equivalency courses. The grant funds must be
28 used to support teams of general education and career and technical
29 education teachers to convene and design course performance
30 assessments, deepen the understanding of integrating academic and
31 career and technical education in student instruction, and develop
32 professional learning modules for school districts to plan
33 implementation of equivalency crediting.

34 (2) Beginning in the 2017-18 school year, school districts shall
35 annually report to the office of the superintendent of public
36 instruction the following information:

37 (a) The annual number of students participating in state-approved
38 equivalency courses; and

1 (b) The annual number of state approved equivalency credit
2 courses offered in school districts and skill centers.

3 (3) Beginning December 1, (~~(2017)~~) 2018, and every December 1st
4 thereafter, the office of the superintendent of public instruction
5 shall annually submit (~~(a summary of the school district information~~
6 ~~reported under subsection (2) of this section)~~) the following
7 information to the office of the governor, the state board of
8 education, and the appropriate committees of the legislature:

9 (a) The selected list of equivalent career and technical
10 education courses and their curriculum frameworks that the
11 superintendent of public instruction has approved under RCW
12 28A.700.070; and

13 (b) A summary of the school district information reported under
14 subsection (2) of this section.

15 **Sec. 304.** RCW 28A.700.070 and 2014 c 217 s 101 are each amended
16 to read as follows:

17 (1) The office of the superintendent of public instruction shall
18 support school district efforts under RCW 28A.230.097 to adopt course
19 equivalencies for career and technical courses by:

20 (a) Recommending career and technical curriculum suitable for
21 course equivalencies;

22 (b) Publicizing best practices for high schools and school
23 districts in developing and adopting course equivalencies; and

24 (c) In consultation with the Washington association for career
25 and technical education, providing professional development,
26 technical assistance, and guidance for school districts seeking to
27 expand their lists of equivalent courses.

28 (2) The office of the superintendent of public instruction shall
29 provide professional development, technical assistance, and guidance
30 for school districts to develop career and technical course
31 equivalencies that also qualify as advanced placement courses.

32 (3) The (~~office of the~~) superintendent of public instruction,
33 in consultation with one or more technical working groups convened
34 for this purpose, shall develop and, after an opportunity for public
35 comment, approve curriculum frameworks for a selected list of career
36 and technical courses that may be offered by high schools or skill
37 centers whose content in science, technology, engineering, and
38 mathematics is considered equivalent in full or in part to science or
39 mathematics courses that meet high school graduation requirements.

1 The content of the courses must be aligned with state essential
2 academic learning requirements in mathematics as adopted by the
3 superintendent of public instruction in July 2011 and the essential
4 academic learning requirements in science as adopted in October 2013,
5 and industry standards. (~~The office shall submit the list of~~
6 ~~equivalent career and technical courses and their curriculum~~
7 ~~frameworks to the state board of education for review, an opportunity~~
8 ~~for public comment, and approval.)) The first list of courses under
9 this subsection must be developed and approved before the 2015-16
10 school year. Thereafter, the ((office)) superintendent of public
11 instruction may periodically update or revise the list of courses
12 using the process in this subsection.~~

13 (4) Subject to funds appropriated for this purpose, (~~the office~~
14 ~~of~~) the superintendent of public instruction shall allocate grant
15 funds to school districts to increase the integration and rigor of
16 academic instruction in career and technical courses. Grant
17 recipients are encouraged to use grant funds to support teams of
18 academic and technical teachers using a research-based professional
19 development model supported by the national research center for
20 career and technical education. The (~~office of the~~) superintendent
21 of public instruction may require that grant recipients provide
22 matching resources using federal Carl Perkins funds or other fund
23 sources.

24
25

PART IV
LEARNING STANDARDS

26 **Sec. 401.** RCW 28A.655.070 and 2015 c 211 s 3 are each amended to
27 read as follows:

28 (1) The superintendent of public instruction shall develop
29 essential academic learning requirements that identify the knowledge
30 and skills all public school students need to know and be able to do
31 based on the student learning goals in RCW 28A.150.210, develop
32 student assessments, and implement the accountability recommendations
33 and requests regarding assistance, rewards, and recognition of the
34 state board of education.

