

HOUSE BILL REPORT

HB 1492

As Reported by House Committee On: Education

Title: An act relating to waivers from school year requirements for purposes of economy and efficiency.

Brief Description: Concerning waivers from school year requirements for purposes of economy and efficiency.

Sponsors: Representatives Klippert, McCoy, Haler, Pettigrew, Moscoso, Hayes, Hargrove, Buys and Hawkins.

Brief History:

Committee Activity:

Education: 2/15/13, 1/20/14, 1/29/14 [DPS].

Brief Summary of Substitute Bill

- Continues the State Board of Education's (SBE) authority to grant school districts a waiver to the 180 school day requirement for purposes of economy and efficiency.
- Specifies that school districts with fewer than 2,000 students are eligible to apply for the waivers.
- Provides that the waiver and the section expires on August 31, 2017.
- Removes the requirement that the SBE provide a report to the Legislature with respect to economy and efficiency waivers.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Santos, Chair; Stonier, Vice Chair; Dahlquist, Ranking Minority Member; Bergquist, Fey, Haigh, Hargrove, Hawkins, Hayes, Klippert, Muri, Orwall, Parker, Seaquist and Warnick.

Minority Report: Do not pass. Signed by 3 members: Representatives Magendanz, Assistant Ranking Minority Member; S. Hunt and Pollet.

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.

Staff: Megan Wargacki (786-7194).

Background:

Minimum Instructional Requirements.

A school district's basic educational program must consist of a minimum of 180 school days per school year. Currently, for students enrolled in grades one through 12, school districts must make available a district-wide annual average of at least 1,000 instructional hours. In the future but not before the 2014-15 school year, this must be increased to at least 1,080 instructional hours for students enrolled in grades seven through 12, according to an implementation schedule adopted by the Legislature.

Waivers.

The State Board of Education (SBE) is authorized to adopt rules regarding compliance with its program requirements, which include Basic Education, graduation requirements, accountability, and other specified matters. School districts are currently allowed to seek waivers of certain laws and rules under prescribed circumstances. The SBE may grant waivers of program requirements, including minimum instructional hours, the length of the school year, and student-teacher ratios, if the waiver is necessary to implement a local plan to provide an effective education system designed to enhance the educational program for each student.

In addition, pursuant to authority granted by the Legislature in 2009, the SBE has authority to waive the 180-day requirement for districts that propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency. Only five school districts are eligible for these waivers, two of which have student populations under 150 and three of which have student populations between 150 and 500. The 1,000 instructional hours requirement may not be waived.

School districts seeking such waivers must submit:

- a proposed calendar showing how the instructional hour requirement will be met;
- an explanation and estimate of the economies and efficiencies to be gained;
- an explanation of how the monetary savings will be redirected to support student learning;
- a summary of public comments received at a public hearing on the proposal, together with an explanation of how any concerns will be addressed;
- an explanation of the impact on students who rely on free and reduced lunch and on the ability of the child nutrition program to operate an economically independent program;
- an explanation of the impact on employee recruitment and retention;
- an explanation of the impact on students whose parents work during the missed school day; and
- other information as requested by the SBE to assure that the proposal will not adversely affect student learning.

Such a waiver may be granted for up to three years. All such waivers expire August 31, 2014. Currently, two districts are receiving waivers for purposes of economy and efficiency.

By December 15, 2013, the SBE must examine these waivers and recommend to the Legislature whether the program should be continued, modified, or allowed to terminate. This recommendation must focus on whether the waiver program resulted in improved student learning as demonstrated by empirical evidence.

Summary of Substitute Bill:

The requirement that school districts who obtain waivers of the 180-day requirement for purposes of economy and efficiency continue to offer an annual average of 1,000 instructional hours is modified to require these school districts to meet minimum instructional hour offerings.

One of the application components for school districts seeking a waiver is modified to require an explanation of the impact on employees in education support positions.

Some of the limitations on which, and how many, school districts may receive the waivers are modified to allow school districts with fewer than 2,000 students to receive the waivers.

