

SENATE BILL REPORT

ESHB 1886

As Reported by Senate Committee On:
Early Learning & K-12 Education, March 28, 2017

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

Brief Description: Establishing a legislative task force to review issues relating to the responsibilities of the superintendent of public instruction and the state board of education.

Sponsors: House Committee on Education (originally sponsored by Representatives Harris, Santos and Pollet).

Brief History: Passed House: 3/08/17, 97-0.

Committee Activity: Early Learning & K-12 Education: 3/23/17, 3/28/17 [DPA].

Brief Summary of Amended Bill

- Directs the Office of the Superintendent of Public Instruction (OSPI) and the State Board of Education (SBE) to jointly review specified issues and report findings and recommendations to the legislative education committees, including recommendations regarding the appropriate roles and responsibilities of the OSPI and the SBE in the K-12 system, by November 15, 2017.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass as amended.

Signed by Senators Zeiger, Chair; Fain, Vice Chair; Rolfes, Ranking Minority Member; Billig, Mullet, Rivers and Warnick.

Staff: Susan Mielke (786-7422)

Background: Superintendent of Public Instruction (SPI). The SPI is a statewide-elected official and the chief state school officer (CSSO) in Washington State. In 1861, prior to Washington becoming a state, the Territorial Legislature created the Office of the Territorial Superintendent of Common Schools; however, the office was abolished in 1862. In 1871, the Territorial Legislature created the Office of the Territorial SPI, who was to be elected by the

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.

Legislature every two years. The delegates at the 1889 state constitutional convention created the position of SPI in the state Constitution as a statewide elected official. The state Constitution also provides that the SPI has supervision over all matters pertaining to the public schools of the state.

The SPI serves on various state boards and commissions. The OSPI distributes funds to local school districts, gathers and reports school information, issues certificates for certificated instructional staff & administrators, and performs a number of other duties assigned by state and federal law.

The OSPI reports that in fiscal year (FY) 2016, the OSPI:

- had 218 state-funded, full-time equivalent employees and received \$62.8 million in state funding for administrative costs, which includes the administrative costs for the State Board of Education (SBE), Professional Educator Standards Board, and capital funding;
- had 126 federally-funded full-time equivalent employees and received \$35.1 million in federal funding for administrative costs; and
- received \$8.8 billion in state-funding and \$836.9 million in federal funding to pass through to school districts.

The OSPI also reports that in FY 2017, the OSPI:

- has 227 state-funded full-time equivalent employees and received \$73.3 million in state funding for administrative costs;
- has 127 federally-funded full-time equivalent employees and received \$35.7 million in federal funding for administrative costs; and
- received \$9.3 billion in state-funding and \$845.1 million in federal funding to pass through to school districts.

The National Association of State Boards of Education reports that every state has a CSSO. Thirteen states, including Washington, elect the CSSO. The Governor appoints the CSSO in 15 states; the SBEs appoint the CSSO in 21 states; and the Education Investment Board appoints the CSSO in one state. In five states, the Governor has an executive-level Secretary of Education in addition to the CSSO.

State Board of Education. The Washington Territorial Legislature created the SBE in statute in 1877. The SBE has been reconstituted and reorganized in 1947 and 2005. The SBE currently has 16 members. The SPI serves on the SBE. The Governor appoints seven SBE members. Members of school district boards of directors elect two SBE members from eastern Washington and three members from western Washington. Private schools select one private school representative to vote on only issues that pertain to private schools. Two students serve as non-voting SBE members.

Current law provides that the purpose of the SBE is to (1) provide advocacy and strategic oversight of public education; (2) implement a standards-based accountability framework that creates a unified system of increasing levels of support for schools in order to improve student academic achievement; (3) provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles; and (4) promote achievement of the basic education goals. The SBE also performs

other duties assigned by state law, including establishing rules, standards, and guidelines for the minimum high school graduation requirements, minimum basic education requirements, private school approval, educational system accountability, and system health indicators. The SBE reports having 8.5 full-time equivalent employees and receiving \$1.5 million in state funding for the 2015-17 biennium.

The National Association of State Boards of Education reports that the Governor appoints the SBE members in 33 states; the Legislature appoints the SBE members in two states; the Governor appoints some SBE members and the Legislature appoints some in one state; seven states elect the SBE members; three states have a mix of appointed and elected SBE members; and three states, namely Minnesota, New Mexico, and Wisconsin, have no SBE. Washington has a unique structure.

Summary of Amended Bill: By November 15, 2017, the OSPI and the SBE must jointly review specified issues and report findings and recommendations to the legislative education committees, including recommendations regarding the appropriate roles and responsibilities of the SPI and the SBE in the K-12 system.

EFFECT OF EARLY LEARNING & K-12 EDUCATION COMMITTEE AMENDMENT(S):

- Eliminates the legislative taskforce to review specified issues and report findings and recommendations to the legislative education committees, including recommendations regarding the appropriate roles and responsibilities of the SPI and the SBE in the K-12 system of the House of Representatives and the Senate by November 15, 2017.
- Directs the OSPI and the SBE to jointly review specified issues and report findings and recommendations to the legislative education committees, including recommendations regarding the appropriate roles and responsibilities of the SPI and the SBE in the K-12 system, by November 15, 2017.
- Maintains the emergency clause.
- Maintains the expiration date for the provisions of the bill of January 31, 2018.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: Yes.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony on Engrossed Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: In other states, the process of developing a state plan to implement the federal Every Student Succeeds Act has highlighted differences and created conflict between the state educational agency and the state's SBE. The initial premise of the bill was to clarify the roles of SPI and the SBE to ensure that as a state we are headed in the right direction. Now the bill creates a legislative taskforce to review the roles of the SPI and SBE and to make recommendations to the

Legislature on how to clarify the roles of these two state agencies. It is time for the Legislature to take responsibility for giving very clear parameters for education.

The SPI is a constitutional officer. When first put in statute, the SPI was the CEO of the SBE. The SBE has had different memberships and purposes over the years. Other state-level education agencies have come and gone and various duties have been shifted between and among the different education agencies. The Legislature sets the policy. The Legislature has delegated to the SBE some policy authority. The Legislature has the authority to prescribe the duties of state educational agencies so long as the SPI is not made subordinate to another agency. The SPI executes the policy, which is supervision of matters. The two agencies share responsibilities in a number of areas, including waivers, data gathering and reporting; and this creates confusion amongst the school districts and the public.

OTHER: There needs to be more thought about who should be on the taskforce and what are the parameters for the discussion. There are several state-level education agencies, more than just OSPI and SBE, and any education system governance review should be broader than just two agencies. Others could be on the taskforce if the review is expanded to include other educational agencies. The stakeholders want to be at the table and not on the menu.

Persons Testifying: PRO: Representative Paul Harris, Prime Sponsor; Sharon Tomiko-Santos, The House/Representative.

OTHER: Kevin Lavery, Member, State Board of Education; Peter Maier, Member, State Board of Education; Connie Fletcher, Member, State Board of Education; Janis Avery, Member, State Board of Education; Deb Merle, Governor's Office; Chris Reykdal, State Superintendent of Public Instruction; Melissa Gombosky, Association of Educational Service Districts.

Persons Signed In To Testify But Not Testifying: No one.