35 (2) The superintendent of public instruction shall:

36 (a) Periodically revise the essential academic learning
37 requirements, as needed, based on the student learning goals in RCW
38 28A.150.210. Goals one and two shall be considered primary. To the

1 maximum extent possible, the superintendent shall integrate goal four
2 and the knowledge and skill areas in the other goals in the essential
3 academic learning requirements; and

4 (b) Review and prioritize the essential academic learning
5 requirements and identify, with clear and concise descriptions, the
6 grade level content expectations to be assessed on the statewide
7 student assessment and used for state or federal accountability
8 purposes. The review, prioritization, and identification shall result
9 in more focus and targeting with an emphasis on depth over breadth in
10 the number of grade level content expectations assessed at each grade
11 level. Grade level content expectations shall be articulated over the
12 grades as a sequence of expectations and performances that are
13 logical, build with increasing depth after foundational knowledge and
14 skills are acquired, and reflect, where appropriate, the sequential
15 nature of the discipline. The office of the superintendent of public
16 instruction, within seven working days, shall post on its web site
17 any grade level content expectations provided to an assessment vendor
18 for use in constructing the statewide student assessment.

19 (3)(a) In consultation with the state board of education, the
20 superintendent of public instruction shall maintain and continue to
21 develop and revise a statewide academic assessment system in the
22 content areas of reading, writing, mathematics, and science for use
23 in the elementary, middle, and high school years designed to
24 determine if each student has mastered the essential academic
25 learning requirements identified in subsection (1) of this section.
26 School districts shall administer the assessments under guidelines
27 adopted by the superintendent of public instruction. The academic
28 assessment system may include a variety of assessment methods,
29 including criterion-referenced and performance-based measures.

30 (b) Effective with the 2009 administration of the Washington
31 assessment of student learning and continuing with the statewide
32 student assessment, the superintendent shall redesign the assessment
33 in the content areas of reading, mathematics, and science in all
34 grades except high school by shortening test administration and
35 reducing the number of short answer and extended response questions.

36 (c) By the 2014-15 school year, the superintendent of public
37 instruction, in consultation with the state board of education, shall
38 modify the statewide student assessment system to transition to
39 assessments developed with a multistate consortium, as provided in
40 this subsection:

1 (i) The assessments developed with a multistate consortium to
2 assess student proficiency in English language arts and mathematics
3 shall be administered beginning in the 2014-15 school year. The
4 reading and writing assessments shall not be administered by the
5 superintendent of public instruction or schools after the 2013-14
6 school year.

7 (ii) The high school assessments in English language arts and
8 mathematics in (c)(i) of this subsection shall be used for the
9 purposes of earning a certificate of academic achievement for high
10 school graduation under the timeline established in RCW 28A.655.061
11 and for assessing student career and college readiness.

12 (iii) During the transition period specified in RCW 28A.655.061,
13 the superintendent of public instruction shall use test items and
14 other resources from the consortium assessment to develop and
15 administer a tenth grade high school English language arts
16 assessment, an end-of-course mathematics assessment to assess the
17 standards common to algebra I and integrated mathematics I, and an
18 end-of-course mathematics assessment to assess the standards common
19 to geometry and integrated mathematics II.

20 (4) If the superintendent proposes any modification to the
21 essential academic learning requirements or the statewide
22 assessments, then the superintendent shall, upon request, provide
23 opportunities for the education committees of the house of
24 representatives and the senate to review the assessments and proposed
25 modifications to the essential academic learning requirements before
26 the modifications are adopted.

27 (5) The assessment system shall be designed so that the results
28 under the assessment system are used by educators as tools to
29 evaluate instructional practices, and to initiate appropriate
30 educational support for students who have not mastered the essential
31 academic learning requirements at the appropriate periods in the
32 student's educational development.

33 (6) By September 2007, the results for reading and mathematics
34 shall be reported in a format that will allow parents and teachers to
35 determine the academic gain a student has acquired in those content
36 areas from one school year to the next.

37 (7) To assist parents and teachers in their efforts to provide
38 educational support to individual students, the superintendent of
39 public instruction shall provide as much individual student
40 performance information as possible within the constraints of the

1 assessment system's item bank. The superintendent shall also provide
2 to school districts:

3 (a) Information on classroom-based and other assessments that may
4 provide additional achievement information for individual students;
5 and

6 (b) A collection of diagnostic tools that educators may use to
7 evaluate the academic status of individual students. The tools shall
8 be designed to be inexpensive, easily administered, and quickly and
9 easily scored, with results provided in a format that may be easily
10 shared with parents and students.

