
HOUSE BILL 1653

State of Washington 58th Legislature 2003 Regular Session

By Representatives McMahan, Sump, Benson, Mielke, Boldt and Schindler

Read first time 02/03/2003. Referred to Committee on Education.

1 AN ACT Relating to education; amending RCW 41.59.935 and
2 28A.655.180; adding new sections to chapter 28A.320 RCW; adding a new
3 section to chapter 28A.150 RCW; adding a new section to chapter 28A.155
4 RCW; adding a new section to chapter 28A.165 RCW; adding a new section
5 to chapter 28A.175 RCW; adding a new section to chapter 28A.180 RCW;
6 adding a new section to chapter 28A.185 RCW; adding a new section to
7 chapter 28A.220 RCW; adding a new section to chapter 28A.225 RCW;
8 adding a new section to chapter 28A.230 RCW; adding a new section to
9 chapter 28A.235 RCW; adding a new section to chapter 28A.300 RCW;
10 adding a new section to chapter 28A.305 RCW; adding a new section to
11 chapter 28A.330 RCW; adding a new section to chapter 28A.400 RCW;
12 adding a new section to chapter 28A.405 RCW; adding a new section to
13 chapter 28A.600 RCW; adding a new section to chapter 28A.640 RCW; and
14 creating new sections.

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

16 NEW SECTION. **Sec. 1.** As we face a more complex society and
17 increasing demands are placed on schools and the educational services
18 they provide for children, it is important that school districts are
19 provided with flexibility to determine how best to work within their

1 communities to ensure students are meeting high academic standards. It
2 is the intent of the legislature to allow schools to approach their
3 educational mission with both increased flexibility and accountability
4 that will assist them in better meeting the needs of the students in
5 their district.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320
7 RCW to read as follows:

8 (1) As provided in sections 3 through 20 of this act, the board of
9 directors of each school district may grant waivers, or partial
10 waivers, of state laws and rules to schools within the district. The
11 school board shall grant waivers in accordance with this section.

12 (2) To apply for waivers, a school principal must prepare an
13 application to the board of directors that identifies which laws and
14 rules are being requested for waiver and the rationale for the request.
15 The rationale must identify how granting the waivers will improve
16 student learning or the delivery of education services in the school.
17 The application must include evidence that the school's teachers,
18 classified employees, site council, parents, and students, as
19 appropriate, are committed to working cooperatively in implementing the
20 waiver.

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

23 (4) The duration, renewal, and rescission of the waivers shall be
24 determined by the school district board of directors. The renewal of
25 a waiver shall be subject to the review process by the superintendent
26 of public instruction and the state board of education as provided in
27 subsection (7) of this section.

28 (5) The following may not be waived:

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

30 (b) The assessment, accountability, and reporting requirements in
31 RCW 28A.230.190, the third grade standardized test; RCW 28A.230.230,
32 the ninth grade standardized test; RCW 28A.655.060, assessment
33 requirements; and RCW 28A.655.110, the annual performance report;

34 (c) Requirements in RCW 28A.150.220 pertaining to the total number
35 of program hours that must be offered, except for waivers provided in
36 accordance with RCW 28A.305.140;

1 (d) State and federal financial reporting and auditing
2 requirements;

3 (e) State constitutional requirements; and

4 (f) Certification and other requirements in chapter 28A.410 RCW.

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

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

32 (8) School district boards of directors granting waivers shall
33 report annually to the superintendent of public instruction the impact
34 on student learning or delivery of education services resulting from
35 the waivers granted.

36 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.150
37 RCW to read as follows:

1 Schools may obtain, in accordance with section 2 of this act,
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 section 2 of this act,
5 from any rules of the state board of education and superintendent of
6 public instruction adopted to implement the statutory requirements.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.155
8 RCW to read as follows:

9 Schools may obtain, in accordance with section 2 of this act,
10 waivers from the statutory requirements in this chapter that pertain to
11 the instructional program, operation, and management of schools.
12 Waivers also may be obtained, in accordance with section 2 of this act,
13 from any rules of the state board of education and superintendent of
14 public instruction adopted to implement the statutory requirements,
15 except that any rules adopted to implement RCW 28A.155.105 and
16 28A.155.115 may not be waived. School districts may not waive the
17 district's obligation to meet all federal statutes applicable to the
18 education of individuals with disabilities.

19 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.165
20 RCW to read as follows:

21 Schools may obtain, in accordance with section 2 of this act,
22 waivers from the statutory requirements in this chapter that pertain to
23 the instructional program, operation, and management of schools.
24 Waivers also may be obtained, in accordance with section 2 of this act,
25 from any rules of the state board of education and superintendent of
26 public instruction adopted to implement the statutory requirements.

27 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.175
28 RCW to read as follows:

29 Schools may obtain, in accordance with section 2 of this act,
30 waivers from the statutory requirements in this chapter that pertain to
31 the instructional program, operation, and management of schools.
32 Waivers also may be obtained, in accordance with section 2 of this act,
33 from any rules of the state board of education and superintendent of
34 public instruction adopted to implement the statutory requirements.

1 Schools may obtain, in accordance with section 2 of this act,
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 section 2 of this act,
5 from any rules of the state board of education and superintendent of
6 public instruction adopted to implement the statutory requirements.

