
HOUSE BILL 1414

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Dahlquist, Dammeier, Rivers, Anderson, Armstrong, Short, Haigh, Bailey, Hope, Fagan, Hargrove, Angel, Walsh, Taylor, Alexander, Warnick, McCune, Zeiger, Smith, and Kristiansen

Read first time 01/20/11. Referred to Committee on Education.

1 AN ACT Relating to authorizing waivers of state requirements for
2 school districts; adding new sections to chapter 28A.320 RCW; adding a
3 new section to chapter 28A.150 RCW; adding a new section to chapter
4 28A.160 RCW; adding a new section to chapter 28A.165 RCW; adding a new
5 section to chapter 28A.170 RCW; adding a new section to chapter 28A.175
6 RCW; adding a new section to chapter 28A.180 RCW; adding a new section
7 to chapter 28A.185 RCW; adding a new section to chapter 28A.190 RCW;
8 adding a new section to chapter 28A.193 RCW; adding a new section to
9 chapter 28A.194 RCW; adding a new section to chapter 28A.215 RCW;
10 adding a new section to chapter 28A.220 RCW; adding a new section to
11 chapter 28A.225 RCW; adding a new section to chapter 28A.230 RCW;
12 adding a new section to chapter 28A.235 RCW; adding a new section to
13 chapter 28A.245 RCW; adding a new section to chapter 28A.250 RCW;
14 adding a new section to chapter 28A.300 RCW; adding a new section to
15 chapter 28A.305 RCW; adding a new section to chapter 28A.310 RCW;
16 adding a new section to chapter 28A.323 RCW; adding a new section to
17 chapter 28A.325 RCW; adding a new section to chapter 28A.330 RCW;
18 adding a new section to chapter 28A.335 RCW; adding a new section to
19 chapter 28A.340 RCW; adding a new section to chapter 28A.345 RCW;
20 adding a new section to chapter 28A.400 RCW; adding a new section to
21 chapter 28A.405 RCW; adding a new section to chapter 28A.410 RCW;

1 adding a new section to chapter 28A.415 RCW; adding a new section to
2 chapter 28A.600 RCW; adding a new section to chapter 28A.605 RCW;
3 adding a new section to chapter 28A.620 RCW; adding a new section to
4 chapter 28A.623 RCW; adding a new section to chapter 28A.625 RCW;
5 adding a new section to chapter 28A.630 RCW; adding a new section to
6 chapter 28A.635 RCW; adding a new section to chapter 28A.640 RCW;
7 adding a new section to chapter 28A.642 RCW; adding a new section to
8 chapter 28A.645 RCW; adding a new section to chapter 28A.650 RCW;
9 adding a new section to chapter 28A.655 RCW; adding a new section to
10 chapter 28A.700 RCW; and creating new sections.

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

12 NEW SECTION. **Sec. 1.** The legislature finds that many state
13 requirements, while well-intentioned, do not necessarily fit the unique
14 circumstances of the diverse array of school districts in the state.
15 Washington state has a strong tradition of local control in the public
16 school system, and the legislature should trust the judgment of and
17 provide authority to locally elected officials wherever feasible.
18 Therefore, the legislature intends to provide a process for school
19 district boards of directors to waive certain state education
20 requirements when the local board determines it is necessary to do so.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320
22 RCW to read as follows:

23 (1) Any school district board of directors may, as provided in this
24 section, waive the requirements of state statutes under Title 28A RCW
25 or administrative rules adopted under those statutes.

26 (2) To waive state requirements under this section, a school
27 district board of directors must:

28 (a) Hold a public hearing on the statutes or rules proposed to be
29 waived;

30 (b) Adopt a resolution that specifies the statutes or rules to be
31 waived, the duration of the waiver, the problem or barrier that will be
32 alleviated as a result of each waiver, and the expected administrative
33 or operational efficiency or improvement in student learning as a
34 result of each waiver; and

1 (c) Transmit a copy of the adopted resolution to the state board of
2 education, the office of the superintendent of public instruction, and
3 the office of the state auditor.

4 (2) A school district board of directors may waive state
5 requirements under this section for a period not to exceed two school
6 years, at which time the board of directors may adopt new waivers under
7 the procedures specified in this section.

8 (3) Statutes or administrative rules pertaining to the following
9 state requirements may not be waived under this section:

10 (a) To hire, manage, and discharge any school employee in
11 accordance with the terms of the relevant state law and rules and the
12 local collective bargaining agreement, including chapters 41.56, 41.58,
13 and 41.59 RCW; and including employing certificated instructional staff
14 as required in RCW 28A.410.250;

15 (b) To comply with the employee record check requirements in RCW
16 28A.400.303;

17 (c) To adhere to the state and federal health, safety, parents' and
18 students' rights, civil rights, special education, privacy, and
19 nondiscrimination laws, rules, and regulations;

20 (d) To participate in free and reduced priced meal programs to the
21 extent required by law;

