
Education Committee

HB 1640

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

Sponsors: Representatives Hargrove, Hayes and Magendanz.

Brief Summary of Bill

- Authorizes school district boards of directors (school boards), subject to specified limitations, to waive numerous education statutes and administrative rules.
- Establishes requirements for the waiver process, including the holding of a public hearing by the school board on the statutes or rules subject to the proposed waiver, and the adoption of a waiver resolution.
- Directs the Office of the Superintendent of Public Instruction, the Professional Educator Standards Board, and the State Board of Education to jointly and annually publish a list of the education statutes and administrative rules that may be waived by a school board.

Hearing Date: 2/2/16

Staff: Ethan Moreno (786-7386).

Background:

The governance and operation of Washington's public school system is established in constitutional provisions, state statutes, and administrative rules. Article IX of the Washington Constitution directs the Legislature to provide a general and uniform system of public schools. Article III of the state constitution provides the Superintendent of Public Instruction (SPI) with supervision over all matters pertaining to public schools and performing specific duties as prescribed by law. Although most of the enacted laws governing Washington's education system for persons aged five through 20 are found in Title 28A of the Revised Code of Washington, numerous agency rules for the administration and operation of education system has been adopted by the SPI and the State Board of Education (SBE). Additionally, the local governance and administration of Washington's 295 school districts, the entities charged with providing an

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education to all school-aged children residing within their boundaries, occurs through locally elected boards of school district directors.

School districts are currently allowed to seek waivers for certain laws and rules under prescribed circumstances. For example, until June 30, 2019 the SBE may grant waivers from requirements of the state's program of basic education, including minimum instruction hours and the length of the school year, if the waivers are necessary to implement "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." Additionally, until August 31, 2017, the SBE may grant waivers from the 180-day school year requirement to districts that "propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency." This waiver is limited to five or fewer districts, and eligible districts may not have more than 500 students.

Summary of Bill:

Establishment of School Board Waiver Authority and Process.

School district boards of directors (school boards) may waive the requirements of numerous state statutes adopted under Title 28A of the Revised Code of Washington and administrative rules adopted under those statutes. To the extent and for the period of time that a school board exercises this waiver authority, the school district is not subject to the requirements of the statute and any related rules that have been waived. A school board may waive state requirements for a maximum period of two school years, but the waivers may effectively be extended by complying with the adoption process requirements for new waivers.

A school board that intends to waive statutory or administrative requirements must:

1. hold a public hearing on the statutes or rules proposed to be waived;
2. adopt a resolution that specifies the statutes or rules proposed to be waived, the duration of the waiver, the problem or barrier that will be alleviated as a result of each waiver, and the expected administrative or operational efficiency or improvement in student learning as a result of each waiver; and
3. transmit a copy of the adopted resolution to the SBE, the Office of the Superintendent of Public Instruction (OSPI), and the Office of the State Auditor (State Auditor).

Statutes and Administrative Rules that May Not Be Waived.

Statutes and administrative rules pertaining to the following state requirements may not be waived by a school board:

1. hiring, managing, and discharging any school employee in accordance with the terms of the relevant state law and rules and the local collective bargaining agreement, including requiring teachers to have valid teaching credentials and adhering to the four-level teacher and principal evaluation system requirements;
2. complying with the employee background record check requirements;
3. adhering to state and federal health, safety, parents' and students' rights, civil rights, special education, privacy, and nondiscrimination laws, rules, and regulations;
4. participating in free and reduced priced meal programs to the extent required by law;
5. providing the program of basic education as it applies to schools and school districts, and administering the statewide assessments to assess whether a student has met the state standards;

6. adhering to statutes or rules associated with determining a school district's eligibility for disbursements of state funds, including capital funds, through state funding formulas;
7. adhering to laws or rules pertaining to bonded indebtedness;
8. meeting the terms of the district-wide and school-level performance goals and reporting requirements;
9. complying with state and federal student accountability requirements;
10. annually adopting and filing the district budget and financial statements;
11. being subject to financial examinations and audits as determined by the State Auditor and the OSPI, including audits for legal and fiscal compliance;
12. following the requirements for local effort (financial) assistance;
13. adhering to the requirements for the election of school district directors and requirements for school district boundaries and organization;
14. adhering to the provisions of the Interstate Compact on Educational Opportunity for Military Children; and
15. complying with state laws and administrative rules pertaining to Alternative Learning Experience programs.

