

HOUSE BILL ANALYSIS

HB 2332

Title: *An act relating to waivers of laws and rules pertaining to schools.*

Brief Description: *Eliminating the expiration of waivers of laws and rules pertaining to schools.*

Sponsors: *Representatives Hickel, Johnson and Talcott.*

HOUSE COMMITTEE ON EDUCATION

Meeting Date: *January 23, 1998.*

Bill Analysis Prepared by: *Suz Morrissey (786-7111).*

Background: In 1997, through the passage of E2SHB 1303, the Legislature expanded the authority of school boards to waive the requirements of a number of state laws. The legislation permits a school district's board of directors to grant to individual schools within the district full or partial waivers of certain state education laws, rules, and policies. In order to receive a waiver, a principal must prepare an application identifying which laws and rules the school would like the district to waive and the rationale for the request. The rationale must identify how granting the waivers will improve student learning or the delivery of education services in the school. The school board must provide for public review and comment regarding the waiver request.

School district boards of directors must certify to the Superintendent of Public Instruction (SPI) that they have waiver review processes in place and must transmit to the SPI and the State Board of Education (SBE) a list of laws and rules that have been waived and a description of the process used to waive them. The SPI or the SBE must approve the waiver if the school board has complied with the specified requirements. The SPI or the SBE must approve or deny the waiver within 40 days. If the waiver is not approved, the SPI or SBE may make recommendations to the district to assist the district in accomplishing the goal sought by the district.

School district boards of directors must report annually to the SPI about the impact on student learning or delivery of education services resulting from the waivers granted.

The SPI and the SBE must report to the Legislature by November 1, 2000, identifying the laws and rules that have been waived.

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.—

Districts **may** receive waivers from the provisions of the following statutes:

- } General provisions governing the Basic Education Act, except as prohibited;
- } Learning Assistance Program;
- } Dropout Prevention and Retrieval Program;
- } Highly Capable Students;
- } Traffic Safety;
- } Compulsory course work and activities;
- } Food services, (state and federal school breakfast and school lunch programs);
- } General provisions governing the SPI;
- } General provisions governing the SBE;
- } Provisions applicable to certain school districts of different classes;
- } Provisions governing employees' salary and compensation and benefits, hiring and discharge; and
- } Provisions governing students, such as honors award programs, scholars programs, high school options, school locker searches, alternatives to suspension, mandatory expulsion for possession of firearms on school premises, and exchange of information with other entities.

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, and 11th grade standardized tests;
- } statewide assessment requirements measuring the essential academic learning requirements;
- } annual school performance reports;
- } state and federal financial reporting and auditing requirements.;
- } various provisions of the Basic Education Act and the essential academic learning requirements being developed by the Commission on Student Learning;
- } total program-hour offering requirements except as provided in current law;
- } state constitutional requirements;
- } the authority of the school board to grant waivers; and
- } certification requirements.

The school district's authority to grant waivers is not subject to collective bargaining.

The authority to grant waivers through this process expires June 30, 1999.

The governor **vetoed** sections that would have permitted waivers of laws governing special education, transitional bilingual programs, compulsory school attendance and gender equity

To date, 11 separate waiver requests from seven school districts have been received by the SBE and SPI.

Summary of Bill: *The expiration date of June 30, 1999, is removed on the authority of school districts to grant to individual schools within the district full or partial waivers of certain state education laws, rules, and policies. The laws that may be waived include:*

- } General provisions governing the Basic Education Act, except as prohibited;
- } Learning Assistance Program;
- } Dropout Prevention and Retrieval Program;
- } Highly Capable Students;
- } Traffic Safety;
- } Compulsory course work and activities;
- } Food services, (state and federal school breakfast and school lunch programs);
- } General provisions governing the SPI;
- } General provisions governing the SBE;
- } Provisions applicable to all school districts;
- } Provisions applicable to first class districts;
- } Provisions governing employees' salary and compensation and benefits, hiring and discharge; and
- } Provisions governing students, such as honors award programs, scholars programs, high school options, school locker searches, alternatives to suspension, mandatory expulsion for possession of firearms on school premises, and exchange of information with other entities.

The expiration date is also removed on the authority of the SBE and SPI to waive statutes or rules on the length of the school year, student-teacher ratios, and other rules that impede a district from restructuring.

Two drafting errors in E2SHB 1303 are corrected. The expiration date is removed on language that limited the authority of employers to enter into collective bargaining agreements that might result in salary or compensation increases in excess of those authorized under two laws. One law limits to 90 the number of quarter-hour credits a person may use on the salary schedule and directs SPI's use of the state salary allocation schedule. The other law governs salary and compensation packages under the salary allocation model for certificated instructional staff, pay for extra time and extra duties, and employee benefit plans. A code reviser's note mentioned that E2SHB 1303 inadvertently added the expiration date to the existing requirements.

In addition, language that was removed from E2SHB 1303 during the process, but was erroneously retained in the final bill is removed.

Appropriation: *None.*

Fiscal Note: *Not requested.*

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