
HOUSE BILL 2108

State of Washington 61st Legislature 2009 Regular Session

By Representatives Kagi, Morrell, Kenney, Quall, and Ormsby

Read first time 02/10/09. Referred to Committee on Education.

1 AN ACT Relating to reducing administrative and regulatory burdens
2 on public schools; amending RCW 43.09.460, 43.20.050, 28A.650.015,
3 28A.230.095, and 28A.655.061; creating a new section; and providing an
4 expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that, at a time when
7 state and local resources to support public schools are strained by a
8 difficult economic situation in the state and nation, it is necessary
9 to relieve school districts from some of the administrative and
10 regulatory burdens that have been placed upon them. Rules to protect
11 the state's children and provide them with a safe and positive learning
12 environment are very important, but not all rules are equally important
13 or cost-effective. Some require significant time and effort from
14 school district staff, and their relative value in supporting the
15 primary purpose of public education is uncertain. Some rules and
16 administrative requirements should be removed, and others should be
17 suspended to determine whether they are necessary for school districts
18 to accomplish their mission.

1 **Sec. 2.** RCW 43.09.460 and 2005 c 385 s 11 are each amended to read
2 as follows:

3 (1) Each biennium the legislature shall appropriate such sums as
4 may be necessary, not to exceed an amount equal to two one-hundredths
5 of one percent of the total general fund state appropriation in that
6 biennium's omnibus operating appropriations act for purposes of the
7 performance review, performance audits, and activities of the board
8 authorized by this chapter.

9 (2) The board and the state auditor shall submit recommended
10 budgets for their responsibilities under RCW 43.09.430 through
11 43.09.455 to the auditor, who shall then prepare a consolidated budget
12 request, in the form of request legislation, to assist in determining
13 the funding under subsection (1) of this section. From the funds
14 appropriated by the legislature to the auditor for the responsibilities
15 under RCW 43.09.430 through 43.09.455, the auditor shall reimburse
16 school districts and educational service districts for the documented
17 costs of complying with a performance audit.

18 **Sec. 3.** RCW 43.20.050 and 2007 c 343 s 11 are each amended to read
19 as follows:

20 (1) The state board of health shall provide a forum for the
21 development of public health policy in Washington state. It is
22 authorized to recommend to the secretary means for obtaining
23 appropriate citizen and professional involvement in all public health
24 policy formulation and other matters related to the powers and duties
25 of the department. It is further empowered to hold hearings and
26 explore ways to improve the health status of the citizenry.

27 (a) At least every five years, the state board shall convene
28 regional forums to gather citizen input on public health issues.

29 (b) Every two years, in coordination with the development of the
30 state biennial budget, the state board shall prepare the state public
31 health report that outlines the health priorities of the ensuing
32 biennium. The report shall:

- 33 (i) Consider the citizen input gathered at the forums;
34 (ii) Be developed with the assistance of local health departments;
35 (iii) Be based on the best available information collected and
36 reviewed according to RCW 43.70.050 and recommendations from the
37 council;

1 (iv) Be developed with the input of state health care agencies. At
2 least the following directors of state agencies shall provide timely
3 recommendations to the state board on suggested health priorities for
4 the ensuing biennium: The secretary of social and health services, the
5 health care authority administrator, the insurance commissioner, the
6 superintendent of public instruction, the director of labor and
7 industries, the director of ecology, and the director of agriculture;

8 (v) Be used by state health care agency administrators in preparing
9 proposed agency budgets and executive request legislation;

10 (vi) Be submitted by the state board to the governor by January 1st
11 of each even-numbered year for adoption by the governor. The governor,
12 no later than March 1st of that year, shall approve, modify, or
13 disapprove the state public health report.

14 (c) In fulfilling its responsibilities under this subsection, the
15 state board may create ad hoc committees or other such committees of
16 limited duration as necessary.

17 (2) In order to protect public health, the state board of health
18 shall:

19 (a) Adopt rules necessary to assure safe and reliable public
20 drinking water and to protect the public health. Such rules shall
21 establish requirements regarding:

22 (i) The design and construction of public water system facilities,
23 including proper sizing of pipes and storage for the number and type of
24 customers;

25 (ii) Drinking water quality standards, monitoring requirements, and
26 laboratory certification requirements;

27 (iii) Public water system management and reporting requirements;

28 (iv) Public water system planning and emergency response
29 requirements;

30 (v) Public water system operation and maintenance requirements;

31 (vi) Water quality, reliability, and management of existing but
32 inadequate public water systems; and

33 (vii) Quality standards for the source or supply, or both source
34 and supply, of water for bottled water plants.

