H-0576.2

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSE BILL 1640**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Hargrove, Hayes, and Magendanz

AN ACT Relating to authorizing waivers of state requirements for school districts; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.165 RCW; adding a new section to chapter 28A.170 RCW; adding a new section to chapter 28A.175 RCW; adding a new section to chapter 28A.180 RCW; adding a new section to chapter 28A.185 RCW; adding a new section to chapter 28A.190 RCW; adding a new section to chapter 28A.193 RCW; adding a new section to chapter 28A.194 RCW; adding a new section to chapter 28A.215 RCW; adding a new section to chapter 28A.220 RCW; adding a new section to chapter 28A.225 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.235 RCW; adding a new section to chapter 28A.245 RCW; adding a new section to chapter 28A.250 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.325 RCW; adding a new section to chapter 28A.335 RCW; adding a new section to chapter 28A.340 RCW; adding a new section to chapter 28A.345 RCW; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.415 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.605 RCW; adding a new section to chapter 28A.620 RCW; adding a new section to chapter 28A.623 RCW; adding a new section to chapter 28A.625 RCW; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 28A.635 RCW; adding a new section to chapter 28A.650 RCW; adding a new section to chapter 28A.655 RCW; adding a new section to chapter 28A.700 RCW; and creating new sections.

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

NEW SECTION. **Sec.**  The legislature finds that many state requirements, while well-intentioned, do not necessarily fit the unique circumstances of the diverse array of school districts in the state. Washington state has a strong tradition of local control in the public school system, and the legislature should trust the judgment of and provide authority to locally elected officials wherever feasible. Therefore, the legislature intends to provide a process for school district boards of directors to waive certain state education requirements when the local board determines it is necessary to do so.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

(1) Any school district board of directors may, as provided in this section, waive the requirements of state statutes under this title or administrative rules adopted under those statutes. To the extent and for the period of time that a school district board of directors exercises its waiver authority under this section, that school district is not subject to the requirements of the statute and any related rules that have been waived.

(2) To waive state requirements under this section, a school district board of directors must:

(a) Hold a public hearing on the statutes or rules proposed to be waived;

(b) Adopt a resolution that specifies the statutes or rules to be waived, the duration of the waiver, 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 as a result of each waiver; and

(c) Transmit a copy of the adopted resolution to the state board of education, the office of the superintendent of public instruction, and the office of the state auditor.

(3) A school district board of directors may waive state requirements under this section for a period not to exceed two school years, at which time the board of directors may adopt new waivers under the procedures specified in this section.

(4) Statutes or administrative rules pertaining to the following state requirements may not be waived under this section:

(a) To hire, manage, and discharge any school employee in accordance with the terms of the relevant state law and rules and the local collective bargaining agreement, including chapters 41.56, 41.58, and 41.59 RCW; including employing certificated instructional staff as required in RCW 28A.410.025; and including educator evaluation requirements under RCW 28A.405.100;

(b) To comply with the employee record check requirements in RCW 28A.400.303;

(c) To adhere to the state and federal health, safety, parents' and students' rights, civil rights, special education, privacy, and nondiscrimination laws, rules, and regulations;

(d) To participate in free and reduced priced meal programs to the extent required by law;

(e) To provide the program of basic education required under RCW 28A.150.200 and 28A.150.220 as it applies to schools and school districts, and administer the statewide assessments required under chapter 28A.655 RCW to assess whether a student has met the state standards;

(f) To adhere to statutes or rules associated with determining a school district's eligibility for disbursements of state funds, including capital funds, through state funding formulas;

(g) To adhere to laws or rules pertaining to bonded indebtedness;

(h) To meet the terms of the performance goals and reporting requirements under RCW 28A.655.100 and 28A.655.110;

(i) To comply with state and federal student accountability requirements;

(j) To annually adopt and file the district budget and financial statements;

(k) To be subject to financial examinations and audits as determined by the state auditor and the office of the superintendent of public instruction, including audits for legal and fiscal compliance;

(l) To follow the requirements of chapter 28A.500 RCW for local effort assistance;

(m) To adhere to the requirements for the election of school district directors as provided in chapter 28A.343 RCW and the requirements for school district boundaries and organization as provided under chapter 28A.315 RCW;

(n) To adhere to the provisions of the interstate compact on educational opportunity for military children; and

(o) To comply with state laws and administrative rules pertaining to alternative learning experience programs.

(5) By August 1, 2015, the office of the superintendent of public instruction, the professional educator standards board, and the state board of education shall jointly publish a list of each of the statutes under this title and administrative rules adopted under those statutes that may be waived under this section. The list shall be updated by August 1st of each year thereafter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.150 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.160 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.165 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.170 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.175 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.180 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.185 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.190 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.193 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.194 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.215 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.220 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.225 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.230 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.235 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.245 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.250 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.300 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.305 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.325 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.335 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.340 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.345 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.400 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.405 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.410 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.415 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.600 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.605 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.620 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.623 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.625 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.630 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.635 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.650 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.655 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.700 RCW to read as follows:

Section 2 of this act applies to this chapter.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec.**  If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

**--- END ---**