

# HOUSE BILL REPORT

## HB 1886

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**As Reported by House Committee On:**  
Education

**Title:** An act relating to the responsibilities of the office of the superintendent of public instruction and the state board of education.

**Brief Description:** Concerning the responsibilities of the superintendent of public instruction and the state board of education.

**Sponsors:** Representatives Harris, Santos and Pollet.

**Brief History:**

**Committee Activity:**

Education: 2/13/17, 2/16/17 [DPS].

**Brief Summary of Substitute Bill**

- Transfers numerous duties and responsibilities related to accountability, assessments, high school graduation requirements, basic education requirements, and other areas from the State Board of Education to the Superintendent of Public Instruction.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Santos, Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist, Caldier, Hargrove, Johnson, Ortiz-Self, Steele and Volz.

**Minority Report:** Without recommendation. Signed by 6 members: Representatives Kilduff, Lovick, McCaslin, Senn, Slatter and Springer.

**Minority Report:** Do not pass. Signed by 1 member: Representative Dolan, Vice Chair.

**Staff:** Ethan Moreno (786-7386).

**Background:**

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*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.*

### Office of the Superintendent of Public Instruction.

In addition to its constitutional charge of supervising all matters pertaining to public schools, the Superintendent of Public Instruction (SPI) and its office has numerous and broad responsibilities prescribed in statute, including:

- making rules and regulations necessary for the administration of public education requirements;
- preparing courses of study and other materials and books for the discharge of education duties;
- fulfilling financial responsibilities, including distributing legislatively allocated funds to districts for the operation of the public school system, and awarding numerous state and federally funded grants;
- maintaining and revising, in consultation with the State Board of Education (SBE), a statewide academic assessment system to measure student knowledge and skills on state learning standards and for purposes of state and federal accountability; and
- satisfying numerous reporting and other duties assigned by the Legislature.

### State Board of Education.

Although the origins of the State Board of Education (SBE) predate statehood, the 16-member SBE, which includes the SPI, is created in statute and is not referenced in the Constitution. The SBE has numerous system oversight responsibilities, including:

- providing advocacy and strategic oversight of public education;
- adopting and revising academic performance improvement goals;
- establishing high school graduation requirements or equivalencies, including graduation credit and course distribution requirements;
- identifying scores students must meet to achieve standard on statewide student assessments;
- accrediting private schools serving kindergarten through grade 12 (K-12); and
- reviewing and determining applications of school districts seeking approval to become charter school authorizers.

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### **Summary of Substitute Bill:**

#### Modifications to the Stated Purpose of the State Board of Education.

The purpose statement for the SBE is modified to remove references to providing strategic oversight of public education, implementing an accountability framework, and promoting the achievement of academic goals. The statement is further modified to add references to establishing high school graduation requirements, approving school districts as charter school authorizers, and accrediting, approving, and overseeing private schools.

#### Transfer of Specified Duties and Responsibilities from the State Board of Education to the Office of the Superintendent of Public Instruction.

Numerous duties and responsibilities related to accountability, assessments, high school graduation requirements, basic education requirements, and other areas are transferred from the SBE to the SPI. Examples of transferred duties and responsibilities, by general category, are listed below.

- I. Examples of transferred duties and responsibilities relating to accountability are:
1. implementing a standards-based accountability framework that creates a unified system of increasing levels of support for schools to improve academic achievement;
  2. adopting and revising performance improvement goals to improve student learning that relate to academic performance and student attendance;
  3. designating low-performing school districts as required action districts (RAD), receiving and approving related action plans from the applicable school boards and superintendents, and redirecting certain federal funds for districts that have not received approval for their action plans;
  4. releasing school districts from the RAD designation;
  5. proposing rules for establishing an accountability framework that creates a unified system of support for challenged schools. (The statutory date for the implementation of the system by the SBE is the 2014-15 school year, but new rules must be proposed by the SPI for system implementation in the 2018-19 school year);
  6. developing the Washington Achievement Index to identify schools and districts for recognition, continuous improvement, and additional state support; and
  7. working with the Education Data Center in the Office of Financial Management on issues related to reports of how state education resources are used.

II. Examples of transferred duties and responsibilities relating to assessments, and high school graduation requirement assessments are:

1. identifying the scores that students must achieve to meet standard on statewide student assessments and, for high school students, to obtain a certificate of academic achievement;
2. conducting annual reviews of the assessment reporting system;
3. approving equivalent career and technical courses and their curriculum frameworks;
4. approving provisions governing high school student work samples for alternative assessment options; and
5. obligating the SPI to mandate that one-half credit of the social studies requirement be coursework in civics.

III. Examples of transferred duties and responsibilities relating to basic education requirements are:

1. adopting rules to implement and ensure district compliance with basic education requirements;
2. ordering the withholding of state funds for basic education for districts with basic education programs that fail to meet enumerated requirements;
3. adopting rules governing the eligibility of a child between the ages of 16 and 18 to take a test to earn a high school equivalency certificate, and rules related to the issuance of a high school diploma by community and technical colleges;
4. assisting in the approval of qualifying adult education programs in school districts;
5. being solely subject to an appeal of agency actions under the state's Administrative Procedure Act; and
6. adjusting the boundaries of educational service districts.