7 NEW SECTION. **Sec. 12.** A new section is added to chapter 28A.235
8 RCW to read as follows:

9 Schools may obtain, in accordance with section 2 of this act,
10 waivers from the statutory requirements in this chapter that pertain to
11 the instructional program, operation, and management of schools.
12 Waivers also may be obtained, in accordance with section 2 of this act,
13 from any rules of the state board of education and superintendent of
14 public instruction adopted to implement the statutory requirements.

15 NEW SECTION. **Sec. 13.** A new section is added to chapter 28A.300
16 RCW to read as follows:

17 Schools may obtain, in accordance with section 2 of this act,
18 waivers from the statutory requirements in this chapter that pertain to
19 the instructional program, operation, and management of schools.
20 Waivers also may be obtained, in accordance with section 2 of this act,
21 from any rules of the state board of education and superintendent of
22 public instruction adopted to implement the statutory requirements.

23 NEW SECTION. **Sec. 14.** A new section is added to chapter 28A.305
24 RCW to read as follows:

25 Schools may obtain, in accordance with section 2 of this act,
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 section 2 of this act,
29 from any rules of the state board of education and superintendent of
30 public instruction adopted to implement the statutory requirements.

31 NEW SECTION. **Sec. 15.** A new section is added to chapter 28A.320
32 RCW to read as follows:

33 Schools may obtain, in accordance with section 2 of this act,
34 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 section 2 of this act,
3 from any rules of the state board of education and superintendent of
4 public instruction adopted to implement the statutory requirements.

5 NEW SECTION. **Sec. 16.** A new section is added to chapter 28A.330
6 RCW to read as follows:

7 Schools may obtain, in accordance with section 2 of this act,
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 section 2 of this act,
11 from any rules of the state board of education and superintendent of
12 public instruction adopted to implement the statutory requirements.

13 NEW SECTION. **Sec. 17.** A new section is added to chapter 28A.400
14 RCW to read as follows:

15 Schools may obtain, in accordance with section 2 of this act,
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 section 2 of this act,
19 from any rules of the state board of education and superintendent of
20 public instruction adopted to implement the statutory requirements.

21 NEW SECTION. **Sec. 18.** A new section is added to chapter 28A.405
22 RCW to read as follows:

23 Schools may obtain, in accordance with section 2 of this act,
24 waivers from the statutory requirements in this chapter that pertain to
25 the instructional program, operation, and management of schools.
26 Waivers also may be obtained, in accordance with section 2 of this act,
27 from any rules of the state board of education and superintendent of
28 public instruction adopted to implement the statutory requirements.

29 NEW SECTION. **Sec. 19.** A new section is added to chapter 28A.600
30 RCW to read as follows:

31 Schools may obtain, in accordance with section 2 of this act,
32 waivers from the statutory requirements in this chapter that pertain to
33 the instructional program, operation, and management of schools.

1 Waivers also may be obtained, in accordance with section 2 of this act,
2 from any rules of the state board of education and superintendent of
3 public instruction adopted to implement the statutory requirements.

4 NEW SECTION. **Sec. 20.** A new section is added to chapter 28A.640
5 RCW to read as follows:

6 Schools may obtain, in accordance with section 2 of this act,
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 section 2 of this act,
10 from any rules of the state board of education and superintendent of
11 public instruction adopted to implement the statutory requirements.

12 **Sec. 21.** RCW 41.59.935 and 1990 c 33 s 571 are each amended to
13 read as follows:

14 Nothing in this chapter shall be construed to grant employers or
15 employees the right to reach agreements regarding:

16 (1) Salary or compensation increases in excess of those authorized
17 in accordance with RCW 28A.150.410 and 28A.400.200; or

18 (2) Limiting the employer's authority to grant waivers under
19 section 2 of this act.

20 **Sec. 22.** RCW 28A.655.180 and 1995 c 208 s 1 are each amended to
21 read as follows:

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

31 (2) School districts may use the application process in RCW
32 28A.305.140 (~~or 28A.300.138~~) to apply for the waivers under
33 subsection (1) of this section.

34 ~~((3) The joint select committee on education restructuring shall~~
35 ~~study which waivers of state laws or rules are necessary for school~~

1 ~~districts to implement education restructuring. The committee shall~~
2 ~~study whether the waivers are used to implement specific essential~~
3 ~~academic learning requirements and student learning goals. The~~
4 ~~committee shall study the availability of waivers under the schools for~~
5 ~~the twenty first century program created by chapter 525, Laws of 1987,~~
6 ~~and the use of those waivers by schools participating in that program.~~
7 ~~The committee shall also study the use of waivers authorized under RCW~~
8 ~~28A.305.140. The committee shall report its findings to the~~
9 ~~legislature by December 1, 1997.)~~)

10 NEW SECTION. **Sec. 23.** The superintendent of public instruction,
11 in collaboration with school district personnel and the state board of
12 education, shall conduct a study to identify additional actions that
13 can be taken to increase flexibility for individual schools and school
14 districts. The study shall review the superintendent of public
15 instruction's rule-making process, the granting of waivers from
16 provisions of collective bargaining agreements, and other policies and
17 practices that reduce school and school district flexibility. The
18 study shall be submitted to the education committees of the senate and
19 house of representatives by October 30, 2004.

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