

# HOUSE BILL REPORT

## HB 2824

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### As Reported by House Committee On: Education

**Title:** An act relating to the exchange and alignment of specific powers, duties, and functions of the superintendent of public instruction and the state board of education.

**Brief Description:** Exchanging and aligning specific powers, duties, and functions of the superintendent of public instruction and the state board of education.

**Sponsors:** Representatives Harris, Dolan and Muri; by request of State Board of Education and Superintendent of Public Instruction.

#### **Brief History:**

##### **Committee Activity:**

Education: 1/22/18, 1/23/18, 1/29/18 [DPS].

#### **Brief Summary of Substitute Bill**

- Modifies numerous powers, functions, and duties of and between the Office of the Superintendent of Public Instruction (OSPI) and the State Board of Education.
- Requires the OSPI to review available and appropriate options for expanding the integration of competency-based education practices in public schools and to provide a report to the education committees of the House of Representatives and the Senate by November 1, 2019.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist, Caldier, Hargrove, Johnson, Lovick, McCaslin, Ortiz-Self, Senn, Slatter, Steele, Stokesbary and Valdez.

**Staff:** Ethan Moreno (786-7386).

#### **Background:**

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*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.*

### 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 SBE predate statehood, the 16-member SBE, which includes the SPI, is created in statute and is not referenced in the Washington 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; and
- reviewing and determining applications of school districts seeking approval to become charter school authorizers.

### Educational Service Districts.

Washington has nine regionally-based educational service districts (ESDs) that provide cooperative informational services to local districts and assist the Office of the Superintendent of Public Instruction (OSPI) and the SBE in the performance of their duties. In addition to providing the cooperative and informational services, the ESDs also serve as a depository and distribution center for instructional materials, and assist districts in the preparation of their budgets. The OSPI and the SBE are authorized in statute to delegate otherwise assigned programs, projects, and services to the ESD. The ESDs are governed by boards that are elected by school directors within the ESD.

### Competency-Based Education.

According to the United States Department of Education, competency-based education practices offer flexibility in the way that academic credit can be earned. Rather than relying on a seat-time based system, competency-based education systems allow student to progress as they demonstrate mastery of academic content, regardless of time or pace of learning.

Administrative rules adopted by the SBE include provisions for earning credit by demonstrating proficiency or competency as defined by a written policy of the applicable

school district. Administrative rules of the SBE allow the SBE to waive certain education requirements for the implementation of a local restructuring plan to provide an effective educational system to enhance the educational program for high school students. The rule governing the waiver requirements recognizes the occurrence of a multiyear transition "from a time and credit-based system of education to a standards and performance-based education system."

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### **Summary of Substitute Bill:**

Numerous agency-specific powers, functions, and duties between the OSPI and the SBE related to learning standards, career and technical education (CTE) course equivalencies, waivers of school district responsibilities, compliance with basic education requirements, ESD boundaries, and private schools are modified. Examples of modified duties and responsibilities are listed below.

#### *I. Examples of modified powers, functions, and duties relating to learning standards and compliance with basic education requirements are:*

1. the SPI must notify the SBE in writing before initiating the development or revision of the essential academic learning requirements (EALRs), and the SBE may provide a response to the SPI's notification;
2. prior to adoption by the SPI of new or revised EALRs, the SPI must submit the new or revised EALRs to the SBE for its review;
3. the SBE may propose new or revised EALRs and the SPI must respond to the proposal; and
4. the SBE may recommend that the SPI withhold, rather than require the SPI to withhold, state funding allocated for basic education. A determination to withhold funds is to be made by the SPI.

#### *II. Examples of modified powers, functions, and duties relating to CTE course equivalencies are:*

1. the authority of the SBE to approve equivalent CTE courses and their curriculum frameworks is transferred to the SPI; and
2. provisions governing an annual CTE course equivalency report provided to the Governor and the Legislature are changed to require the OSPI to also submit the report to the SBE and to include in the report the list of equivalent CTE courses and their curriculum frameworks that the SPI has approved.

