
HOUSE BILL 2824

State of Washington

65th Legislature

2018 Regular Session

By Representatives Harris, Dolan, and Muri; by request of State Board of Education and Superintendent of Public Instruction

Read first time 01/17/18. Referred to Committee on Education.

1 AN ACT Relating to the exchange and alignment of specific powers,
2 duties, and functions of the superintendent of public instruction and
3 the state board of education; amending RCW 28A.310.020, 28A.195.010,
4 28A.195.030, 28A.195.060, 28A.230.010, 28A.300.236, 28A.700.070,
5 28A.655.070, 28A.305.140, 28A.305.140, 28A.300.545, 28A.655.180,
6 28A.655.180, and 28A.150.250; reenacting and amending RCW
7 28A.230.097; adding a new section to chapter 28A.150 RCW; adding a
8 new section to chapter 28A.230 RCW; adding a new section to chapter
9 28A.300 RCW; adding a new section to chapter 28A.305 RCW; creating a
10 new section; repealing RCW 28A.305.141 and 28A.305.142; providing
11 effective dates; and providing an expiration date.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

13 NEW SECTION. **Sec. 1.** The legislature finds that specific
14 powers, duties, and functions of the state board of education and the
15 superintendent of public instruction should be realigned to better
16 serve students and families, educators, school districts, and schools
17 both public and private.

18 The legislature recognizes that the state board of education and
19 the superintendent of public instruction, with the support of the
20 governor's office, convened a roles and responsibilities task force

1 to review their authorities and made recommendations to clarify and
2 realign responsibilities among the agencies.

3 The legislature, therefore, intends to clarify, and in some cases
4 shift, responsibilities related to private schools, educational
5 service district boundaries, career and technical education
6 equivalencies, adoption of learning standards, waiver of school
7 district requirements, and compliance with basic education
8 requirements.

9 **PART I**

10 **EDUCATIONAL SERVICE DISTRICT BOUNDARIES**

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

13 The (~~state board of education~~) superintendent of public
14 instruction upon (~~its~~) his or her own initiative, or upon petition
15 of any educational service district board, or upon petition of at
16 least half of the district superintendents within an educational
17 service district, or upon request of the (~~superintendent of public~~
18 ~~instruction~~) state board of education, may make changes in the
19 number and boundaries of the educational service districts, including
20 an equitable adjustment and transfer of any and all property, assets,
21 and liabilities among the educational service districts whose
22 boundaries and duties and responsibilities are increased and/or
23 decreased by such changes, consistent with the purposes of RCW
24 28A.310.010: PROVIDED, That no reduction in the number of educational
25 service districts will take effect after June 30, 1995, without a
26 majority approval vote by the affected school directors voting in
27 such election by mail ballot. Prior to making any such changes, the
28 (~~state board~~) superintendent of public instruction, or his or her
29 designee, shall hold at least one public hearing on such proposed
30 action and shall consider any recommendations on such proposed
31 action.

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

36 The superintendent of public instruction shall furnish personnel,
37 material, supplies, and information necessary to enable educational

1 service district boards and superintendents to consider the proposed
2 changes.

3 **PART II**
4 **PRIVATE SCHOOLS**

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

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

14 ~~((Principals))~~ The administrative or executive authority of
15 private schools or ~~((superintendents of))~~ private school districts
16 shall file each year with the state ~~((superintendent of public~~
17 ~~instruction))~~ board of education a statement certifying that the
18 minimum requirements hereinafter set forth are being met, noting any
19 deviations. The state board of education may request clarification or
20 additional information. After review of the statement, the state
21 ~~((superintendent))~~ board of education will notify schools or school
22 districts of ~~((those))~~ any concerns, deficiencies, and deviations
23 which must be corrected. ~~((In case of major))~~ If there are any
24 unresolved concerns, deficiencies, or deviations, the school or
25 school district may request ~~((and))~~ or the state board of education
26 on its own initiative may grant provisional status for one year in
27 order that the school or school district may take action to meet the
28 requirements. The state board of education shall not require private
29 school students to meet the student learning goals, obtain a
30 certificate of academic achievement, or a certificate of individual
31 achievement to graduate from high school, to master the essential
32 academic learning requirements, or to be assessed pursuant to RCW
33 28A.655.061. However, private schools may choose, on a voluntary
34 basis, to have their students master these essential academic
35 learning requirements, take the assessments, and obtain a certificate
36 of academic achievement or a certificate of individual achievement.
37 Minimum requirements shall be as follows:

