
Education Appropriations & Oversight Committee

HB 1849

Brief Description: Establishing the Washington state education council.

Sponsors: Representatives Haigh, Santos, Dammeier, Seaquist, Finn, Maxwell, Sullivan, Probst, Hunt, Anderson, Frockt, Kenney and Kagi.

Brief Summary of Bill

- Establishes the Washington State Education Council (Council).
- Provides for appointment of nine members by the Governor and nine members by the Superintendent of Public Instruction (SPI), plus four non-voting legislative members.
- Establishes legislative intent for the Council to provide strategic oversight for the public school system, including early learning, K-12, and postsecondary education, and the SPI to exercise supervision over all matters pertaining to that system.
- Directs the Council to prepare a transition plan to implement the legislative intent, including restructuring the duties and responsibilities of 11 current state education entities.
- Requires a preliminary report by January 5, 2012, and a proposed plan along with legislation necessary to implement it by December 5, 2012.

Hearing Date: 2/15/11

Staff: Barbara McLain (786-7383) and Ben Rarick (786-7349).

Background:

There are a number of state agencies, councils, and boards with responsibilities for early learning, K-12, and postsecondary education. One of them is constitutionally established.

Early Learning.

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.

Department of Early Learning. The Department of Early Learning (DEL) was created in 2006 for the purpose of implementing state early learning policy and coordinating child care and early learning programs. The DEL is an executive agency whose Director is appointed by the Governor. The DEL oversees and regulates child care licensing; establishes quality standards for early learning; works with other agencies to administer child care subsidy programs; administers the Early Childhood Education and Assistance Program (ECEAP); provides Early Support for Infants and Toddlers (ESIT) for young children with disabilities; offers early home visiting programs; collaborates with other agencies and public-private partnerships on early learning initiatives; and conducts outreach to parents.

Early Learning Advisory Council. The Early Learning Advisory Council (ELAC) was established in 2007 to advise the DEL on statewide early learning needs and develop a statewide early learning plan. There are 23 members, with 16 appointed by the Governor from specified agencies and constituencies, eight legislators, and one representative each from the Office of the Superintendent of Public Instruction (OSPI), the tribes, and private schools.

K-12 Education.

Superintendent of Public Instruction. The first Superintendent of the Common Schools was created by the Territorial Legislature in 1860. At statehood in 1889, the Superintendent of Public Instruction (SPI) was established in the state Constitution as a non-partisan, statewide elected official. The Constitution assigns the SPI “supervision over all matters pertaining to public schools.” Three Attorney General opinions have stated that the Legislature may not delegate to another officer or agency the supervisory authority of the SPI over the public schools, and that the constitutional authority of the SPI cannot be made subordinate to that of another officer or body (AGO 1998 No. 6, AGO 1961-62 No. 2 and AGO 2009 No. 8).

The SPI has a wide range of statutory duties, including distributing state and federal funds to school districts and Educational Service Districts to support K-12 education; approving and monitoring district budgets; preparing a state budget for the K-12 system; administering the state School Construction Assistance Program; gathering and reporting data; administering, monitoring, and providing technical assistance to support state and federal instructional programs for special populations of students; issuing educator certificates and taking disciplinary actions; establishing state learning standards; developing and administering the statewide student assessment system; and providing technical assistance in such matters as curriculum, school improvement, professional development, pupil transportation, food services, educational technology, and school safety.

State Board of Education. The State Board of Education (SBE) was first established by the Territorial Legislature in 1877. The SBE consists of 16 members: five elected by school board members, seven appointed by the Governor, one elected by private schools, the SPI, and two nonvoting students. The SBE's statutory purpose is to provide advocacy and strategic oversight of public education, implement a standards-based accountability framework, provide leadership, and promote achievement of the Basic Education goals. The SBE is responsible for setting performance standards for statewide assessments and the accountability system; setting high school graduation requirements; monitoring compliance with Basic Education requirements; and approving private schools.

Professional Educator Standards Board. The Professional Educator Standards Board (PESB) was established in 2000. Members are the SPI plus 12 gubernatorial appointees. The purpose of the PESB is to establish policies and requirements for the preparation and certification of educators, which includes setting standards; approving educator preparation programs; and administering assessments for various levels of certification.

Office of the Education Ombudsman. The Office of the Education Ombudsman (OEO) was created in 2006 to provide information to the public regarding their rights and responsibilities with respect to the state's public elementary and secondary education system and to advocate on behalf of students. The OEO is located in the Office of the Governor, and the Education Ombudsman is appointed by the Governor. The OEO helps resolve conflict between families and schools and provides policymakers with recommendations to improve the education system.

Washington State School Directors' Association. The Washington State School Directors' Association (WSSDA) was originally founded in 1922 as a private association, but in 1947 it was established in statute as a state agency. The WSSDA is made up of all school board members from the state's 295 school districts. The statutory purpose of the WSSDA is to provide leadership, coordination of programs, advocacy, and services to support public school boards. The WSSDA is supported by dues assessed to each school district.