11 (8) To the maximum extent possible, the superintendent shall
12 integrate knowledge and skill areas in development of the
13 assessments.

14 (9) Assessments for goals three and four of RCW 28A.150.210 shall
15 be integrated in the essential academic learning requirements and
16 assessments for goals one and two.

17 (10) The superintendent shall develop assessments that are
18 directly related to the essential academic learning requirements, and
19 are not biased toward persons with different learning styles, racial
20 or ethnic backgrounds, or on the basis of gender.

21 (11) The superintendent shall review available and appropriate
22 options for competency-based assessments that meet the essential
23 academic learning requirements. In accordance with the review
24 required by this subsection, the superintendent shall provide a
25 report and recommendations to the education committees of the house
26 of representatives and the senate by November 1, 2019.

27 (12) The superintendent shall consider methods to address the
28 unique needs of special education students when developing the
29 assessments under this section.

30 ~~((+12))~~ (13) The superintendent shall consider methods to
31 address the unique needs of highly capable students when developing
32 the assessments under this section.

33 ~~((+13))~~ (14) The superintendent shall post on the
34 superintendent's web site lists of resources and model assessments in
35 social studies, the arts, and health and fitness.

36 ~~((+14))~~ (15) The superintendent shall integrate financial
37 education skills and content knowledge into the state learning
38 standards pursuant to RCW 28A.300.460(2)(d).

39 (16)(a) The superintendent shall notify the state board of
40 education in writing before initiating the development or revision of

1 the essential academic learning requirements under subsections (1)
2 and (2) of this section. The notification must be provided to the
3 state board of education in advance for review at a regularly
4 scheduled or special board meeting and must include the following
5 information:

6 (i) The subject matter of the essential academic learning
7 requirements;

8 (ii) The reason or reasons the superintendent is initiating the
9 development or revision; and

10 (iii) The process and timeline that the superintendent intends to
11 follow for the development or revision.

12 (b) The state board of education may provide a response to the
13 superintendent's notification for consideration in the development or
14 revision process in (a) of this subsection.

15 (c) Prior to adoption by the superintendent of any new or revised
16 essential academic learning requirements, the superintendent shall
17 submit the proposed new or revised essential academic learning
18 requirements to the state board of education in advance in writing
19 for review at a regularly scheduled or special board meeting. The
20 state board of education may provide a response to the
21 superintendent's proposal for consideration prior to final adoption.

22 (17) The state board of education may propose new or revised
23 essential academic learning requirements to the superintendent. The
24 superintendent must respond to the state board of education's
25 proposal in writing.

26 PART V

27 WAIVER OF SCHOOL DISTRICT REQUIREMENTS

28 **Sec. 501.** RCW 28A.305.140 and 2012 c 53 s 8 are each amended to
29 read as follows:

30 (1) (~~The state board of education~~) (a) In accordance with the
31 criteria adopted by the state board of education under subsection (2)
32 of this section, the superintendent of public instruction may grant
33 waivers to school districts from the provisions of RCW 28A.150.200
34 through 28A.150.220, except as provided in (b) of this subsection, on
35 the basis that such waiver or waivers are necessary to((+

36 (+)) implement successfully a local plan to provide for all
37 students in the district an effective education system that is
38 designed to enhance the educational program for each student. The

1 local plan may include alternative ways to provide effective
2 educational programs for students who experience difficulty with the
3 regular education program((+)).

4 ~~(b) ((Implement an innovation school or innovation zone
5 designated under RCW 28A.630.081; or~~

6 ~~(c) Implement a collaborative schools for innovation and success
7 pilot project approved under RCW 28A.630.104.))~~ The state board of
8 education shall have authority to grant waivers from the provisions
9 of RCW 28A.150.220(3)(b) and to grant the waivers set forth in RCW
10 28A.230.090(1)(e)(ii), 28A.630.081, 28A.630.104, and 28A.655.180.

11 (2) The state board of education shall adopt rules establishing
12 the criteria to evaluate the need for ((the)) a waiver or waivers
13 under this section.

