
**Community Development, Housing &
Tribal Affairs Committee**

HB 1134

Brief Description: Authorizing state-tribal education compact schools.

Sponsors: Representatives McCoy, Santos, Appleton, Lytton, Ryu, Stanford, Roberts, Jinkins, Haigh, Freeman and Hunt.

Brief Summary of Bill

- Authorizes the Superintendent of Public Instruction to enter into state-tribal education compacts for the operation of public schools.
- Creates a work group through the Department of Early Learning to develop and pilot early learning programs for schools operating under a state-tribal education compact.

Hearing Date: 1/29/13

Staff: Sean Flynn (786-7124).

Background:

Under the state constitution, the Legislature must provide for a general and uniform system of public schools. The Superintendent of Public Instruction (SPI) has the duty to oversee all matters necessary to maintain a basic education program for common schools (from kindergarten through high school) at public expense. The basic education program generally refers to all the resources necessary to provide the opportunity to meet the state high school graduation requirements. Major components of the basic education program include instructional programming, special education, and transportation services.

The SPI distributes annual appropriations to local school districts to fund the basic education program. Each school district elects a board of directors to manage and operate its schools. School boards are governed by state law covering areas such as board composition and scope of authority, curriculum development, attendance policies, and employment practices.

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.

There are currently seven tribal schools operating in the state that are not directly part of the public school system. Each of these schools was created by a tribal government body or entity and operates with grant-funding from the United States Department of Interior Indian Affairs. Each tribal government or entity operating these schools has entered into an interlocal agreement with a local school board to fund educational services for children in the school district. The interlocal agreements require compliance with certain school district policies and procedures including personnel, curriculum development, record inspection, and audits.

The Department of Early Learning (DEL) oversees early learning policies and programs, including the early childhood education and assistance program and the early support for infants and toddlers. The DEL also partners with the SPI to oversee the kindergarten inventory of developing skills program, which focuses on enhancing the transition from early learning programming to kindergarten.

Summary of Bill:

State-Tribal Education Compacts.

The SPI is authorized to enter into a state-tribal education compact with the governing body of any tribe or the governing body of any school currently receiving funding from the Bureau of Indian Affairs. The SPI must convene a government-to-government meeting to initiate negotiations with any tribe or school that applies for an education compact.

A state-tribal education compact must address certain provisions, including compliance, notices of violation, dispute resolution, recordkeeping and auditing, delineation of respective responsibilities, term length, and termination.

Compact schools generally are exempt from state statutes and rules applicable to school districts and school boards, except as provided by law or by the terms of the compact. Compact schools must comply with the following state requirements:

- provide a curriculum and conduct a basic education program;
- employ certified instructional staff, except in certain exceptional cases;
- comply with employee record check requirements and mandatory termination and notifications;
- comply with nondiscrimination laws; and
- comply with future legislation governing compact schools.

In addition, no compact school may engage in sectarian practices in its operations, education program, admissions, or employment practices.

The SPI must allocate funding for a compact school according to the monthly apportionment schedule established for the local school districts. Allocations must be based on the average of the prior year staff mix ratio of all public schools and the compact school's actual full-time enrollment. Compact schools must report enrollment in the same manner as is required of school districts.

The compact must establish the school's projected first year enrollment for purposes of determining amounts payable for that year. The SPI must reconcile the amount paid in the first year with the actual student enrollment and make adjustments in allocation for the second year.

Compact schools are not prohibited from implementing a policy of Indian preference in employment. Compact schools may prioritize the enrollment of tribal members and siblings of enrolled students if enrollment demand exceeds the capacity of the school.

Early Learning Pilot Program.

The DEL must convene a working group to develop and pilot early learning programs for compact schools that work in conjunction with education programs for kindergarten and beyond.

- The working group shall examine service delivery models for compact schools and make recommendations within six months of the effective date of this law.
- The DEL must submit a preliminary report to the legislature by 2017, regarding the implementation of the early learning pilot programs.
- The DEL must submit a final report to the legislature by 2022. The final report must include an evaluative component to determine if the pilot programs are closing the educational opportunity gap and make recommendations if the pilot programs should be made permanent.
- The pilot program expires in 2023.

Appropriation: None.

Fiscal Note: Available.

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