1 (1) The minimum school year for instructional purposes shall
2 consist of no less than one hundred eighty school days or the
3 equivalent in annual minimum instructional hour offerings, with a
4 school-wide annual average total instructional hour offering of one
5 thousand hours for students enrolled in grades one through twelve,
6 and at least four hundred fifty hours for students enrolled in
7 kindergarten.

8 (2) The school day shall be the same as defined in RCW
9 28A.150.203.

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

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

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

21 (4) An approved private school may operate an extension program
22 for parents, guardians, or persons having legal custody of a child to
23 teach children in their custody. The extension program shall require
24 at a minimum that:

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

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

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

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

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

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

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

10 (7) Private school curriculum shall include instruction of the
11 basic skills of occupational education, science, mathematics,
12 language, social studies, history, health, reading, writing,
13 spelling, and the development of appreciation of art and music, all
14 in sufficient units for meeting state board of education graduation
15 requirements.

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

19 All decisions of policy, philosophy, selection of books, teaching
20 material, curriculum, except as in subsection (7) of this section
21 provided, school rules and administration, or other matters not
22 specifically referred to in this section, shall be the responsibility
23 of the administration and administrators of the particular private
24 school involved.

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

27 Any private school may appeal the actions of the ((state
28 superintendent of public instruction or)) state board of education as
29 provided in chapter 34.05 RCW.

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

32 ((It shall be the duty of)) The administrative or executive
33 authority of every private school in this state ((to)) must report to
34 the ((educational service district)) superintendent of public
35 instruction on or before the thirtieth day of June in each year, on
36 ((a)) forms to be furnished, such information as may be required by
37 the superintendent of public instruction, to make complete the

1 records of education work pertaining to all children residing within
2 the state.

3 **PART III**
4 **CTE COURSE EQUIVALENCY**

5 **Sec. 301.** RCW 28A.230.097 and 2014 c 217 s 204 and 2014 c 217 s
6 102 are each reenacted and amended to read as follows:

7 (1) Each high school or school district board of directors shall
8 adopt course equivalencies for career and technical high school
9 courses offered to students in high schools and skill centers. A
10 career and technical course equivalency may be for whole or partial
11 credit. Each school district board of directors shall develop a
12 course equivalency approval procedure. Boards of directors must
13 approve AP computer science courses as equivalent to high school
14 mathematics or science, and must denote on a student's transcript
15 that AP computer science qualifies as a math-based quantitative
16 course for students who take the course in their senior year. In
17 order for a board to approve AP computer science as equivalent to
18 high school mathematics, the student must be concurrently enrolled in
19 or have successfully completed algebra II. Beginning no later than
20 the 2015-16 school year, a school district board of directors must,
21 at a minimum, grant academic course equivalency in mathematics or
22 science for a high school career and technical course from the list
23 of courses approved by the ~~((state board of education))~~
24 superintendent of public instruction under RCW 28A.700.070, but is
25 not limited to the courses on the list. If the list of courses is
26 revised after the 2015-16 school year, the school district board of
27 directors must grant academic course equivalency based on the revised
28 list beginning with the school year immediately following the
29 revision.

30 (2) Career and technical courses determined to be equivalent to
31 academic core courses, in full or in part, by the high school or
32 school district shall be accepted as meeting core requirements,
33 including graduation requirements, if the courses are recorded on the
34 student's transcript using the equivalent academic high school
35 department designation and title. Full or partial credit shall be
36 recorded as appropriate. The high school or school district shall
37 also issue and keep record of course completion certificates that
38 demonstrate that the career and technical courses were successfully

1 completed as needed for industry certification, college credit, or
2 preapprenticeship, as applicable. The certificate shall be part of
3 the student's high school and beyond plan. The office of the
4 superintendent of public instruction shall develop and make available
5 electronic samples of certificates of course completion.

