

**SHB 2824** - S COMM AMD

By Committee on Early Learning & K-12 Education

**ADOPTED AS AMENDED 03/01/2018**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that specific  
4 powers, duties, and functions of the state board of education and the  
5 superintendent of public instruction should be realigned to better  
6 serve students and families, educators, school districts, and schools  
7 both public and private.

8 The legislature recognizes that the state board of education and  
9 the superintendent of public instruction, with the support of the  
10 governor's office, convened a roles and responsibilities task force  
11 to review their authorities and made recommendations to clarify and  
12 realign responsibilities among the agencies.

13 The legislature, therefore, intends to clarify, and in some cases  
14 shift, responsibilities related to private schools, educational  
15 service district boundaries, career and technical education  
16 equivalencies, adoption of learning standards, waiver of school  
17 district requirements, and compliance with basic education  
18 requirements.

19 **PART I**  
20 **EDUCATIONAL SERVICE DISTRICT BOUNDARIES**

21 **Sec. 101.** RCW 28A.310.020 and 1994 sp.s. c 6 s 513 are each  
22 amended to read as follows:

23 The (~~state board of education~~) superintendent of public  
24 instruction upon (~~its~~) his or her own initiative, or upon petition  
25 of any educational service district board, or upon petition of at  
26 least half of the district superintendents within an educational  
27 service district, or upon request of the (~~superintendent of public~~  
28 ~~instruction~~) state board of education, may make changes in the  
29 number and boundaries of the educational service districts, including

1 an equitable adjustment and transfer of any and all property, assets,  
2 and liabilities among the educational service districts whose  
3 boundaries and duties and responsibilities are increased and/or  
4 decreased by such changes, consistent with the purposes of RCW  
5 28A.310.010: PROVIDED, That no reduction in the number of educational  
6 service districts will take effect after June 30, 1995, without a  
7 majority approval vote by the affected school directors voting in  
8 such election by mail ballot. Prior to making any such changes, the  
9 (~~state board~~) superintendent of public instruction, or his or her  
10 designee, shall hold at least one public hearing on such proposed  
11 action and shall consider any recommendations on such proposed  
12 action.

13 The (~~state board~~) superintendent of public instruction in  
14 making any change in boundaries shall give consideration to, but not  
15 be limited by, the following factors: Size, population, topography,  
16 and climate of the proposed district.

17 The superintendent of public instruction shall furnish personnel,  
18 material, supplies, and information necessary to enable educational  
19 service district boards and superintendents to consider the proposed  
20 changes.

21 **PART II**  
22 **PRIVATE SCHOOLS**

23 **Sec. 201.** RCW 28A.195.010 and 2009 c 548 s 303 are each amended  
24 to read as follows:

25 The legislature hereby recognizes that private schools should be  
26 subject only to those minimum state controls necessary to insure the  
27 health and safety of all the students in the state and to insure a  
28 sufficient basic education to meet usual graduation requirements. The  
29 state, any agency or official thereof, shall not restrict or dictate  
30 any specific educational or other programs for private schools except  
31 as hereinafter in this section provided.

32 (~~Principals~~) The administrative or executive authority of  
33 private schools or (~~superintendents of~~) private school districts  
34 shall file each year with the state (~~superintendent of public~~  
35 ~~instruction~~) board of education a statement certifying that the  
36 minimum requirements hereinafter set forth are being met, noting any  
37 deviations. The state board of education may request clarification or  
38 additional information. After review of the statement, the state

1 (~~superintendent~~) board of education will notify schools or school  
2 districts of (~~those~~) any concerns, deficiencies, and deviations  
3 which must be corrected. (~~In case of major~~) If there are any  
4 unresolved concerns, deficiencies, or deviations, the school or  
5 school district may request (~~and~~) or the state board of education  
6 on its own initiative may grant provisional status for one year in  
7 order that the school or school district may take action to meet the  
8 requirements. The state board of education shall not require private  
9 school students to meet the student learning goals, obtain a  
10 certificate of academic achievement, or a certificate of individual  
11 achievement to graduate from high school, to master the essential  
12 academic learning requirements, or to be assessed pursuant to RCW  
13 28A.655.061. However, private schools may choose, on a voluntary  
14 basis, to have their students master these essential academic  
15 learning requirements, take the assessments, and obtain a certificate  
16 of academic achievement or a certificate of individual achievement.  
17 Minimum requirements shall be as follows:

18 (1) The minimum school year for instructional purposes shall  
19 consist of no less than one hundred eighty school days or the  
20 equivalent in annual minimum instructional hour offerings, with a  
21 school-wide annual average total instructional hour offering of one  
22 thousand hours for students enrolled in grades one through twelve,  
23 and at least four hundred fifty hours for students enrolled in  
24 kindergarten.

25 (2) The school day shall be the same as defined in RCW  
26 28A.150.203.

27 (3) All classroom teachers shall hold appropriate Washington  
28 state certification except as follows:

29 (a) Teachers for religious courses or courses for which no  
30 counterpart exists in public schools shall not be required to obtain  
31 a state certificate to teach those courses.