Statutes and Administrative Rules that May Be Waived.

Unless specified in the list of requirements that may not be waived through the actions of a school board, the following education chapters of the Revised Code of Washington, and administrative rules adopted in accordance with those statutes, are subject to the optional waiver process. (Statutory chapter descriptions are intended to provide a general overview of the content area of the chapter and are not intended to be an exhaustive summary the chapter's provisions.)

1. *Chapter 28A.150 - General Provisions.* This chapter includes general provisions about and the governance and operation of schools and school districts, including establishing basic education requirements and associated funding formulas.
2. *Chapter 28A.160 - Student Transportation.* This chapter establishes district responsibilities for the transportation of students, the use of transportation vehicles, and student transportation allocations. Student transportation is part of the state's program of basic education.
3. *Chapter 28A.165 - Learning Assistance Program.* This chapter governing the Learning Assistance Program, a program that focuses on addressing the needs of students in grades kindergarten through four who are deficient in reading or reading readiness skills. This program is part of the state's program of basic education.
4. *Chapter 28A.170 - Substance Abuse Awareness Program.* This chapter governs substance abuse intervention grants and related actions.
5. *Chapter 28A.175 - Dropout Prevention, Intervention, and Retrieval System.* This chapter establishes requirements and grants related to dropout prevention and reengagement.
6. *Chapter 28A.180 - Transitional Bilingual Instruction Program.* This chapter governs provisions related to pupil transitional bilingual instruction for the purpose of achieving competency in English. This program is part of the state's program of basic education.
7. *Chapter 28A.185 - Highly Capable Students.* This chapter governs provisions related to programs for highly capable students. Programs for highly capable students are part of the state's program of basic education.

8. *Chapter 28A.190 - Residential Education Programs.* This chapter governs educational programs for school-age persons who have been admitted to residential school facilities. These programs are part of the state's program of basic education.
9. *Chapter 28A.193 - Education Programs for Juvenile Inmates.* This chapter governs educational programs for juvenile inmates of the Department of Corrections. These programs are part of the state's program of basic education.
10. *Chapter 28A.194 - Education Programs for Juveniles in Adult Jails.* This chapter governs education programs for juvenile inmates incarcerated in adult jails. These programs are part of the state's program of basic education.
11. *Chapter 28A.215 - Early Childhood, Preschools, and Before-and-After School Care.* This chapter governs provisions, including grants, related to the establishment and maintenance of preschools, and the provision of before and after school and vacation care in connection with common schools.
12. *Chapter 28A.220 - Traffic Safety.* This chapter governs traffic safety education courses, including associated requirements, for students in grades 10 through 12.
13. *Chapter 28A.225 - Compulsory School Attendance and Admission.* This chapter establishes compulsory education attendance requirements for children between the ages of eight and 17.
14. *Chapter 28A.230 - Compulsory coursework and activities.* This chapter general provisions related to school curriculum, the issuance of high school diplomas, and high school transcripts.
15. *Chapter 28A.235 - Food Services.* This chapter governs school breakfast and lunch programs, including the receipt of federal funds for providing food services to children and adults.
16. *Chapter 28A.245 - Skill Centers.* This chapter governs skill centers, the regional career and technical education partnerships that provide access to comprehensive, industry-defined career and technical programs of study.
17. *Chapter 28A.250 - Online Learning.* This chapter establishes requirements and provisions related to online courses and online learning programs for students.
18. *Chapter 28A.300 - Superintendent of Public Instruction.* This chapter establishes the general composition, powers, and duties of the SPI, as well as various education programs and groups established by the Legislature.
19. *Chapter 28A.305 - State Board of Education.* This chapter establishes the SBE and prescribes its powers and duties.
20. *Chapter 28A.320 - Provisions Applicable to all Districts.* This chapter specifies general powers and duties for school districts and their boards of directors, establishes fund investment requirements, specifies provisions for the election of school boards of directors, and includes provisions about summer and night school.
21. *Chapter 28A.325 - Associated Student Bodies.* This chapter governs the establishment and collection of fees from students for non-credit extracurricular events, and the establishment of associated student bodies as formal student organizations.
22. *Chapter 28A.335 - School Districts' Property.* This chapter governs the use and management of school district property, including provisions for school closures and surplus property.
23. *Chapter 28A.340 - Small High School Cooperative Projects.* This chapter governs the establishment of cooperative projects of small high school districts for purposes of enhancing student learning and expanding opportunities for students to take vocational and academic courses that may be generally more available in larger school districts.

