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HOUSE BILL 3100

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State of Washington                      58th Legislature                      2004 Regular Session

By Representatives McMahan and Talcott

Read first time 01/27/2004. Referred to Committee on Education.

1            AN ACT Relating to education flexibility; adding a new chapter to  
2 Title 28A RCW; creating a new section; providing an effective date; and  
3 providing an expiration date.

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

5            NEW SECTION.    **Sec. 1.** The legislature finds that state laws and  
6 rules have burdened schools and school districts and absorbed too much  
7 time and funding that should have been devoted to student learning.  
8 The legislature intends to give districts the greatest possible  
9 flexibility so the districts may focus their efforts on helping  
10 children reach the state's academic standards and become well-educated  
11 citizens who can make positive contributions to their families and  
12 communities.

13            NEW SECTION.    **Sec. 2.** Subject to the conditions set forth in this  
14 section, if approved by the board of school directors, a school  
15 district is exempt from all state statutes and rules applicable to  
16 school districts and school district boards of directors. Any board of  
17 school directors exercising this authority shall:

- 1 (1) Implement a quality management system and conduct annual self-  
2 assessments;
- 3 (2) Comply with state and federal health, safety, parents' rights,  
4 civil rights, and nondiscrimination laws, including, but not limited  
5 to, the family educational rights and privacy act (20 U.S.C. 1232g),  
6 chapter 28A.640 RCW (sexual equality), and Title IX of the education  
7 amendments of 1972 (20 U.S.C. Sec. 1681 et seq.) applicable to school  
8 districts, and to the same extent as school districts;
- 9 (3) Participate in free and reduced priced meal programs to the  
10 same extent as is required for other public schools;
- 11 (4) Participate in nationally normed standardized achievement tests  
12 required in RCW 28A.230.190, 28A.230.193, and 28A.230.230 and the  
13 elementary, middle school, and high school standards, requirements, and  
14 assessment examinations required in chapter 28A.655 RCW;
- 15 (5) Employ certificated instructional staff as required in RCW  
16 28A.410.010, however schools may hire noncertificated instructional  
17 staff of unusual competence and in exceptional cases as specified in  
18 RCW 28A.150.260;
- 19 (6) Comply with the employee record check requirements in RCW  
20 28A.400.303;
- 21 (7) Be subject to financial examinations and audits as determined  
22 by the state auditor, including annual audits for legal and fiscal  
23 compliance;
- 24 (8) Be subject to independent performance audits by a qualified  
25 contractor selected jointly by the state auditor and the joint  
26 legislative audit and review committee beginning at the conclusion of  
27 the third year of the school's operation, and at least once every three  
28 years thereafter; however, a school is not required to bear the expense  
29 of the audits;
- 30 (9) Comply with the annual performance report under RCW  
31 28A.655.110;
- 32 (10) Follow the performance improvement goals and requirements  
33 adopted by the academic achievement and accountability commission by  
34 rule under RCW 28A.655.030;
- 35 (11) Be subject to the accountability requirements of the federal  
36 no child left behind act of 2001, including Title I requirements;
- 37 (12) Comply with and be subject to the requirements under the  
38 individuals with disabilities education act, as amended in 1997;

1 (13) Comply with and be subject to the requirements under the  
2 federal educational rights and privacy act;

3 (14) Comply with the open public meetings act in chapter 42.30 RCW  
4 and open public records requirements in RCW 42.17.250;

5 (15) Be subject to and comply with legislation enacted after the  
6 effective date of this section governing the operation and management  
7 of schools;

8 (16) Conduct annual self assessments of its quality management  
9 program;

10 (17) Comply with public disclosure requirements and with the  
11 reporting requirements in RCW 42.17.240; and

12 (18) Comply with the requirements of chapter 28A.200 RCW, the high  
13 school options program under chapter 28A.600 RCW, and student choice  
14 options under RCW 28A.225.220 through 28A.225.230.

15 NEW SECTION. **Sec. 3.** (1) The legislative ad hoc committee on  
16 educational flexibility and local determination is created. The  
17 committee shall be composed of four members of the legislature, four  
18 principals selected by a statewide organization representing  
19 principals, four superintendents selected by a statewide organization  
20 representing superintendents, one member of the state board of  
21 education, and the superintendent of public instruction or the  
22 superintendent's designee. Of the legislative members, two members,  
23 one from each major caucus, shall be selected by the speaker of the  
24 house of representatives and two members, one from each major caucus,  
25 shall be selected by the president of the senate.

26 (2) Staff support for the committee shall be provided by senate  
27 committee services and the office of program research. Technical and  
28 logistical support may be provided by the office of the superintendent  
29 of public instruction and the organizations selecting committee  
30 members.

31 (3) Legislative members of the ad hoc committee shall receive per  
32 diem and travel under RCW 44.04.120.

33 (4) Travel and other expenses of nonlegislative members of the ad  
34 hoc committee shall be provided by the agency, association, or  
35 organization that appointed the member.

36 (5) The ad hoc committee shall review state laws and rules referred

1 to in section 2 of this act with the goal of simplifying and  
2 streamlining the remaining requirements so that public schools:

3 (a) Have the flexibility to operate effectively;

4 (b) Can spend as much of their funding as possible in the  
5 classroom;

6 (c) Improve student learning; and

7 (d) Are returned to community control. The ad hoc committee shall  
8 report to the legislature with its findings and recommendations by  
9 November 1, 2005.

10 (6) This section expires July 1, 2006.

11 NEW SECTION. **Sec. 4.** Sections 2 and 3 of this act constitute a  
12 new chapter in Title 28A RCW.

13 NEW SECTION. **Sec. 5.** Section 2 of this act takes effect September  
14 1, 2004.

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