Achievement Gap Oversight and Accountability Committee. The Achievement Gap Oversight and Accountability Committee (Achievement Gap Committee) was established in 2009 to synthesize previous studies into an implementation plan and to recommend policies and strategies to close the achievement gap. The Achievement Gap Committee is composed of six legislators, a representative of Washington federally recognized tribes designated by the tribes, and four members appointed by the Governor in consultation with the state ethnic commissions and representing the African American, Latino, Asian American, and Pacific Islander communities. Representatives of the OEO and the Center for Improvement of Student Learning in the OPSI are also members.

Quality Education Council. Legislation enacted in 2009 established the Quality Education Council (QEC) to inform and make strategic recommendations on the ongoing implementation of the program of Basic Education and the funding to support it. The QEC is composed of eight legislators and one representative from each of the following state education agencies: the SBE, the PESB, the DEL, the Achievement Gap Committee, and the OSPI. A representative of the Governor's Office is also a member.

Postsecondary Education.

Higher Education Coordinating Board. The Higher Education Coordinating Board (HECB) was originally established in 1969 as the Council on Higher Education. Its current membership, duties, and name were established in 1985. The HECB has 10 members appointed by the Governor. The purpose of the HECB is to develop a statewide strategic master plan for higher education; administer state and federal financial aid programs; serve as an advocate for students and the overall higher education system; represent the interest of the public above the interests of individual colleges and universities; and coordinate with the institution governing boards and other state education agencies. The HECB also prioritizes higher education budget requests;

conducts needs assessments; approves degree programs; and authorizes degree-granting institutions.

State Board for Community and Technical Colleges. The State Board for Community and Technical Colleges (SBCTC) was established in 1967 along with the state community college system. There are nine members appointed by the Governor. The purpose of the SBCTC is to provide general supervision and control over the system of 34 community and technical colleges. In this role, the SBCTC prepares a single operating and capital budget request on behalf of the system; distributes appropriated funds among the colleges; manages financial accounting and reporting of enrollment and information; provides support for instructional and student service programs in the colleges; provides research, analysis, and policy development; and coordinates information technology services.

Other.

Education Research and Data Center. Legislation enacted in 2007 established an Education Research and Data Center (ERDC) in the Office of Financial Management to conduct analyses of early learning, K-12, and higher education programs and issues; identify critical research and policy questions in education and the data needed to address them; and provide research that focuses on student transitions within and between the education sectors. The ERDC acts as a data warehouse for connecting data from each of the sectors.

Summary of Bill:

The Washington State Education Council (Council) is established. The overall mission of the Council is to:

- provide strategic oversight and advocacy of public education, including early learning, K-12 education in the common schools, and postsecondary education; and
- recommend policies and strategies to make the public education system student-focused and able to provide seamless service delivery across all sectors.

Members of the Council must represent the full spectrum of interests and expertise in public education, from early learning through K-12 and postsecondary education. Nine members are appointed by the Governor, and nine are appointed by the SPI. The SPI serves as Chair and Chief Executive Council. There are also two legislators appointed by the Speaker of the House of Representatives and two appointed by the President of the Senate. Legislative members are non-voting. Appointed members serve four-year, staggered terms and are subject to Senate confirmation.

The Council Chair may appoint advisory panels on specific issues that include at least three Council members and members of the public with special expertise. Staff support to the Council is provided by the OSPI.

The Legislature's intent is that:

1. The Council serves as the primary strategic oversight and advocacy board for the public education system, including early learning, K-12, and postsecondary education; and
2. The SPI exercises supervision over all matters pertaining to the public school system, including early learning, K-12, and postsecondary education. Supervision by the SPI

includes exercising administrative, ministerial, and operational duties to carry out the recommendations of the Council and fulfill other duties assigned by law.

The Council is directed to prepare a transition plan to implement this legislative intent. The transition plan must address restructuring of the duties, responsibilities, and authority of the following state entities:

- Department of Early Learning;
- Office of the Superintendent of Public Instruction;
- State Board of Education;
- Professional Educator Standards Board;
- Office of the Education Ombudsman;
- Washington State School Directors' Association;
- Achievement Gap Oversight and Accountability Committee;
- Quality Education Council;
- Higher Education Coordinating Board;
- State Board for Community and Technical Colleges; and
- Education Research and Data Center.

The term "restructuring" includes reassigning, removing, or modifying duties, and eliminating or modifying the state entities as necessary to achieve more efficient and effective service delivery and more seamless oversight and policy. The Council may establish advisory committees to help develop the transition plan.

The Legislature does not intend this bill to affect the statutory authority of school boards, Educational Service District boards, or college and university Boards of Regents and Trustees.

A preliminary progress report is due by January 5, 2012, and a proposed transition plan, along with legislation necessary to implement it, is due by December 5, 2012.

If the SPI files a finding with the Chief Clerk, the Secretary of the Senate, and the Office of the Code Reviser that legislation to implement the Legislature's intent has not been enacted as of June 30, 2014, the provisions of the bill expire.

Appropriation: None.

Fiscal Note: Requested on 2/4/2011.

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