

# HOUSE BILL REPORT

## HB 1264

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*As Passed Legislature*

**Title:** An act relating to education.

**Brief Description:** Making technical changes to the education code.

**Sponsor(s):** Representatives Peery, Brough, G. Fisher, Vance, Rasmussen, Brumsickle, Roland, Valle, Phillips, Cole, P. Johnson, Jones, Holland, Neher, Broback, Paris, Betrozoff and Basich.

**Brief History:**

Reported by House Committee on:  
Education, February 4, 1991, DP;  
Passed House, March 6, 1991, 95-0;  
Passed Legislature, 95-0.

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**HOUSE COMMITTEE ON  
EDUCATION**

**Majority Report:** *Do pass.* Signed by 18 members: Representatives Peery, Chair; G. Fisher, Vice Chair; Brough, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Betrozoff; Broback; Brumsickle; Cole; Dorn; Holland; P. Johnson; Jones; Neher; Orr; Phillips; Rasmussen; Roland; and H. Sommers.

**Staff:** Bob Butts (786-7111).

**Background:** During the last year, representatives from various education groups have reviewed Title 28A RCW (the K-12 Education Code) to identify sections that they considered to be unenforceable, minor in nature, or no longer relevant for one reason or another. Examples include removing references to studies that have been completed, making minor changes that would simplify procedures, and repealing sections that only encourage activities without creating any legal mandate.

A draft of the proposed legislation was widely circulated, and significant modifications were made as a result of comments received.

**Summary of Bill:**

Sec. 1 - Procedures for disposing of surplus textbooks and equipment are changed. Instead of sending a notice to the superintendent of public instruction, school districts disposing of surplus textbooks and equipment would be required to publish a notice in a newspaper of general circulation within the school district. The waiting period for disposal of the property would be reduced from 45 days to 30 days after the notice is published.

Sec. 2 - Provisions requiring the superintendent of public instruction to hold an annual convention of the educational service districts are eliminated.

The Superintendent of Public Instruction is given more flexibility in the formatting of reports when he/she requires districts to submit reports.

Sec. 3 - The initial statement is eliminated because it has no legal effect.

Sec. 4 - The initial provision regarding the use of curriculum-based assessment is eliminated because the study has been completed.

Sec. 5 - Home-schooled children are allowed to take the General Educational Development (GED) Test between the ages of 15 and 19.

Sec. 6 - The terminology relating to alcohol and drug abuse is corrected.

Sec. 7 - Language requiring the study of U.S. and Washington state history are eliminated since these requirements are included in the high school graduation requirements in RCW 28A.230.090.

Sec. 8 - Competency to be demonstrated through work experience as well as competency testing is allowed.

Sec. 9 - A district is enabled to offer joint programs with other school districts and community colleges to provide programs which meet the entrance requirements of baccalaureate granting institutions in the state.

Sec. 10 - Obsolete student/teacher ratio provisions are eliminated.

Sec. 11 - Obsolete requirements that the state board prepare and conduct examinations are repealed.

Sec. 12 - Districts are allowed to use a notice of desire to rent or lease real property, with a total value of \$10,000

or more, in a newspaper of general circulation within the district instead of notifying the superintendent of public instruction.

Sec. 13 - Districts are allowed to use a notice of desire to sell real property in a newspaper of general circulation within the district instead of notifying the superintendent of public instruction.

Sec. 14 - The duty of the superintendent of each district to conduct a census in May of each year to determine the number of children ages 4 through 20 residing in the district is eliminated. A requirement that educational service districts file an annual report is eliminated.

Sec. 15 & 16 - Language that limits the use of noncertificated staff to supervision of noninstructional activities during lunch periods is eliminated. A new section is added making clear that noncertificated personnel can supervise school children in noninstructional activities and in instructional activities while under the supervision of a certificated employee.

Sec. 17 - Provisions that allow electors of first class school districts to vote on whether free textbooks will be provided is eliminated. No such power exists for second class districts.

Sec. 18 - Classified as well as certificated staff are allowed to use payroll deductions.

Sec. 19 - Language referring to a reporting requirement for the Teacher Assistance Program that has already been completed is eliminated.

Sec. 20 - Reference to the Washington Precollege Test in the entrance requirements for teacher preparation programs is removed.

Sec. 21 - The title of the examination of teachers prior to certification is changed from an "exit exam" to an "admission to practice" exam since it is a factor in determining whether a certificate will be issued: not whether the student will be able to graduate from college.

Sec. 22 & 23 - Reference to the Washington Precollege Test as a measure of student performance for the Washington State Honors Program is removed.

Sec. 24 - REPEALERS. The following sections are repealed:

(1 - 7) - RCW 28A. 26.010 through 28A.26.900 - This chapter, requiring students to attend the nearest school, was ruled unconstitutional by the Washington Supreme Court and cannot be enforced.

(8) - RCW 28A.150.090 - The definition of commonly-used schoolhouse door is repealed.

(9) - RCW 28A.150.430 - The provision for paying districts the estimated amount of property tax that has not been collected is repealed because it is no longer done.

(10-12) - RCW 28A.155.110 through .130 - Provisions for the learning disabilities program is repealed because the program no longer exists. Subsequent requirements for screening and programs for preschool and school aged handicapped children have replaced it.

(13) - RCW 28A.230.200 - Language that encourages testing of students in grades 8 through 11 to identify deficits, but creates no legal requirement that such testing be done, is repealed.

(14) - RCW 28A.305.180 - The provision for the merging of library and media services into a learning resource center is repealed. This has proven to be an impossible task with no clear goal to be achieved by the merger.

(15) - RCW 28A. 310.450 - The provision for environmental education centers is repealed because they have been transferred to the educational service districts. Consequently, this provision is no longer needed.

(16) - RCW 28A.310.900 - The change in definition is repealed because the transition has been made to educational service districts.

(17) - RCW 28A.320.220 - The language is repealed because it encourages districts to develop goals, but creates no legal duty.

(18) - RCW 28A.410.130 - The provision for assessing a penalty for false reporting of attendance is repealed since attendance is no longer kept in this manner.

(19) - RCW 28A. 410.900 - A provision is repealed allowing certification that no longer is applicable based on the special time requirements under the 1978 provisions.

(20) - RCW 28A.505.190 - The provision is repealed because it only encourages the preparation of a school district

budget by the school district, but does not create a legal duty to do so.

(21 - 29) - RCW 28A.525.100 through .116 - Repeal of these sections will remove provisions relating to a 1965 bond issue that has been retired.

(30) - RCW 28A.550.010 - The provision is repealed because this method of funding is no longer used.

(31 - 34) - RCW 28A.615.010 through .040 - The provisions regarding school involvement programs are repealed because the provisions encourage but create no legal obligation on the part of the school districts and the superintendent of public instruction. Other provisions have been completed.

(35) - RCW 28A.630.310 - The language is repealed because the report and recommendations of the Advisory Committee on International Education have been completed.

(36) - RCW 28A.630.340 - The language is repealed because the report on the International Education Grant Program will be completed by the beginning of the 1991 session.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill makes only technical changes to the Education Code.

**Testimony Against:** None.

**Witnesses:** Kris Van Gorkom, Washington Association of School Administrators (in favor); and Marcia Costello, Superintendent of Public Instruction (in favor).