

# HOUSE BILL REPORT

## HB 2167

---

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

**Title:** An act relating to flexibility in the education system.

**Brief Description:** Providing flexibility in the education system.

**Sponsors:** Representatives Maxwell, Priest, Green, Quall, Moeller, White, Orwall, Sullivan, Van De Wege, Liias and Probst.

**Brief History:**

**Committee Activity:**

Education: 2/17/09, 2/20/09 [DPS].

**Brief Summary of Substitute Bill**

- Repeals, modifies, or suspends for two years certain laws related to notice and reporting by the Office of the Superintendent of Public Instruction and school districts, and required actions by school districts in the areas of curriculum, courses, assessments, and student plans.
- Modifies certain notice and reporting requirements by permitting online access to information to be sufficient, unless written information is specifically requested by a parent.
- Requires the State Auditor to reimburse school districts and Educational Service Districts for documented costs of performance audits and complying with performance audits.

---

### 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; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox, Dammeier, Hunt, Johnson, Liias, Maxwell, Orwall, Santos and Sullivan.

**Staff:** Barbara McLain (786-7383)

---

*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.*

## **Background:**

Title 28A of the Revised Code of Washington contains most of the laws pertaining to Washington's public school system. School districts are political subdivisions of the state whose structure, duties, and responsibilities are established by state law, with functions to be carried out under the direction of elected boards of directors. The Superintendent of Public Instruction is assigned by the state Constitution to have supervision over all matters pertaining to the common schools, but most of the duties of the Office of the Superintendent of Public Instruction (OSPI) are established in law.

There are a number of laws requiring the OSPI to provide information to school districts or requiring school districts to provide information to parents and students about health issues, educational options, and state policies. Other laws direct school districts to take certain actions in the areas of curriculum, courses, assessments, and student plans.

As directed by Initiative 900, the State Auditor conducts independent, comprehensive performance audits of state and local government, including state and local education entities and their programs. Initiative 900 also established an account that receives dedicated funding from portions of the state sales and use taxes and is used to pay for the Auditor's costs of conducting the performance audits.

---

## **Summary of Substitute Bill:**

A number of laws related to information, notice and reporting, and required actions by school districts in the areas of curriculum, courses, assessments, and student plans are repealed, suspended, or modified.

The following requirements are repealed:

- the OSPI must include information in traffic education courses on the proper use of the left-hand lane, motorcycle awareness, and driving safely among bicyclists and pedestrians;
- any course in Washington State history and government must include content areas such as commerce, the Constitution, state geography, and state history and culture;
- the OSPI must require districts to annually inform high school students that employers may request transcripts;
- school districts are encouraged to adopt curriculum for a family preservation education program;
- on or before January 1, 2002, the OSPI must make a report on grants awarded under the Washington Civil Liberties Public Education Program;
- school districts must provide information about the Running Start programs to students in grades 10 through 12, including online courses;
- the OSPI must encourage districts to use community service as an alternative to suspension and distribute information on existing programs;
- the OSPI must submit an application to the United State Department of Education on flexibility in the state's assessment and conduct a pilot project in selected districts;

- a federal grant for school-to-work transition projects must be structured in a particular manner; and
- student learning plans are required for 5th and 8th through 12th grade students who were not successful on the Washington Assessment of Student Learning or who may not be on track to graduate due to credit deficiencies or absences.

The following requirements are suspended until July 1, 2011:

- the OSPI must provide an annual report to the Legislature on the educational experiences and progress of students in foster care;
- school districts must provide all high school students with the option to take a common math college readiness test, beginning in the fall of 2009 and subject to funding; and
- the OSPI, by the 2010-11 school year, must develop assessments of the technology learning standards and make them available for voluntary use.

The following requirements are suspended until the 2011-12 school year:

- school districts must conduct classroom-based assessments in civics in elementary grades; and
- the OSPI must provide high schools with contact information for programs offering college credit, and high schools must publish entrance requirements and the availability of local programs that lead to college credits.

The following requirements are modified to allow online notice or information, or to provide written information only at the request of a parent:

- the OSPI must provide online notice of the State Board of Health rules regarding contagious diseases only when there are significant changes;
- the OSPI must provide online access to, rather than printing and distributing, rules and forms for visual and auditory screening;
- public and private schools must provide online access to information about the meningococcal and human papillomavirus diseases, unless a parent specifically requests the information in writing;
- schools must provide online information to students and parents about compulsory attendance laws, unless a parent specifically requests the information in writing;
- the OSPI must annually provide online access to information regarding enrollment options, unless a parent specifically requests the information in writing;
- school districts must annually provide online information about intradistrict and interdistrict enrollment options, unless a parent specifically requests the information in writing;
- schools must provide written notice of the school's pesticide use policy and methods on request rather than annually; and
- schools must provide online information to parents about opportunities available to students through educational pathways, unless a parent specifically requests the information in writing.

The following requirements are modified:

- a school district that has received approval for its plan for using funds for the Learning Assistance Program is not required to resubmit a plan unless the district has

made a significant change. The OSPI must establish guidelines defining a "significant change;"

- the OSPI cannot require school districts to use classroom-based assessments in social studies, arts, and health and fitness and must clearly communicate that districts have the option to use other strategies chosen by the district. Verification reports can require districts to report only information needed to assure compliance; and
- the state education technology plan can impose on school districts only what is necessary to meet federal requirements or eligibility for a federal telecommunications subsidy.