14 **Sec. 502.** RCW 28A.305.140 and 1990 c 33 s 267 are each amended
15 to read as follows:

16 ((The state board of education)) (1)(a) In accordance with the
17 criteria adopted by the state board of education under subsection (2)
18 of this section, the superintendent of public instruction may grant
19 wavers to school districts from the provisions of RCW 28A.150.200
20 through 28A.150.220, except as provided in (b) of this subsection, on
21 the basis that such waiver or waivers are necessary to implement
22 successfully a local plan to provide for all students in the district
23 an effective education system that is designed to enhance the
24 educational program for each student. The local plan may include
25 alternative ways to provide effective educational programs for
26 students who experience difficulty with the regular education
27 program.

28 (b) The state board of education shall have authority to grant
29 wavers from the provisions of RCW 28A.150.220(3)(b) and to grant the
30 wavers set forth in RCW 28A.230.090(1)(e)(ii) and 28A.655.180.

31 (2) The state board of education shall adopt rules establishing
32 the criteria to evaluate the need for ((the)) a waiver or waivers
33 under this section.

34 NEW SECTION. **Sec. 503.** A new section is added to chapter
35 28A.150 RCW to read as follows:

36 (1) In addition to waivers authorized under RCW 28A.305.140 (as
37 recodified by this act), the superintendent of public instruction, in
38 accordance with the criteria in subsection (2) of this section and

1 criteria adopted by the state board of education under subsection (3)
2 of this section, may grant waivers of the requirement for a one
3 hundred eighty-day school year under RCW 28A.150.220 to school
4 districts that propose to operate one or more schools on a flexible
5 calendar for purposes of economy and efficiency as provided in this
6 section. The requirement under RCW 28A.150.220 that school districts
7 offer minimum instructional hours may not be waived.

8 (2) A school district seeking a waiver under this section must
9 submit an application to the superintendent of public instruction
10 that includes:

11 (a) A proposed calendar for the school day and school year that
12 demonstrates how the instructional hour requirement will be
13 maintained;

14 (b) An explanation and estimate of the economies and efficiencies
15 to be gained from compressing the instructional hours into fewer than
16 one hundred eighty days;

17 (c) An explanation of how monetary savings from the proposal will
18 be redirected to support student learning;

19 (d) A summary of comments received at one or more public hearings
20 on the proposal and how concerns will be addressed;

21 (e) An explanation of the impact on students who rely upon free
22 and reduced-price school child nutrition services and the impact on
23 the ability of the child nutrition program to operate an economically
24 independent program;

25 (f) An explanation of the impact on employees in education
26 support positions and the ability to recruit and retain employees in
27 education support positions;

28 (g) An explanation of the impact on students whose parents work
29 during the missed school day; and

30 (h) Other information that the superintendent of public
31 instruction may request to assure that the proposed flexible calendar
32 will not adversely affect student learning.

33 (3) The state board of education shall adopt rules establishing
34 the criteria to evaluate waiver requests under this section. A waiver
35 may be effective for up to three years and may be renewed for
36 subsequent periods of three or fewer years. After each school year in
37 which a waiver has been granted under this section, the
38 superintendent of public instruction must analyze empirical evidence
39 to determine whether the reduction is affecting student learning. If
40 the superintendent of public instruction determines that student

1 learning is adversely affected, the school district must discontinue
2 the flexible calendar as soon as possible but not later than the
3 beginning of the next school year after the superintendent of public
4 instruction's determination.

5 (4) The superintendent of public instruction may grant waivers
6 authorized under this section to five or fewer school districts with
7 student populations of less than five hundred students. Of the five
8 waivers that may be granted, two must be reserved for districts with
9 student populations of less than one hundred fifty students.

10 NEW SECTION. **Sec. 504.** A new section is added to chapter
11 28A.230 RCW to read as follows:

12 (1) The superintendent of public instruction may grant a waiver
13 from the provisions of RCW 28A.230.010(2) based on an application
14 from a board of directors of a school district with fewer than two
15 thousand students.

16 (2) The state board of education may adopt rules establishing the
17 criteria to evaluate the need for a waiver or waivers under this
18 section.

19 **Sec. 505.** RCW 28A.300.545 and 2011 c 45 s 2 are each amended to
20 read as follows:

21 (1) The superintendent of public instruction shall develop a
22 condensed compliance report form for second-class districts by August
23 1, 2011. The report form shall allow districts the option of
24 indicating one of the following for each funded program:

25 (a) The district has complied or received a (~~state board of~~
26 ~~education approved~~) waiver approved by the state board of education
27 or superintendent of public instruction;

28 (b) The district has not complied, accompanied by an explanation
29 or the steps taken to comply; or

30 (c) The district has received a grant for less than half of a
31 full-time equivalent instructional staff.