32 (b) In exceptional cases, people of unusual competence but  
33 without certification may teach students so long as a certified  
34 person exercises general supervision. Annual written statements shall  
35 be submitted to the (~~office of the superintendent of public~~  
36 ~~instruction~~) state board of education reporting and explaining such  
37 circumstances.

38 (4) An approved private school may operate an extension program  
39 for parents, guardians, or persons having legal custody of a child to

1 teach children in their custody. The extension program shall require  
2 at a minimum that:

3 (a) The parent, guardian, or custodian be under the supervision  
4 of an employee of the approved private school who is (~~certified~~)  
5 certificated under chapter 28A.410 RCW;

6 (b) The planning by the (~~certified~~) certificated person and the  
7 parent, guardian, or person having legal custody include objectives  
8 consistent with this subsection and subsections (1), (2), (5), (6),  
9 and (7) of this section;

10 (c) The (~~certified~~) certificated person spend a minimum average  
11 each month of one contact hour per week with each student under his  
12 or her supervision who is enrolled in the approved private school  
13 extension program;

14 (d) Each student's progress be evaluated by the (~~certified~~)  
15 certificated person; and

16 (e) The (~~certified~~) certificated employee shall not supervise  
17 more than thirty students enrolled in the approved private school's  
18 extension program.

19 (5) Appropriate measures shall be taken to safeguard all  
20 permanent records against loss or damage.

21 (6) The physical facilities of the school or district shall be  
22 adequate to meet the program offered by the school or district:  
23 PROVIDED, That each school building shall meet reasonable health and  
24 fire safety requirements. A residential dwelling of the parent,  
25 guardian, or custodian shall be deemed to be an adequate physical  
26 facility when a parent, guardian, or person having legal custody is  
27 instructing his or her child under subsection (4) of this section.

28 (7) Private school curriculum shall include instruction of the  
29 basic skills of occupational education, science, mathematics,  
30 language, social studies, history, health, reading, writing,  
31 spelling, and the development of appreciation of art and music, all  
32 in sufficient units for meeting state board of education graduation  
33 requirements.

34 (8) Each school or school district shall be required to maintain  
35 up-to-date policy statements related to the administration and  
36 operation of the school or school district.

37 All decisions of policy, philosophy, selection of books, teaching  
38 material, curriculum, except as in subsection (7) of this section  
39 provided, school rules and administration, or other matters not  
40 specifically referred to in this section, shall be the responsibility

1 of the administration and administrators of the particular private  
2 school involved.

3 **Sec. 202.** RCW 28A.195.030 and 1974 ex.s. c 92 s 4 are each  
4 amended to read as follows:

5 Any private school may appeal the actions of the ((state  
6 ~~superintendent of public instruction or~~)) state board of education as  
7 provided in chapter 34.05 RCW.

8 **Sec. 203.** RCW 28A.195.060 and 1975 1st ex.s. c 275 s 70 are each  
9 amended to read as follows:

10 ((~~It shall be the duty of~~)) The administrative or executive  
11 authority of every private school in this state ((~~to~~)) must report to  
12 the ((~~educational service district~~)) superintendent of public  
13 instruction on or before the thirtieth day of June in each year, on  
14 ((a)) forms to be furnished, such information as may be required by  
15 the superintendent of public instruction, to make complete the  
16 records of education work pertaining to all children residing within  
17 the state.

18 **PART III**  
19 **CTE COURSE EQUIVALENCY**

20 **Sec. 301.** RCW 28A.230.097 and 2014 c 217 s 204 and 2014 c 217 s  
21 102 are each reenacted and amended to read as follows:

22 (1) Each high school or school district board of directors shall  
23 adopt course equivalencies for career and technical high school  
24 courses offered to students in high schools and skill centers. A  
25 career and technical course equivalency may be for whole or partial  
26 credit. Each school district board of directors shall develop a  
27 course equivalency approval procedure. Boards of directors must  
28 approve AP computer science courses as equivalent to high school  
29 mathematics or science, and must denote on a student's transcript  
30 that AP computer science qualifies as a math-based quantitative  
31 course for students who take the course in their senior year. In  
32 order for a board to approve AP computer science as equivalent to  
33 high school mathematics, the student must be concurrently enrolled in  
34 or have successfully completed algebra II. Beginning no later than  
35 the 2015-16 school year, a school district board of directors must,  
36 at a minimum, grant academic course equivalency in mathematics or

1 science for a high school career and technical course from the list  
2 of courses approved by the ~~((state board of education))~~  
3 superintendent of public instruction under RCW 28A.700.070, but is  
4 not limited to the courses on the list. If the list of courses is  
5 revised after the 2015-16 school year, the school district board of  
6 directors must grant academic course equivalency based on the revised  
7 list beginning with the school year immediately following the  
8 revision.

