

2 **2SHB 1303 - H AMD 142 WITHDRAWN 3-13-97**  
3 By Representatives Keiser and Linville

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5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature has determined that the key  
8 to improving our schools is to hold them accountable for achieving  
9 results rather than following rules. The energy and the resources of  
10 the school system should be focused on what students learn, and on  
11 helping them improve learning in order to achieve new, higher academic  
12 standards. Turning Washington schools into world-class centers for  
13 learning will take a partnership of effort and a willingness for  
14 schools to develop new curricula and have the freedom to try new school  
15 designs and ideas. School districts and schools should be developing  
16 plans to achieve high academic standards. The legislature finds that  
17 individual schools may need certain waivers from laws and rules to help  
18 the school achieve high academic standards. The legislature intends  
19 that such waivers should be granted for the purpose of improving  
20 student learning under our state standards and assessments. The  
21 legislature intends to allow schools to approach their educational  
22 mission with both increased flexibility and accountability that will  
23 assist them in better meeting the needs of the students in their  
24 district.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320  
26 RCW to read as follows:

27 (1) As provided in sections 3 through 16 of this act, the board of  
28 directors of each school district may grant waivers, or partial  
29 waivers, of state laws and rules to schools within the district. The  
30 school board shall grant waivers in accordance with this section.

31 (2) To apply for waivers, a school principal must prepare an  
32 application to the board of directors that identifies which laws and  
33 rules are being requested for waiver and the rationale for the request.  
34 The rationale must identify how granting the waivers will improve  
35 student learning or the delivery of education services in the school.

1 In developing the application, principals shall seek substantial  
2 involvement from the school's superintendent, site council, school  
3 staff, and parents. The site council must approve the application. A  
4 school district may grant a waiver to an individual school only if the  
5 school agrees to participate in the assessment system under RCW  
6 28A.630.885.

7 (3) The school board shall provide for public review and comment  
8 regarding the waiver request.

9 (4) The duration, renewal, and rescission of the waivers shall be  
10 determined by the school district board of directors.

11 (5) The following may not be waived:

12 (a) Laws and rules pertaining to health, safety, and civil rights;

13 (b) Provisions of the basic education act relating to certificated  
14 instructional staff ratios, RCW 28A.150.100; goals, RCW 28A.150.210;  
15 funding allocations, formulas, and definitions, RCW 28A.150.250 and  
16 28A.150.260; and salary and compensation minimum amounts and  
17 limitations, RCW 28A.400.200;

18 (c) The assessment, accountability, and reporting requirements in  
19 RCW 28A.230.190, the fourth grade standardized test; RCW 28A.230.230,  
20 the eighth grade standardized test; RCW 28A.230.240, the eleventh grade  
21 standardized test; RCW 28A.630.885, assessment requirements as  
22 developed by the commission on student learning; and RCW 28A.320.205,  
23 the annual performance report;

24 (d) Requirements in RCW 28A.150.220 pertaining to the total number  
25 of program hours that must be offered;

26 (e) State and federal financial reporting and auditing  
27 requirements;

28 (f) State constitutional requirements;

29 (g) Mandatory subjects of collective bargaining;

30 (h) Terms and conditions of collective bargaining agreements;

31 (i) Laws and rules pertaining to special education;

32 (j) Laws and rules governing braille instruction under RCW  
33 28A.155.105, 28A.155.115, and 28A.410.032;

34 (k) Teacher certification requirements in RCW 28A.305.130 (1)  
35 through (5), 28A.400.100, and chapter 28A.410 RCW; and

36 (l) The essential academic learning requirements being developed by  
37 the commission on student learning in RCW 28A.630.885.

38 (6) School district boards of directors may not grant waivers that  
39 impair contracts or collective bargaining agreements. Understanding

1 that collective bargaining language can sometimes pose a barrier to  
2 change, it is the intent of the legislature to encourage school  
3 districts and unions to work together toward agreements that will allow  
4 maximum flexibility in order to improve student learning. The granting  
5 of waivers of state laws and rules pursuant to chapter . . . , Laws of  
6 1997 (this act) by school district boards of directors as authorized in  
7 this section shall not be subject to collective bargaining unless the  
8 subject of the waiver request is contained within a collective  
9 bargaining agreement.

10 (7) School district boards of directors granting waivers to state  
11 laws and rules shall certify to the superintendent of public  
12 instruction that they have a waiver review process in effect and shall  
13 transmit to the superintendent of public instruction and the state  
14 board of education a list of laws and rules that have been waived in  
15 accordance with this section and a description of the process used in  
16 considering the waivers. The superintendent of public instruction and  
17 the state board of education shall review the waivers of state laws and  
18 rules within their respective jurisdictions. The waivers shall be  
19 approved by the superintendent of public instruction or the state board  
20 of education, as appropriate, if the school district board of directors  
21 complied with the requirements of this section. The superintendent of  
22 public instruction or state board of education, as appropriate, shall  
23 approve or deny the waiver request, in whole or in part, within forty  
24 calendar days of receiving the list of waivers. If the district  
25 receives no response from either the superintendent of public  
26 instruction or the state board of education after forty days, the  
27 waiver shall be deemed uncontested. If a waiver is contested by the  
28 superintendent of public instruction or the state board of education,  
29 either as appropriate, may make recommendations to the district that  
30 will assist the district in accomplishing the goal sought through the  
31 waiver. The state board of education may delegate the responsibility  
32 for reviewing and approving or denying the waivers to its staff if an  
33 appeal procedure to the board is provided.

