
HOUSE BILL 2332

State of Washington

55th Legislature

1998 Regular Session

By Representatives Hickel, Johnson and Talcott

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1 AN ACT Relating to waivers of laws and rules pertaining to schools;
2 and amending RCW 28A.320.017, 28A.150.425, 28A.165.095, 28A.175.015,
3 28A.185.045, 28A.220.065, 28A.230.065, 28A.235.035, 28A.300.075,
4 28A.305.148, 28A.320.045, 28A.330.005, 28A.400.115, 28A.405.469,
5 28A.600.005, 41.59.935, and 28A.630.945.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 28A.320.017 and 1997 c 431 s 2 are each amended to
8 read as follows:

9 (1) As provided in RCW 28A.150.425, 28A.165.095, 28A.175.015,
10 28A.185.045, 28A.220.065, 28A.230.065, 28A.235.035, 28A.300.075,
11 28A.305.148, 28A.320.045, 28A.330.005, 28A.400.115, 28A.405.469, and
12 28A.600.005, the board of directors of each school district may grant
13 waivers, or partial waivers, of state laws and rules to schools within
14 the district. The school board shall grant waivers in accordance with
15 this section.

16 (2) To apply for waivers, a school principal must prepare an
17 application to the board of directors that identifies which laws and
18 rules are being requested for waiver and the rationale for the request.
19 The rationale must identify how granting the waivers will improve

1 student learning or the delivery of education services in the school.
2 The application must include evidence that the school's teachers,
3 classified employees, site council, parents, and students, as
4 appropriate, are committed to working cooperatively in implementing the
5 waiver.

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

8 (4) The duration, renewal, and rescission of the waivers shall be
9 determined by the school district board of directors. The renewal of
10 a waiver shall be subject to the review process by the superintendent
11 of public instruction and the state board of education as provided in
12 subsection (7) of this section.

13 (5) The following may not be waived:

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

15 (b) Provisions of the basic education act relating to certificated
16 instructional staff ratios, RCW 28A.150.100, except for waivers
17 provided in accordance with RCW 28A.630.945; goals, RCW 28A.150.210;
18 funding allocations, formulas, and definitions, RCW 28A.150.250 and
19 28A.150.260, except for waivers provided in accordance with RCW
20 28A.150.250; and salary and compensation minimum amounts and
21 limitations, RCW 28A.400.200;

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

24 (d) The assessment, accountability, and reporting requirements in
25 RCW 28A.230.190, the fourth grade standardized test; RCW 28A.230.230,
26 the eighth grade standardized test; RCW 28A.230.240, the eleventh grade
27 standardized test; RCW 28A.630.885, assessment requirements as
28 developed by the commission on student learning; and RCW 28A.320.205,
29 the annual performance report;

30 (e) Requirements in RCW 28A.150.220 pertaining to the total number
31 of program hours that must be offered, except for waivers provided in
32 accordance with RCW 28A.305.140;

33 (f) State and federal financial reporting and auditing
34 requirements;

35 (g) State constitutional requirements; and

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

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

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

25 (8) School district boards of directors granting waivers shall
26 report annually to the superintendent of public instruction the impact
27 on student learning or delivery of education services resulting from
28 the waivers granted.

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

32 (~~((10) This section expires June 30, 1999.))~~)

33 **Sec. 2.** RCW 28A.150.425 and 1997 c 431 s 3 are each amended to
34 read as follows:

35 (~~((1))~~) Schools may obtain, in accordance with RCW 28A.320.017,
36 waivers from the statutory requirements in this chapter that pertain to
37 the instructional program, operation, and management of schools.
38 Waivers also may be obtained, in accordance with RCW 28A.320.017, from

1 any rules of the state board of education and superintendent of public
2 instruction adopted to implement the statutory requirements.

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

4 **Sec. 3.** RCW 28A.165.095 and 1997 c 431 s 5 are each amended to
5 read as follows:

6 ~~((1))~~ Schools may obtain, in accordance with RCW 28A.320.017,
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 RCW 28A.320.017, from
10 any rules of the state board of education and superintendent of public
11 instruction adopted to implement the statutory requirements.

12 ~~((2) This section expires June 30, 1999.)~~

13 **Sec. 4.** RCW 28A.175.015 and 1997 c 431 s 6 are each amended to
14 read as follows:

15 ~~((1))~~ Schools may obtain, in accordance with RCW 28A.320.017,
16 waivers from the statutory requirements in this chapter that pertain to
17 the instructional program, operation, and management of schools.
18 Waivers also may be obtained, in accordance with RCW 28A.320.017, from
19 any rules of the state board of education and superintendent of public
20 instruction adopted to implement the statutory requirements.

21 ~~((2) This section expires June 30, 1999.)~~

22 **Sec. 5.** RCW 28A.185.045 and 1997 c 431 s 8 are each amended to
23 read as follows:

24 ~~((1))~~ Schools may obtain, in accordance with RCW 28A.320.017,
25 waivers from the statutory requirements in this chapter that pertain to
26 the instructional program, operation, and management of schools.
27 Waivers also may be obtained, in accordance with RCW 28A.320.017, from
28 any rules of the state board of education and superintendent of public
29 instruction adopted to implement the statutory requirements.

