
SENATE BILL 5871

State of Washington

67th Legislature

2022 Regular Session

By Senators J. Wilson and Fortunato

Read first time 01/14/22. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to establishing a pilot project to authorize
2 certificated teachers to operate microschoools; amending RCW
3 28B.76.526; adding a new chapter to Title 28A RCW; and providing an
4 expiration date.

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

6 NEW SECTION. **Sec. 1.** INTENT. The legislature recognizes that
7 greater flexibility is required to meet the increasingly complex
8 needs of student populations. Through establishing a microschoool
9 pilot program, the legislature intends to provide certificated
10 educators with the opportunity to showcase unique professional
11 approaches and customized education services to improve the student
12 academic experience. The legislature also understands that some
13 students may particularly benefit from accessing instruction not
14 regularly offered within the typical K-12 classroom. Therefore, the
15 legislature intends to prioritize the approval of microschoools that
16 serve students with disabilities, students who are not meeting
17 academic standards, and students who require transitional bilingual
18 instruction.

19 NEW SECTION. **Sec. 2.** PILOT PROJECT. (1) The office of the
20 superintendent of public instruction shall establish a pilot project

1 to authorize certificated teachers to operate microschools as an
2 alternative environment for K-12 student instruction. The pilot
3 project shall commence beginning August 31, 2022, and conclude June
4 30, 2028.

5 (2) The office of the superintendent of public instruction and
6 the state board of education shall adopt rules to implement the pilot
7 project and may adapt requirements when necessary to allow for the
8 operation of microschools.

9 (3) The office of the superintendent of public instruction shall
10 approve up to 50 certificated teachers to operate microschools during
11 the first school year of the pilot project and up to 10 additional
12 certificated teachers to operate microschools each school year
13 thereafter until the pilot project concludes. If, in any school year,
14 fewer microschools are established than authorized under this
15 subsection, additional microschools may be approved in subsequent
16 years to reach the cumulative approval limit. When selecting and
17 approving certificated teachers to operate microschools, the office
18 of the superintendent of public instruction must aim to select
19 certificated teachers that will operate microschools in a variety of
20 rural, urban, and suburban locations, and may give priority to:

21 (a) Microschools that will serve students with disabilities who
22 are eligible for special education;

23 (b) Microschools that will serve students who are not meeting
24 academic standards as defined in RCW 28A.165.015 at the time of
25 enrollment; and

26 (c) Microschools that will provide transitional bilingual
27 instruction to eligible pupils defined in RCW 28A.180.030.

28 (4) The office of the superintendent of public instruction must
29 provide the following reports to the legislature and the governor:

30 (a) By January 15, 2023, and annually thereafter through January
31 15, 2027, a brief status report describing implementation of the
32 microschool pilot project, including a description of the
33 microschools operated by certificated teachers and the number of
34 students and families being served by those microschools; and

35 (b) By November 30, 2027, a full report on findings from the
36 pilot project, including recommendations for modifying or expanding
37 the authorization of certificated teachers to operate microschools.

1 NEW SECTION. **Sec. 3.** DEFINITIONS. The definitions in this
2 section apply throughout this chapter unless the context clearly
3 requires otherwise.

4 (1) "Alternative learning environment" means an instructional
5 environment that is adequate to meet the approved instructional
6 program offered by the certificated teacher and meets reasonable
7 health and fire safety requirements.

8 (2) "Approved instructional program" means a program that offers
9 the annual minimum instructional hours required under RCW 28A.150.220
10 and provides course content that meets or exceeds the basic education
11 skills identified in RCW 28A.150.210 and the graduation requirements
12 under RCW 28A.230.090.

13 (3) "Certificated teacher" means a person who holds a
14 professional education certificate as authorized by the Washington
15 professional educator standards board and whose primary duty is the
16 daily educational instruction of students.

17 (4) "Microschool" means an alternative learning environment
18 operated by a single certificated teacher who provides an approved
19 instructional program to up to 20 participating K-12 students. A
20 microschool is not a private school under chapter 28A.195 RCW and is
21 not home-based instruction under chapter 28A.200 RCW.

