

# SENATE BILL REPORT

## SB 5393

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As of January 23, 2015

**Title:** An act relating to providing flexibility for schools recognized for exemplary performance under the Washington achievement index.

**Brief Description:** Providing flexibility for schools recognized for exemplary performance under the Washington achievement index.

**Sponsors:** Senators Litzow, Fain, Dammeier, Hill, Rivers and Angel.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/19/15.

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

**Staff:** Susan Mielke (786-7422)

**Background:** The Washington Achievement Index measures how a school's students perform on the statewide assessments and graduation rates. Each spring the Office of Superintendent of Public Instruction (OSPI) and the State Board of Education (SBE) select schools based on the Achievement Index to receive the Washington Achievement Award. Schools are recognized as top performers in one of six categories:

- overall excellence;
- high progress;
- reading growth;
- math growth;
- extended graduation rate; and
- English language acquisition.

The award winners receive a banner and acrylic award to display in their buildings.

Article II, section 37 of the state Constitution declares, "No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length."

**Summary of Bill:** Schools that receive a Washington Achievement Award based on the Washington Achievement Index are eligible to be exempt from most state laws and rules. A school district with at least one school that receives the award may submit to OSPI and SBE

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a resolution adopted by the school district board of directors at a public meeting to notify OSPI and SBE that the school qualifies to operate under the limited laws and rules specified during the next full school year after being selected for the award.

The schools must:

- comply with local, state, and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to public schools, including but not limited to chapter 28A.642 RCW – discrimination prohibition, and chapter 28A.640 RCW – sexual equality;
- provide basic education, as provided in RCW 28A.150.210, including instruction in the essential academic learning requirements and participate in the statewide student assessment system as developed under RCW 28A.655.070;
- employ certificated instructional staff as required in RCW 28A.410.025; schools may hire non-certificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);
- follow the employee record check requirements in RCW 28A.400.303;
- adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the State Auditor, including annual audits for legal and fiscal compliance;
- report specified data for the annual performance report under RCW 28A.655.110;
- be subject to the performance improvement goals adopted by SBE under RCW 28A.305.130;
- not school engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

A provision is added to each section of the Education Code, Chapter 28A RCW, providing the following: "To the extent and for the period of time that a school district board of directors exercises its authority under section 2 of this act, except as provided in section 2(3) of this act, that school district is not subject to the requirements of this chapter and any related rules."

**Appropriation:** None.

**Fiscal Note:** Not requested.

**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 purpose is to focus on student outcomes and provide flexibility that enables schools to get the best outcomes for their students without the state dictating how it should be done.

CON: We do support innovation, flexibility, and local control but we have concerns with or oppose this approach to get it. This is flexibility without accountability because schools are exempt from data collection and reporting requirements, and laws that address our most vulnerable students. This only provides flexibility for exemplary schools and if a law or rule is impeding success then it should be removed for all school districts so all schools can

operate in a manner that best meets the student needs and the needs of the local community. Then if a district is not successful it may lose a bit of that flexibility. We have exemplary schools now, which shows that the current laws, rules, and regulations are not blocking schools from obtaining exemplary performance.

OTHER: Providing flexibility for schools is always a good thing. However, this may be difficult for school districts to do because the bill may permit a school not to report, but the federal reporting requirements may be different and we want to be consistent

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

CON: Alan Burke, WA State School Director's Assn.; Lucinda Young, WA Education Assn.; Julia Suliman, SBE; Dan Steele, WA Assn. of School Administrators.

OTHER: Randy Dorn, Superintendent of Public Instruction.