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

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

15 (2) School district boards of directors must provide high school
16 students with the opportunity to access at least one career and
17 technical education course that is considered equivalent to a
18 mathematics course or at least one career and technical education
19 course that is considered equivalent to a science course as
20 determined by the office of the superintendent of public instruction
21 (~~and the state board of education~~) in RCW 28A.700.070. Students may
22 access such courses at high schools, interdistrict cooperatives,
23 skill centers or branch or satellite skill centers, or through online
24 learning or applicable running start vocational courses.

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

29 (b) On and after January 1, 2019, school district boards of
30 directors of school districts with fewer than two thousand students
31 may apply to the superintendent of public instruction for a waiver
32 from the provisions of subsection (2) of this section under section
33 504 of this act.

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

36 (1) Subject to the availability of amounts appropriated for this
37 specific purpose, the office of the superintendent of public
38 instruction must create methodologies for implementing equivalency

1 crediting on a broader scale across the state and facilitate its
2 implementation including, but not limited to, the following:

3 (a) Implementing statewide career and technical education course
4 equivalency frameworks authorized under RCW 28A.700.070 for high
5 schools and skill centers in science, technology, engineering, and
6 mathematics. This may include development of additional equivalency
7 course frameworks in core subject areas, course performance
8 assessments, and development and delivery of professional development
9 for districts and skill centers implementing the career and technical
10 education frameworks; and

11 (b) Providing competitive grant funds to school districts to
12 increase the integration and rigor of academic instruction in career
13 and technical education equivalency courses. The grant funds must be
14 used to support teams of general education and career and technical
15 education teachers to convene and design course performance
16 assessments, deepen the understanding of integrating academic and
17 career and technical education in student instruction, and develop
18 professional learning modules for school districts to plan
19 implementation of equivalency crediting.

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

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

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

27 (3) Beginning December 1, ~~((2017))~~ 2018, and every December 1st
28 thereafter, the office of the superintendent of public instruction
29 shall annually submit ~~((a summary of the school district information
30 reported under subsection (2) of this section))~~ the following
31 information to the office of the governor, the state board of
32 education, and the appropriate committees of the legislature:

33 (a) The selected list of equivalent career and technical
34 education courses and their curriculum frameworks that the
35 superintendent of public instruction has approved under RCW
36 28A.700.070; and

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

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

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

6 (a) Recommending career and technical curriculum suitable for
7 course equivalencies;

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

10 (c) In consultation with the Washington association for career
11 and technical education, providing professional development,
12 technical assistance, and guidance for school districts seeking to
13 expand their lists of equivalent courses.

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

18 (3) The ~~((office of the))~~ superintendent of public instruction,
19 in consultation with one or more technical working groups convened
20 for this purpose, shall develop and, after an opportunity for public
21 comment, approve curriculum frameworks for a selected list of career
22 and technical courses that may be offered by high schools or skill
23 centers whose content in science, technology, engineering, and
24 mathematics is considered equivalent in full or in part to science or
25 mathematics courses that meet high school graduation requirements.
26 The content of the courses must be aligned with state essential
27 academic learning requirements in mathematics as adopted by the
28 superintendent of public instruction in July 2011 and the essential
29 academic learning requirements in science as adopted in October 2013,
30 and industry standards. ~~((The office shall submit the list of~~
31 ~~equivalent career and technical courses and their curriculum~~
32 ~~frameworks to the state board of education for review, an opportunity~~
33 ~~for public comment, and approval.))~~ The first list of courses under
34 this subsection must be developed and approved before the 2015-16
35 school year. Thereafter, the ~~((office))~~ superintendent of public
36 instruction may periodically update or revise the list of courses
37 using the process in this subsection.