22 NEW SECTION. **Sec. 4.** MICROSCHOOL OPERATIONS. (1) A microschool
23 must:

24 (a) Comply with local, state, and federal health, safety,
25 parents' rights, civil rights, and nondiscrimination laws applicable
26 to school districts and to the same extent as school districts
27 including, but not limited to, prohibiting discrimination as set
28 forth in chapter 28A.642 RCW and requiring sexual equality as set
29 forth in chapter 28A.640 RCW;

30 (b) Provide a program of basic education, that meets the goals in
31 RCW 28A.150.210, including instruction in the essential academic
32 learning requirements, and participate in the statewide student
33 assessment system as developed under RCW 28A.655.070;

34 (c) Comply with the screening and intervention requirements under
35 RCW 28A.320.260;

36 (d) Comply with the employee record check requirements in RCW
37 28A.400.303;

38 (e) Adhere to generally accepted accounting principles and be
39 subject to financial examinations and audits as determined by the

1 state auditor, including annual audits for legal and fiscal
2 compliance;

3 (f) Comply with the annual performance report under RCW
4 28A.655.110; and

5 (g) Be subject to the performance improvement goals adopted by
6 the state board of education under RCW 28A.305.130.

7 (2) A certificated teacher approved to operate a microschool may
8 hire staff to assist in microschool operations.

9 (3) A microschool may not engage in any sectarian practices in
10 its educational program, admissions, or employment policies, or
11 operations.

12 (4) A microschool is a public school for purposes of RCW
13 28A.225.010.

14 (5) Microschools are subject to the supervision of the
15 superintendent of public instruction and the state board of
16 education, including accountability measures, to the same extent as
17 other public schools, except as otherwise provided in this chapter.

18 NEW SECTION. **Sec. 5.** FUNDING. (1) Subject to amounts
19 appropriated for this specific purpose, the office of the
20 superintendent of public instruction must allocate the following
21 amounts to certificated teachers operating microschools:

22 (a) The base allocation per full-time equivalent student for the
23 school district in which the microschool is located, multiplied by
24 the number of full-time equivalent students enrolled at the
25 microschool;

26 (b) Excess cost allocations for students enrolled at the
27 microschool that are eligible for and receiving special education, as
28 calculated under RCW 28A.150.390(2)(b); and

29 (c) Categorical allocations equal to 15 percent of the base
30 allocation per full-time equivalent student as determined under (a)
31 of this subsection for each eligible pupil enrolled at the
32 microschool receiving transitional bilingual instruction under
33 chapter 28A.180 RCW. An enrolled eligible pupil may only generate
34 allocations under this subsection for three school years.

35 (2) Microschools are eligible to apply for special education
36 safety net awards.

37 (3) Microschools are operated separately from the common school
38 system as an alternative to traditional common schools. All funds

1 appropriated for the operation of microschoools must be appropriated
2 from the Washington opportunity pathways account.

3 **Sec. 6.** RCW 28B.76.526 and 2020 c 357 s 911 are each amended to
4 read as follows:

5 The Washington opportunity pathways account is created in the
6 state treasury. Expenditures from the account may be used only for
7 programs in chapter 28A.--- RCW (the new chapter created in section 7
8 of this act) (microschools), chapter 28A.710 RCW (charter schools),
9 chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW
10 (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW
11 28B.76.670 (Washington award for vocational excellence), chapter
12 28B.92 RCW (Washington college grant program), chapter 28B.105 RCW
13 (GET ready for math and science scholarship), chapter 28B.117 RCW
14 (passport to careers), chapter 28B.118 RCW (college bound
15 scholarship), and chapter 43.216 RCW (early childhood education and
16 assistance program). During the 2019-21 fiscal biennium, the account
17 may also be appropriated for public schools funded under chapters
18 28A.150 and 28A.715 RCW.

19 NEW SECTION. **Sec. 7.** Sections 1 through 5 and 8 of this act
20 constitute a new chapter in Title 28A RCW.

21 NEW SECTION. **Sec. 8.** This act expires June 30, 2030.

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