

# SENATE BILL REPORT

## SHB 2335

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As Reported by Senate Committee On:  
Early Learning & K-12 Education, February 21, 2024

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

**Brief Description:** Concerning state-tribal education compacts.

**Sponsors:** House Committee on Education (originally sponsored by Representatives Santos, Lekanoff, Nance and Reed).

**Brief History:** Passed House: 2/7/24, 95-0.

**Committee Activity:** Early Learning & K-12 Education: 2/15/24, 2/21/24 [DP].

### Brief Summary of 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.

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

**Majority Report:** Do pass.

Signed by Senators Wellman, Chair; Nobles, Vice Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Dozier, Hunt, McCune, Mullet and Pedersen.

**Staff:** Benjamin Omdal (786-7442)

**Background:** Program of Basic Education. The state's program of basic education is

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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.

State Board of Education. The 16-member State Board of Education (SBE) is comprised of five members elected by geographic regions by school board directors, one member elected by private school directors, seven members appointed by the Governor, the Superintendent of Public Instruction, and two non-voting 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
- approving and accrediting private schools according to requirements established by the SBE.

The SBE may also grant waivers to districts from the provisions of statutes or rules relating to the length of the school year, student-to-teacher ratios, and other administrative rules that may need to be waived in order for a district to implement a plan for restructuring educational programs within the district.

**Summary of Bill:** Exemptions to basic education requirements and certain compulsory coursework and activities may be included within state-tribal education compacts negotiated between the SPI and the governing body of a tribe or qualifying school.

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

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill seeks to fix an oversight. The Legislature neglected to include the State Board of Education in the negotiation of compacts, rather than solely giving the authority to the Superintendent of Public Instruction. This bill seeks to correct current issues by saying where there are areas in the compact that are under the jurisdiction of the state board, then the superintendent must confer with the state board.

**Persons Testifying:** PRO: Representative Sharon Tomiko Santos, Prime Sponsor.

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