38 (4) Subject to funds appropriated for this purpose, ~~((the office~~
39 ~~of))~~ the superintendent of public instruction shall allocate grant
40 funds to school districts to increase the integration and rigor of

1 academic instruction in career and technical courses. Grant
2 recipients are encouraged to use grant funds to support teams of
3 academic and technical teachers using a research-based professional
4 development model supported by the national research center for
5 career and technical education. The (~~office of the~~) superintendent
6 of public instruction may require that grant recipients provide
7 matching resources using federal Carl Perkins funds or other fund
8 sources.

9 **PART IV**

10 **LEARNING STANDARDS**

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

13 (1) The superintendent of public instruction shall develop
14 essential academic learning requirements that identify the knowledge
15 and skills all public school students need to know and be able to do
16 based on the student learning goals in RCW 28A.150.210, develop
17 student assessments, and implement the accountability recommendations
18 and requests regarding assistance, rewards, and recognition of the
19 state board of education.

20 (2) The superintendent of public instruction shall:

21 (a) Periodically revise the essential academic learning
22 requirements, as needed, based on the student learning goals in RCW
23 28A.150.210. Goals one and two shall be considered primary. To the
24 maximum extent possible, the superintendent shall integrate goal four
25 and the knowledge and skill areas in the other goals in the essential
26 academic learning requirements; and

27 (b) Review and prioritize the essential academic learning
28 requirements and identify, with clear and concise descriptions, the
29 grade level content expectations to be assessed on the statewide
30 student assessment and used for state or federal accountability
31 purposes. The review, prioritization, and identification shall result
32 in more focus and targeting with an emphasis on depth over breadth in
33 the number of grade level content expectations assessed at each grade
34 level. Grade level content expectations shall be articulated over the
35 grades as a sequence of expectations and performances that are
36 logical, build with increasing depth after foundational knowledge and
37 skills are acquired, and reflect, where appropriate, the sequential
38 nature of the discipline. The office of the superintendent of public

1 instruction, within seven working days, shall post on its web site
2 any grade level content expectations provided to an assessment vendor
3 for use in constructing the statewide student assessment.

4 (3)(a) In consultation with the state board of education, the
5 superintendent of public instruction shall maintain and continue to
6 develop and revise a statewide academic assessment system in the
7 content areas of reading, writing, mathematics, and science for use
8 in the elementary, middle, and high school years designed to
9 determine if each student has mastered the essential academic
10 learning requirements identified in subsection (1) of this section.
11 School districts shall administer the assessments under guidelines
12 adopted by the superintendent of public instruction. The academic
13 assessment system may include a variety of assessment methods,
14 including criterion-referenced and performance-based measures.

15 (b) Effective with the 2009 administration of the Washington
16 assessment of student learning and continuing with the statewide
17 student assessment, the superintendent shall redesign the assessment
18 in the content areas of reading, mathematics, and science in all
19 grades except high school by shortening test administration and
20 reducing the number of short answer and extended response questions.

21 (c) By the 2014-15 school year, the superintendent of public
22 instruction, in consultation with the state board of education, shall
23 modify the statewide student assessment system to transition to
24 assessments developed with a multistate consortium, as provided in
25 this subsection:

26 (i) The assessments developed with a multistate consortium to
27 assess student proficiency in English language arts and mathematics
28 shall be administered beginning in the 2014-15 school year. The
29 reading and writing assessments shall not be administered by the
30 superintendent of public instruction or schools after the 2013-14
31 school year.

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

37 (iii) During the transition period specified in RCW 28A.655.061,
38 the superintendent of public instruction shall use test items and
39 other resources from the consortium assessment to develop and
40 administer a tenth grade high school English language arts

1 assessment, an end-of-course mathematics assessment to assess the
2 standards common to algebra I and integrated mathematics I, and an
3 end-of-course mathematics assessment to assess the standards common
4 to geometry and integrated mathematics II.

5 (4) If the superintendent proposes any modification to the
6 essential academic learning requirements or the statewide
7 assessments, then the superintendent shall, upon request, provide
8 opportunities for the education committees of the house of
9 representatives and the senate to review the assessments and proposed
10 modifications to the essential academic learning requirements before
11 the modifications are adopted.

