

HOUSE BILL REPORT

E2SHB 3098

As Amended by the Senate

Title: An act relating to transferring duties of the reconstituted state board of education.

Brief Description: Transferring duties of the reconstituted state board of education.

Sponsors: By House Committee on Capital Budget (originally sponsored by Representatives McDermott, Talcott and Quall).

Brief History:

Committee Activity:

Education: 1/30/06, 2/1/06 [DPS];

Capital Budget: 2/6/06 [DP2S(w/o sub ED)].

Floor Activity:

Passed House: 2/9/06, 92-6.

Senate Amended.

Passed Senate: 2/28/06, 34-11.

Brief Summary of Engrossed Second Substitute Bill

- Transfers many State Board of Education (SBE) statutory duties to the Superintendent of Public Instruction (SPI), including responsibility for state allocations and rules for school facilities, which SPI will exercise with policy recommendations from a new School Facilities Citizen Advisory Panel.
- Repeals certain SBE statutory duties and corrects references to the SBE for duties transferred to other entities by legislation enacted in 2005.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Quall, Chair; P. Sullivan, Vice Chair; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis, Haigh, Hunter, McDermott, Priest, Santos, Shabro, Tom and Wallace.

Staff: Barbara McLain (786-7383).

HOUSE COMMITTEE ON CAPITAL BUDGET

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 17 members: Representatives Dunshee, Chair; Ormsby, Vice Chair; Jarrett, Ranking Minority Member; Hankins, Assistant Ranking Minority Member; Blake, Chase, Eickmeyer, Ericks, Flannigan, Green, Lantz, Moeller, Morrell, Newhouse, O'Brien, Springer and Upthegrove.

Minority Report: Without recommendation. Signed by 9 members: Representatives Clements, Cox, Ericksen, Hasegawa, Kretz, Kristiansen, McCune, Roach and Serben.

Staff: Barbara McLain (786-7383).

Background:

Legislation enacted in 2005 reconstituted the State Board of Education (SBE) effective January 1, 2006. The stated purpose of the new board is to adopt statewide policies that promote achievement of the Basic Education goals; implement a standards-based accountability system; and provide leadership in the creation of an education system that respects the diverse cultures, abilities, and learning styles of all students.

The new SBE was assigned student achievement and accountability responsibilities previously held by the Academic Achievement and Accountability Commission, which was abolished. Former SBE responsibilities for educator preparation and certification were transferred to the Professional Educator Standards Board (PESB).

The remaining statutory duties of the SBE were left unchanged, and a joint subcommittee of the Legislative Education Committees was created to review these duties and make recommendations to the full committees by December 15, 2005.

The SBE has a wide range of statutory duties, many of which involve rule-making, pertaining to the following topics:

- (1) oversight, implementation, and waivers of the Basic Education Act;
- (2) planning, regulation, and allocation of funding for school facilities and school organization;
- (3) public and private school accreditation and private school authorization;
- (4) high school graduation requirements and rules regarding other educational programs;
- (5) rules and appeals of school district boundary issues;
- (6) Educational Service District (ESD) elections and boundaries;
- (7) policies on pupil discipline, uniform entry, and pupil tests and records;
- (8) oversight of the Washington Interscholastic Activities Association (WIAA); and
- (9) rules regarding immunization of students, library media centers, and training of bus drivers.

The joint subcommittee's recommendations took the form of three general actions: (1) retain selected duties of the SBE with the new board; (2) transfer selected duties to other state agencies, primarily but not exclusively to the Superintendent of Public Instruction (SPI); and (3) repeal selected duties.

The joint subcommittee also recommended that the SBE's oversight over program requirements of the Basic Education Act (BEA) and the funding parameters for basic apportionment be repealed effective September 1, 2007. A number of statutes were identified dealing with educator preparation or certification issues that still refer to the SBE, rather than the PESB.

Summary of Engrossed Second Substitute Bill:

General. The purpose statement for the new SBE is expanded to include advocacy and strategic oversight of public education and leadership in the creation of a system that personalizes education for each student.

The SBE must include the Chairs and Ranking Minority Members of the legislative Education Committees in board communications to keep them apprised of discussions and proposed actions. Broad authority of the SBE to adopt rules for the government of schools, students and employees; prepare an outline of study for the public schools; and hear and decide appeals is repealed.

Members of the SBE are compensated as a Class IV rather than a Class III board (\$100 per diem for official duties).

School facilities and organization. The SBE responsibility for facilities planning, rule-making and allocation of funds for school facilities, and determination of remote and necessary school sites is transferred to the SPI. The SPI exercises this authority considering policy recommendations from a new School Facilities Citizen Advisory Panel. The panel is comprised of one member of the SBE, two school district directors appointed by the SBE from a list of five names submitted by the Washington State School Directors' Association, and four additional citizen members appointed by the SBE. The SPI may also convene a technical advisory group.

Accreditation. The SBE no longer accredits public schools. The SBE authority to accredit and authorize private schools, as well as oversee programs for home-schooled students, is unchanged.

High school graduation and other education programs. The SBE retains authority for high school graduation requirements, but responsibility for standardized transcripts and establishing course equivalencies is transferred to the SPI, in consultation with the Higher Education Coordinating Board, the State Board for Community and Technical Colleges (SBCTC), and the Workforce Training and Education Coordinating Board. The SBE will develop and propose a revised definition of the purpose and expectations for a public high school diploma. The definition must focus on the knowledge, skills, and abilities that students are expected to demonstrate. The proposed revised definition is submitted to Legislative Education Committees by December 1, 2007.

The SBE, in consultation with the SBCTC, will examine issues pertaining to the general educational development test (GED) and adult education and make recommendations to the legislative Education Committees by January 15, 2007. The SPI is assigned responsibility for

education centers, the National Guard Youth Challenge (in consultation with the Military Department), and required courses of study for the common schools.

