

# SENATE BILL REPORT

## SHB 2824

---

As of February 21, 2018

**Title:** An act relating to the exchange and alignment of specific powers, duties, and functions of the superintendent of public instruction and the state board of education.

**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).

**Brief History:** Passed House: 2/08/18, 96-2.

**Committee Activity:** Early Learning & K-12 Education: 2/20/18.

### Brief Summary of Bill

- Modifies or transfers several responsibilities of the Superintendent of Public Instruction (SPI) and the State Board of Education (SBE) to the other agency.
- Directs SBE and SPI to jointly review and make recommendations to the legislative education committees, by November 1, 2019, on options for expanding competency-based education in public schools.

---

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

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

**Background:** Superintendent of Public Instruction (SPI). In 1861, the Territorial Legislature created the Office of the Territorial Superintendent of Common Schools and abolished it in 1862. In 1871, the Territorial Legislature created the Office of the Territorial Superintendent of Public Instruction, who was to be elected by the Legislature every two years. In 1889, the Superintendent of Public Instruction was created in the state Constitution as a statewide elected official.

---

*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.*

Under the Washington State Constitution, SPI has supervision over all matters pertaining to the public schools of the state. SPI has policy and administrative duties specified in statute, including:

- serving on various state boards to represent the interests and needs of education;
- gathering and reporting school information to state & federal authorities;
- distributing funds to local school districts and Education Service Districts (ESDs);
- administering the state school construction assistance program and other grant programs, provide facilities services, and assist local school districts with boundary issues;
- providing finance and curriculum technical assistance to ESDs and school districts;
- issuing certificates for teachers, support personnel, and administrators of the K-12 system; and
- establishing and modifying the Essential Academic Learning Requirements (EALRs).

State Board of Education (SBE). In 1877, SBE was created by the Territorial Legislature. SBE was reconstituted and reorganized in 1947 and 2005. SBE has policy and administration duties specified in statute, including:

1. Providing a broad leadership role in strategic oversight & policy for K-12 education.
2. Establishing rules, standards, and guidelines for minimum high school graduation requirements.
3. Determining annual compliance with the minimum basic education requirements.
4. Approving private schools, career and technical education equivalencies (CTE), the number of ESDs and the boundaries of the ESDs.
5. Issuing waivers of state law, including:
  - a. waivers from the 180-day school calendar requirement for parent-teacher conferences and a shortened school week for a limited number of small school districts;
  - b. waivers of complying with CTE equivalency requirements for districts with under 2000 students; and
  - c. the automatic one-year and two-year waivers of the 2019 deadline for the 24-credit graduation requirement.
6. Reporting on the educational system of accountability and system health indicators.

Roles and Responsibilities Task Force. In Fall 2017, SBE convened a task force with representatives of SBE and SPI offices to review possible ways to improve the operations of the respective agencies. HB 2824, as originally introduced, embodies the recommendations from the task force.

Competency-Based Education. Under SBE rules, an option to award high school credit is on the basis of satisfactory demonstration by a student of proficiency or competency, as defined by written district policy, of the state's EALRs. The House Education Committee substitute for HB 2824 added a provision that was not part of the Task Force recommendations. The added provision directs SPI to review and make recommendations to the legislative education committees on options for expanding competency-based education in public schools.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed Striking Amendment):** Several responsibilities of SPI and SBE are modified or transferred to the other agency.

ESD Boundary Changes. Approval responsibility for the number and boundaries of ESDs is transferred from SBE to SPI.

Private Schools. Annual approval of private schools remains with SBE. The application process and pre-approval analysis of private school application is transferred from SPI to SBE. The private school advisory committee and distribution of federal title funds remains with SPI.

CTE Course Equivalencies. The requirement that SPI recommend CTE course equivalencies to SBE is eliminated. The responsibility of creating the list of approved CTE courses remains with SPI. The responsibility to approve CTE course equivalencies is transferred from SBE to SPI. An annual report by SPI to SBE is added.

EALRs/Student Learning Standards. SPI retains the responsibility for developing new, and changing existing EALRs. SPI must present the proposed changes to the SBE and the public at a SBE meeting. The SBE may respond to SPI's proposal. SPI must respond in writing to SBE's response to SPI's proposal.

Waivers of 180-Day Requirements. SBE retains responsibility for setting waiver criteria and rulemaking for waivers of the required 180-day school calendar. Approval authority for the waiver of the 180-day requirements is transferred from SBE to SPI. SPI must provide an annual report to SBE and the Legislature summarizing all applications for school and district waivers.

Compliance with Basic Education Requirements. SBE retains responsibility for the annual compliance process, including the length of the school year and student to teacher ratios. SBE may recommend that SPI withhold state basic education allocations from school districts until program compliance is assured.

Waivers of Credit-Based High School Graduation Requirements. SBE retains responsibility for setting criteria, rulemaking, and approval for waivers of credit-based high school graduation requirements. SBE retains responsibility for the automatic one-year and two-year waivers of the 2019 deadline for the 24-credit graduation requirement. For waivers for restructuring educational programs, only SBE has responsibility to approve these waivers, not both SBE and SPI.

Competency Education. By November, 1, 2019, SBE and SPI must jointly review and make recommendations to the legislative education committees on options for expanding competency-based education in public schools.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains several effective dates. Please refer to the bill.

**Staff Summary of Public Testimony:** PRO: This is joint agency request legislation by the SBE and the SPI that is the result of an agreement between the agencies to improve ways to do our work and to work together. We appreciate the key change in the striking amendment for the SBE and SPI to continue to work collaboratively.

**Persons Testifying:** PRO: Randy Spaulding, State Board of Education; Peter Maier, State Board of Education; Stella Lugalía, Office of Superintendent of Public Instruction.

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