

# FINAL BILL REPORT

## E2SHB 3098

---

---

C 263 L 06

Synopsis as Enacted

**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).

**House Committee on Education**

**House Committee on Capital Budget**

**Senate Committee on Early Learning, K-12 & Higher Education**

**Senate Committee on Ways & Means**

### **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.

A number of statutes were identified dealing with educator preparation or certification issues that still refer to the SBE, rather than the PESB.

**Summary:**

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. The new SBE is encouraged to review the transfer of duties under the act, and if any of them are necessary to accomplish its purpose, to request to the Legislature that those duties be returned.

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

Basic Education Act. 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.

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 will exercise 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 must 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 must be 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. In addition, by July 1, 2006, the WIAA must establish a nine-member appeals committee comprised of the secretary from each of the activity districts to address appeals of non-eligibility issues. A decision of the appeals committee may be appealed to the Executive Board of the WIAA.

Other. The SPI, in consultation with the State Board of Health (SBOH), must adopt rules regarding due process for public school students excluded from school due to lack of proper immunizations. The SBE retains responsibility for these rules for private school students, also in consultation with the SBOH. 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 must 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.

**Votes on Final Passage:**

House 92 6  
Senate 34 11 (Senate amended)

House Refuses to Concur

Senate (Senate receded)  
Senate 36 11 (Senate amended)  
House 98 0 (House concurred)

**Effective:** June 7, 2006  
September 1, 2009 (Section 407)