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**SENATE BILL 5871**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senators J. Wilson and Fortunato

AN ACT Relating to establishing a pilot project to authorize certificated teachers to operate microschools; amending RCW 28B.76.526; adding a new chapter to Title 28A RCW; and providing an expiration date.

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

NEW SECTION. **Sec.**  INTENT. The legislature recognizes that greater flexibility is required to meet the increasingly complex needs of student populations. Through establishing a microschool pilot program, the legislature intends to provide certificated educators with the opportunity to showcase unique professional approaches and customized education services to improve the student academic experience. The legislature also understands that some students may particularly benefit from accessing instruction not regularly offered within the typical K-12 classroom. Therefore, the legislature intends to prioritize the approval of microschools that serve students with disabilities, students who are not meeting academic standards, and students who require transitional bilingual instruction.

NEW SECTION. **Sec.**  PILOT PROJECT. (1) The office of the superintendent of public instruction shall establish a pilot project to authorize certificated teachers to operate microschools as an alternative environment for K-12 student instruction. The pilot project shall commence beginning August 31, 2022, and conclude June 30, 2028.

(2) The office of the superintendent of public instruction and the state board of education shall adopt rules to implement the pilot project and may adapt requirements when necessary to allow for the operation of microschools.

(3) The office of the superintendent of public instruction shall approve up to 50 certificated teachers to operate microschools during the first school year of the pilot project and up to 10 additional certificated teachers to operate microschools each school year thereafter until the pilot project concludes. If, in any school year, fewer microschools are established than authorized under this subsection, additional microschools may be approved in subsequent years to reach the cumulative approval limit. When selecting and approving certificated teachers to operate microschools, the office of the superintendent of public instruction must aim to select certificated teachers that will operate microschools in a variety of rural, urban, and suburban locations, and may give priority to:

(a) Microschools that will serve students with disabilities who are eligible for special education;

(b) Microschools that will serve students who are not meeting academic standards as defined in RCW 28A.165.015 at the time of enrollment; and

(c) Microschools that will provide transitional bilingual instruction to eligible pupils defined in RCW 28A.180.030.

(4) The office of the superintendent of public instruction must provide the following reports to the legislature and the governor:

(a) By January 15, 2023, and annually thereafter through January 15, 2027, a brief status report describing implementation of the microschool pilot project, including a description of the microschools operated by certificated teachers and the number of students and families being served by those microschools; and

(b) By November 30, 2027, a full report on findings from the pilot project, including recommendations for modifying or expanding the authorization of certificated teachers to operate microschools.

NEW SECTION. **Sec.**  DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Alternative learning environment" means an instructional environment that is adequate to meet the approved instructional program offered by the certificated teacher and meets reasonable health and fire safety requirements.

(2) "Approved instructional program" means a program that offers the annual minimum instructional hours required under RCW 28A.150.220 and provides course content that meets or exceeds the basic education skills identified in RCW 28A.150.210 and the graduation requirements under RCW 28A.230.090.

(3) "Certificated teacher" means a person who holds a professional education certificate as authorized by the Washington professional educator standards board and whose primary duty is the daily educational instruction of students.

(4) "Microschool" means an alternative learning environment operated by a single certificated teacher who provides an approved instructional program to up to 20 participating K-12 students. A microschool is not a private school under chapter 28A.195 RCW and is not home-based instruction under chapter 28A.200 RCW.

NEW SECTION. **Sec.**  MICROSCHOOL OPERATIONS. (1) A microschool must:

(a) Comply with local, state, and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to school districts and to the same extent as school districts including, but not limited to, prohibiting discrimination as set forth in chapter 28A.642 RCW and requiring sexual equality as set forth in chapter 28A.640 RCW;

(b) Provide a program of basic education, that meets the goals in RCW 28A.150.210, including instruction in the essential academic learning requirements, and participate in the statewide student assessment system as developed under RCW 28A.655.070;

(c) Comply with the screening and intervention requirements under RCW 28A.320.260;

(d) Comply with the employee record check requirements in RCW 28A.400.303;

(e) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance;

(f) Comply with the annual performance report under RCW 28A.655.110; and

(g) Be subject to the performance improvement goals adopted by the state board of education under RCW 28A.305.130.

(2) A certificated teacher approved to operate a microschool may hire staff to assist in microschool operations.

(3) A microschool may not engage in any sectarian practices in its educational program, admissions, or employment policies, or operations.

(4) A microschool is a public school for purposes of RCW 28A.225.010.

(5) Microschools are subject to the supervision of the superintendent of public instruction and the state board of education, including accountability measures, to the same extent as other public schools, except as otherwise provided in this chapter.

NEW SECTION. **Sec.**  FUNDING. (1) Subject to amounts appropriated for this specific purpose, the office of the superintendent of public instruction must allocate the following amounts to certificated teachers operating microschools:

(a) The base allocation per full-time equivalent student for the school district in which the microschool is located, multiplied by the number of full-time equivalent students enrolled at the microschool;

(b) Excess cost allocations for students enrolled at the microschool that are eligible for and receiving special education, as calculated under RCW 28A.150.390(2)(b); and

(c) Categorical allocations equal to 15 percent of the base allocation per full-time equivalent student as determined under (a) of this subsection for each eligible pupil enrolled at the microschool receiving transitional bilingual instruction under chapter 28A.180 RCW. An enrolled eligible pupil may only generate allocations under this subsection for three school years.

(2) Microschools are eligible to apply for special education safety net awards.

(3) Microschools are operated separately from the common school system as an alternative to traditional common schools. All funds appropriated for the operation of microschools must be appropriated from the Washington opportunity pathways account.

**Sec.**  RCW 28B.76.526 and 2020 c 357 s 911 are each amended to read as follows:

The Washington opportunity pathways account is created in the state treasury. Expenditures from the account may be used only for programs in chapter 28A.--- RCW (the new chapter created in section 7 of this act) (microschools), chapter 28A.710 RCW (charter schools), chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW (Washington college grant program), chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to careers), chapter 28B.118 RCW (college bound scholarship), and chapter 43.216 RCW (early childhood education and assistance program). During the 2019-21 fiscal biennium, the account may also be appropriated for public schools funded under chapters 28A.150 and 28A.715 RCW.

NEW SECTION. **Sec.**  Sections 1 through 5 and 8 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. **Sec.**  This act expires June 30, 2030.

**--- END ---**