

2 E2SHB 1303 - S COMM AMD
3 By Committee on Education

4 NOT ADOPTED 4/18/97

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

7 NEW SECTION. **Sec. 1.** As we face a more complex society and
8 increasing demands are placed on schools and the educational services
9 they provide for children, it is important that school districts are
10 provided with flexibility to determine how best to work within their
11 communities to ensure students are meeting high academic standards. It
12 is the intent of the legislature to allow schools to approach their
13 educational mission with both increased flexibility and accountability
14 that will assist them in better meeting the needs of the students in
15 their district.

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

18 (1) As provided in sections 3 through 20 of this act, the board of
19 directors of each school district may grant waivers, or partial
20 waivers, of state laws and rules to schools within the district. The
21 school board shall grant waivers in accordance with this section.

22 (2) To apply for waivers, a school principal must prepare an
23 application to the board of directors that identifies which laws and
24 rules are being requested for waiver and the rationale for the request.
25 The rationale must identify how granting the waivers will improve
26 student learning or the delivery of education services in the school.
27 The application must include evidence that the school's teachers,
28 classified employees, site council, parents, and students, as
29 appropriate, are committed to working cooperatively in implementing the
30 waiver.

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

33 (4) The duration, renewal, and rescission of the waivers shall be
34 determined by the school district board of directors. The renewal of
35 a waiver shall be subject to the review process by the superintendent

1 of public instruction and the state board of education as provided in
2 subsection (7) of this section.

3 (5) The following may not be waived, unless otherwise provided by
4 law:

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

6 (b) Provisions of the basic education act relating to certificated
7 instructional staff ratios, RCW 28A.150.100; goals, RCW 28A.150.210;
8 funding allocations, formulas, and definitions, RCW 28A.150.250 and
9 28A.150.260; and salary and compensation minimum amounts and
10 limitations, RCW 28A.400.200;

11 (c) The essential academic learning requirements being developed by
12 the commission on student learning in RCW 28A.630.885;

13 (d) The assessment, accountability, and reporting requirements in
14 RCW 28A.230.190, the fourth grade standardized test; RCW 28A.230.230,
15 the eighth grade standardized test; RCW 28A.230.240, the eleventh grade
16 standardized test; RCW 28A.630.885, assessment requirements as
17 developed by the commission on student learning; and RCW 28A.320.205,
18 the annual performance report;

19 (e) Requirements in RCW 28A.150.220 pertaining to the total number
20 of program hours that must be offered;

21 (f) State and federal financial reporting and auditing
22 requirements;

23 (g) State constitutional requirements; and

24 (h) Certification and other requirements in chapter 28A.410 RCW.

25 (6) A school district may not include provisions in a collective
26 bargaining agreement that limit the district's authority to grant
27 waivers under this section.

28 (7) School district boards of directors granting waivers to state
29 laws and rules shall certify to the superintendent of public
30 instruction that they have a waiver review process in effect and shall
31 transmit to the superintendent of public instruction and the state
32 board of education a list of laws and rules that have been waived in
33 accordance with this section and a description of the process used in
34 considering the waivers. The superintendent of public instruction and
35 the state board of education shall review the waivers of state laws and
36 rules within their respective jurisdictions. The waivers shall be
37 approved by the superintendent of public instruction or the state board
38 of education, as appropriate, if the school district board of directors
39 complied with the requirements of this section. The superintendent of

1 public instruction or state board of education, as appropriate, shall
2 approve or deny the waiver request, in whole or in part, within forty
3 calendar days of receiving the list of waivers. If the district
4 receives no response from either the superintendent of public
5 instruction or the state board of education after forty days, the
6 waiver shall be deemed uncontested. If a waiver is contested by the
7 superintendent of public instruction or the state board of education,
8 either as appropriate, may make recommendations to the district that
9 will assist the district in accomplishing the goal sought through the
10 waiver. The state board of education may delegate the responsibility
11 for reviewing and approving or denying the waivers to its staff if an
12 appeal procedure to the board is provided.

13 (8) School district boards of directors granting waivers shall
14 report annually to the superintendent of public instruction the impact
15 on student learning or delivery of education services resulting from
16 the waivers granted.

17 (9) The superintendent of public instruction and state board of
18 education shall report to the legislature by November 1, 2000, the laws
19 and rules that have been waived in accordance with this section.

20 (10) This section expires June 30, 1999.

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

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

29 (2) This section expires June 30, 1999.