32 (2) The office of the superintendent of public instruction may
33 conduct random audits of second-class districts that submit a
34 condensed compliance report under RCW 28A.330.250. The purpose of the
35 audit is to determine whether documentation exists to support a
36 school district superintendent's condensed compliance report.

1 **Sec. 506.** RCW 28A.655.180 and 2012 c 53 s 9 are each amended to
2 read as follows:

3 (1) The state board of education(~~(, where appropriate, or the~~
4 ~~superintendent of public instruction, where appropriate,)~~) may grant
5 waivers to districts from the provisions of statutes or rules
6 relating to: The length of the school year; student-to-teacher
7 ratios; and other administrative rules that in the opinion of the
8 state board of education (~~(or the opinion of the superintendent of~~
9 ~~public instruction)~~) may need to be waived in order for a district to
10 implement a plan for restructuring its educational program or the
11 educational program of individual schools within the district or to
12 implement an innovation school or innovation zone designated under
13 RCW 28A.630.081 or to implement a collaborative schools for
14 innovation and success pilot project approved under RCW 28A.630.104.

15 (2) (~~School districts may use the application process in RCW~~
16 ~~28A.305.140 to apply for the waivers under this section.~~) The state
17 board of education may adopt rules establishing the waiver
18 application process under this section.

19 **Sec. 507.** RCW 28A.655.180 and 2009 c 543 s 3 are each amended to
20 read as follows:

21 (1) The state board of education(~~(, where appropriate, or the~~
22 ~~superintendent of public instruction, where appropriate,)~~) may grant
23 waivers to districts from the provisions of statutes or rules
24 relating to: The length of the school year; student-to-teacher
25 ratios; and other administrative rules that in the opinion of the
26 state board of education (~~(or the opinion of the superintendent of~~
27 ~~public instruction)~~) may need to be waived in order for a district to
28 implement a plan for restructuring its educational program or the
29 educational program of individual schools within the district.

30 (2) (~~School districts may use the application process in RCW~~
31 ~~28A.305.140 to apply for the waivers under this section.~~) The state
32 board of education may adopt rules establishing the waiver
33 application process under this section.

34 NEW SECTION. **Sec. 508.** A new section is added to chapter
35 28A.300 RCW to read as follows:

36 Beginning September 1, 2019, the superintendent of public
37 instruction shall annually report to the state board of education and
38 education committees of the house of representatives and the senate

1 summaries of all waiver applications submitted to the superintendent
2 of public instruction for the prior school year under RCW 28A.305.140
3 (as recodified by this act), sections 503 and 504 of this act, and
4 RCW 28A.150.290, including the following information for each type of
5 waiver:

6 (1) The annual number of waiver applications the superintendent
7 approved and did not approve;

8 (2) A brief summary of each waiver request;

9 (3) The reasons the superintendent approved or did not approve
10 each waiver application; and

11 (4) Links to the waiver applications posted on the
12 superintendent's web site.

13 PART VI

14 COMPLIANCE WITH BASIC EDUCATION REQUIREMENTS

15 **Sec. 601.** RCW 28A.150.250 and 2009 c 548 s 105 are each amended
16 to read as follows:

17 (1) From those funds made available by the legislature for the
18 current use of the common schools, the superintendent of public
19 instruction shall distribute annually as provided in RCW 28A.510.250
20 to each school district of the state operating a basic education
21 instructional program approved by the state board of education an
22 amount based on the formulas provided in RCW 28A.150.260,
23 28A.150.390, and 28A.150.392 which, when combined with an appropriate
24 portion of such locally available revenues, other than receipts from
25 federal forest revenues distributed to school districts pursuant to
26 RCW 28A.520.010 and 28A.520.020, as the superintendent of public
27 instruction may deem appropriate for consideration in computing state
28 equalization support, excluding excess property tax levies, will
29 constitute a basic education allocation in dollars for each annual
30 average full-time equivalent student enrolled.

