

1303-S2

Sponsor(s): House Committee on Appropriations (originally sponsored by 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)

Brief Title: Changing education provisions.

HB 1303-S2.E - DIGEST

(DIGEST AS ENACTED)

Allows the board of directors of each school district to grant waivers, or partial waivers, of state laws and rules and of school district policies and procedures to schools within the district in accordance with this act.

Requires that, to apply for waivers, a school principal must prepare an application to the board of directors that identifies which laws and rules are being requested for waiver 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 application must include evidence that the school's teachers, classified employees, site council, parents, and students, as appropriate, are committed to working cooperatively in implementing the waiver.

Directs the school board to provide for public review and comment regarding the waiver request.

Declares that the following may not be waived: (1) Laws and rules pertaining to health, safety, and civil rights;

(2) provisions of the basic education act relating to certificated instructional staff ratios, RCW 28A.150.100; goals, RCW 28A.150.210; funding allocations, formulas, and definitions, RCW 28A.150.250 and 28A.150.260; and salary and compensation minimum amounts and limitations, RCW 28A.400.200;

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

(4) the assessment, accountability, and reporting requirements in RCW 28A.230.190, the fourth grade standardized test; RCW 28A.230.230, the eight grade standardized test; RCW 28A.230.240, the eleventh grade standardized test; RCW 28A.630.885, assessment requirements as developed by the commission on student learning; and RCW 28A.320.205, the annual performance report;

(5) requirements in RCW 28A.150.220 pertaining to the total number of program hours that must be offered;

(6) state and federal financial reporting and auditing requirements;

(7) state constitutional requirements and certification and other requirements in chapter 28A.410 RCW.

Directs the superintendent of public instruction, in collaboration with school district personnel and the state board of education, to conduct a study to identify additional actions that can be taken to increase flexibility for individual schools and

school districts. The study shall review the superintendent of public instruction's rule making process, the granting of waivers from provisions of collective bargaining agreements, and other policies and practices that reduce school and school district flexibility. The study shall be submitted to the education committees of the senate and house of representatives by December 1, 1997.

VETO MESSAGE ON HB 1303-S2

May 20, 1997

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4, 7, 10, 20 and 21, Engrossed Second Substitute House Bill No. 1303 entitled:

"AN ACT Relating to education;"

Engrossed Second Substitute House Bill No. 1303 authorizes school districts' boards of directors to grant to individual schools within their districts full or partial waivers of specified laws and rules relating to education. This authorization provides greater flexibility to locally elected officials and enables principals to propose what is best for the children in their schools. Because the authorization is granted only until June 30, 1999, and because the legislation requires the Superintendent of Public Instruction to study the effect of the waivers, it is clear the Legislature intended this legislation to be an *experiment* in greater local authority and flexibility.

Section 4 would allow the waiver of statutes that protect the educational rights of students with disabilities, section 7 would allow the waiver of statutes that protect bilingual students, section 10 would allow waiver of the state wide truancy standards, section 20 would allow waiver of statutes that protect sexual equality, and section 21 amends the statute regarding probationary periods for certificated school employees. I believe there is sufficient new authority and flexibility in this bill regarding other parts of education law to enable a meaningful "experiment in greater local authority and flexibility" without the inclusion of these statutes designed to protect special populations of students.

The state wide truancy standards were part of the "Becca Bill" and are just beginning to have an effect. It would be inappropriate to allow them to be waived so soon. Except for the expiration date, section 21 is identical to provisions in SB 5340 which I have already approved.

For these reasons, I have vetoed sections 4, 7, 10, 20 and 21 of Engrossed Second Substitute House Bill No. 1303.

With the exception of sections 4, 7, 10, 20, and 21, Engrossed Second Substitute House Bill 1303 is approved.

Respectfully submitted,
Gary Locke
Governor

