

HOUSE BILL REPORT

HB 2332

As Reported By House Committee On:
Education

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.

Brief History:

Committee Activity:

Education: 1/16/98, 2/6/98 [DPS].

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Johnson, Chairman; Hickel, Vice Chairman; Linville; Quall; Smith; Sterk; Sump and Talcott.

Minority Report: Do not pass. Signed by 3 members: Representatives Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; and Veloria.

Staff: Susan 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' hiring, discharge, benefits, and insurance options; 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, including, with one exception, provisions on staff ratios for certificated instructional staff;
- The essential academic learning requirements under development 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;
- Certification requirements; and
- Laws governing salary and compensation limitations and minimum amounts for certificated instructional staff.

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 Substitute Bill: The Legislature should continue to consider the issue of waivers to laws and rules pertaining to schools.

Substitute Bill Compared to Original Bill: The expiration date of June 30, 1999, is not 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. In addition, two drafting errors in last year's legislation are not corrected.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: (Original bill) Last year the Legislature passed a bill to exempt schools from state rules and laws that impede principals, teachers, and other school personnel in their efforts to provide the best possible education to this state's young people. The two year expiration date on the original legislation is a deterrent to full implementation of the law. Schools are reluctant to undergo the requirements of the waiver process if the waiver will expire in 12 to 18 months. In addition, it takes time for districts to understand new laws, so many districts are still evaluating regulatory barriers to

restructuring and improved student learning. The districts need to have these waiver options for a longer time before the results of this authority can be adequately evaluated. Schools should have some of the same tools that the Legislature is considering for charter schools.

Testimony Against: (Original bill) State laws help define the general and uniform public school system referenced in the state's constitution. Permitting schools to waive those laws may, in some instances, raise constitutional questions. Schools may waive laws through other processes, and it appears that most of the waiver requests received to date could be waived through those processes. Waivers are now permitted in some local bargaining agreements; waivers do and will continue through that process when trust and mutual respect exist. HB 1303 permitted waivers of laws on employee benefit packages, sick leave, sick leave sharing, insurance protection, and a variety of other personnel policies affecting certificated and noncertificated personnel. How will the waiver of these laws improve student learning? HB 1303 was intended to be a two year experiment. The Legislature should let that experiment run its course.

Testified: Representative Hickel, prime sponsor; Larry Davis, State Board of Education and Office of Superintendent of Public Instruction (support); Donna Salcedo, Washington Education Association (opposed); Doug Nelson, Public School Employees (opposed); Rainer Houser, Washington Association of School Principals (support); Dwayne Slate, Washington State School Directors' Association (support); and Marda Kirkwood, Citizens United for Responsible Education (opposed).