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.155
31 RCW to read as follows:

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

1 School districts may not waive the district's obligation to meet all
2 federal statutes applicable to the education of individuals with
3 disabilities.

4 (2) This section expires June 30, 1999.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.165
6 RCW to read as follows:

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

13 (2) This section expires June 30, 1999.

14 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.175
15 RCW to read as follows:

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

22 (2) This section expires June 30, 1999.

23 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.180
24 RCW to read as follows:

25 (1) 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 (2) This section expires June 30, 1999.

32 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.185
33 RCW to read as follows:

34 (1) Schools may obtain, in accordance with section 2 of this act,
35 waivers from the statutory requirements in this chapter that pertain to

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

5 (2) This section expires June 30, 1999.

6 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.220
7 RCW to read as follows:

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

14 (2) This section expires June 30, 1999.

15 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.225
16 RCW to read as follows:

17 (1) 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 (2) This section expires June 30, 1999.

24 NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.230
25 RCW to read as follows:

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

32 (2) This section expires June 30, 1999.

33 NEW SECTION. **Sec. 12.** A new section is added to chapter 28A.235
34 RCW to read as follows:

1 (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 (2) This section expires June 30, 1999.

8 NEW SECTION. **Sec. 13.** A new section is added to chapter 28A.300
9 RCW to read as follows:

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

16 (2) This section expires June 30, 1999.

17 NEW SECTION. **Sec. 14.** A new section is added to chapter 28A.305
18 RCW to read as follows:

19 (1) 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 (2) This section expires June 30, 1999.

26 NEW SECTION. **Sec. 15.** A new section is added to chapter 28A.320
27 RCW to read as follows:

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

35 (2) This section expires June 30, 1999.

1 NEW SECTION. **Sec. 16.** A new section is added to chapter 28A.330
2 RCW to read as follows:

3 (1) 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 (2) This section expires June 30, 1999.

10 NEW SECTION. **Sec. 17.** A new section is added to chapter 28A.400
11 RCW to read as follows:

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

18 (2) This section expires June 30, 1999.

19 NEW SECTION. **Sec. 18.** A new section is added to chapter 28A.405
20 RCW to read as follows:

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

27 (2) This section expires June 30, 1999.

28 NEW SECTION. **Sec. 19.** A new section is added to chapter 28A.600
29 RCW to read as follows:

30 (1) 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.

36 (2) This section expires June 30, 1999.

1 NEW SECTION. **Sec. 20.** A new section is added to chapter 28A.640
2 RCW to read as follows:

3 (1) 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 (2) This section expires June 30, 1999.

10 **Sec. 21.** RCW 28A.405.100 and 1994 c 115 s 1 are each amended to
11 read as follows:

12 (1) The superintendent of public instruction shall establish and
13 may amend from time to time minimum criteria for the evaluation of the
14 professional performance capabilities and development of certificated
15 classroom teachers and certificated support personnel. For classroom
16 teachers the criteria shall be developed in the following categories:
17 Instructional skill; classroom management, professional preparation and
18 scholarship; effort toward improvement when needed; the handling of
19 student discipline and attendant problems; and interest in teaching
20 pupils and knowledge of subject matter.

21 Every board of directors shall, in accordance with procedure
22 provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920,
23 establish evaluative criteria and procedures for all certificated
24 classroom teachers and certificated support personnel. The evaluative
25 criteria must contain as a minimum the criteria established by the
26 superintendent of public instruction pursuant to this section and must
27 be prepared within six months following adoption of the superintendent
28 of public instruction's minimum criteria. The district must certify to
29 the superintendent of public instruction that evaluative criteria have
30 been so prepared by the district.

31 Except as provided in subsection (5) of this section, it shall be
32 the responsibility of a principal or his or her designee to evaluate
33 all certificated personnel in his or her school. During each school
34 year all classroom teachers and certificated support personnel,
35 hereinafter referred to as "employees" in this section, shall be
36 observed for the purposes of evaluation at least twice in the
37 performance of their assigned duties. Total observation time for each
38 employee for each school year shall be not less than sixty minutes.

1 Following each observation, or series of observations, the principal or
2 other evaluator shall promptly document the results of the observation
3 in writing, and shall provide the employee with a copy thereof within
4 three days after such report is prepared. New employees shall be
5 observed at least once for a total observation time of thirty minutes
6 during the first ninety calendar days of their employment period.

