

# SENATE BILL REPORT

## SB 5191

---

---

As of February 1, 2011

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

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

**Sponsors:** Senators Hobbs, King, Hewitt, Haugen, Ranker, Litzow, Kilmer, Hill, McAuliffe, Harper, White, Tom, Rockefeller, Becker and Parlette.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/31/11.

---

### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Staff:** Kimberly Cushing (786-7421)

**Background:** Title 28A of the Revised Code of Washington encompasses the laws related to the common schools and establishes the organizational structure of the common school system. Common schools are public schools operating a program for kindergarten through 12th grade or any part thereof. Separate chapters define the roles and responsibilities of the Superintendent of Public Instruction (SPI), the State Board of Education (SBE), educational service districts (ESDs), and school districts. Other chapters of Title 28A define requirements for health screening and requirements, traffic safety, compulsory course work and activities, and academic achievement and accountability.

**Summary of Bill:** The following laws in Title 28A RCW are repealed, suspended until July 1, 2013, or amended.

The following laws are each repealed:

- SPI must provide information about the immunization program.
- SPI must include information on the proper use of the left-hand lane in traffic safety courses.
- SPI must include information on motorcycle awareness in traffic safety courses.
- SPI must include information on driving safely among bicyclists and pedestrians in traffic safety courses.
- Public schools must observe Temperance and Good Citizenship Day. Annually the Office of Superintendent of Public Instruction (OSPI) must produce a program for teachers for the day.

---

*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.*

- SPI, the Office of the Attorney General, and the Washington State Bar Association must develop a volunteer-based conflict resolution and mediation program for use in community groups.
- If schools operate garden or farms for educational purposes, students must be given the opportunity to be involved and must learn about both organic and conventional growing methods.
- Student Learning Plans are required for eighth grade students who were not successful on any or all of the content areas of the state assessment or who may not be on track to graduate due to credit deficiencies or absences.

The following programs or requirements established by law are each suspended until July 1, 2013:

- The Legislature established the Washington Civil Liberties Public Education Program, which provides grants to educate the public or develop presentations to schools or other interested parties. SPI's requirement to allocate grants under the Washington Civil Liberties Public Education Program is suspended, unless private funds are available.
- A financial education public-private partnership, which includes four members of the Legislature, is established. The partnership is suspended except to the extent private funds are available.
- SPI must review current policies and assess the adequacy of programs for children with incarcerated parents and adopt additional policies. SPI must gather information and data on these children and participate in the Children of Incarcerated Parents Advisory Committee.

The following laws are amended:

- To the extent funds are available, public school districts must comply with high-performance public buildings requirements, and all major facility projects of public school districts receiving any funding in a state capital budget must be designed and constructed to at least the Leadership in Energy and Environmental Design silver standard or the Washington Sustainable School design protocol.
- Public and private schools must provide access to information about the meningococcal and human papillomavirus diseases and their vaccinations. Online access is sufficient, unless a parent specifically requests the information in writing.
- SPI is authorized to establish rules of traffic safety education. Each school district must submit a report only in even-numbered years on its traffic safety program. If a district has a private school in its boundaries, to the extent funds are available, at least one class must be given outside of regular school hours if there is sufficient demand. By January 1, 2013, SPI must survey districts regarding the impact of the rules and minimum hours of training and make revisions in order to reduce the burden on school districts.
- Beginning with the 2013-14 year, SPI must provide high schools the contact information for programs offering college credit, including online advanced placement classes. These schools must publish entrance requirements and availability of local programs that lead to college credits.
- SPI must collect, and disseminate to districts, information on child abuse and neglect prevention curriculum and adopt rules for the prevention of child abuse for

- curriculum use. Providing online access to this information is sufficient, unless a parent specifically requests the information in writing.
- OSPI must not require annual training for child abuse and neglect. OSPI may consider offering training every four years. It is clarified that this does not apply to new employees who must receive training within the first year of their hire date. School districts are encouraged to work with private or nonprofit entities that have the ability to provide the appropriate training for staff.
  - OSPI must not require annual training in conflict resolution and other violence prevention topics. The training may be offered every four years.
  - To the extent funds are available, every school district must provide free instruction in lip reading to children and adults disabled by defective hearing whenever it appears to be in the best interest of the school district and the adults concerned.
  - School districts must notify the parents of alleged victims of sexual misconduct; the notification must include information regarding their rights under the Public Records Act. The information must be provided annually; online access satisfies the requirement, unless a parent specifically requests the information in writing.
  - The members of the boards of directors of Washington's school districts are no longer required to become members of the Washington School Directors' Association (WSSDA). The WSSDA dues for each member school district are payable on the first day of January.
  - A school district's sexual harassment policy must be provided to each employee. The districts may choose to provide a copy of the policy online. OSPI must not require annual training to address sexual harassment policies. Beginning in 2013, training may be offered every four years, except for new employees who must receive training within the first year of their hire date.

**Appropriation:** None.

**Fiscal Note:** Requested on January 21, 2011.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The hope is that this bill will help local school districts. This is the third time the Senate has attempted to pass this bill.

OTHER: In Section 3, traffic safety educators are concerned about the erosion of standards. When the survey is done, go to the safety instructors who can give a direct account of the impact of the rules and training. Don't repeal the requirement that school districts belong to WSSDA in Section 14. WSSDA provides unique support for school districts. Not every school district can afford an attorney, so WSSDA helps provide these services. We support making WSSDA a voluntary membership organization; in 48 other states this is how school directors' are organized. Other school director organizations offer large products like insurance; they don't focus on school board governance. We fully support the elimination of student learning plans. There is not adequate funding to hire staff to help students, so it is simply a checklist. This does not touch the High School and Beyond Plan. We are opposed to the elimination of student learning plans for eighth grade students. Students not on track

need and deserve a plan to get on track. Section 10 (8) deals with the suspension of the Financial Education Public-Private Partnership (FEPP) and directs that funds in the account could only be spent if privately raised. FEPP wants to use the public funds previously appropriated to leverage additional private funding. We recommend not repealing the maintenance of high performance building requirements. Do not repeal the immunizations requirement because it is a safety issue. Thank you for taking time and effort to give school districts flexibility. School districts need flexibility now more than ever. Give school districts the ability to make local decisions. This bill doesn't help your budget, but it gives some relief to school districts. This bill focuses on administrative things that don't add value in classroom.

**Persons Testifying:** PRO: Senator Hobbs, prime sponsor.

OTHER: Lucinda Young, Washington Education Association; Jerry Bender, Association of Washington School Principals; Lisa MacFarlane, League of Education Voters; Dan Steele, Washington Association of School Administrators; Marie Sullivan, WSSDA; Shawn Lewis, OSPI; Representative Santos.