22 (e) To provide the program of basic education required under RCW
23 28A.150.200 as it applies to schools and school districts, and
24 administer the required statewide assessments under chapter 28A.655 RCW
25 to assess whether a student has met the state standards;

26 (f) To adhere to statutes or rules associated with determining a
27 school district's eligibility for disbursements of state funds,
28 including capital funds, through state funding formulas;

29 (g) To adhere to laws or rules pertaining to bonded indebtedness;

30 (h) To meet the terms of the performance goals and reporting
31 requirements under RCW 28A.655.100 and 28A.655.110;

32 (i) To comply with state and federal student accountability
33 requirements;

34 (j) To annually adopt and file the district budget and financial
35 statements;

36 (k) To be subject to financial examinations and audits as
37 determined by the state auditor and the office of the superintendent of
38 public instruction, including audits for legal and fiscal compliance;

1 (l) To follow the requirements of chapter 28A.500 RCW for local
2 effort assistance;

3 (m) To adhere to the requirements for the election of school
4 district directors as provided in chapter 28A.343 RCW and the
5 requirements for school district boundaries and organization as
6 provided under chapter 28A.315 RCW; and

7 (n) To adhere to the provisions of the interstate compact on
8 educational opportunity for military children.

9 (4) By August 1, 2011, the office of the superintendent of public
10 instruction, the professional educator standards board, and the state
11 board of education shall jointly publish a list of each of the statutes
12 under Title 28A RCW and administrative rules adopted under those
13 statutes that may be waived under this section. The list shall be
14 updated by August 1st of each year thereafter.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.150
16 RCW to read as follows:

17 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
18 the period of time that a school district board of directors exercises
19 its waiver authority under section 2 of this act, that school district
20 is not subject to the requirements of this chapter and any related
21 rules that have been waived.

22 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.160
23 RCW to read as follows:

24 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
25 the period of time that a school district board of directors exercises
26 its waiver authority under section 2 of this act, that school district
27 is not subject to the requirements of this chapter and any related
28 rules that have been waived.

29 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.165
30 RCW to read as follows:

31 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
32 the period of time that a school district board of directors exercises
33 its waiver authority under section 2 of this act, that school district
34 is not subject to the requirements of this chapter and any related
35 rules that have been waived.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.170
2 RCW to read as follows:

3 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
4 the period of time that a school district board of directors exercises
5 its waiver authority under section 2 of this act, that school district
6 is not subject to the requirements of this chapter and any related
7 rules that have been waived.

8 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.175
9 RCW to read as follows:

10 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
11 the period of time that a school district board of directors exercises
12 its waiver authority under section 2 of this act, that school district
13 is not subject to the requirements of this chapter and any related
14 rules that have been waived.

15 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.180
16 RCW to read as follows:

17 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
18 the period of time that a school district board of directors exercises
19 its waiver authority under section 2 of this act, that school district
20 is not subject to the requirements of this chapter and any related
21 rules that have been waived.

22 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.185
23 RCW to read as follows:

24 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
25 the period of time that a school district board of directors exercises
26 its waiver authority under section 2 of this act, that school district
27 is not subject to the requirements of this chapter and any related
28 rules that have been waived.

29 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.190
30 RCW to read as follows:

31 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
32 the period of time that a school district board of directors exercises
33 its waiver authority under section 2 of this act, that school district

1 is not subject to the requirements of this chapter and any related
2 rules that have been waived.

3 NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.193
4 RCW to read as follows:

5 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
6 the period of time that a school district board of directors exercises
7 its waiver authority under section 2 of this act, that school district
8 is not subject to the requirements of this chapter and any related
9 rules that have been waived.

10 NEW SECTION. **Sec. 12.** A new section is added to chapter 28A.194
11 RCW to read as follows:

12 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
13 the period of time that a school district board of directors exercises
14 its waiver authority under section 2 of this act, that school district
15 is not subject to the requirements of this chapter and any related
16 rules that have been waived.

17 NEW SECTION. **Sec. 13.** A new section is added to chapter 28A.215
18 RCW to read as follows:

19 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
20 the period of time that a school district board of directors exercises
21 its waiver authority under section 2 of this act, that school district
22 is not subject to the requirements of this chapter and any related
23 rules that have been waived.

24 NEW SECTION. **Sec. 14.** A new section is added to chapter 28A.220
25 RCW to read as follows:

26 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
27 the period of time that a school district board of directors exercises
28 its waiver authority under section 2 of this act, that school district
29 is not subject to the requirements of this chapter and any related
30 rules that have been waived.

31 NEW SECTION. **Sec. 15.** A new section is added to chapter 28A.225
32 RCW to read as follows:

33 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for

1 the period of time that a school district board of directors exercises
2 its waiver authority under section 2 of this act, that school district
3 is not subject to the requirements of this chapter and any related
4 rules that have been waived.

5 NEW SECTION. **Sec. 16.** A new section is added to chapter 28A.230
6 RCW to read as follows:

7 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
8 the period of time that a school district board of directors exercises
9 its waiver authority under section 2 of this act, that school district
10 is not subject to the requirements of this chapter and any related
11 rules that have been waived.