9 (2) Career and technical courses determined to be equivalent to  
10 academic core courses, in full or in part, by the high school or  
11 school district shall be accepted as meeting core requirements,  
12 including graduation requirements, if the courses are recorded on the  
13 student's transcript using the equivalent academic high school  
14 department designation and title. Full or partial credit shall be  
15 recorded as appropriate. The high school or school district shall  
16 also issue and keep record of course completion certificates that  
17 demonstrate that the career and technical courses were successfully  
18 completed as needed for industry certification, college credit, or  
19 preapprenticeship, as applicable. The certificate shall be part of  
20 the student's high school and beyond plan. The office of the  
21 superintendent of public instruction shall develop and make available  
22 electronic samples of certificates of course completion.

23 **Sec. 302.** RCW 28A.230.010 and 2014 c 217 s 103 are each amended  
24 to read as follows:

25 (1) School district boards of directors shall identify and offer  
26 courses with content that meet or exceed: (a) The basic education  
27 skills identified in RCW 28A.150.210; (b) the graduation requirements  
28 under RCW 28A.230.090; (c) the courses required to meet the minimum  
29 college entrance requirements under RCW 28A.230.130; and (d) the  
30 course options for career development under RCW 28A.230.130. Such  
31 courses may be applied or theoretical, academic, or vocational.

32 (2) School district boards of directors must provide high school  
33 students with the opportunity to access at least one career and  
34 technical education course that is considered equivalent to a  
35 mathematics course or at least one career and technical education  
36 course that is considered equivalent to a science course as  
37 determined by the office of the superintendent of public instruction  
38 ~~((and the state board of education))~~ in RCW 28A.700.070. Students may  
39 access such courses at high schools, interdistrict cooperatives,

1 skill centers or branch or satellite skill centers, or through online  
2 learning or applicable running start vocational courses.

3 (3)(a) Until January 1, 2019, school district boards of directors  
4 of school districts with fewer than two thousand students may apply  
5 to the state board of education for a waiver from the provisions of  
6 subsection (2) of this section.

7 (b) On and after January 1, 2019, school district boards of  
8 directors of school districts with fewer than two thousand students  
9 may apply to the superintendent of public instruction for a waiver  
10 from the provisions of subsection (2) of this section under section  
11 504 of this act.

12 **Sec. 303.** RCW 28A.300.236 and 2017 3rd sp.s. c 13 s 410 are each  
13 amended to read as follows:

14 (1) Subject to the availability of amounts appropriated for this  
15 specific purpose, the office of the superintendent of public  
16 instruction must create methodologies for implementing equivalency  
17 crediting on a broader scale across the state and facilitate its  
18 implementation including, but not limited to, the following:

19 (a) Implementing statewide career and technical education course  
20 equivalency frameworks authorized under RCW 28A.700.070 for high  
21 schools and skill centers in science, technology, engineering, and  
22 mathematics. This may include development of additional equivalency  
23 course frameworks in core subject areas, course performance  
24 assessments, and development and delivery of professional development  
25 for districts and skill centers implementing the career and technical  
26 education frameworks; and

27 (b) Providing competitive grant funds to school districts to  
28 increase the integration and rigor of academic instruction in career  
29 and technical education equivalency courses. The grant funds must be  
30 used to support teams of general education and career and technical  
31 education teachers to convene and design course performance  
32 assessments, deepen the understanding of integrating academic and  
33 career and technical education in student instruction, and develop  
34 professional learning modules for school districts to plan  
35 implementation of equivalency crediting.

36 (2) Beginning in the 2017-18 school year, school districts shall  
37 annually report to the office of the superintendent of public  
38 instruction the following information:

1 (a) The annual number of students participating in state-approved  
2 equivalency courses; and

3 (b) The annual number of state approved equivalency credit  
4 courses offered in school districts and skill centers.

5 (3) Beginning December 1, (~~(2017)~~) 2018, and every December 1st  
6 thereafter, the office of the superintendent of public instruction  
7 shall annually submit (~~(a summary of the school district information~~  
8 ~~reported under subsection (2) of this section)~~) the following  
9 information to the office of the governor, the state board of  
10 education, and the appropriate committees of the legislature:

11 (a) The selected list of equivalent career and technical  
12 education courses and their curriculum frameworks that the  
13 superintendent of public instruction has approved under RCW  
14 28A.700.070; and

15 (b) A summary of the school district information reported under  
16 subsection (2) of this section.

17 **Sec. 304.** RCW 28A.700.070 and 2014 c 217 s 101 are each amended  
18 to read as follows:

19 (1) The office of the superintendent of public instruction shall  
20 support school district efforts under RCW 28A.230.097 to adopt course  
21 equivalencies for career and technical courses by:

22 (a) Recommending career and technical curriculum suitable for  
23 course equivalencies;

24 (b) Publicizing best practices for high schools and school  
25 districts in developing and adopting course equivalencies; and

26 (c) In consultation with the Washington association for career  
27 and technical education, providing professional development,  
28 technical assistance, and guidance for school districts seeking to  
29 expand their lists of equivalent courses.

30 (2) The office of the superintendent of public instruction shall  
31 provide professional development, technical assistance, and guidance  
32 for school districts to develop career and technical course  
33 equivalencies that also qualify as advanced placement courses.

