

HOUSE BILL ANALYSIS

HB 1303

Title: *An act relating to education.*

Brief Description: *Changing education provisions.*

Sponsors: *Representatives Hickel, Johnson, Talcott, Smith, Backlund, McMorris, Radcliff, Thompson, Clements, Sheahan, B. Thomas, D. Schmidt, L. Thomas, Huff, Crouse, Robertson, Schoesler, Pennington, Cooke, Sullivan, Mitchell, Kastama, Dyer, Cairnes, Sump, Sterk, McDonald and Koster.*

HOUSE COMMITTEE ON EDUCATION

Meeting Date: *January 28, 1997.*

Bill Analysis Prepared by: *Pat Shelledy (786-7149).*

Background:

Waivers

School districts may request waivers from state laws and administrative rules under a few statutes. The state board of education and the superintendent of public instruction have authority to grant waivers.

For example, a school district may petition the state board of education for a reduction in the total program hour offering requirements for one or more of the grade level groupings required in the basic education act. The state board must grant the request if the petition is accompanied by an assurance that the minimum total program hour offering requirements in one or more other grade level groupings will be exceeded at the same time by no less than the number of hours reduced.

A broader waiver provision establishes criteria under which school districts may obtain waivers from the self-study requirements, teacher classroom contact hours, and total program hour offerings if the school district submits a plan to the state board of education for restructuring its educational program or the program of individual schools.

Another statutory provision provides that school districts may obtain waivers from the provisions of statutes or rules relating to the length of the school year, student-to-teacher ratios, and other administrative rules that in the state board's or the

superintendent's opinion may need to be waived to allow a district to implement an education restructuring plan in the district or individual schools.

Despite the ability to obtain waivers of certain laws and rules, federal and state constitutional laws, certain federal regulations, and other state statutes effectively restrict the ability of a school district to obtain a waiver.

Probation periods

If an employee's work is considered unsatisfactory based on district criteria, the employee must be notified of the specific problems and be given a suggested specific and reasonable program for improvement. The notice must be given by February 1. The employee may then be placed on probation beginning on or before February 1 and ending no later than May 1. The purpose of the probationary period is to give the employee the opportunity to demonstrate improvement in his or her area of deficiencies. Lack of necessary improvement constitutes grounds for finding probable cause for discharge or non renewal.

Collective bargaining

Classified and certificated employees have a right to enter into collective bargaining agreements with school districts. The scope of what may be contained in collective bargaining agreements is broad, and includes grievance procedures, wages, hours, and working conditions.

Summary of Bill:

Waivers

School district board or directors may grant to schools within the district full or partial waivers of state laws, administrative rules, and school district policies. The following may not be waived:

- „ Laws and rules pertaining to health, safety, and civil rights;
- „ Assessment, accountability, and reporting requirements for the fourth, eighth, eleventh grade standardized tests;
- „ State wide assessment requirements measuring the essential academic learning requirements;
- „ Annual school performance reports; and
- „ State and federal financial reporting and auditing requirements.

Grants of waivers are not subject to collective bargaining but may not impair existing contracts or collective bargaining agreements.

To obtain a waiver, a school principal, in consultation with staff and parents, must apply and identify which laws, rules, policies, and procedures the school would like

waived and explain the rationale for the request. The school board must provide for public review and comment on the request. The school board has discretion to determine the duration, renewal, and rescission of the waiver. The board of directors must notify the superintendent of public instruction and the state board of education when granting a waiver. The superintendent and the state board of education must approve the waiver within thirty days if the board of directors complied with the requirements of this provision.

The superintendent and the state board must report to the Legislature by December 1, 2000, which laws and rules have been waived.

Existing law governing the authority of the superintendent of public instruction and the state board of education's authority to grant waivers in certain limited areas is repealed.

In addition to the broad general grant of authority given school districts to grant waivers, specific provisions regarding the ability of schools to obtain waivers is added to various chapters of the education code. Those specific provisions provide that schools may obtain waivers that pertain to the instructional program, operation, and management of schools.—

Those specific provisions are added to the following chapters in the education code: