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## Education Committee

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### HB 1414

**Brief Description:** Authorizing waivers of state requirements for school districts.

**Sponsors:** Representatives Dahlquist, Dammeier, Rivers, Anderson, Armstrong, Short, Haigh, Bailey, Hope, Fagan, Hargrove, Angel, Walsh, Taylor, Alexander, Warnick, McCune, Zeiger, Smith and Kristiansen.

#### Brief Summary of Bill

- Authorizes any school district board of directors to waive certain education laws and rules by adopting a resolution specifying the waived law or rule, the problem that will be alleviated, and the expected efficiency or improvement that will result from the waiver.
- Exempts laws and rules on specified topics, but allows the remainder of the laws under Title 28A RCW to be waived.
- Requires the Office of the Superintendent of Public Instruction, the State Board of Education, and the Professional Educator Standards Board to publish a list of all laws and rules that may be waived and update it annually.

**Hearing Date:** 2/8/11

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

#### **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 (SPI) is assigned various duties and responsibilities regarding oversight of the public school system and is authorized to adopt rules to implement those responsibilities. The State Board of Education (SBE) is authorized to adopt rules regarding

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compliance with the program requirements of Basic Education, graduation requirements, accountability, and other specified matters. The Professional Educator Standards Board (PESB) also has rule-making authority with regard to educator preparation and certification.

School districts are currently allowed to seek waivers of certain laws and rules under prescribed circumstances. The SBE may grant waivers of program requirements of Basic Education, including minimum instructional hours, the length of the school year, and student-teacher ratios, if the waivers are necessary to implement "a local plan to provide an effective education system designed to enhance the educational program for each student." The SBE or the SPI are also authorized to grant waivers of these same requirements "in order for a district to implement a plan for restructuring its educational program." Currently 83 school districts have a waiver of the 180-day school year under these laws.

Until 2014 the SBE may grant waivers of the 180-day school year to districts that "propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency." Only five districts may receive these waivers; there are currently three districts authorized. The SBE also grants waivers from credit-based graduation requirements; two districts have received these waivers.

### **Summary of Bill:**

Any school district board of directors is authorized to waive the requirements of certain state education laws in Title 28A RCW or administrative rules under those laws, using the following procedure:

1. The board holds a public hearing on the laws or rules proposed to be waived.
2. The board adopts a resolution specifying the laws or rules to be waived.
3. The resolution adopted by the board specifies the problem or barrier that will be alleviated as a result of each waiver and the expected administrative or operational efficiency or improvement in student learning that is expected.
4. A copy of the resolution is transmitted to the SBE, the OSPI, and the Office of the State Auditor.

Waivers may be adopted for up to two school years, at which time the board may adopt a new waiver.

The following types of laws and rules are not subject to waivers:

1. to hire, manage, and discharge any school employee according to current laws and local collective bargaining agreements, including employing Washington certificated teachers;
2. employee background record check requirements;
3. state and federal health, safety, parents' and students' rights, civil rights, special education, privacy, and nondiscrimination;
4. participation in free and reduced priced meal programs to the extent required by law;
5. provide the program of Basic Education required under current law;
6. administration of required statewide assessments;
7. laws or rules associated with determining a school district's eligibility for disbursements of state funds, including capital funds, through state funding formulas;
8. laws or rules pertaining to bonded indebtedness;
9. reporting to parents and the community on performance goals and the school report card;

10. state and federal student accountability requirements;
11. annual adoption and filing of the district budget and financial statements;
12. financial and compliance examinations and audits;
13. eligibility and procedures for Local Effort Assistance;
14. election of school district directors and school district boundaries;
15. provisions of the Interstate Compact on Educational Opportunity for Military Children;  
and
16. laws pertaining to payments by non-high school districts, private schools, home based instruction, education centers, alternative routes to teacher certification, and the Quality Education Council.

Language is added through the remainder of Title 28A RCW allowing for the waiver of all other laws and rules using the procedure described.

By August 1, 2011 the OSPI, the SBE, and the PESB must jointly publish a list of each of the laws and their respective administrative rules that may be waived and must update the list each year.

**Appropriation:** None.

**Fiscal Note:** Available.

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