34 (3) The (~~office of the~~) superintendent of public instruction,  
35 in consultation with one or more technical working groups convened  
36 for this purpose, shall develop and, after an opportunity for public  
37 comment, approve curriculum frameworks for a selected list of career  
38 and technical courses that may be offered by high schools or skill  
39 centers whose content in science, technology, engineering, and

1 mathematics is considered equivalent in full or in part to science or  
2 mathematics courses that meet high school graduation requirements.  
3 The content of the courses must be aligned with state essential  
4 academic learning requirements in mathematics as adopted by the  
5 superintendent of public instruction in July 2011 and the essential  
6 academic learning requirements in science as adopted in October 2013,  
7 and industry standards. (~~The office shall submit the list of~~  
8 ~~equivalent career and technical courses and their curriculum~~  
9 ~~frameworks to the state board of education for review, an opportunity~~  
10 ~~for public comment, and approval.~~) The first list of courses under  
11 this subsection must be developed and approved before the 2015-16  
12 school year. Thereafter, the ((office)) superintendent of public  
13 instruction may periodically update or revise the list of courses  
14 using the process in this subsection.

15 (4) Subject to funds appropriated for this purpose, (~~the office~~  
16 ~~of~~) the superintendent of public instruction shall allocate grant  
17 funds to school districts to increase the integration and rigor of  
18 academic instruction in career and technical courses. Grant  
19 recipients are encouraged to use grant funds to support teams of  
20 academic and technical teachers using a research-based professional  
21 development model supported by the national research center for  
22 career and technical education. The (~~office of the~~) superintendent  
23 of public instruction may require that grant recipients provide  
24 matching resources using federal Carl Perkins funds or other fund  
25 sources.

26 **PART IV**  
27 **LEARNING STANDARDS**

28 **Sec. 401.** RCW 28A.655.070 and 2015 c 211 s 3 are each amended to  
29 read as follows:

30 (1) The superintendent of public instruction shall develop  
31 essential academic learning requirements that identify the knowledge  
32 and skills all public school students need to know and be able to do  
33 based on the student learning goals in RCW 28A.150.210, develop  
34 student assessments, and implement the accountability recommendations  
35 and requests regarding assistance, rewards, and recognition of the  
36 state board of education.

37 (2) The superintendent of public instruction shall:

1 (a) Periodically revise the essential academic learning  
2 requirements, as needed, based on the student learning goals in RCW  
3 28A.150.210. Goals one and two shall be considered primary. To the  
4 maximum extent possible, the superintendent shall integrate goal four  
5 and the knowledge and skill areas in the other goals in the essential  
6 academic learning requirements; and

7 (b) Review and prioritize the essential academic learning  
8 requirements and identify, with clear and concise descriptions, the  
9 grade level content expectations to be assessed on the statewide  
10 student assessment and used for state or federal accountability  
11 purposes. The review, prioritization, and identification shall result  
12 in more focus and targeting with an emphasis on depth over breadth in  
13 the number of grade level content expectations assessed at each grade  
14 level. Grade level content expectations shall be articulated over the  
15 grades as a sequence of expectations and performances that are  
16 logical, build with increasing depth after foundational knowledge and  
17 skills are acquired, and reflect, where appropriate, the sequential  
18 nature of the discipline. The office of the superintendent of public  
19 instruction, within seven working days, shall post on its web site  
20 any grade level content expectations provided to an assessment vendor  
21 for use in constructing the statewide student assessment.

22 (3)(a) In consultation with the state board of education, the  
23 superintendent of public instruction shall maintain and continue to  
24 develop and revise a statewide academic assessment system in the  
25 content areas of reading, writing, mathematics, and science for use  
26 in the elementary, middle, and high school years designed to  
27 determine if each student has mastered the essential academic  
28 learning requirements identified in subsection (1) of this section.  
29 School districts shall administer the assessments under guidelines  
30 adopted by the superintendent of public instruction. The academic  
31 assessment system may include a variety of assessment methods,  
32 including criterion-referenced and performance-based measures.

33 (b) Effective with the 2009 administration of the Washington  
34 assessment of student learning and continuing with the statewide  
35 student assessment, the superintendent shall redesign the assessment  
36 in the content areas of reading, mathematics, and science in all  
37 grades except high school by shortening test administration and  
38 reducing the number of short answer and extended response questions.

39 (c) By the 2014-15 school year, the superintendent of public  
40 instruction, in consultation with the state board of education, shall

1 modify the statewide student assessment system to transition to  
2 assessments developed with a multistate consortium, as provided in  
3 this subsection:

4 (i) The assessments developed with a multistate consortium to  
5 assess student proficiency in English language arts and mathematics  
6 shall be administered beginning in the 2014-15 school year. The  
7 reading and writing assessments shall not be administered by the  
8 superintendent of public instruction or schools after the 2013-14  
9 school year.

10 (ii) The high school assessments in English language arts and  
11 mathematics in (c)(i) of this subsection shall be used for the  
12 purposes of earning a certificate of academic achievement for high  
13 school graduation under the timeline established in RCW 28A.655.061  
14 and for assessing student career and college readiness.