34 (8) School district boards of directors granting waivers shall  
35 report annually to the superintendent of public instruction the impact  
36 on student learning or delivery of education services resulting from  
37 the waivers granted.

38 (9) The superintendent of public instruction and state board of  
39 education shall report to the legislature by November 1, 2000, the laws

1 and rules that have been waived in accordance with this section. The  
2 superintendent of public instruction and the state board of education  
3 shall also review the implementation of this section to determine if  
4 the waivers are meeting the stated objectives of this section and make  
5 recommendations to the legislature about any changes necessary to  
6 ensure the objectives are met.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.150  
8 RCW to read as follows:

9 Schools may obtain, in accordance with section 2 of this act,  
10 waivers from the statutory requirements in this chapter that pertain to  
11 the instructional program, operation, and management of schools.  
12 Waivers also may be obtained, in accordance with section 2 of this act,  
13 from any rules of the state board of education and superintendent of  
14 public instruction adopted to implement the statutory requirements.

15 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.165  
16 RCW to read as follows:

17 Schools may obtain, in accordance with section 2 of this act,  
18 waivers from the statutory requirements in this chapter that pertain to  
19 the instructional program, operation, and management of schools.  
20 Waivers also may be obtained, in accordance with section 2 of this act,  
21 from any rules of the state board of education and superintendent of  
22 public instruction adopted to implement the statutory requirements.

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.175  
24 RCW to read as follows:

25 Schools may obtain, in accordance with section 2 of this act,  
26 waivers from the statutory requirements in this chapter that pertain to  
27 the instructional program, operation, and management of schools.  
28 Waivers also may be obtained, in accordance with section 2 of this act,  
29 from any rules of the state board of education and superintendent of  
30 public instruction adopted to implement the statutory requirements.

31 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.185  
32 RCW to read as follows:

33 Schools may obtain, in accordance with section 2 of this act,  
34 waivers from the statutory requirements in this chapter that pertain to  
35 the instructional program, operation, and management of schools.

1 Waivers also may be obtained, in accordance with section 2 of this act,  
2 from any rules of the state board of education and superintendent of  
3 public instruction adopted to implement the statutory requirements.

4 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.210  
5 RCW to read as follows:

6 Schools may obtain, in accordance with section 2 of this act,  
7 waivers from the statutory requirements in this chapter that pertain to  
8 the instructional program, operation, and management of schools.  
9 Waivers also may be obtained, in accordance with section 2 of this act,  
10 from any rules of the state board of education and superintendent of  
11 public instruction adopted to implement the statutory requirements.

12 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.220  
13 RCW to read as follows:

14 Schools may obtain, in accordance with section 2 of this act,  
15 waivers from the statutory requirements in this chapter that pertain to  
16 the instructional program, operation, and management of schools.  
17 Waivers also may be obtained, in accordance with section 2 of this act,  
18 from any rules of the state board of education and superintendent of  
19 public instruction adopted to implement the statutory requirements.

20 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.225  
21 RCW to read as follows:

22 Schools may obtain, in accordance with section 2 of this act,  
23 waivers from the statutory requirements in this chapter that pertain to  
24 the instructional program, operation, and management of schools.  
25 Waivers also may be obtained, in accordance with section 2 of this act,  
26 from any rules of the state board of education and superintendent of  
27 public instruction adopted to implement the statutory requirements.

28 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.230  
29 RCW to read as follows:

30 Schools may obtain, in accordance with section 2 of this act,  
31 waivers from the statutory requirements in this chapter that pertain to  
32 the instructional program, operation, and management of schools.  
33 Waivers also may be obtained, in accordance with section 2 of this act,  
34 from any rules of the state board of education and superintendent of  
35 public instruction adopted to implement the statutory requirements.

1        NEW SECTION.    **Sec. 11.**    A new section is added to chapter 28A.235  
2    RCW to read as follows:

3        Schools may obtain, in accordance with section 2 of this act,  
4    waivers from the statutory requirements in this chapter that pertain to  
5    the instructional program, operation, and management of schools.  
6    Waivers also may be obtained, in accordance with section 2 of this act,  
7    from any rules of the state board of education and superintendent of  
8    public instruction adopted to implement the statutory requirements.

