

HOUSE BILL REPORT

HB 2335

As Reported by House Committee On:
Education

Title: An act relating to state-tribal education compacts.

Brief Description: Concerning state-tribal education compacts.

Sponsors: Representatives Santos, Lekanoff, Nance and Reed.

Brief History:

Committee Activity:

Education: 1/22/24, 1/30/24 [DPS].

Brief Summary of Substitute Bill

- Allows exemptions to basic education requirements and certain compulsory coursework and activities to be included in state-tribal education compacts negotiated between the Superintendent of Public Instruction (SPI) and the governing body of a tribe or qualifying school.
- Requires the SPI to consult with the State Board of Education (SBE) on provisions within new or revised state-tribal education compacts relating to the duties or authorizations of the SBE.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist, Couture, Eslick, Harris, McClintock, Nance, Ortiz-Self, Pollet, Steele, Stonier and Timmons.

Staff: Ethan Moreno (786-7386).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

Program of Basic Education.

The state's program of basic education is defined in statute as that which is necessary to provide students with the opportunity to develop the knowledge and skills necessary to meet state-established high school graduation requirements. Those requirements are intended to allow students to have the opportunity to graduate with a meaningful diploma that prepares them for postsecondary education, gainful employment, and citizenship.

The program of basic education includes requirements pertaining to enrollment ages, student instruction, instructional hours and days, student transportation, and statewide salary allocations necessary to hire and retain qualified staff.

State-Tribal Education Compact Schools.

State-tribal education compact schools are public schools that are governed and operated according to the terms and conditions of a compact. The compacts, which must meet requirements established in statute and through administrative rules established by the Superintendent of Public Instruction (SPI), are negotiated between the SPI and the governing body of a tribe in Washington or the governing body of a school in the state that is funded by the federal Bureau of Indian Affairs, a tribe, or a tribal consortium.

Washington's seven state-tribal education compact schools are exempt from all state statutes and administrative rules applicable to school districts and school district boards of directors, except those made applicable in statute and through a compact. Examples of statutory requirements that each state-tribal education compact school must meet include:

- providing a curriculum and conducting an educational program that satisfies specified basic education requirements and certain compulsory coursework and activities;
- employing certificated instructional staff except when permitted otherwise;
- complying with the employee record check requirements and nondiscrimination laws; and
- being subject to and complying with legislation enacted after July 28, 2013, governing the operation and management of schools that are the subject of a state-tribal education compact.

The Office of the Superintendent of Public Instruction.

In addition to its constitutional charge of supervising all matters pertaining to public schools, the SPI and its office has 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;
- 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; and
- satisfying numerous reporting and other duties assigned by the Legislature.

State Board of Education.

With origins predating statehood, the 16-member State Board of Education (SBE) is comprised of five members elected by geographic regions by school directors, one member elected by private school directors, seven members appointed by the Governor, the SPI, and two student members.

The SBE has various duties and powers prescribed in statute, including:

- providing advocacy and strategic oversight of public education;
- establishing high school graduation requirements or equivalencies;
- identifying scores students must meet to achieve standard on statewide assessments; and
- ensuring school district compliance with basic education requirements.

Summary of Substitute Bill:

Exemptions to basic education requirements and certain compulsory coursework and activities may be included within state-tribal education compacts negotiated between the Superintendent of Public Instruction (SPI) and the governing body of a tribe or qualifying school.

The SPI must consult with the State Board of Education (SBE) on provisions within new or revised state-tribal education compacts relating to the duties or authorizations of the SBE.

Substitute Bill Compared to Original Bill:

The substitute bill restores the Superintendent of Public Instruction's administrative rulemaking authority for state-tribal education compact school requirements.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill comes to the Education Committee because of an oversight. This bill

recognizes that the executive branch, the Office of the Superintendent of Public Instruction, may affect a state-tribal education compact, but that related duties of a more legislative nature belong to the State Board of Education. The consultation between these entities is a necessity. The compacts are intended to provide flexibility in a manner that allows students to excel.

(Opposed) None.

Persons Testifying: Representative Sharon Tomiko Santos, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.