

HOUSE BILL REPORT

ESHB 1886

As Passed House:
March 8, 2017

Title: An act relating to the responsibilities of the office of the superintendent of public instruction and the state board of education.

Brief Description: Establishing a legislative task force to review issues relating to the responsibilities of the superintendent of public instruction and the state board of education.

Sponsors: House Committee on Education (originally sponsored by Representatives Harris, Santos and Pollet).

Brief History:

Committee Activity:

Education: 2/13/17, 2/16/17 [DPS].

Floor Activity:

Passed House: 3/8/17, 97-0.

Brief Summary of Engrossed Substitute Bill

- Establishes a nine-member Legislative Task Force on K-12 Governance and Responsibilities (Task Force), and prescribes associated membership provisions and duties.
- Directs the Task Force to report its findings and recommendations, including recommendations regarding the appropriate roles and responsibilities of the Superintendent of Public Instruction and the State Board of Education in the K-12 system, to the education committees of the Legislature by November 15, 2017.
- Expires provisions establishing and governing the Task Force on January 31, 2018.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Santos, Chair; Stonier, Vice Chair; Harris, Ranking

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Member; Muri, Assistant Ranking Minority Member; Bergquist, Caldier, Hargrove, Johnson, Ortiz-Self, Steele and Volz.

Minority Report: Without recommendation. Signed by 6 members: Representatives Kilduff, Lovick, McCaslin, Senn, Slatter and Springer.

Minority Report: Do not pass. Signed by 1 member: Representative Dolan, Vice Chair.

Staff: Ethan Moreno (786-7386).

Background:

Office of the Superintendent of Public Instruction.

In addition to its constitutional charge of supervising all matters pertaining to public schools, the Superintendent of Public Instruction (SPI) and its office has numerous and broad responsibilities prescribed in statute, including:

- making rules and regulations necessary for the administration of public education requirements;
- preparing courses of study and other materials and books for the discharge of education duties;
- fulfilling financial responsibilities, including distributing legislatively allocated funds to districts for the operation of the public school system, and awarding numerous state and federally funded grants;
- maintaining and revising, in consultation with the State Board of Education (SBE), a statewide academic assessment system to measure student knowledge and skills on state learning standards and for purposes of state and federal accountability; and
- satisfying numerous reporting and other duties assigned by the Legislature.

State Board of Education.

Although the origins of the State Board of Education (SBE) predate statehood, the 16-member SBE, which includes the SPI, is created in statute and is not referenced in the Constitution. The SBE has numerous system oversight responsibilities, including:

- providing advocacy and strategic oversight of public education;
- adopting and revising academic performance improvement goals;
- establishing high school graduation requirements or equivalencies, including graduation credit and course distribution requirements;
- identifying scores students must meet to achieve standard on statewide student assessments;
- accrediting private schools serving kindergarten through grade 12 (K-12); and
- reviewing and determining applications of school districts seeking approval to become charter school authorizers.

Summary of Engrossed Substitute Bill:

A nine-member Legislative Task Force on K-12 Governance and Responsibilities (Task Force) is established and is to consist of:

- the Chair and Ranking Minority Member of the Senate Early Learning & K-12 Education Committee,

- the Chair and Ranking Minority Member of the House of Representatives Education Committee;
- the Governor or the Governor's designee;
- the SPI or the SPI's designee;
- the Chair of the SBE;
- the President of the Washington State School Directors' Association; and
- the Chair of the Washington Student Achievement Council.

The Task Force must choose its co-chairs from among its legislative membership. The Chair of the House of Representatives Education Committee must convene the initial meeting of the Task Force on or before June 1, 2017.

The Task Force is directed to review the following issues:

- legislation introduced in 2017 relating to the responsibilities of the SPI and the SBE;
- the constitutional and statutory provisions establishing the governance structure and associated responsibilities in the K-12 system;
- options for the division of roles and responsibilities between the Office of the Superintendent of Public Instruction (OSPI) and the SBE;
- past and present provisions governing the SPI and the OSPI, including authorities and duties assigned and modified by the Legislature;
- past and present provisions governing the SBE, including provisions prescribing its authorities, duties, composition, and membership qualifications; and
- considerations of governance and responsibility provisions for other public partner agencies in the K-12 system.