15 (iii) During the transition period specified in RCW 28A.655.061,  
16 the superintendent of public instruction shall use test items and  
17 other resources from the consortium assessment to develop and  
18 administer a tenth grade high school English language arts  
19 assessment, an end-of-course mathematics assessment to assess the  
20 standards common to algebra I and integrated mathematics I, and an  
21 end-of-course mathematics assessment to assess the standards common  
22 to geometry and integrated mathematics II.

23 (4) If the superintendent proposes any modification to the  
24 essential academic learning requirements or the statewide  
25 assessments, then the superintendent shall, upon request, provide  
26 opportunities for the education committees of the house of  
27 representatives and the senate to review the assessments and proposed  
28 modifications to the essential academic learning requirements before  
29 the modifications are adopted.

30 (5) The assessment system shall be designed so that the results  
31 under the assessment system are used by educators as tools to  
32 evaluate instructional practices, and to initiate appropriate  
33 educational support for students who have not mastered the essential  
34 academic learning requirements at the appropriate periods in the  
35 student's educational development.

36 (6) By September 2007, the results for reading and mathematics  
37 shall be reported in a format that will allow parents and teachers to  
38 determine the academic gain a student has acquired in those content  
39 areas from one school year to the next.

1 (7) To assist parents and teachers in their efforts to provide  
2 educational support to individual students, the superintendent of  
3 public instruction shall provide as much individual student  
4 performance information as possible within the constraints of the  
5 assessment system's item bank. The superintendent shall also provide  
6 to school districts:

7 (a) Information on classroom-based and other assessments that may  
8 provide additional achievement information for individual students;  
9 and

10 (b) A collection of diagnostic tools that educators may use to  
11 evaluate the academic status of individual students. The tools shall  
12 be designed to be inexpensive, easily administered, and quickly and  
13 easily scored, with results provided in a format that may be easily  
14 shared with parents and students.

15 (8) To the maximum extent possible, the superintendent shall  
16 integrate knowledge and skill areas in development of the  
17 assessments.

18 (9) Assessments for goals three and four of RCW 28A.150.210 shall  
19 be integrated in the essential academic learning requirements and  
20 assessments for goals one and two.

21 (10) The superintendent shall develop assessments that are  
22 directly related to the essential academic learning requirements, and  
23 are not biased toward persons with different learning styles, racial  
24 or ethnic backgrounds, or on the basis of gender.

25 (11) The superintendent shall consider methods to address the  
26 unique needs of special education students when developing the  
27 assessments under this section.

28 (12) The superintendent shall consider methods to address the  
29 unique needs of highly capable students when developing the  
30 assessments under this section.

31 (13) The superintendent shall post on the superintendent's web  
32 site lists of resources and model assessments in social studies, the  
33 arts, and health and fitness.

34 (14) The superintendent shall integrate financial education  
35 skills and content knowledge into the state learning standards  
36 pursuant to RCW 28A.300.460(2)(d).

37 (15)(a) The superintendent shall notify the state board of  
38 education in writing before initiating the development or revision of  
39 the essential academic learning requirements under subsections (1)  
40 and (2) of this section. The notification must be provided to the

1 state board of education in advance for review at a regularly  
2 scheduled or special board meeting and must include the following  
3 information:

4 (i) The subject matter of the essential academic learning  
5 requirements;

6 (ii) The reason or reasons the superintendent is initiating the  
7 development or revision; and

8 (iii) The process and timeline that the superintendent intends to  
9 follow for the development or revision.

10 (b) The state board of education may provide a response to the  
11 superintendent's notification for consideration in the development or  
12 revision process in (a) of this subsection.

13 (c) Prior to adoption by the superintendent of any new or revised  
14 essential academic learning requirements, the superintendent shall  
15 submit the proposed new or revised essential academic learning  
16 requirements to the state board of education in advance in writing  
17 for review at a regularly scheduled or special board meeting. The  
18 state board of education may provide a response to the  
19 superintendent's proposal for consideration prior to final adoption.

20 (16) The state board of education may propose new or revised  
21 essential academic learning requirements to the superintendent. The  
22 superintendent must respond to the state board of education's  
23 proposal in writing.

24 **PART V**

25 **WAIVER OF SCHOOL DISTRICT REQUIREMENTS**

26 **Sec. 501.** RCW 28A.305.140 and 2012 c 53 s 8 are each amended to  
27 read as follows:

28 ~~(1) ((The state board of education))~~ (a) In accordance with the  
29 criteria adopted by the state board of education under subsection (2)  
30 of this section, the superintendent of public instruction may grant  
31 wavers to school districts from the provisions of RCW 28A.150.200  
32 through 28A.150.220, except as provided in (b) of this subsection, on  
33 the basis that such waiver or waivers are necessary to((+)

34 ~~(a))~~ implement successfully a local plan to provide for all  
35 students in the district an effective education system that is  
36 designed to enhance the educational program for each student. The  
37 local plan may include alternative ways to provide effective

1 educational programs for students who experience difficulty with the  
2 regular education program((+)).