35 (b) Adopt rules and standards for prevention, control, and
36 abatement of health hazards and nuisances related to the disposal of
37 wastes, solid and liquid, including but not limited to sewage, garbage,
38 refuse, and other environmental contaminants; adopt standards and

1 procedures governing the design, construction, and operation of sewage,
2 garbage, refuse and other solid waste collection, treatment, and
3 disposal facilities;

4 (c) Adopt rules controlling public health related to environmental
5 conditions including but not limited to heating, lighting, ventilation,
6 sanitary facilities, cleanliness and space in all types of public
7 facilities including but not limited to food service establishments,
8 schools, institutions, recreational facilities and transient
9 accommodations and in places of work;

10 (d) Adopt rules for the imposition and use of isolation and
11 quarantine;

12 (e) Adopt rules for the prevention and control of infectious and
13 noninfectious diseases, including food and vector borne illness, and
14 rules governing the receipt and conveyance of remains of deceased
15 persons, and such other sanitary matters as admit of and may best be
16 controlled by universal rule; and

17 (f) Adopt rules for accessing existing databases for the purposes
18 of performing health related research.

19 (3) The state board shall adopt rules for the design, construction,
20 installation, operation, and maintenance of those on-site sewage
21 systems with design flows of less than three thousand five hundred
22 gallons per day.

23 (4) The state board may delegate any of its rule-adopting authority
24 to the secretary and rescind such delegated authority.

25 (5) All local boards of health, health authorities and officials,
26 officers of state institutions, police officers, sheriffs, constables,
27 and all other officers and employees of the state, or any county, city,
28 or township thereof, shall enforce all rules adopted by the state board
29 of health. In the event of failure or refusal on the part of any
30 member of such boards or any other official or person mentioned in this
31 section to so act, he or she shall be subject to a fine of not less
32 than fifty dollars, upon first conviction, and not less than one
33 hundred dollars upon second conviction.

34 (6) The state board may advise the secretary on health policy
35 issues pertaining to the department of health and the state.

36 (7) After the effective date of this section, the state board may
37 not adopt rules under subsection (2)(c) of this section that pertain to

1 the environmental health and safety of school facilities without prior
2 authorization from the legislature.

3 **Sec. 4.** RCW 28A.650.015 and 2006 c 263 s 917 are each amended to
4 read as follows:

5 (1) The superintendent of public instruction, to the extent funds
6 are appropriated, shall develop and implement a Washington state K-12
7 education technology plan. The technology plan shall be updated on at
8 least a biennial basis, shall be developed to coordinate and expand the
9 use of education technology in the common schools of the state. The
10 plan shall be consistent with applicable provisions of chapter 43.105
11 RCW. The plan, at a minimum, shall address:

12 (a) The provision of technical assistance to schools and school
13 districts for the planning, implementation, and training of staff in
14 the use of technology in curricular and administrative functions;

15 (b) The continued development of a network to connect school
16 districts, institutions of higher learning, and other sources of online
17 information; and

18 (c) Methods to equitably increase the use of education technology
19 by students and school personnel throughout the state.

20 (2) The superintendent of public instruction shall appoint an
21 educational technology advisory committee to assist in the development
22 and implementation of the technology plan in subsection (1) of this
23 section. The committee shall include, but is not limited to, persons
24 representing: The department of information services, educational
25 service districts, school directors, school administrators, school
26 principals, teachers, classified staff, higher education faculty,
27 parents, students, business, labor, scientists and mathematicians, the
28 higher education coordinating board, the workforce training and
29 education coordinating board, and the state library.

30 (3) The plan adopted and implemented under this section may not
31 impose on school districts any requirements that are not specifically
32 required by federal law or regulation, including requirements to
33 maintain eligibility for the federal schools and libraries program of
34 the universal service fund.

35 **Sec. 5.** RCW 28A.230.095 and 2006 c 113 s 2 are each amended to
36 read as follows:

1 (1) By the end of the 2008-09 school year, school districts shall
2 have in place in elementary schools, middle schools, and high schools
3 assessments or other strategies to assure that students have an
4 opportunity to learn the essential academic learning requirements in
5 social studies, the arts, and health and fitness. Social studies
6 includes history, geography, civics, economics, and social studies
7 skills. Beginning with the 2008-09 school year, school districts shall
8 annually submit an implementation verification report to the office of
9 the superintendent of public instruction.

10 (2) Beginning with the 2008-09 school year, school districts shall
11 require students in the fourth or fifth (~~grades [grade]~~) grade, the
12 seventh or eighth (~~grades [grade]~~) grade, and the eleventh or twelfth
13 (~~grades [grade]~~) grade to each complete at least one classroom-based
14 assessment in civics. The civics assessment may be selected from a
15 list of classroom-based assessments approved by the office of the
16 superintendent of public instruction. Beginning with the 2008-09
17 school year, school districts shall annually submit implementation
18 verification reports to the office of the superintendent of public
19 instruction documenting the use of the classroom-based assessments in
20 civics.