The State Auditor, from monies in the Performance Audit Account, must reimburse school districts and Educational Service Districts for the documented costs of a performance audit or complying with a performance audit.

### **Substitute Bill Compared to Original Bill:**

Provisions are removed that dealt with visual and auditory screening, immunization, financial literacy, the Common School Manual, course equivalencies, notice of parents' access to public records on employee conduct, child abuse prevention curriculum, annual dropout reporting, and communication to parents of children in the Bilingual program. Assessments in social studies, the arts, and health and fitness are continued rather than suspended for two years, but the OSPI cannot require school districts to use classroom-based assessments and must clearly communicate that districts have the option to use other strategies chosen by the district. Verification reports can require districts to report only information needed to assure compliance. Classroom-based assessments in civics are temporarily suspended only in the elementary grades and not also in middle and high school. The list of repealed requirements is expanded to include the OSPI encouraging districts to use community service as an alternative to suspension; the OSPI submitting an application for flexibility in federal assessment requirements; and requirements pertaining to school-to-work transition projects from a federal grant. The state education technology plan can impose on school districts only what is necessary to meet federal requirements or eligibility for a federal telecommunications subsidy. The State Auditor, from monies in the Performance Audit Account, must reimburse school districts and Educational Service Districts for the documented costs of a performance audit or complying with a performance audit.

---

**Appropriation:** None.

**Fiscal Note:** Requested for substitute bill on February 20, 2009.

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

### **Staff Summary of Public Testimony:**

(In support) School board members face monumental challenges in their commitment to serve kids while working through mountains of mandates. This bill chooses to focus on

administrative and reporting requirements. It is time to look for priorities and efficiencies. Repealing or suspending some of these requirements gives districts some relief. It also sends a strong message that past, present, and future mandates impose a cost on schools. Every hour spent on low priority activities is an hour lost in teaching a child how to read. When we consider the budget cuts that must be made, alleviating administrative burdens is a good idea. Something to keep in mind: if a principal doesn't know about, it probably doesn't need to be a requirement. The one exception is student learning plans; principals do know about those and they do support eliminating the requirement. There is a split opinion among principals on the classroom-based assessments.

This is not a perfect bill. However, unfunded mandates have been a major issue with school directors for a very long time, and this effort to move forward is very appreciated. If everyone peels off one piece as "special," soon there is nothing left to the overall effort. There needs to be continued dialogue about what requirements can be removed. Regardless of how the bill changes, there should be a moratorium on further additional mandates.

This is challenging work, but work that needs to be done. First and foremost, we must protect the health, safety, and civil rights of students. Then we should examine how to save money, provide more flexibility, and remove unnecessary or outdated requirements. There are other potential items that could be added to the list. School administrators have been asking for years and years for the Legislature either not to add unfunded mandates or get rid of current ones. Administrators wholeheartedly support these efforts to move to a more flexible system. But without a high level of support and commitment by the Legislature, the result could be continued profusion of mandates on the books and new ones added.

(With concerns) Beware of unintended consequences in trying to relieve school districts from unfunded mandates. For families in poverty, schools may be the only opportunity for important visual and auditory screening of children. Proof of immunization is an important health protection for all children.

Online communication is not feasible in multiple languages or in areas without good access to internet connections. Requiring parents to go through an extra step of requesting written information is a concern. Parents don't know what they don't know. They are not going to be able to ask for something in writing if they aren't informed in the first place.

Student learning plans were put in place to assure that each student's progress toward graduation was monitored. If this is happening in other ways, then the plans are not necessary, but the concern is that it is not happening. Student learning plans are not working well now, certainly not in the way they were intended. The plans are conceptually a good idea, but have been problematic in practice. The classroom-based assessments in civics in the upper grades appear to be working, but perhaps the elementary civics assessment should be suspended.

The Financial Literacy Public Private Partnership should be allowed to continue its work in promoting financial literacy curriculum and materials. Removing the annual reporting on dropout rates is a concern. This is a high priority, and there is no significant savings from moving the report to every other year. Dropout reporting is also a federal requirement. School districts have done a tremendous amount of work on career and technical education

course equivalencies and have made real progress. Suspending this work doesn't make sense, especially since it can be done within existing curriculum processes in the district.

(Opposed) When the foundation of the education system is to have all children reading by 2nd grade, there is concern about the effect of suspending visual screenings. If vision and hearing screenings had proven to be ineffective, they should be removed. But they are valuable and need to be continued. Early screening is vital to detect hearing problems. There is a direct correlation between hearing loss and academic achievement.

**Persons Testifying:** (In support) Representative Maxwell, prime sponsor; Jerry Bender, Association of Washington School Principals; Dan Steele, Washington State School Directors Association; Bob Butts, Office of the Superintendent of Public Instruction; and Barbara Mertens, Washington Association of School Administrators.

(With Concerns) Lucinda Young, Washington Education Association; Kim Howard, Washington State Parent Teacher Association; Christie Perkins, Washington State Special Education Coalition; Wes Pruitt, Workforce Training and Education Coordinating Board; Linda Jekel, Department of Financial Institutions; and Stacy Augustine, Washington Credit Union League.

(Opposed) Brad Tower, Optometric Physicians of Washington; and Melissa Johnson, Washington Speech and Hearing Association.

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