3 (b) ~~((Implement an innovation school or innovation zone  
4 designated under RCW 28A.630.081; or~~

5 ~~(c) Implement a collaborative schools for innovation and success  
6 pilot project approved under RCW 28A.630.104.))~~ The state board of  
7 education shall have authority to grant waivers from the provisions  
8 of RCW 28A.150.220(3)(b) and to grant the waivers set forth in RCW  
9 28A.230.090(1)(e)(ii), 28A.630.081, 28A.630.104, and 28A.655.180.

10 (2) The state board of education shall adopt rules establishing  
11 the criteria to evaluate the need for ((the)) a waiver or waivers  
12 under this section.

13 **Sec. 502.** RCW 28A.305.140 and 1990 c 33 s 267 are each amended  
14 to read as follows:

15 ~~((The state board of education))~~ (1)(a) In accordance with the  
16 criteria adopted by the state board of education under subsection (2)  
17 of this section, the superintendent of public instruction may grant  
18 wavers to school districts from the provisions of RCW 28A.150.200  
19 through 28A.150.220, except as provided in (b) of this subsection, on  
20 the basis that such waiver or waivers are necessary to implement  
21 successfully a local plan to provide for all students in the district  
22 an effective education system that is designed to enhance the  
23 educational program for each student. The local plan may include  
24 alternative ways to provide effective educational programs for  
25 students who experience difficulty with the regular education  
26 program.

27 (b) The state board of education shall have authority to grant  
28 wavers from the provisions of RCW 28A.150.220(3)(b) and to grant the  
29 wavers set forth in RCW 28A.230.090(1)(e)(ii) and 28A.655.180.

30 (2) The state board of education shall adopt rules establishing  
31 the criteria to evaluate the need for ((the)) a waiver or waivers  
32 under this section.

33 NEW SECTION. **Sec. 503.** A new section is added to chapter  
34 28A.150 RCW to read as follows:

35 (1) In addition to waivers authorized under RCW 28A.305.140 (as  
36 recodified by this act), the superintendent of public instruction, in  
37 accordance with the criteria in subsection (2) of this section and  
38 criteria adopted by the state board of education under subsection (3)

1 of this section, may grant waivers of the requirement for a one  
2 hundred eighty-day school year under RCW 28A.150.220 to school  
3 districts that propose to operate one or more schools on a flexible  
4 calendar for purposes of economy and efficiency as provided in this  
5 section. The requirement under RCW 28A.150.220 that school districts  
6 offer minimum instructional hours may not be waived.

7 (2) A school district seeking a waiver under this section must  
8 submit an application to the superintendent of public instruction  
9 that includes:

10 (a) A proposed calendar for the school day and school year that  
11 demonstrates how the instructional hour requirement will be  
12 maintained;

13 (b) An explanation and estimate of the economies and efficiencies  
14 to be gained from compressing the instructional hours into fewer than  
15 one hundred eighty days;

16 (c) An explanation of how monetary savings from the proposal will  
17 be redirected to support student learning;

18 (d) A summary of comments received at one or more public hearings  
19 on the proposal and how concerns will be addressed;

20 (e) An explanation of the impact on students who rely upon free  
21 and reduced-price school child nutrition services and the impact on  
22 the ability of the child nutrition program to operate an economically  
23 independent program;

24 (f) An explanation of the impact on employees in education  
25 support positions and the ability to recruit and retain employees in  
26 education support positions;

27 (g) An explanation of the impact on students whose parents work  
28 during the missed school day; and

29 (h) Other information that the superintendent of public  
30 instruction may request to assure that the proposed flexible calendar  
31 will not adversely affect student learning.

32 (3) The state board of education shall adopt rules establishing  
33 the criteria to evaluate waiver requests under this section. A waiver  
34 may be effective for up to three years and may be renewed for  
35 subsequent periods of three or fewer years. After each school year in  
36 which a waiver has been granted under this section, the  
37 superintendent of public instruction must analyze empirical evidence  
38 to determine whether the reduction is affecting student learning. If  
39 the superintendent of public instruction determines that student  
40 learning is adversely affected, the school district must discontinue

1 the flexible calendar as soon as possible but not later than the  
2 beginning of the next school year after the superintendent of public  
3 instruction's determination.

4 (4) The superintendent of public instruction may grant waivers  
5 authorized under this section to five or fewer school districts with  
6 student populations of less than five hundred students. Of the five  
7 waivers that may be granted, two must be reserved for districts with  
8 student populations of less than one hundred fifty students.

9 NEW SECTION. **Sec. 504.** A new section is added to chapter  
10 28A.230 RCW to read as follows:

11 (1) The superintendent of public instruction may grant a waiver  
12 from the provisions of RCW 28A.230.010(2) based on an application  
13 from a board of directors of a school district with fewer than two  
14 thousand students.

15 (2) The state board of education may adopt rules establishing the  
16 criteria to evaluate the need for a waiver or waivers under this  
17 section.