7 ~~((Every))~~ At any time after October 15th, an employee whose work is
8 judged unsatisfactory based on district evaluation criteria shall be
9 notified in writing of ~~((stated))~~ the specific areas of deficiencies
10 along with a ~~((suggested specific and))~~ reasonable program for
11 improvement ~~((on or before February 1st of each year))~~. During the
12 period of probation, the employee may not be transferred from the
13 supervision of the original evaluator. Improvement of performance or
14 probable cause for nonrenewal must occur and be documented by the
15 original evaluator before any consideration of a request for transfer
16 or reassignment as contemplated by either the individual or the school
17 district. A probationary period of sixty school days shall be
18 established ~~((beginning on or before February 1st and ending no later~~
19 than May 1st)). The establishment of a probationary period does not
20 adversely affect the contract status of an employee within the meaning
21 of RCW 28A.405.300. The purpose of the probationary period is to give
22 the employee opportunity to demonstrate improvements in his or her
23 areas of deficiency. The establishment of the probationary period and
24 the giving of the notice to the employee of deficiency shall be by the
25 school district superintendent and need not be submitted to the board
26 of directors for approval. During the probationary period the
27 evaluator shall meet with the employee at least twice monthly to
28 supervise and make a written evaluation of the progress, if any, made
29 by the employee. The evaluator may authorize one additional
30 certificated employee to evaluate the probationer and to aid the
31 employee in improving his or her areas of deficiency; such additional
32 certificated employee shall be immune from any civil liability that
33 might otherwise be incurred or imposed with regard to the good faith
34 performance of such evaluation. The probationer may be removed from
35 probation if he or she has demonstrated improvement to the satisfaction
36 of the principal in those areas specifically detailed in his or her
37 initial notice of deficiency and subsequently detailed in his or her
38 improvement program. Lack of necessary improvement ~~((shall be))~~ during
39 the established probationary period, as specifically documented in

1 writing with notification to the probationer and shall constitute
2 grounds for a finding of probable cause under RCW 28A.405.300 or
3 28A.405.210.

4 ~~((The establishment of a probationary period shall not be deemed to
5 adversely affect the contract status of an employee within the meaning
6 of RCW 28A.405.300.))~~

7 Immediately following the completion of a probationary period that
8 does not produce performance changes detailed in the initial notice of
9 deficiencies and improvement program, the employee may be removed from
10 his or her assignment and placed into an alternative assignment for the
11 remainder of the school year. This reassignment may not displace
12 another employee nor may it adversely affect the probationary
13 employee's compensation or benefits for the remainder of the employee's
14 contract year. If such reassignment is not possible, the district may,
15 at its option, place the employee on paid leave for the balance of the
16 contract term.

17 (2) Every board of directors shall establish evaluative criteria
18 and procedures for all superintendents, principals, and other
19 administrators. It shall be the responsibility of the district
20 superintendent or his or her designee to evaluate all administrators.
21 Such evaluation shall be based on the administrative position job
22 description. Such criteria, when applicable, shall include at least
23 the following categories: Knowledge of, experience in, and training in
24 recognizing good professional performance, capabilities and
25 development; school administration and management; school finance;
26 professional preparation and scholarship; effort toward improvement
27 when needed; interest in pupils, employees, patrons and subjects taught
28 in school; leadership; and ability and performance of evaluation of
29 school personnel.

30 (3) Each certificated employee shall have the opportunity for
31 confidential conferences with his or her immediate supervisor on no
32 less than two occasions in each school year. Such confidential
33 conference shall have as its sole purpose the aiding of the
34 administrator in his or her assessment of the employee's professional
35 performance.

36 (4) The failure of any evaluator to evaluate or supervise or cause
37 the evaluation or supervision of certificated employees or
38 administrators in accordance with this section, as now or hereafter
39 amended, when it is his or her specific assigned or delegated

1 responsibility to do so, shall be sufficient cause for the nonrenewal
2 of any such evaluator's contract under RCW 28A.405.210, or the
3 discharge of such evaluator under RCW 28A.405.300.