21 (3) This section is suspended until September 1, 2011.

22 **Sec. 6.** RCW 28A.655.061 and 2008 c 321 s 2 are each amended to
23 read as follows:

24 (1) The high school assessment system shall include but need not be
25 limited to the Washington assessment of student learning, opportunities
26 for a student to retake the content areas of the assessment in which
27 the student was not successful, and if approved by the legislature
28 pursuant to subsection (10) of this section, one or more objective
29 alternative assessments for a student to demonstrate achievement of
30 state academic standards. The objective alternative assessments for
31 each content area shall be comparable in rigor to the skills and
32 knowledge that the student must demonstrate on the Washington
33 assessment of student learning for each content area.

34 (2) Subject to the conditions in this section, a certificate of
35 academic achievement shall be obtained by most students at about the
36 age of sixteen, and is evidence that the students have successfully met
37 the state standard in the content areas included in the certificate.

1 With the exception of students satisfying the provisions of RCW
2 28A.155.045 or 28A.655.0611, acquisition of the certificate is required
3 for graduation from a public high school but is not the only
4 requirement for graduation.

5 (3) Beginning with the graduating class of 2008, with the exception
6 of students satisfying the provisions of RCW 28A.155.045, a student who
7 meets the state standards on the reading, writing, and mathematics
8 content areas of the high school Washington assessment of student
9 learning shall earn a certificate of academic achievement. If a
10 student does not successfully meet the state standards in one or more
11 content areas required for the certificate of academic achievement,
12 then the student may retake the assessment in the content area up to
13 four times at no cost to the student. If the student successfully
14 meets the state standards on a retake of the assessment then the
15 student shall earn a certificate of academic achievement. Once
16 objective alternative assessments are authorized pursuant to subsection
17 (10) of this section, a student may use the objective alternative
18 assessments to demonstrate that the student successfully meets the
19 state standards for that content area if the student has taken the
20 Washington assessment of student learning at least once. If the
21 student successfully meets the state standards on the objective
22 alternative assessments then the student shall earn a certificate of
23 academic achievement.

24 (4) Beginning no later than with the graduating class of 2013, a
25 student must meet the state standards in science in addition to the
26 other content areas required under subsection (3) of this section on
27 the Washington assessment of student learning or the objective
28 alternative assessments in order to earn a certificate of academic
29 achievement. The state board of education may adopt a rule that
30 implements the requirements of this subsection (4) beginning with a
31 graduating class before the graduating class of 2013, if the state
32 board of education adopts the rule by September 1st of the freshman
33 school year of the graduating class to which the requirements of this
34 subsection (4) apply. The state board of education's authority under
35 this subsection (4) does not alter the requirement that any change in
36 performance standards for the tenth grade assessment must comply with
37 RCW 28A.305.130.

1 (5) The state board of education may not require the acquisition of
2 the certificate of academic achievement for students in home-based
3 instruction under chapter 28A.200 RCW, for students enrolled in private
4 schools under chapter 28A.195 RCW, or for students satisfying the
5 provisions of RCW 28A.155.045.

6 (6) A student may retain and use the highest result from each
7 successfully completed content area of the high school assessment.

8 (7) School districts must make available to students the following
9 options:

10 (a) To retake the Washington assessment of student learning up to
11 four times in the content areas in which the student did not meet the
12 state standards if the student is enrolled in a public school; or

13 (b) To retake the Washington assessment of student learning up to
14 four times in the content areas in which the student did not meet the
15 state standards if the student is enrolled in a high school completion
16 program at a community or technical college. The superintendent of
17 public instruction and the state board for community and technical
18 colleges shall jointly identify means by which students in these
19 programs can be assessed.

20 (8) Students who achieve the standard in a content area of the high
21 school assessment but who wish to improve their results shall pay for
22 retaking the assessment, using a uniform cost determined by the
23 superintendent of public instruction.

24 (9) Opportunities to retake the assessment at least twice a year
25 shall be available to each school district.

26 (10)(a) The office of the superintendent of public instruction
27 shall develop options for implementing objective alternative
28 assessments, which may include an appeals process for students' scores,
29 for students to demonstrate achievement of the state academic
30 standards. The objective alternative assessments shall be comparable
31 in rigor to the skills and knowledge that the student must demonstrate
32 on the Washington assessment of student learning and be objective in
33 its determination of student achievement of the state standards.
34 Before any objective alternative assessments in addition to those
35 authorized in RCW 28A.655.065 or (b) of this subsection are used by a
36 student to demonstrate that the student has met the state standards in
37 a content area required to obtain a certificate, the legislature shall

1 formally approve the use of any objective alternative assessments
2 through the omnibus appropriations act or by statute or concurrent
3 resolution.