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

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

22 (7) To assist parents and teachers in their efforts to provide
23 educational support to individual students, the superintendent of
24 public instruction shall provide as much individual student
25 performance information as possible within the constraints of the
26 assessment system's item bank. The superintendent shall also provide
27 to school districts:

28 (a) Information on classroom-based and other assessments that may
29 provide additional achievement information for individual students;
30 and

31 (b) A collection of diagnostic tools that educators may use to
32 evaluate the academic status of individual students. The tools shall
33 be designed to be inexpensive, easily administered, and quickly and
34 easily scored, with results provided in a format that may be easily
35 shared with parents and students.

36 (8) To the maximum extent possible, the superintendent shall
37 integrate knowledge and skill areas in development of the
38 assessments.

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

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

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

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

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

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

20 (15)(a) The superintendent shall notify the state board of
21 education in writing before initiating the development or revision of
22 the essential academic learning requirements under subsections (1)
23 and (2) of this section. The notification must be provided to the
24 state board of education in advance for review at a regularly
25 scheduled or special board meeting and must include the following
26 information:

27 (i) The subject matter of the essential academic learning
28 requirements;

29 (ii) The reason or reasons the superintendent is initiating the
30 development or revision; and

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

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

36 (c) Prior to adoption by the superintendent of any new or revised
37 essential academic learning requirements, the superintendent shall
38 submit the proposed new or revised essential academic learning
39 requirements to the state board of education in advance in writing
40 for review at a regularly scheduled or special board meeting. The

1 state board of education may provide a response to the
2 superintendent's proposal for consideration prior to final adoption.

3 (16) The state board of education may propose new or revised
4 essential academic learning requirements to the superintendent. The
5 superintendent must respond to the state board of education's
6 proposal in writing.

7 **PART V**

8 **WAIVER OF SCHOOL DISTRICT REQUIREMENTS**

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

11 ~~((The state board of education))~~ (a) In accordance with the
12 criteria adopted by the state board of education under subsection (2)
13 of this section, the superintendent of public instruction may grant
14 waivers to school districts from the provisions of RCW 28A.150.200
15 through 28A.150.220, except as provided in (b) of this subsection, on
16 the basis that such waiver or waivers are necessary to

17 ~~((+
18 (a)) implement successfully a local plan to provide for all
19 students in the district an effective education system that is
20 designed to enhance the educational program for each student. The
21 local plan may include alternative ways to provide effective
22 educational programs for students who experience difficulty with the
23 regular education program~~ ~~((+))~~ .

24 ~~((Implement an innovation school or innovation zone
25 designated under RCW 28A.630.081; or~~

26 ~~((c) Implement a collaborative schools for innovation and success
27 pilot project approved under RCW 28A.630.104.))~~ The state board of
28 education shall have authority to grant waivers to school districts
29 for alternative high school graduation requirements and to grant the
30 waivers set forth in RCW 28A.230.090(1)(e)(ii), 28A.630.081,
31 28A.630.104, and 28A.655.180.

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

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

36 ~~((The state board of education))~~ (1)(a) In accordance with the
37 criteria adopted by the state board of education under subsection (2)

1 of this section, the superintendent of public instruction may grant
2 waivers to school districts from the provisions of RCW 28A.150.200
3 through 28A.150.220, except as provided in (b) of this subsection, on
4 the basis that such waiver or waivers are necessary to implement
5 successfully a local plan to provide for all students in the district
6 an effective education system that is designed to enhance the
7 educational program for each student. The local plan may include
8 alternative ways to provide effective educational programs for
9 students who experience difficulty with the regular education
10 program.

11 (b) The state board of education shall have authority to grant
12 wavers to school districts for alternative high school graduation
13 requirements and to grant the waivers set forth in RCW
14 28A.230.090(1)(e)(ii), 28A.630.081, 28A.630.104, and 28A.655.180.