4 (5) After an employee has four years of satisfactory evaluations
5 under subsection (1) of this section, a school district may use a short
6 form of evaluation, a locally bargained evaluation emphasizing
7 professional growth, an evaluation under subsection (1) of this
8 section, or any combination thereof. The short form of evaluation
9 shall include either a thirty minute observation during the school year
10 with a written summary or a final annual written evaluation based on
11 the criteria in subsection (1) of this section and based on at least
12 two observation periods during the school year totaling at least sixty
13 minutes without a written summary of such observations being prepared.
14 However, the evaluation process set forth in subsection (1) of this
15 section shall be followed at least once every three years unless this
16 time is extended by a local school district under the bargaining
17 process set forth in chapter 41.59 RCW. The employee or evaluator may
18 require that the evaluation process set forth in subsection (1) of this
19 section be conducted in any given school year. No evaluation other
20 than the evaluation authorized under subsection (1) of this section may
21 be used as a basis for determining that an employee's work is
22 unsatisfactory under subsection (1) of this section or as probable
23 cause for the nonrenewal of an employee's contract under RCW
24 28A.405.210 unless an evaluation process developed under chapter 41.59
25 RCW determines otherwise.

26 (6) This section expires June 30, 1999.

27 **Sec. 22.** RCW 41.59.935 and 1990 c 33 s 571 are each amended to
28 read as follows:

29 Nothing in this chapter shall be construed to grant employers or
30 employees the right to reach agreements regarding:

31 (1) Salary or compensation increases in excess of those authorized
32 in accordance with RCW 28A.150.410 and 28A.400.200; or

33 (2) Limiting the employer's authority to grant waivers under
34 section 2 of this act.

35 (3) This section expires June 30, 1999.

36 **Sec. 23.** RCW 28A.630.945 and 1995 c 208 s 1 are each amended to
37 read as follows:

1 (1) The state board of education, where appropriate, or the
2 superintendent of public instruction, where appropriate, may grant
3 waivers to districts from the provisions of statutes or rules relating
4 to: The length of the school year; student-to-teacher ratios; and
5 other administrative rules that in the opinion of the state board of
6 education or the opinion of the superintendent of public instruction
7 may need to be waived in order for a district to implement a plan for
8 restructuring its educational program or the educational program of
9 individual schools within the district.

10 (2) School districts may use the application process in RCW
11 28A.305.140 or 28A.300.138 to apply for the waivers under subsection
12 (1) of this section.

13 ~~(3) ((The joint select committee on education restructuring shall
14 study which waivers of state laws or rules are necessary for school
15 districts to implement education restructuring. The committee shall
16 study whether the waivers are used to implement specific essential
17 academic learning requirements and student learning goals. The
18 committee shall study the availability of waivers under the schools for
19 the twenty-first century program created by chapter 525, Laws of 1987,
20 and the use of those waivers by schools participating in that program.
21 The committee shall also study the use of waivers authorized under RCW
22 28A.305.140. The committee shall report its findings to the
23 legislature by December 1, 1997)) This section expires June 30, 1999.~~

24 NEW SECTION. **Sec. 24.** The superintendent of public instruction,
25 in collaboration with school district personnel and the state board of
26 education, shall conduct a study to identify additional actions that
27 can be taken to increase flexibility for individual schools and school
28 districts. The study shall review the superintendent of public
29 instruction's rule-making process, the granting of waivers from
30 provisions of collective bargaining agreements, and other policies and
31 practices that reduce school and school district flexibility. The
32 study shall be submitted to the education committees of the senate and
33 house of representatives by December 1, 1997."

1 **E2SHB 1303** - S COMM AMD
2 By Committee on Education

3 NOT ADOPTED 4/18/97

4 On page 1, line 1 of the title, after "education;" strike the
5 remainder of the title and insert "amending RCW 28A.405.100, 41.59.935,
6 and 28A.630.945; adding new sections to chapter 28A.320 RCW; adding a
7 new section to chapter 28A.150 RCW; adding a new section to chapter
8 28A.155 RCW; adding a new section to chapter 28A.165 RCW; adding a new
9 section to chapter 28A.175 RCW; adding a new section to chapter 28A.180
10 RCW; adding a new section to chapter 28A.185 RCW; adding a new section
11 to chapter 28A.220 RCW; adding a new section to chapter 28A.225 RCW;
12 adding a new section to chapter 28A.230 RCW; adding a new section to
13 chapter 28A.235 RCW; adding a new section to chapter 28A.300 RCW;
14 adding a new section to chapter 28A.305 RCW; adding a new section to
15 chapter 28A.330 RCW; adding a new section to chapter 28A.400 RCW;
16 adding a new section to chapter 28A.405 RCW; adding a new section to
17 chapter 28A.600 RCW; adding a new section to chapter 28A.640 RCW;
18 creating new sections; and providing expiration dates."

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