24. *Chapter 28A.345 - Washington State School Directors' Association.* This chapter establishes the Washington State School Directors' Association, prescribes its powers and duties, and specifies its financial structure.
25. *Chapter 28A.400 - Employees.* This chapter establishes general employment provisions and qualifications superintendents and principals, and also establishes salary, compensation, hiring, discharge, and insurance provisions for employees.
26. *Chapter 28A.405 - Certificated Employees.* This chapter establishes general qualifications, evaluation criteria, conditions and contracts of employment, hiring and discharge, salary and compensation, and termination provisions for certificated staff.
27. *Chapter 28A.410 - Certification.* This chapter establishes general qualifications for certification, establishes the Professional Educator Standards Board (PESB), and prescribes the powers and duties of the PESB.
28. *Chapter 28A.415 - Institutes, Workshops, and Training.* This chapter establishes provisions related to professional development, training, and recruitment programs.
29. *Chapter 28A.600 - Students.* This chapter establishes general provisions related to students, including provisions related to suspensions and expulsions. This chapter also establishes provisions regarding grading policies, the State Honors Awards Program, student locker searches, dual credit programs, and harassment, intimidation, or bullying.
30. *Chapter 28A.605 - Parent Access.* This chapter governs procedures for removing children from school grounds during school hours, and parents' access to classroom activities and student education records.
31. *Chapter 28A.620 - Community Education Programs.* This chapter governs instructional, recreational and/or service programs provided by school districts on a non-credit and non-tuition basis to district residences of all ages.
32. *Chapter 28A.623 - Meal Programs.* This chapter governs nonprofit meal programs that use school facilities for feeding elderly persons residing within the boundaries of the district and children who are participating in educational programs or activities conducted by private, nonprofit organizations and entities.
33. *Chapter 28A.625 - Awards.* This chapter governs district employee suggestion programs and associated awards, and commendable employee service and recognition awards.
34. *Chapter 28A.630 - Temporary Provisions—Special Projects.* This chapter governs limited-duration projects related to children in foster care, innovation schools, and expanded learning opportunities. The chapter also includes provisions related to the implementation of the paraeducator Associate of Arts degree.
35. *Chapter 28A.635 - Offenses Relating to School Property and Personnel.* This chapter governs offenses related to abusing or insulting teachers, willfully disobeying school administrative personnel, corrupt practices of school officials, defacing or injuring school property, and threats or interference by force or violence.
36. *Chapter 28A.650 - Education Technology.* This chapter governs the development and implementation of the Washington State K-12 Education Technology Plan, and the expansion of the K-12 Education Statewide Network.
37. *Chapter 28A.655 - Academic Achievement and Accountability.* This chapter governs assessments, including statewide assessments required for graduation, and district-wide and school-level performance improvement goals.
38. *Chapter 28A.700 - Secondary Career and Technical Education.* This chapter governs general structuring, minimum requirements, and delivery of career and technical education courses.

Annual Publishing of List of Statutes and Administrative Rules Eligible for Waiver.

By August 1, 2015 the OSPI, the PESB, and the SBE must jointly publish a list of each of the statutes under this title and administrative rules adopted under those statutes that may be waived. The list must be updated annually by each August 1st.

Appropriation: None.

Fiscal Note: Requested on 1/28/16.

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