31 (2) The instructional program of basic education shall be
32 considered to be fully funded by those amounts of dollars
33 appropriated by the legislature pursuant to RCW 28A.150.260,
34 28A.150.390, and 28A.150.392 to fund those program requirements
35 identified in RCW 28A.150.220 in accordance with the formula provided
36 in RCW 28A.150.260 and those amounts of dollars appropriated by the
37 legislature to fund the salary requirements of RCW 28A.150.410.

1 (3)(a) If a school district's basic education program fails to
2 meet the basic education requirements enumerated in RCW 28A.150.260
3 and 28A.150.220, the state board of education (~~shall require~~) may
4 recommend to the superintendent of public instruction (~~to~~) that the
5 superintendent withhold state funds in whole or in part for the basic
6 education allocation until program compliance is assured. However,
7 the state board of education may waive this requirement in the event
8 of substantial lack of classroom space.

9 (b) If the state board of education recommends the withholding of
10 a school district's basic education allocation under this subsection,
11 the superintendent of public instruction may withhold the allocation
12 of state funds in whole or in part for support of the school
13 district. Written notice of the intent to withhold state funds, with
14 reasons stated for this action, shall be made to the school district
15 by the office of the superintendent of public instruction before any
16 portion of the state allocation is withheld.

17 **PART VII**

18 **MISCELLANEOUS PROVISIONS**

19 NEW SECTION. Sec. 701. The following acts or parts of acts are
20 each repealed:

21 (1) RCW 28A.305.141 (Waiver from one hundred eighty-day school
22 year requirement—Criteria) and 2016 c 99 s 1, 2014 c 171 s 1, & 2009
23 c 543 s 2; and

24 (2) RCW 28A.305.142 (Waiver from career and technical course
25 equivalency requirement) and 2014 c 217 s 104.

26 NEW SECTION. Sec. 702. A new section is added to chapter
27 28A.305 RCW to read as follows:

28 (1) The transfer of powers, duties, and functions of the
29 superintendent of public instruction and the state board of education
30 pursuant to chapter . . ., Laws of 2018 (this act) do not affect the
31 validity of any superintendent of public instruction or state board
32 of education action performed before the effective date of this
33 section.

34 (2) If apportionments of budgeted funds are required because of
35 the transfer of powers, duties, and functions directed by
36 chapter . . ., Laws of 2018 (this act), the director of financial
37 management shall certify the apportionments to the agencies affected,

1 the state auditor, and the state treasurer. Each of these shall make
2 the appropriate transfer and adjustments in funds and appropriation
3 accounts and equipment records in accordance with the director's
4 certification.

5 (3) Unless otherwise provided, nothing contained in
6 chapter . . . , Laws of 2018 (this act) may be construed to alter any
7 existing collective bargaining unit or provisions of any existing
8 collective bargaining agreement until the agreement has expired or
9 until the bargaining unit has been modified by action of the
10 personnel resources board as provided by law.

11 NEW SECTION. **Sec. 703.** RCW 28A.305.140 is recodified as a
12 section in chapter 28A.300 RCW.

13 NEW SECTION. **Sec. 704.** Section 506 of this act expires June 30,
14 2019.

15 NEW SECTION. **Sec. 705.** (1) Sections 201, 202, 501, 503, 504,
16 and 701 of this act take effect January 1, 2019.

17 (2) Sections 502 and 507 of this act take effect June 30, 2019."

SHB 2824 - S COMM AMD

By Committee on Early Learning & K-12 Education

ADOPTED AND ENGROSSED 3/1/18

18 On page 1, line 3 of the title, after "education;" strike the
19 remainder of the title and insert "amending RCW 28A.310.020,
20 28A.195.010, 28A.195.030, 28A.195.060, 28A.230.010, 28A.300.236,
21 28A.700.070, 28A.655.070, 28A.305.140, 28A.305.140, 28A.300.545,
22 28A.655.180, 28A.655.180, and 28A.150.250; reenacting and amending
23 RCW 28A.230.097; adding a new section to chapter 28A.150 RCW; adding
24 a new section to chapter 28A.230 RCW; adding a new section to chapter
25 28A.300 RCW; adding a new section to chapter 28A.305 RCW; creating a
26 new section; recodifying RCW 28A.305.140; repealing RCW 28A.305.141
27 and 28A.305.142; providing effective dates; and providing an
28 expiration date."

--- END ---