

# FINAL BILL REPORT

## SHB 2824

---

C 177 L 18  
Synopsis as Enacted

**Brief Description:** Exchanging and aligning specific powers, duties, and functions of the superintendent of public instruction and the state board of education.

**Sponsors:** House Committee on Education (originally sponsored by Representatives Harris, Dolan and Muri; by request of State Board of Education and Superintendent of Public Instruction).

**House Committee on Education**  
**Senate Committee on Early Learning & K-12 Education**

### **Background:**

#### 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 have 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;
- developing and revising the state's essential academic learning requirements that identify the knowledge and skills that public school students need to know and be able to do;
- 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 SBE predate statehood, the 16-member SBE, which includes the SPI, is created in statute and is not referenced in the Washington Constitution. The SBE has numerous system oversight responsibilities, including:

---

*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.*

- 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; and
- reviewing and determining applications of school districts seeking approval to become charter school authorizers.

#### Educational Service Districts.

Washington has nine regionally-based educational service districts (ESDs) that provide cooperative informational services to local districts and assist the Office of the Superintendent of Public Instruction (OSPI) and the SBE in the performance of their duties. In addition to providing the cooperative and informational services, the ESDs also serve as depository and distribution centers for instructional materials, and assist districts in the preparation of their budgets. The OSPI and the SBE are authorized in statute to delegate otherwise assigned programs, projects, and services to the ESD. The ESDs are governed by boards that are elected by school directors within the ESD.

#### Competency-Based Education.

According to the United States Department of Education, competency-based education practices offer flexibility in the way that academic credit can be earned. Rather than relying on a seat-time based system, competency-based education systems allow student to progress as they demonstrate mastery of academic content, regardless of time or pace of learning.

Administrative rules adopted by the SBE include provisions for earning credit by demonstrating proficiency or competency as defined by a written policy of the applicable school district. The rules also allow the SBE to waive certain education requirements for the implementation of a local restructuring plan to provide an effective educational system to enhance the educational program for high school students. The rule governing the waiver requirements recognizes the occurrence of a multiyear transition "from a time and credit-based system of education to a standards and performance-based education system."

#### **Summary:**

Numerous agency-specific powers, functions, and duties of and between the OSPI and the SBE related to learning standards, career and technical education (CTE) course equivalencies, waivers of school district responsibilities, compliance with basic education requirements, ESD boundaries, and private schools are modified. Examples of modified duties and responsibilities are listed below.

#### *1. Examples of modified powers, functions, and duties relating to learning standards and compliance with basic education requirements are:*

1. the SPI must notify the SBE in writing before initiating the development or revision of the essential academic learning requirements (EALRs), and the SBE may provide a response to the SPI's notification;

2. prior to adoption by the SPI of new or revised EALRs, the SPI must submit the new or revised EALRs to the SBE for its review;
3. the SBE may propose new or revised EALRs and the SPI must respond to the proposal; and
4. the SBE may recommend that the SPI withhold, rather than require the SPI to withhold, state funding allocated for basic education. A determination to withhold funds is to be made by the SPI.

*II. Examples of modified powers, functions, and duties relating to CTE course equivalencies are:*

1. the authority of the SBE to approve equivalent CTE courses and their curriculum frameworks is transferred to the SPI; and
2. provisions governing an annual CTE course equivalency report provided to the Governor and the Legislature are changed to require the OSPI to also submit the report to the SBE and to include in the report the list of equivalent CTE courses and their curriculum frameworks that the SPI has approved.

*III. Examples of modified powers, functions, and duties relating to waivers of school district responsibilities are:*

1. effective January 1, 2019, the authority to grant waivers from basic education requirements for locally approved effective education system plans is transferred from the SBE to the SPI;
2. effective June 30, 2019, the SBE is granted exclusive authority to grant waivers from specific statutes and rules for educational restructuring programs;
3. effective January 1, 2019, the SBE is authorized to grant waivers to school districts from certain requirements related to instruction that provides students with the opportunity to complete 24 credits for high school graduation;
4. effective January 1, 2019, school district boards of directors of districts with fewer than 2,000 students may apply for a waiver from the SPI instead of the SBE for requirements obligating all districts to provide high school students with the opportunity to access at least one CTE course that is considered equivalent to a science course;
5. effective January 1, 2019, the SBE is authorized to adopt rules related to the CTE science course equivalency waivers for qualifying small districts;
6. effective January 1, 2019, the authority to grant waivers from 180-day school year requirements to small districts is transferred from the SBE to the SPI, and some requirements associated with the waivers are removed; and
7. beginning September 1, 2019 the SPI is annually required to report to the SBE and the education committees of the House or Representatives and the Senate data regarding waiver applications and approvals.

*IV. Examples of modified powers, functions, and duties relating to ESD boundaries and private schools are:*

1. the SPI, rather than the SBE, is authorized to make changes in the number and boundaries of ESDs, but the SBE is authorized to request that the SPI make these changes;
2. duties related to certifying that minimum education requirements are met in private schools are transferred from the SPI to the SBE;

3. the authority of private schools to appeal the actions of the SPI through the Administrative Procedure Act is modified to allow private schools to instead appeal actions of the SBE; and
4. private schools must annually report the education records of students to the SPI rather than the applicable ESD.

Review of Options for Competency-Based Assessments.

New review and reporting duties are assigned to the SPI. The SPI must review available and appropriate options for competency-based assessments that meet the state's EALRs. A report and recommendations from the review must be provided to the education committees of the House of Representatives and the Senate by November 1, 2019.

**Votes on Final Passage:**

House	96	2	
Senate	49	0	(Senate amended)
House	98	0	(House concurred)

**Effective:** June 7, 2018

January 1, 2019 (Sections 201, 202, 501, 503, 504, and 701)

June 30, 2019 (Sections 502 and 507)