

# HOUSE BILL REPORT

## HB 1285

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**As Reported by House Committee On:**  
Education

**Title:** An act relating to recodifying the basic education program.

**Brief Description:** Recodifying the basic education program.

**Sponsors:** Representatives Anderson, Fromhold, Priest, Quall and Haler.

**Brief History:**

**Committee Activity:**

Education: 2/2/07 [DP].

**Brief Summary of Bill**

- Recodifies into one chapter those sections of Title 28A RCW that were included in the Basic Education Act of 1977 and those sections of Title 28A RCW the courts have held to be part of the state's constitutional obligation to provide a program of basic education.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass. Signed by 9 members: Representatives Quall, Chair; Barlow, Vice Chair; Priest, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Haigh, McDermott, Roach, Santos and P. Sullivan.

**Staff:** Sarah Ream (786-7303).

**Background:**

The Legislature adopted the Basic Education Act (BEA) in 1977 following a ruling by Thurston County Superior Court Judge Robert Doran (the "Doran Decision I"). In that decision, Judge Doran held that the state: (1) had not sufficiently funded a program of basic education; (2) had not expressly defined basic education or determined the substantive contents of a program of basic education; and (3) had failed to provide a method for sufficiently funding basic education without reliance on special levies.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The BEA set forth the goals of basic education and a number of requirements for basic education, including minimum educational program requirements and responsibilities of district and instructional staff. However, in subsequent decisions ("Doran II" and "Doran III") the courts held that a number of educational programs in addition to the program contained in the BEA are part of the state's constitutional obligation to provide a basic education.

Specifically, the Doran decisions held that the state's constitutional duty to provide a basic program of education include's providing:

- (1) special education programs for children with disabilities;
- (2) transitional bilingual education programs;
- (3) remediation assistance programs (now known as learning assistance programs);
- (4) transportation for some students; and
- (5) vocational education.

The statutes providing for these programs are currently contained in various chapters of Title 28A RCW.

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**Summary of Bill:**

The RCW sections constituting the Basic Education Act of 1977 (BEA) are recodified into a new chapter of 28A RCW.

The statutes regarding the educational programs that have been held by the courts to be part of the state's basic education obligation, in addition to those set forth in the BEA, are also recodified into the new chapter of 28A RCW.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

(In support) This provides for clarity and makes the statutes easier to use and the education system more transparent. Putting the statutes that constitute the state's basic education obligation into one chapter allows the relationships between the components of basic education to be more easily examined. It also provides a single forum for the coming debate regarding what is basic education.

(Opposed) None.

**Persons Testifying:** Representative Anderson, prime sponsor; Kyra Kester, Office of The Superintendent of Public Instruction.

**Persons Signed In To Testify But Not Testifying: None.**