School district boundaries. The SPI is assigned rule-making responsibility for school district boundary issues and other powers related to the organization or reorganization of school districts. The authority of the SBE to hear appeals of boundary decisions is transferred to an administrative law judge under the Administrative Procedures Act.

ESDs. The SBE responsibility to conduct elections for ESD board members is transferred to the SPI.

Policies regarding students. Rule-making responsibility for pupil discipline and due process policies, uniform entry age, and pupil tests and records is transferred to the SPI.

WIAA. The SBE's responsibility to authorize WIAA rules and annually review WIAA policies, finances, and actions is repealed. Instead, this voluntary nonprofit entity is authorized to conduct its activities under the authority of its governing board.

Other. The State Board of Health is assigned responsibility to adopt rules regarding immunization of public school students. An SBE rule requiring teachers to be present one-half hour before and after school is replaced by a requirement that each school board adopt a policy on this topic and make the policy available to parents and the public. An SBE rule describing quality criteria for school library media programs is placed in statute, and the SBE rule-making authority on this topic is repealed. The SPI will adopt rules regarding training of bus drivers. The SBE rule-making authority over central purchasing and real property sales contracts is repealed.

References to the SBE in statutes pertaining to educator certification, student teaching centers, alternative routes to teacher certification, continuing education clock hours, and internships are changed to the PESB.

EFFECT OF SENATE AMENDMENT(S):

The new SBE is encouraged to review the transfer of duties under the bill, and if any of them are necessary to accomplish its purpose, to request those duties be returned. As it makes final recommendations for state funding for public education, the Washington Learns steering committee is strongly encouraged to examine whether the use of inputs is the most efficient and effective funding system and whether changes to funding allocation methods can be created to implement the intent of education reform.

The two school directors on the newly created School Facilities Citizen Advisory Panel must have experience or knowledge in school facilities issues. One must be from a non-high school district.

Rather than authorizing the WIAA to operate solely under the accountability of its board of directors, an appeals process is created for WIAA decisions. Until July 1, 2007, any decision may be appealed to the SPI. After July 1, 2007, decisions on academic issues may be

appealed to the SPI. For non-academic issues, the WIAA must establish a nine-person appeals board comprised of active school directors and retired or inactive athletic coaches.

The House version transferred rule-making authority regarding due process for students excluded from school due to lack of proper immunization to the State Board of Health (SBOH). The Senate version transfers rule-making for public school students to the SPI, to be exercised in consultation with the SBOH. The SBE retains responsibility for these rules for private school students, also in consultation with the SBOH.

References to the SBE are corrected in 19 additional statutes to conform to the policies contained in the bill or to conform to legislation enacted in 2005.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed, except section 407 relating to repealing a waiver of a requirement that school districts offer a broad high school program, which takes effect September 1, 2009.

Testimony For: (Education) (In support of original bill) The subcommittee met extensively in the fall to consider carefully the purpose of the new SBE. There are sweeping and bold decisions in this bill. The overall direction is to focus the new SBE on student achievement and accountability, and relieve them of the minutiae and detail of other issues. We are expecting bold recommendations from Washington Learns and felt that applying a sunset clause to the BEA was a statement of our commitment to make significant change in how we define and fund education.

(With concerns on original bill) There is support for the intent and concept of making student and school accountability the primary responsibility of the SBE. However, making the BEA sunset is premature. Keep the old BEA in place until we know what is to replace it. Not only are we waiting to see the product of Washington Learns, we don't know what the response of the Legislature will be to those recommendations. The WIAA has adequate internal oversight. Removal of public school accreditation does not affect regional or private accreditation. The intent of the 2005 Legislature was to create a balance of responsibilities among the SPI, the SBE, and the PESB. By removing so much authority from the SBE, it appears we have created yet another minor commission. The SPI does not have regular public meetings and public access. This is a concern when it comes to major rule-making decisions.

Testimony For: (In support) None.

(With concerns) The Superintendent is not opposed to the transfer of responsibilities for school construction, but suggests that the SBE itself instead be allowed to consider its responsibilities and decide which ones should be retained or transferred. However, if this decision is made now, the notion of a citizen advisory panel is a positive one. Too much responsibility has been removed from the SBE. The Legislature should reconsider moving school construction to the SPI. School facilities are directly tied to student achievement.

Oversight should stay with the SBE, which is a citizen committee. If a new advisory panel is created, it should be fully funded.

Testimony Against: (Education) The repeal of the BEA provisions must be opposed. Furthermore, there is a loose and undefined relationship between the new advisory panel for school construction and the SPI or the SBE. We should table the discussion of further erosion of the SBE. There is no reason for haste; the new board has not yet convened. Instead, we should wait for the new board to examine its responsibilities and wait for the Washington Learns recommendations. Transferring rule-making authority to an administrative body is not appropriate in all cases. There is a strong link between education reform, students achievement, and school facilities. It is therefore appropriate to keep school construction under the SBE.

Testimony Against: (Capital Budget) None.

Persons Testifying: (Education) (In support of original bill) Representative McDermott, prime sponsor.

(With concerns on original bill) Leslie Goldstein, Office of the Superintendent of Public Instruction; Don Rash, Association of Washington School Principals; and Lucinda Young, Washington Education Association.

(Opposed to original bill) Linda W. Lamb; Dan Steele, Washington State School Director's Association; and Barbara Mertens, Washington Association of School Administrators.

Persons Testifying: (Capital Budget) (With concerns) William Panos, Office of the Superintendent of Public Instruction; and Lucinda Young, Washington Education Association.

Persons Signed In To Testify But Not Testifying: (Education) None.

Persons Signed In To Testify But Not Testifying: (Capital Budget) None.