18 **Sec. 505.** RCW 28A.300.545 and 2011 c 45 s 2 are each amended to  
19 read as follows:

20 (1) The superintendent of public instruction shall develop a  
21 condensed compliance report form for second-class districts by August  
22 1, 2011. The report form shall allow districts the option of  
23 indicating one of the following for each funded program:

24 (a) The district has complied or received a (~~state board of~~  
25 ~~education-approved~~) waiver approved by the state board of education  
26 or superintendent of public instruction;

27 (b) The district has not complied, accompanied by an explanation  
28 or the steps taken to comply; or

29 (c) The district has received a grant for less than half of a  
30 full-time equivalent instructional staff.

31 (2) The office of the superintendent of public instruction may  
32 conduct random audits of second-class districts that submit a  
33 condensed compliance report under RCW 28A.330.250. The purpose of the  
34 audit is to determine whether documentation exists to support a  
35 school district superintendent's condensed compliance report.

36 **Sec. 506.** RCW 28A.655.180 and 2012 c 53 s 9 are each amended to  
37 read as follows:

1 (1) The state board of education(~~(, where appropriate, or the~~  
2 ~~superintendent of public instruction, where appropriate,)~~) may grant  
3 waivers to districts from the provisions of statutes or rules  
4 relating to: The length of the school year; student-to-teacher  
5 ratios; and other administrative rules that in the opinion of the  
6 state board of education (~~(or the opinion of the superintendent of~~  
7 ~~public instruction)~~) may need to be waived in order for a district to  
8 implement a plan for restructuring its educational program or the  
9 educational program of individual schools within the district or to  
10 implement an innovation school or innovation zone designated under  
11 RCW 28A.630.081 or to implement a collaborative schools for  
12 innovation and success pilot project approved under RCW 28A.630.104.

13 (2) (~~School districts may use the application process in RCW~~  
14 ~~28A.305.140 to apply for the waivers under this section.~~) The state  
15 board of education may adopt rules establishing the waiver  
16 application process under this section.

17 **Sec. 507.** RCW 28A.655.180 and 2009 c 543 s 3 are each amended to  
18 read as follows:

19 (1) The state board of education(~~(, where appropriate, or the~~  
20 ~~superintendent of public instruction, where appropriate,)~~) may grant  
21 waivers to districts from the provisions of statutes or rules  
22 relating to: The length of the school year; student-to-teacher  
23 ratios; and other administrative rules that in the opinion of the  
24 state board of education (~~(or the opinion of the superintendent of~~  
25 ~~public instruction)~~) may need to be waived in order for a district to  
26 implement a plan for restructuring its educational program or the  
27 educational program of individual schools within the district.

28 (2) (~~School districts may use the application process in RCW~~  
29 ~~28A.305.140 to apply for the waivers under this section.~~) The state  
30 board of education may adopt rules establishing the waiver  
31 application process under this section.

32 NEW SECTION. **Sec. 508.** A new section is added to chapter  
33 28A.300 RCW to read as follows:

34 Beginning September 1, 2019, the superintendent of public  
35 instruction shall annually report to the state board of education and  
36 education committees of the house of representatives and the senate  
37 summaries of all waiver applications submitted to the superintendent  
38 of public instruction for the prior school year under RCW 28A.305.140

1 (as recodified by this act), sections 503 and 504 of this act, and  
2 RCW 28A.150.290, including the following information for each type of  
3 waiver:

4 (1) The annual number of waiver applications the superintendent  
5 approved and did not approve;

6 (2) A brief summary of each waiver request;

7 (3) The reasons the superintendent approved or did not approve  
8 each waiver application; and

9 (4) Links to the waiver applications posted on the  
10 superintendent's web site.

11 **PART VI**

12 **COMPLIANCE WITH BASIC EDUCATION REQUIREMENTS**

13 **Sec. 601.** RCW 28A.150.250 and 2009 c 548 s 105 are each amended  
14 to read as follows:

15 (1) From those funds made available by the legislature for the  
16 current use of the common schools, the superintendent of public  
17 instruction shall distribute annually as provided in RCW 28A.510.250  
18 to each school district of the state operating a basic education  
19 instructional program approved by the state board of education an  
20 amount based on the formulas provided in RCW 28A.150.260,  
21 28A.150.390, and 28A.150.392 which, when combined with an appropriate  
22 portion of such locally available revenues, other than receipts from  
23 federal forest revenues distributed to school districts pursuant to  
24 RCW 28A.520.010 and 28A.520.020, as the superintendent of public  
25 instruction may deem appropriate for consideration in computing state  
26 equalization support, excluding excess property tax levies, will  
27 constitute a basic education allocation in dollars for each annual  
28 average full-time equivalent student enrolled.

29 (2) The instructional program of basic education shall be  
30 considered to be fully funded by those amounts of dollars  
31 appropriated by the legislature pursuant to RCW 28A.150.260,  
32 28A.150.390, and 28A.150.392 to fund those program requirements  
33 identified in RCW 28A.150.220 in accordance with the formula provided  
34 in RCW 28A.150.260 and those amounts of dollars appropriated by the  
35 legislature to fund the salary requirements of RCW 28A.150.410.