IV. Examples of transferred duties and responsibilities relating to waiver granting authority are:

1. granting waivers from 180-day school year requirements to small districts;

2. granting waivers from certain career and technical education course requirements for districts with fewer than 2,000 students;
3. granting waivers from basic education requirements for innovation schools and other requestors; and
4. granting waivers for educational restructuring programs.

V. Examples of other provisions that are transferred duties and responsibilities are:

1. creating a school facilities citizen advisory panel; and
2. adopting rules related to the exclusion of students from school if a medication or treatment order addressing any life-threatening health condition that a child has that may require medical services to be performed at the school has not been provided to the school.

Transfer of Selected Duties from the Superintendent of Public Instruction to the State Board of Education.

Selected duties and responsibilities are transferred from the SPI to the SBE. The transferred duties and responsibilities relate to:

1. receiving and reviewing annual educational compliance statements from private schools;
2. appointing a private school advisory committee; and
3. determining what information must be included in annual reports from private schools to educational service districts;
4. employing or terminating the executive director of the SBE and other employees of the SBE who were appointed by the SBE; and
5. conducting elections for members of the SBE.

**Substitute Bill Compared to Original Bill:**

The substitute bill modifies the purpose statement for the SBE to remove a reference to providing strategic oversight of public education.

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**Appropriation:** None.

**Fiscal Note:** Requested on February 8, 2017.

**Effective Date of Substitute Bill:** This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 105, relating to local plans in required action districts, and section 604, relating to waivers for educational restructuring plans, which take effect June 30, 2019.

**Staff Summary of Public Testimony:**

(In support) The SPI is in charge of all education in the state. It is important that the person who is responsible for education be an elected official and held accountable solely to the voters of the state. The bill's provisions deserved to be discussed and explored in a dialog.

The state has a remarkable opportunity this year to craft a bipartisan agreement on school funding. There are overlaps in the system with multiple education agencies that have multiple approaches to accountability. The execution of those accountability issues should be done by the Office of the Superintendent of Public Instruction (OSPI). The SBE is a policy board and it should be allowed to focus on the policy issues assigned to it by the Legislature. Under this bill, when an assignment relates to execution, it is assigned to the OSPI. However, under this bill, policy functions remain with the SBE. There are multiple opportunities to clarify educational assignment issues, and the Legislature should do so this year. This bill improves accountability.

The Legislature has a responsibility to do the right things for all students. Some stakeholders have lost trust in the SBE to perform their responsibilities to the benefit of all students. The SBE has policy authority in education matters over the SPI. The SPI is elected, but the SBE makes policy with limited oversight. The SBE should be advisory to the SPI, and not be a policy setting board. The SBE doesn't allow practicing educators to sit on the board. The SBE has created educational policy benefiting college and university-bound graduates, while placing barriers for students wishing to pursue a technically skilled career. The SBE has sold the state's students short and needs oversight by the Legislature and the OSPI.

(Opposed) At a time when all of our energies ought to be focused on bringing our state's education system into the twenty-first century, ensuring that students are receiving an equitable and excellent education, and fully funding basic education according to McCleary, we are sidetracked by this bill. The SBE has worked very hard for nearly eight years to build the accountability system, and worked in an unparalleled way to have active engagement of the public and communities in reforming education in Washington.

This bill would make very significant governance changes and the sweeping nature of this bill would be counterproductive and is not well-timed. The bill is not a clarifying bill, as it would undo many years of intentional actions by the Legislature to create a participatory and transparent K-12 governance system. There should not be a rush to make the changes called for in this bill. It would be wise for the Legislature to consider the governance changes that are possible in a broader context after paramount duty responsibilities have been resolved. A piecemeal approach to governance changes would be unwise and a distraction from the focus on McCleary. The SBE looks forward to having a productive relationship with the SPI. The SBE is the citizen voice in the education system and has a responsibility to consider the present and future needs of children and staff. With McCleary, the Every Student Succeeds Act, and the possible reduction of power in the United States Department of Education, the state needs to have a discussion about educational governance structure, but we need to understand the impacts of these big changes. Now is not the time to make broad, sweeping changes and unilateral moves.

Streamlining administrative duties and tasks is generally a good thing, but this bill puts the cart before the horse in K-12 governance. The SBE is a place where those with concerns or interest in the K-12 system can petition their government to address the needs and health of the system. In the past decade, the SBE has become an even more integral piece in balancing the demands of competing interest for what is best for children and schools. A broad education constituency should be convened to discuss the best way forward and the legitimate role of the SBE in that model.

(Other) It is time to take another look at the difference between policy and implementation, and where the roles and responsibilities lie between agencies, including the SPI. The review should involve a broader conversation among stakeholders and not a top-down approach from Olympia or the OSPI.

**Persons Testifying:** (In support) Representative Harris, prime sponsor; Chris Reykdal, Office of the Superintendent of Public Instruction; Dennis Kampe; and Marcia Fromhold, Evergreen Public Schools.

(Opposed) Mona Bailey, Peter Maier, Patty Wood, Connie Fletcher and Keven Laverty, State Board of Education.

(Other) Deb Merle, Office of the Governor.

**Persons Signed In To Testify But Not Testifying:** Tim Garchow, Washington State School Directors' Association; Daniel Zavala, League of Education Voters; and Dave Powell, Stand for Children Washington.