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

18 NEW SECTION. Sec. 503. A new section is added to chapter
19 28A.150 RCW to read as follows:

20 (1) In addition to waivers authorized under RCW 28A.305.140, the
21 superintendent of public instruction, in accordance with the criteria
22 in subsection (2) of this section and criteria adopted by the state
23 board of education under subsection (3) of this section, may grant
24 waivers of the requirement for a one hundred eighty-day school year
25 under RCW 28A.150.220 to school districts that propose to operate one
26 or more schools on a flexible calendar for purposes of economy and
27 efficiency as provided in this section. The requirement under RCW
28 28A.150.220 that school districts offer minimum instructional hours
29 may not be waived.

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

33 (a) A proposed calendar for the school day and school year that
34 demonstrates how the instructional hour requirement will be
35 maintained;

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

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

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

5 (e) An explanation of the impact on students who rely upon free
6 and reduced-price school child nutrition services and the impact on
7 the ability of the child nutrition program to operate an economically
8 independent program;

9 (f) An explanation of the impact on employees in education
10 support positions and the ability to recruit and retain employees in
11 education support positions;

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

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

17 (3) The state board of education shall adopt rules establishing
18 the criteria to evaluate waiver requests under this section. A waiver
19 may be effective for up to three years and may be renewed for
20 subsequent periods of three or fewer years. After each school year in
21 which a waiver has been granted under this section, the
22 superintendent of public instruction must analyze empirical evidence
23 to determine whether the reduction is affecting student learning. If
24 the superintendent of public instruction determines that student
25 learning is adversely affected, the school district must discontinue
26 the flexible calendar as soon as possible but not later than the
27 beginning of the next school year after the superintendent of public
28 instruction's determination.

29 (4) The superintendent of public instruction may grant waivers
30 authorized under this section to five or fewer school districts. Of
31 the five waivers that the superintendent of public instruction may
32 grant, two must be reserved for districts with student populations of
33 less than one hundred fifty students and three must be reserved for
34 districts with student populations of between one hundred fifty-one
35 and five hundred students.

36 NEW SECTION. **Sec. 504.** A new section is added to chapter
37 28A.230 RCW to read as follows:

38 (1) The superintendent of public instruction may grant a waiver
39 from the provisions of RCW 28A.230.010(2) based on an application

1 from a board of directors of a school district with fewer than two
2 thousand students.

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

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

8 (1) The superintendent of public instruction shall develop a
9 condensed compliance report form for second-class districts by August
10 1, 2011. The report form shall allow districts the option of
11 indicating one of the following for each funded program:

12 (a) The district has complied or received a (~~state board of~~
13 ~~education approved~~) waiver approved by the state board of education
14 or superintendent of public instruction;

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

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

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

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

26 (1) The state board of education(~~(, where appropriate, or the~~
27 ~~superintendent of public instruction, where appropriate,)~~) may grant
28 waivers to districts from the provisions of statutes or rules
29 relating to: The length of the school year; student-to-teacher
30 ratios; and other administrative rules that in the opinion of the
31 state board of education (~~or the opinion of the superintendent of~~
32 ~~public instruction~~) may need to be waived in order for a district to
33 implement a plan for restructuring its educational program or the
34 educational program of individual schools within the district or to
35 implement an innovation school or innovation zone designated under
36 RCW 28A.630.081 or to implement a collaborative schools for
37 innovation and success pilot project approved under RCW 28A.630.104.

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

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

7 (1) The state board of education(~~(, where appropriate, or the~~
8 ~~superintendent of public instruction, where appropriate,)~~) may grant
9 waivers to districts from the provisions of statutes or rules
10 relating to: The length of the school year; student-to-teacher
11 ratios; and other administrative rules that in the opinion of the
12 state board of education (~~or the opinion of the superintendent of~~
13 ~~public instruction)~~) may need to be waived in order for a district to
14 implement a plan for restructuring its educational program or the
15 educational program of individual schools within the district.

16 (2) (~~School districts may use the application process in RCW~~
17 ~~28A.305.140 to apply for the waivers under this section.~~) The state
18 board of education may adopt rules establishing the waiver
19 application process under this section.