4 (b)(i) A student's score on the mathematics, reading or English, or
5 writing portion of the scholastic assessment test (SAT) or the American
6 college test (ACT) may be used as an objective alternative assessment
7 under this section for demonstrating that a student has met or exceeded
8 the state standards for the certificate of academic achievement. The
9 state board of education shall identify the scores students must
10 achieve on the relevant portion of the SAT or ACT to meet or exceed the
11 state standard in the relevant content area on the Washington
12 assessment of student learning. The state board of education shall
13 identify the first scores by December 1, 2007. After the first scores
14 are established, the state board may increase but not decrease the
15 scores required for students to meet or exceed the state standards.

16 (ii) Until August 31, 2008, a student's score on the mathematics
17 portion of the preliminary scholastic assessment test (PSAT) may be
18 used as an objective alternative assessment under this section for
19 demonstrating that a student has met or exceeded the state standard for
20 the certificate of academic achievement. The state board of education
21 shall identify the score students must achieve on the mathematics
22 portion of the PSAT to meet or exceed the state standard in that
23 content area on the Washington assessment of student learning.

24 (iii) A student who scores at least a three on the grading scale of
25 one to five for selected AP examinations may use the score as an
26 objective alternative assessment under this section for demonstrating
27 that a student has met or exceeded state standards for the certificate
28 of academic achievement. A score of three on the AP examinations in
29 calculus or statistics may be used as an alternative assessment for the
30 mathematics portion of the Washington assessment of student learning.
31 A score of three on the AP examinations in English language and
32 composition may be used as an alternative assessment for the writing
33 portion of the Washington assessment of student learning. A score of
34 three on the AP examinations in English literature and composition,
35 macroeconomics, microeconomics, psychology, United States history,
36 world history, United States government and politics, or comparative
37 government and politics may be used as an alternative assessment for
38 the reading portion of the Washington assessment of student learning.

1 (11) By December 15, 2004, the house of representatives and senate
2 education committees shall obtain information and conclusions from
3 recognized, independent, national assessment experts regarding the
4 validity and reliability of the high school Washington assessment of
5 student learning for making individual student high school graduation
6 determinations.

7 (12) To help assure continued progress in academic achievement as
8 a foundation for high school graduation and to assure that students are
9 on track for high school graduation, each school district shall prepare
10 plans for and notify students and their parents or legal guardians as
11 provided in this subsection (12).

12 (a) Student learning plans are required for eighth through twelfth
13 grade students who were not successful on any or all of the content
14 areas of the Washington assessment for student learning during the
15 previous school year or who may not be on track to graduate due to
16 credit deficiencies or absences. The parent or legal guardian shall be
17 notified about the information in the student learning plan, preferably
18 through a parent conference and at least annually. To the extent
19 feasible, schools serving English language learner students and their
20 parents shall translate the plan into the primary language of the
21 family. The plan shall include the following information as
22 applicable:

23 (i) The student's results on the Washington assessment of student
24 learning;

25 (ii) If the student is in the transitional bilingual program, the
26 score on his or her Washington language proficiency test II;

27 (iii) Any credit deficiencies;

28 (iv) The student's attendance rates over the previous two years;

29 (v) The student's progress toward meeting state and local
30 graduation requirements;

31 (vi) The courses, competencies, and other steps needed to be taken
32 by the student to meet state academic standards and stay on track for
33 graduation;

34 (vii) Remediation strategies and alternative education options
35 available to students, including informing students of the option to
36 continue to receive instructional services after grade twelve or until
37 the age of twenty-one;

1 (viii) The alternative assessment options available to students
2 under this section and RCW 28A.655.065;

3 (ix) School district programs, high school courses, and career and
4 technical education options available for students to meet graduation
5 requirements; and

6 (x) Available programs offered through skill centers or community
7 and technical colleges.

8 (b) All fifth grade students who were not successful in one or more
9 of the content areas of the fourth grade Washington assessment of
10 student learning shall have a student learning plan.

11 (i) The parent or guardian of the student shall be notified,
12 preferably through a parent conference, of the student's results on the
13 Washington assessment of student learning, actions the school intends
14 to take to improve the student's skills in any content area in which
15 the student was unsuccessful, and provide strategies to help them
16 improve their student's skills.

17 (ii) Progress made on the student plan shall be reported to the
18 student's parents or guardian at least annually and adjustments to the
19 plan made as necessary.

20 (13) Subsection (12) of this section is suspended until September
21 1, 2011.

22 NEW SECTION. **Sec. 7.** Sections 5 and 6 of this act expire
23 September 1, 2011.

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