The expiration dates for the waivers and section are pushed back to August 31, 2017.

The requirement that the SBE examine the economy and efficiency waivers and make recommendations to the Legislature by December 15, 2013 is removed.

Substitute Bill Compared to Original Bill:

The original bill removed most of the limitations on the waivers, including:

- that no more than five districts be granted waivers;
- that certain waivers only be granted to districts with a certain number of students; and
- the limit on the number of waiver renewals a district may seek.

In contrast, the substitute bill requires that waivers be granted to school districts with less than 2,000 students only.

The original bill removed the waiver and section expiration dates. In contrast, the substitute bill provides an August 31, 2017 expiration date.

Appropriation: None.

Fiscal Note: Not requested.

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) The economy and efficiency waiver program has been working for several years in eastern Washington. The program has decreased student discipline, made happier teachers, and put efficiencies and economies back into the classroom. The program is a tremendous success, but if we do not move on the bill, the waivers will expire in August 2014. Some school districts were granted the waiver and made purposeful modifications to their calendar, eliminated instructional assistance, and began having certificated teachers teach to their strengths. Some schools saw a financial gain because of the changes and put the money back into the schools. A major benefit of the waiver is that the kids received more instructional hours than required. In school districts with schools in isolated areas, it is hard to find time for teachers to collaborate and do other things they need to do because they live far from the school. With the extra day, teachers have time to work on science, technology, engineering and mathematics issues and the Teacher/Principal Evaluation Project. These things have a direct impact on student learning. However, the numbers of students in each class are so small that the improvements are not statistically significant. The kids come in challenged, and go out a success. Some schools using the waiver are non-union, do not have a lunch program, and the bus drivers are para-professionals. The waiver program is supported by everyone in the community; there has been no pushback. There are fewer student absences; previously many students missed Friday so they could translate for their families when they went to town. Some schools have instituted Adventure Friday, which is an extra day used for enhancement like hands-on-science, baking, acting, and playing games. This bill is for schools where the School Boards decide a four-day week is what kids need.

(With concerns) The schools that currently have waivers should be allowed to continue their new calendar. But there is a concern because this bill removes the size cap and requirements for school districts approved for the waiver. The original premise of the waiver program addressed unique circumstances, but this bill would allow anyone to do a four-day week if approved.

(Opposed) A test period was done to limit the size and number of school districts that could apply for the economy and efficiency waiver. There are concerns about the loss of hours for transportation and kitchen employees caused by a four-day week. There are hardships for families because of additional childcare requirements. There is also a loss of lunch to kids on the fifth day. In larger school districts there is more anonymity for students, so the idea of unleashing secondary school students into the community one day per week puts visions of Ferris Buller's Day Off in your head. This bill will harm transportation employees who work only 180 days per year. It is hard enough to get people to go through training for a job where they leave their own kids latch-keyed in the morning and afternoon without cutting their workdays. Without transportation services there might not even be kids in school. Kindergarteners no longer attend school for a half-day every day, but attend all day every other day. This cut the hours and salary of transportation workers, but they favored the change because it was good for the kids. However, if this bill expands the waivers, it will cause harm because it takes money out of transportation employee's pockets. And this bill will not significantly benefit kids. Why hurt employees if it will not benefit kids? The challenges of small rural schools are recognized. But, there is a concern that the waiver program will propagate the opportunity gap in large districts. Students already lose out on lots of teaching time for other reasons. There is a concern about the additional loss of time because of a four-day week. The waiver program should be allowed to sunset.

Persons Testifying: (In support) Representative Klippert, prime sponsor; Peggy Douglas, Paterson School District; Ric Palmer, Bickleton School District; and Monica Burnett, Paterson School.

(With concerns) Ben Rarick, State Board of Education.

(Opposed) Lynn Tucker; and Ed Wolf and William C. Craig, Public School Employees and Service Employees International Union 1948.

Persons Signed In To Testify But Not Testifying: None.