20 NEW SECTION. **Sec. 508.** A new section is added to chapter
21 28A.300 RCW to read as follows:

22 Beginning September 1, 2019, the superintendent of public
23 instruction shall annually report to the state board of education and
24 education committees summaries of all waiver applications submitted
25 to the superintendent of public instruction for the prior school year
26 under RCW 28A.305.140, sections 503 and 504 of this act, and RCW
27 28A.150.290, including the following information for each type of
28 waiver:

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

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

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

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

36 **PART VI**

37 **COMPLIANCE WITH BASIC EDUCATION REQUIREMENTS**

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

3 (1) From those funds made available by the legislature for the
4 current use of the common schools, the superintendent of public
5 instruction shall distribute annually as provided in RCW 28A.510.250
6 to each school district of the state operating a basic education
7 instructional program approved by the state board of education an
8 amount based on the formulas provided in RCW 28A.150.260,
9 28A.150.390, and 28A.150.392 which, when combined with an appropriate
10 portion of such locally available revenues, other than receipts from
11 federal forest revenues distributed to school districts pursuant to
12 RCW 28A.520.010 and 28A.520.020, as the superintendent of public
13 instruction may deem appropriate for consideration in computing state
14 equalization support, excluding excess property tax levies, will
15 constitute a basic education allocation in dollars for each annual
16 average full-time equivalent student enrolled.

17 (2) The instructional program of basic education shall be
18 considered to be fully funded by those amounts of dollars
19 appropriated by the legislature pursuant to RCW 28A.150.260,
20 28A.150.390, and 28A.150.392 to fund those program requirements
21 identified in RCW 28A.150.220 in accordance with the formula provided
22 in RCW 28A.150.260 and those amounts of dollars appropriated by the
23 legislature to fund the salary requirements of RCW 28A.150.410.

24 (3)(a) If a school district's basic education program fails to
25 meet the basic education requirements enumerated in RCW 28A.150.260
26 and 28A.150.220, the state board of education (~~(shall require)~~) may
27 recommend to the superintendent of public instruction (~~(to)~~) that the
28 superintendent withhold state funds in whole or in part for the basic
29 education allocation until program compliance is assured. However,
30 the state board of education may waive this requirement in the event
31 of substantial lack of classroom space.

32 (b) If the state board of education recommends the withholding of
33 a school district's basic education allocation under this subsection,
34 the superintendent of public instruction may withhold the allocation
35 of state funds in whole or in part for support of the school
36 district. Written notice of the intent to withhold state funds, with
37 reasons stated for this action, shall be made to the school district
38 by the office of the superintendent of public instruction before any
39 portion of the state allocation is withheld.

1 **PART VII**

2 **MISCELLANEOUS PROVISIONS**

3 NEW SECTION. **Sec. 701.** The following acts or parts of acts are
4 each repealed:

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

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

10 NEW SECTION. **Sec. 702.** A new section is added to chapter
11 28A.305 RCW to read as follows:

12 (1) The transfer of powers, duties, and functions of the
13 superintendent of public instruction and the state board of education
14 pursuant to this act do not affect the validity of any superintendent
15 of public instruction or state board of education action performed
16 before the effective date of this section.

17 (2) If apportionments of budgeted funds are required because of
18 the transfer of powers, duties, and functions directed by this act,
19 the director of financial management shall certify the apportionments
20 to the agencies affected, the state auditor, and the state treasurer.
21 Each of these shall make the appropriate transfer and adjustments in
22 funds and appropriation accounts and equipment records in accordance
23 with the director's certification.

24 (3) Unless otherwise provided, nothing contained in this act may
25 be construed to alter any existing collective bargaining unit or
26 provisions of any existing collective bargaining agreement until the
27 agreement has expired or until the bargaining unit has been modified
28 by action of the personnel resources board as provided by law.

29 NEW SECTION. **Sec. 703.** Sections 501 and 506 of this act expire
30 June 30, 2019.

31 NEW SECTION. **Sec. 704.** (1) Sections 201, 202, 501, 503, and 504
32 of this act take effect January 1, 2019.

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

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