36 (3)(a) If a school district's basic education program fails to  
37 meet the basic education requirements enumerated in RCW 28A.150.260  
38 and 28A.150.220, the state board of education (~~shall require~~) may

1 recommend to the superintendent of public instruction ((to)) that the  
2 superintendent withhold state funds in whole or in part for the basic  
3 education allocation until program compliance is assured. However,  
4 the state board of education may waive this requirement in the event  
5 of substantial lack of classroom space.

6 (b) If the state board of education recommends the withholding of  
7 a school district's basic education allocation under this subsection,  
8 the superintendent of public instruction may withhold the allocation  
9 of state funds in whole or in part for support of the school  
10 district. Written notice of the intent to withhold state funds, with  
11 reasons stated for this action, shall be made to the school district  
12 by the office of the superintendent of public instruction before any  
13 portion of the state allocation is withheld.

14 **PART VII**

15 **MISCELLANEOUS PROVISIONS**

16 NEW SECTION. Sec. 701. The following acts or parts of acts are  
17 each repealed:

18 (1) RCW 28A.305.141 (Waiver from one hundred eighty-day school  
19 year requirement—Criteria) and 2016 c 99 s 1, 2014 c 171 s 1, & 2009  
20 c 543 s 2; and

21 (2) RCW 28A.305.142 (Waiver from career and technical course  
22 equivalency requirement) and 2014 c 217 s 104.

23 NEW SECTION. Sec. 702. A new section is added to chapter  
24 28A.305 RCW to read as follows:

25 (1) The transfer of powers, duties, and functions of the  
26 superintendent of public instruction and the state board of education  
27 pursuant to chapter . . ., Laws of 2018 (this act) do not affect the  
28 validity of any superintendent of public instruction or state board  
29 of education action performed before the effective date of this  
30 section.

31 (2) If apportionments of budgeted funds are required because of  
32 the transfer of powers, duties, and functions directed by  
33 chapter . . ., Laws of 2018 (this act), the director of financial  
34 management shall certify the apportionments to the agencies affected,  
35 the state auditor, and the state treasurer. Each of these shall make  
36 the appropriate transfer and adjustments in funds and appropriation

1 accounts and equipment records in accordance with the director's  
2 certification.

3 (3) Unless otherwise provided, nothing contained in  
4 chapter . . . , Laws of 2018 (this act) may be construed to alter any  
5 existing collective bargaining unit or provisions of any existing  
6 collective bargaining agreement until the agreement has expired or  
7 until the bargaining unit has been modified by action of the  
8 personnel resources board as provided by law.

9 NEW SECTION. **Sec. 703.** (1) The state board of education and the  
10 office of the superintendent of public instruction shall jointly  
11 review available and appropriate options for expanding the  
12 integration of competency-based education practices in public  
13 schools.

14 (2) The state board of education and the office of the  
15 superintendent of public instruction, in accordance with RCW  
16 43.01.036, shall jointly provide findings and recommendations from  
17 the review required by this section to the education committees of  
18 the house of representatives and the senate by November 1, 2019.

19 (3) This section is subject to the availability of amounts  
20 appropriated for this specific purpose.

21 NEW SECTION. **Sec. 704.** RCW 28A.305.140 is recodified as a  
22 section in chapter 28A.300 RCW.

23 NEW SECTION. **Sec. 705.** Section 506 of this act expires June 30,  
24 2019.

25 NEW SECTION. **Sec. 706.** (1) Sections 201, 202, 501, 503, 504,  
26 and 701 of this act take effect January 1, 2019.

27 (2) Sections 502 and 507 of this act take effect June 30, 2019."

**SHB 2824** - S COMM AMD

By Committee on Early Learning & K-12 Education

**ADOPTED AS AMENDED 03/01/2018**

28 On page 1, line 3 of the title, after "education;" strike the  
29 remainder of the title and insert "amending RCW 28A.310.020,  
30 28A.195.010, 28A.195.030, 28A.195.060, 28A.230.010, 28A.300.236,

1 28A.700.070, 28A.655.070, 28A.305.140, 28A.305.140, 28A.300.545,  
2 28A.655.180, 28A.655.180, and 28A.150.250; reenacting and amending  
3 RCW 28A.230.097; adding a new section to chapter 28A.150 RCW; adding  
4 a new section to chapter 28A.230 RCW; adding a new section to chapter  
5 28A.300 RCW; adding a new section to chapter 28A.305 RCW; adding a  
6 new section to chapter 28A.300 RCW; creating new sections;  
7 recodifying RCW 28A.305.140; repealing RCW 28A.305.141 and  
8 28A.305.142; providing effective dates; and providing an expiration  
9 date."

EFFECT: Adds the State Board of Education to jointly work with the Office of the Superintendent to develop recommendations on competency-based education. This work is subject to the availability of amounts appropriated for this specific purpose.

--- END ---