

SENATE BILL REPORT

E2SHB 3098

As Reported By Senate Committee On:
Early Learning, K-12 & Higher Education, February 22, 2006
Ways & Means, February 24, 2006

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

Brief History: Passed House: 2/09/06, 92-6.

Committee Activity: Early Learning, K-12 & Higher Education: 2/20/06, 2/22/06 [DPA-WM].

Ways & Means: 2/23/06, 2/24/06 [DPA(EKHE), DNP, w/oRec].

SENATE COMMITTEE ON EARLY LEARNING, K-12 & HIGHER EDUCATION

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair, Higher Education; Weinstein, Vice Chair, Early Learning & K-12; Schmidt, Ranking Minority Member; Berkey, Carrell, Delvin, Eide, Kohl-Welles, Pflug, Rasmussen, Rockefeller, Schoesler and Shin.

Staff: Susan Mielke (786-7422)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Early Learning, K-12 & Higher Education.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Doumit, Vice Chair, Operating Budget; Fairley, Kohl-Welles, Pflug, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler and Thibaudeau.

Minority Report: Do not pass.

Signed by Senator Zarelli, Ranking Minority Member.

Minority Report: That it be referred without recommendation.

Signed by Senators Brandland and Parlette.

Staff: Bryon Moore (786-7726)

Background: In the 2005, the Legislature passed legislation reconstituting the State Board of Education (SBE) with a new purpose, membership, and duties. 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 duties reviewed included the broad general authority of the SBE to adopt rules addressing students and employees; an outline of study for the public schools; the government of schools, and hearing and deciding appeals. Also reviewed was the specific authority to make rules or take actions regarding course requirements, curriculum standards, student discipline, uniform school entry, student tests and records, special programs, school construction, basic education compliance, school district boundaries, ESD elections and boundaries, other education services and programs, standardized transcripts, course equivalencies, voluntary public school accreditation, and consultation with various groups.

The joint subcommittee's recommendations took the form of four general actions: (1) retain selected duties of the SBE with the new board; (2) assign new duties to the SBE; (3) transfer selected duties to other state agencies, primarily but not exclusively to the Superintendent of Public Instruction (SPI); and (4) 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. Additionally, 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 Amended Bill: Purpose: 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.

New assigned duties: The SBE, in consultation with the State Board for Community and Technical Colleges (SBCTC), must examine the statutory authority, rules, and jurisdiction between the K-12 and post secondary education systems regarding the general educational development test and adult education and make recommendations to the Legislature.

The SBE must include the Chairs and Ranking Minority Members of the legislative education committees in board communications to keep the legislators apprised of discussions and proposed actions.

The SBE will appoint the new schools' facilities citizen advisory panel, which will advise the SPI on issues pertaining to school facilities and funding for school construction. 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 SBE is directed to 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 new SBE members are encouraged to review the transfer of duties under the bill and, if any of them are necessary for the board to accomplish its purpose, to request those duties be returned to the board.

Transfer of duties: The SBE retains authority for high school graduation requirements, but the responsibility for standardized transcripts and establishing course equivalencies is transferred to the SPI, in consultation with the Higher Education Coordinating Board, the SBCTC, and the Workforce Training and Education Coordinating Board. The authority to make rules or take actions regarding other course requirements, curriculum standards, student discipline, uniform entry, student tests and records, special programs, school construction, basic education compliance, school district boundaries, ESD elections, and other education services is transferred to the SPI. When making many of the school construction decisions, the SPI must consider policy recommendations from the SBE-appointed citizen advisory panel. Appeals from the decisions of the SPI on school district boundaries may be appealed to an Administrative Law judge. The SPI is assigned responsibility for the National Guard Youth Challenge program (in consultation with the Military Department.)

The authority to adopt rules on the due process requirements for excluding students who lack proof of immunization from school is transferred to the SPI, in consultation with the State Board of Health for public schools and the SBE, in consultation with the State Board of Health, will make the rules for private schools.

Repeal of duties: The broad authority of the SBE to adopt rules addressing students and employees; an outline of study for the public schools; the government of schools, and hearing and deciding appeals is repealed.

The ability for the SBE to provide voluntary public school accreditation is removed. The SBE's authority to accredit and authorize private schools, as well as the SBE's role with programs for home-schooled students is unchanged.

The SBE's responsibility for authorizing WIAA rules and annually reviewing 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 and membership. Until July 1, 2007, an appeal of any decision by the WIAA may be appealed to the SPI. The WIAA must establish an appeals board comprised of nine people who are either school directors, or retired or inactive coaches to address non-academic appeals beginning July 1, 2007. No board member may participate in the appeal if they were involved in the original decision or activity that resulted in the decision.

The SBE authority for rules requiring teachers to be in school half an hour before and after school is removed. School districts are directed to adopt a policy regarding a teacher's presence before and after school 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 SBE rule-making authority over central purchasing and real property sales contracts is repealed. The SBE is removed from required consultation with various groups.

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

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.

Washington Learns is strongly encouraged to make a careful examination of whether use of inputs is the most efficient and effective funding system and whether changes to funding allocation can be created to implement the intent of education reform.

Amended Bill Compared to Original Bill: Language from the Senate version of the bill is added to encourage the new SBE to review the transfer of duties under the bill and, if any of them are necessary for the board to accomplish its purpose, to request those duties be returned to the board.

Language from the Senate version of the bill is added to strongly encouraged Washington Learns to make a careful examination of whether use of inputs is the most efficient and effective funding system and whether changes to funding allocation can be created to implement the intent of education reform.

Instead of the State Board of Health making rules on due process requirements for excluding students who lack proof of immunization from school the Office of the Superintendent of Public Instruction, in consultation with the State Board of Health, will make the rules for public schools and the SBE, in consultation with the State Board of Health, will make the rules for private schools.

Until July 1, 2007, an appeal of any decision by the WIAA may be appealed to the office of the Superintendent of Public Instruction. The WIAA must establish an appeals board comprised of nine people who are either school directors, or retired or inactive coaches to address non-academic appeals beginning July 1, 2007. No board member may participate in the appeal if they were involved in the original decision or activity that resulted in the decision.

Until the effective date of the act, ESDs may assist the SBE with the voluntary public school accreditation process. This change aligns this section with the rest of the bill that repeals the authority of the SBE to conduct the voluntary public school accreditation process.

References to the SBE that occur outside of the education code are corrected to conform with the transfer of SBE duties addressing school facilities, school district boundaries, and educator certification.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect 90 days after adjournment of session in which the 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: None.

Testimony Against: None.

Testimony Other: We appreciate the input that the committees have taken on this bill and the various changes that have been made so far, including reinstating the BEA requirements and keeping the adjustment ESD boundaries with the State Board. But we continue to be concerned with creating another citizen's panel to address construction issues. The composition of this citizen's panel is very similar to the composition of the new State Board and we believe that school facilities are part of education reform, so we think the duty should remain with the State Board. Additionally, we support the change to make the State Board a class four group because they have very important work to do.

Who Testified: OTHER: Barbara Mertens, Washington Association of School Administrators; Dan Steele, Washington State School Directors' Association; Leslie Goldstein, Office of the Superintendent of Public Instruction; Lucinda Young, Washington Education Association.