9        NEW SECTION.    **Sec. 12.**    A new section is added to chapter 28A.300  
10    RCW to read as follows:

11       Schools may obtain, in accordance with section 2 of this act,  
12    waivers from the statutory requirements in this chapter that pertain to  
13    the instructional program, operation, and management of schools.  
14    Waivers also may be obtained, in accordance with section 2 of this act,  
15    from any rules of the state board of education and superintendent of  
16    public instruction adopted to implement the statutory requirements.

17       NEW SECTION.    **Sec. 13.**    A new section is added to chapter 28A.305  
18    RCW to read as follows:

19       Schools may obtain, in accordance with section 2 of this act,  
20    waivers from the statutory requirements in this chapter that pertain to  
21    the instructional program, operation, and management of schools.  
22    Waivers also may be obtained, in accordance with section 2 of this act,  
23    from any rules of the state board of education and superintendent of  
24    public instruction adopted to implement the statutory requirements.

25       NEW SECTION.    **Sec. 14.**    A new section is added to chapter 28A.320  
26    RCW to read as follows:

27       Schools may obtain, in accordance with section 2 of this act,  
28    waivers from the statutory requirements in this chapter that pertain to  
29    the instructional program, operation, and management of schools.  
30    Waivers also may be obtained, in accordance with section 2 of this act,  
31    from any rules of the state board of education and superintendent of  
32    public instruction adopted to implement the statutory requirements. No  
33    waivers may be obtained from section 2 of this act.

34       NEW SECTION.    **Sec. 15.**    A new section is added to chapter 28A.330  
35    RCW to read as follows:

1 Schools may obtain, in accordance with section 2 of this act,  
2 waivers from the statutory requirements in this chapter that pertain to  
3 the instructional program, operation, and management of schools.  
4 Waivers also may be obtained, in accordance with section 2 of this act,  
5 from any rules of the state board of education and superintendent of  
6 public instruction adopted to implement the statutory requirements.

7 NEW SECTION. **Sec. 16.** A new section is added to chapter 28A.600  
8 RCW to read as follows:

9 Schools may obtain, in accordance with section 2 of this act,  
10 waivers from the statutory requirements in this chapter that pertain to  
11 the instructional program, operation, and management of schools.  
12 Waivers also may be obtained, in accordance with section 2 of this act,  
13 from any rules of the state board of education and superintendent of  
14 public instruction adopted to implement the statutory requirements.

15 **Sec. 17.** RCW 28A.335.170 and 1990 c 33 s 360 are each amended to  
16 read as follows:

17 The board of directors of any school district may enter into  
18 contracts for their respective districts for periods not exceeding five  
19 years in duration with public and private persons, organizations, and  
20 entities for the following purposes:

21 (1) To rent or lease building space, portable buildings, security  
22 systems, computers and other equipment. A school district  
23 administrator or principal may obtain, in accordance with section 2 of  
24 this act, waivers from the five-year restriction. Waivers also may be  
25 obtained, in accordance with section 2 of this act, from any rules of  
26 the state board of education and superintendent of public instruction  
27 adopted to implement the statutory requirements;

28 (2) To have maintained and repaired security systems, computers and  
29 other equipment; and

30 (3) To provide pupil transportation services.

31 No school district may enter into a contract for pupil  
32 transportation unless it has notified the superintendent of public  
33 instruction that, in the best judgment of the district, the cost of  
34 contracting will not exceed the projected cost of operating its own  
35 pupil transportation.

36 The budget of each school district shall identify that portion of  
37 each contractual liability incurred pursuant to this section extending

1 beyond the fiscal year by amount, duration, and nature of the  
2 contracted service and/or item in accordance with rules and regulations  
3 of the superintendent of public instruction adopted pursuant to RCW  
4 28A.505.140 and 28A.310.330.

5 The provisions of this section shall not have any effect on the  
6 length of contracts for school district employees specified by RCW  
7 28A.400.300 and 28A.405.210."

8 Correct the title.

9 EFFECT: The provisions in the second substitute bill concerning  
10 collective bargaining agreements are either modified or stricken. An  
11 affirmative statement is made that school districts may not waive  
12 mandatory subjects of collective bargaining and terms and conditions of  
13 collective bargaining agreements. An affirmative statement is also  
14 made that the legislature intends to encourage unions and employers to  
15 work together toward agreements that will allow maximum flexibility to  
16 improve student learning. The provision in the bill concerning  
17 conditions of probation is stricken. The waiver provisions governing  
18 certificated and classified employees are stricken. The waiver  
19 provisions in the chapters governing teacher certification, special  
20 education, sexual equality, and bilingual education are stricken. The  
21 principal must seek the substantial involvement of the superintendent,  
22 teachers, parents, and the site council. The site council must approve  
23 the application. Waivers may only be granted to schools that  
24 participate in the assessment provisions under education goals. SPI  
25 and SBE must review implementation of the act to determine if the  
26 waivers are meeting the stated objectives.

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