

HOUSE BILL REPORT

HB 1896

As Reported by House Committee On:

Education
Appropriations

Title: An act relating to the office of the superintendent of public instruction.

Brief Description: Adding powers and duties for the superintendent of public instruction.

Sponsors: Representatives Quall, Cox, Hunter and Anderson; by request of Superintendent of Public Instruction.

Brief History:

Committee Activity:

Education: 2/26/03, 3/4/03 [DPS];
Appropriations: 3/8/03 [DP2S(w/o sub ED)].

Brief Summary of Second Substitute Bill

- Grants authority to the Office of the Superintendent of Public Instruction to solicit, receive, and spend gifts and grants from private sources.
- Prohibits the receipt of gifts and grants that are contingent on the promotion or display of commercial products.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Quall, Chair; McDermott, Vice Chair; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson, Cox, Haigh, Hunter, Rockefeller and Santos.

Minority Report: Do not pass. Signed by 1 member: Representative McMahan.

Staff: Sydney Forrester (786-7120).

Background:

The Office of Superintendent of Public Instruction (OSPI) has general supervisory authority over all matters pertaining to the public K-12 schools, including the issues

relating to curriculum and instruction, teacher certification, special education, transportation, school budgets, school improvement, and information technology services. Current authority, however, does not include the authority to negotiate master contracts for volume purchases by multiple public educational entities.

Authority to receive private funds currently is limited to deposits into the Center for Improvement of Student Learning Account and the Technology Account. No authority currently exists for the OSPI to solicit funds from private sources.

Summary of Substitute Bill:

The powers and duties of the OSPI are expanded to include the authority to solicit, receive, and spend gifts, grants, and bequests from private sources whenever such actions will aid in carrying out the various educational programs administered by the OSPI.

Also granted to the OSPI is the authority to establish master contracts for multiple purchases of goods and services by the OSPI, school districts, educational service districts, and other public educational entities. A master contract by definition does not require reauthorization of the contract for each separate purchase under the contract, and is subject to competitive bidding requirements. Using a master contract, the OSPI can negotiate large volume purchases at competitive prices for goods and services desired by multiple local entities. Districts can make individual purchases under the master contract at the volume purchase price.

Substitute Bill Compared to Original Bill:

The types of master contracts are limited and contracts containing exclusive agreements and master contracts for personal services performed by classified employees are not permitted. Clarification is made regarding requirements necessary to comply with competitive bidding requirements.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: Permitting the OSPI to enter into master contracts would allow multiple districts to benefit by the discount pricing of volume buying if they wanted to purchase under a master contract. Several technology companies offer reduced prices for volume purchases.

Currently the OSPI has authority to receive donations and gifts for limited purposes but does not have authority to solicit gifts and endowments. This bill would allow the state to maximize opportunities for resources available from private entities for the benefit of our schools.

Testimony Against: The language proposed signifies complacency with malfeasance and exploitation of our children, but none more than our disadvantaged children. The bill promotes conflicted interests and suggests our children are now a commodity. The bill is a marketing scheme attempting to legalize a conflict of interest and will allow public resources to be used to gain wealth for a few at the expense of our disadvantaged children.

Testified: Representative Quall, prime sponsor; and Mike Bigelow, Office of Superintendent of Public Instruction.

(Opposed) Nancy Vernon, citizen.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 23 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander, Cody, Conway, Cox, Dunshee, Grant, Hunter, Kagi, Kenney, Kessler, Linville, McDonald, McIntire, Miloscia, Pflug, Ruderman, Schual-Berke, Sump and Talcott.

Minority Report: Do not pass. Signed by 4 members: Representatives Boldt, Buck, Clements and DeBolt.

Staff: Denise Graham (786-7137).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Education:

The substitute bill allowed the OSPI to enter into master purchasing contracts; the second substitute does not.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: This bill is intended to allow the OSPI to set up a non-profit foundation to promote student learning and achievement.

Testimony Against: None.

Testified: (In support) Megan Atkinson, Office of the Superintendent of Public Instruction.