

# HOUSE BILL REPORT

## EHB 1131

---

---

**As Passed House:**

January 27, 2021

**Title:** An act relating to the emergency waiver of instructional hours and days at private schools.

**Brief Description:** Concerning the emergency waiver of instructional hours and days at private schools.

**Sponsors:** Representatives Rude and Callan; by request of State Board of Education.

**Brief History:**

**Committee Activity:**

Education: 1/15/21, 1/19/21 [DP].

**Floor Activity:**

Passed House: 1/27/21, 96-0.

**Brief Summary of Engrossed Bill**

- Authorizes the State Board of Education to adopt rules establishing the terms and conditions for allowing private schools to maintain their approval status when they are unable to meet minimum school days or instructional hours requirements due to a significant disruption resulting from an emergency.

---

### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass. Signed by 13 members: Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg, Bergquist, Callan, McCaslin, McEntire, Ortiz-Self, Rude, Steele and Stonier.

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

---

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

## **Background:**

### State Board of Education.

With origins predating statehood, the 16-member State Board of Education (SBE) is comprised of five members elected by geographic regions by school board directors, one member elected by private school directors, seven members appointed by the Governor, the Superintendent of Public Instruction, and two non-voting student members.

The SBE has various duties and powers prescribed in statute, including:

- providing advocacy and strategic oversight of public education;
- establishing high school graduation requirements or equivalencies; and
- approving and accrediting private schools according to requirements established by the SBE.

### Private Schools.

State law specifies that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students and to insure a sufficient basic education to meet usual graduation requirements.

In accordance with the SBE's authority to approve private schools for operation, the administrative or executive authority of private schools or private school districts must annually file with the SBE a statement certifying that the minimum statutory requirements governing private schools are being met, noting any deviations. After review of the statement, the SBE must notify schools or school districts of any concerns, deficiencies, and deviations that must be corrected.

Among other obligations, the minimum requirements for private schools specify that the school year for instructional purposes must be no less than 180 school days or the equivalent in annual minimum instructional hour offerings, with a school-wide annual average total instructional hour offering of 1,000 hours for students enrolled in grades 1 through 12, and at least 450 hours for students enrolled in kindergarten.

## **Summary of Engrossed Bill:**

The SBE may adopt rules establishing the terms and conditions for allowing private schools to maintain their approval status when private schools are unable to fulfill the requirement of a full school year of 180 days or the annual average total instructional hour offering required by law due to a significant disruption resulting from an emergency.

For purposes of the rulemaking authority, "emergency" is defined to mean an event or set of circumstances that: demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences; or reaches such a dimension or degree of destructiveness as to warrant the Governor proclaiming a state of emergency. "Emergency" may also include a national

declaration of emergency by an authorized federal official.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This is request legislation from the SBE. The bill allows similar waivers for instructional hours that are allowed for public schools to apply to private schools.

Unlike public schools, private schools do not have flexibility in law to waive instructional day and hour requirements. Private schools do not anticipate needing to use the waiver mechanism.

This bill is simple and important: it responds to a waiver gap and permits private schools to permit to operate with approval.

(Opposed) None.

**Persons Testifying:** Representative Rude, prime sponsor; Maddy Aroney Thompson, Office of the Governor; and Randy Spaulding, State Board of Education.

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