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

31 **Sec. 6.** RCW 28A.220.065 and 1997 c 431 s 9 are each amended to
32 read as follows:

33 ~~((1))~~ Schools may obtain, in accordance with RCW 28A.320.017,
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 RCW 28A.320.017, from
2 any rules of the state board of education and superintendent of public
3 instruction adopted to implement the statutory requirements.

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

5 **Sec. 7.** RCW 28A.230.065 and 1997 c 431 s 11 are each amended to
6 read as follows:

7 ~~((1))~~ Schools may obtain, in accordance with RCW 28A.320.017,
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 RCW 28A.320.017, from
11 any rules of the state board of education and superintendent of public
12 instruction adopted to implement the statutory requirements.

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

14 **Sec. 8.** RCW 28A.235.035 and 1997 c 431 s 12 are each amended to
15 read as follows:

16 ~~((1))~~ Schools may obtain, in accordance with RCW 28A.320.017,
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 RCW 28A.320.017, from
20 any rules of the state board of education and superintendent of public
21 instruction adopted to implement the statutory requirements.

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

23 **Sec. 9.** RCW 28A.300.075 and 1997 c 431 s 13 are each amended to
24 read as follows:

25 ~~((1))~~ Schools may obtain, in accordance with RCW 28A.320.017,
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 RCW 28A.320.017, from
29 any rules of the state board of education and superintendent of public
30 instruction adopted to implement the statutory requirements.

31 ~~((2) This section expires June 30, 1999.))~~

32 **Sec. 10.** RCW 28A.305.148 and 1997 c 431 s 14 are each amended to
33 read as follows:

34 ~~((1))~~ Schools may obtain, in accordance with RCW 28A.320.017,
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 RCW 28A.320.017, from
3 any rules of the state board of education and superintendent of public
4 instruction adopted to implement the statutory requirements.

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

6 **Sec. 11.** RCW 28A.320.045 and 1997 c 431 s 15 are each amended to
7 read as follows:

8 ~~((1))~~ Schools may obtain, in accordance with RCW 28A.320.017,
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 RCW 28A.320.017, from
12 any rules of the state board of education and superintendent of public
13 instruction adopted to implement the statutory requirements. ~~((No
14 waivers may be obtained from RCW 28A.320.017.~~

15 ~~(2) This section expires June 30, 1999.))~~

16 **Sec. 12.** RCW 28A.330.005 and 1997 c 431 s 16 are each amended to
17 read as follows:

18 ~~((1))~~ Schools may obtain, in accordance with RCW 28A.320.017,
19 waivers from the statutory requirements in this chapter that pertain to
20 the instructional program, operation, and management of schools.
21 Waivers also may be obtained, in accordance with RCW 28A.320.017, from
22 any rules of the state board of education and superintendent of public
23 instruction adopted to implement the statutory requirements.

24 ~~((2) This section expires June 30, 1999.))~~

25 **Sec. 13.** RCW 28A.400.115 and 1997 c 431 s 17 are each amended to
26 read as follows:

27 ~~((1))~~ Schools may obtain, in accordance with RCW 28A.320.017,
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 RCW 28A.320.017, from
31 any rules of the state board of education and superintendent of public
32 instruction adopted to implement the statutory requirements.

33 ~~((2) This section expires June 30, 1999.))~~

34 **Sec. 14.** RCW 28A.405.469 and 1997 c 431 s 18 are each amended to
35 read as follows:

1 (~~(1)~~) Schools may obtain, in accordance with RCW 28A.320.017,
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 RCW 28A.320.017, from
5 any rules of the state board of education and superintendent of public
6 instruction adopted to implement the statutory requirements.

7 (~~(2) This section expires June 30, 1999.~~)

8 **Sec. 15.** RCW 28A.600.005 and 1997 c 431 s 19 are each amended to
9 read as follows:

10 (~~(1)~~) Schools may obtain, in accordance with RCW 28A.320.017,
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 RCW 28A.320.017, from
14 any rules of the state board of education and superintendent of public
15 instruction adopted to implement the statutory requirements.

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

17 **Sec. 16.** RCW 41.59.935 and 1997 c 431 s 22 are each amended to
18 read as follows:

19 (~~(1)~~) Nothing in this chapter shall be construed to grant
20 employers or employees the right to reach agreements regarding:

21 (~~(a)~~) (1) Salary or compensation increases in excess of those
22 authorized in accordance with RCW 28A.150.410 and 28A.400.200; or

23 (~~(b)~~) (2) Limiting the employer's authority to grant waivers
24 under RCW 28A.320.017.

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

26 **Sec. 17.** RCW 28A.630.945 and 1997 c 431 s 23 are each amended to
27 read as follows:

28 (1) The state board of education, where appropriate, or the
29 superintendent of public instruction, where appropriate, may grant
30 waivers to districts from the provisions of statutes or rules relating
31 to: The length of the school year; student-to-teacher ratios; and
32 other administrative rules that in the opinion of the state board of
33 education or the opinion of the superintendent of public instruction
34 may need to be waived in order for a district to implement a plan for
35 restructuring its educational program or the educational program of
36 individual schools within the district.

1 (2) School districts may use the application process in RCW
2 28A.305.140 or 28A.300.138 to apply for the waivers under subsection
3 (1) of this section.
4 (~~(3) This section expires June 30, 1999.~~)

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