The Task Force must report its findings and recommendations, including recommendations regarding the appropriate roles and responsibilities of the SPI and the SBE in the K-12 system, to the education committees of the House of Representatives and the Senate by November 15, 2017.

Staff support for the Task Force must be provided by Senate Committee Services and the Office of Program Research, with additional assistance, if requested by the Task Force, provided by the OSPI and the SBE.

Provisions establishing and governing the Task Force expire January 31, 2018.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) The SPI is in charge of all education in the state. It is important that the person who is responsible for education be an elected official and held accountable solely to the voters of the state. The bill's provisions deserved to be discussed and explored in a dialog.

The state has a remarkable opportunity this year to craft a bipartisan agreement on school funding. There are overlaps in the system with multiple education agencies that have multiple approaches to accountability. The execution of those accountability issues should be done by the Office of the Superintendent of Public Instruction (OSPI). The SBE is a policy board and it should be allowed to focus on the policy issues assigned to it by the Legislature. Under this bill, when an assignment relates to execution, it is assigned to the OSPI. However, under this bill, policy functions remain with the SBE. There are multiple opportunities to clarify educational assignment issues, and the Legislature should do so this year. This bill improves accountability.

The Legislature has a responsibility to do the right things for all students. Some stakeholders have lost trust in the SBE to perform their responsibilities to the benefit of all students. The SBE has policy authority in education matters over the SPI. The SPI is elected, but the SBE makes policy with limited oversight. The SBE should be advisory to the SPI, and not be a policy setting board. The SBE doesn't allow practicing educators to sit on the board. The SBE has created educational policy benefiting college and university-bound graduates, while placing barriers for students wishing to pursue a technically skilled career. The SBE has sold the state's students short and needs oversight by the Legislature and the OSPI.

(Opposed) At a time when all of our energies ought to be focused on bringing our state's education system into the twenty-first century, ensuring that students are receiving an equitable and excellent education, and fully funding basic education according to McCleary, we are sidetracked by this bill. The SBE has worked very hard for nearly eight years to build the accountability system, and worked in an unparalleled way to have active engagement of the public and communities in reforming education in Washington.

This bill would make very significant governance changes and the sweeping nature of this bill would be counterproductive and is not well-timed. The bill is not a clarifying bill, as it would undo many years of intentional actions by the Legislature to create a participatory and transparent K-12 governance system. There should not be a rush to make the changes called for in this bill. It would be wise for the Legislature to consider the governance changes that are possible in a broader context after paramount duty responsibilities have been resolved. A piecemeal approach to governance changes would be unwise and a distraction from the focus on McCleary. The SBE looks forward to having a productive relationship with the SPI. The SBE is the citizen voice in the education system and has a responsibility to consider the present and future needs of children and staff. With McCleary, the Every Student Succeeds Act, and the possible reduction of power in the United States Department of Education, the state needs to have a discussion about educational governance structure, but we need to understand the impacts of these big changes. Now is not the time to make broad, sweeping changes and unilateral moves.

Streamlining administrative duties and tasks is generally a good thing, but this bill puts the cart before the horse in K-12 governance. The SBE is a place where those with concerns or interest in the K-12 system can petition their government to address the needs and health of the system. In the past decade, the SBE has become an even more integral piece in balancing the demands of competing interest for what is best for children and schools. A broad education constituency should be convened to discuss the best way forward and the legitimate role of the SBE in that model.

(Other) It is time to take another look at the difference between policy and implementation, and where the roles and responsibilities lie between agencies, including the SPI. The review should involve a broader conversation among stakeholders and not a top-down approach from Olympia or the OSPI.

Persons Testifying: (In support) Representative Harris, prime sponsor; Chris Reykdal, Office of the Superintendent of Public Instruction; Dennis Kampe; and Marcia Fromhold, Evergreen Public Schools.

(Opposed) Mona Bailey, Peter Maier, Patty Wood, Connie Fletcher and Keven Laverty, State Board of Education.

(Other) Deb Merle, Office of the Governor.

Persons Signed In To Testify But Not Testifying: Tim Garchow, Washington State School Directors' Association; Daniel Zavala, League of Education Voters; and Dave Powell, Stand for Children Washington.