#### *III. Examples of modified powers, functions, and duties relating to waivers of school district responsibilities are:*

1. effective January 1, 2019, the authority to grant waivers from basic education requirements for locally approved effective education system plans is transferred from the SBE to the SPI;
2. effective June 30, 2019, the SBE is granted exclusive authority to grant waivers from specific statutes and rules for educational restructuring programs;

3. effective January 1, 2019, the SBE is authorized to grant waivers to school districts from certain requirements related to instruction that provides students with the opportunity to complete 24 credits for high school graduation;
4. effective January 1, 2019, school district boards of directors of districts with fewer than 2,000 students may apply for a waiver from the SPI instead of the SBE for requirements obligating all districts to provide high school students with the opportunity to access at least one CTE course that is considered equivalent to a science course;
5. effective January 1, 2019, the SBE is authorized to adopt rules related to the CTE science course equivalency waivers for qualifying small districts;
6. effective January 1, 2019, the authority to grant waivers from 180-day school year requirements to small districts is transferred from the SBE to the SPI, and some requirements associated with the waivers are removed; and
7. beginning September 1, 2019 the SPI is annually required to report to the SBE and the education committees of the House or Representatives and the Senate data regarding waiver applications and approvals.

*IV. Examples of modified powers, functions, and duties relating to ESD boundaries and private schools are:*

1. the SPI, rather than the SBE, is authorized to make changes in the number and boundaries of ESDs, but the SBE is authorized to request that the SPI make these changes;
2. duties related to certifying that minimum education requirements are met in private schools are transferred from the SPI to the SBE;
3. the authority of private schools to appeal the actions of the SPI through the Administrative Procedure Act is modified to allow the appeal of actions by the SBE; and
4. private schools must annually report the education records of students to the SPI rather than the applicable ESD.

New review and reporting duties are assigned to the OSPI. The OSPI must review available and appropriate options for expanding the integration of competency-based education practices in public schools. Findings and recommendations from the review must be provided to the education committees of the House of Representatives and the Senate by November 1, 2019.

**Substitute Bill Compared to Original Bill:**

The substitute bill makes the following changes to the original bill:

1. eliminates proposed language (that is consistent with current law) that reserves three of five waivers from the 180-day school requirement for districts with student populations of between 151 and 500 students;
2. removes proposed language authorizing the SBE to grant waivers to school districts for "alternative high school graduation requirements," an undefined term, and instead authorizes the SBE to grant waivers to school districts related to instruction that provides students with the opportunity to complete 24 credits for high school graduation in accordance with waiver provisions the SBE is currently exercising;
3. makes numerous technical changes, including:

- removing references to statutes that will expire on the date certain provisions will take effect;
  - changing a reference to "the education committees" to "the education committees of the house of representatives and the senate";
  - aligning expiration and effective dates in the underlying bill; and
  - correcting internal references to "this act"; and
4. requires the OSPI to review available and appropriate options for expanding the integration of competency-based education practices in public schools and to provide a report to the education committees of the House of Representatives and the Senate by November 1, 2019.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for sections 201, 202, 501, 503, 504, and 701, relating to the minimum education requirements in private schools, private school appeals of OSPI actions, waivers from certain basic education requirements, waivers from 180-day school year requirements, CTE science course equivalencies, and the repeal of provisions related to 180-day school year requirements and CTE course equivalency requirements, which take effect January 1, 2019, and sections 502 and 507, relating to addressing waivers from basic education requirements and waivers from certain education statutes and rules, which take effect June 30, 2019.

**Staff Summary of Public Testimony:**

(In support) This legislation is the result of recommendations that were jointly developed and agreed upon by the SBE and the OSPI. The discussions between the agencies were thoughtful and directed at the best interest of supporting schools. The agencies worked very hard with each other to identify duties that can be realigned to benefit schools and to make the system more transparent and efficient. The bill should be moved forward without substantive changes, but the SBE is working with the OSPI and legislative staff on technical corrections, and the OSPI is happy to participate in those efforts.

(Opposed) None.

**Persons Testifying:** Peter Maier and Randy Spaulding, State Board of Education; Suzie Hanson, Washington Federation of Independent Schools; and Dierk Meierbachtol, Office of the Superintendent of Public Instruction.

**Persons Signed In To Testify But Not Testifying:** None.