12 NEW SECTION. **Sec. 17.** A new section is added to chapter 28A.235
13 RCW to read as follows:

14 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
15 the period of time that a school district board of directors exercises
16 its waiver authority under section 2 of this act, that school district
17 is not subject to the requirements of this chapter and any related
18 rules that have been waived.

19 NEW SECTION. **Sec. 18.** A new section is added to chapter 28A.245
20 RCW to read as follows:

21 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
22 the period of time that a school district board of directors exercises
23 its waiver authority under section 2 of this act, that school district
24 is not subject to the requirements of this chapter and any related
25 rules that have been waived.

26 NEW SECTION. **Sec. 19.** A new section is added to chapter 28A.250
27 RCW to read as follows:

28 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
29 the period of time that a school district board of directors exercises
30 its waiver authority under section 2 of this act, that school district
31 is not subject to the requirements of this chapter and any related
32 rules that have been waived.

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

3 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
4 the period of time that a school district board of directors exercises
5 its waiver authority under section 2 of this act, that school district
6 is not subject to the requirements of this chapter and any related
7 rules that have been waived.

8 NEW SECTION. **Sec. 21.** A new section is added to chapter 28A.305
9 RCW to read as follows:

10 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
11 the period of time that a school district board of directors exercises
12 its waiver authority under section 2 of this act, that school district
13 is not subject to the requirements of this chapter and any related
14 rules that have been waived.

15 NEW SECTION. **Sec. 22.** A new section is added to chapter 28A.310
16 RCW to read as follows:

17 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
18 the period of time that a school district board of directors exercises
19 its waiver authority under section 2 of this act, that school district
20 is not subject to the requirements of this chapter and any related
21 rules that have been waived.

22 NEW SECTION. **Sec. 23.** A new section is added to chapter 28A.320
23 RCW to read as follows:

24 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
25 the period of time that a school district board of directors exercises
26 its waiver authority under section 2 of this act, that school district
27 is not subject to the requirements of this chapter and any related
28 rules that have been waived.

29 NEW SECTION. **Sec. 24.** A new section is added to chapter 28A.323
30 RCW to read as follows:

31 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
32 the period of time that a school district board of directors exercises
33 its waiver authority under section 2 of this act, that school district

1 is not subject to the requirements of this chapter and any related
2 rules that have been waived.

3 NEW SECTION. **Sec. 25.** A new section is added to chapter 28A.325
4 RCW to read as follows:

5 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
6 the period of time that a school district board of directors exercises
7 its waiver authority under section 2 of this act, that school district
8 is not subject to the requirements of this chapter and any related
9 rules that have been waived.

10 NEW SECTION. **Sec. 26.** A new section is added to chapter 28A.330
11 RCW to read as follows:

12 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
13 the period of time that a school district board of directors exercises
14 its waiver authority under section 2 of this act, that school district
15 is not subject to the requirements of this chapter and any related
16 rules that have been waived.

17 NEW SECTION. **Sec. 27.** A new section is added to chapter 28A.335
18 RCW to read as follows:

19 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
20 the period of time that a school district board of directors exercises
21 its waiver authority under section 2 of this act, that school district
22 is not subject to the requirements of this chapter and any related
23 rules that have been waived.

24 NEW SECTION. **Sec. 28.** A new section is added to chapter 28A.340
25 RCW to read as follows:

26 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
27 the period of time that a school district board of directors exercises
28 its waiver authority under section 2 of this act, that school district
29 is not subject to the requirements of this chapter and any related
30 rules that have been waived.

31 NEW SECTION. **Sec. 29.** A new section is added to chapter 28A.345
32 RCW to read as follows:

33 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for

1 the period of time that a school district board of directors exercises
2 its waiver authority under section 2 of this act, that school district
3 is not subject to the requirements of this chapter and any related
4 rules that have been waived.

5 NEW SECTION. **Sec. 30.** A new section is added to chapter 28A.400
6 RCW to read as follows:

7 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
8 the period of time that a school district board of directors exercises
9 its waiver authority under section 2 of this act, that school district
10 is not subject to the requirements of this chapter and any related
11 rules that have been waived.

12 NEW SECTION. **Sec. 31.** A new section is added to chapter 28A.405
13 RCW to read as follows:

14 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
15 the period of time that a school district board of directors exercises
16 its waiver authority under section 2 of this act, that school district
17 is not subject to the requirements of this chapter and any related
18 rules that have been waived.

19 NEW SECTION. **Sec. 32.** A new section is added to chapter 28A.410
20 RCW to read as follows:

21 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
22 the period of time that a school district board of directors exercises
23 its waiver authority under section 2 of this act, that school district
24 is not subject to the requirements of this chapter and any related
25 rules that have been waived.

26 NEW SECTION. **Sec. 33.** A new section is added to chapter 28A.415
27 RCW to read as follows:

28 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
29 the period of time that a school district board of directors exercises
30 its waiver authority under section 2 of this act, that school district
31 is not subject to the requirements of this chapter and any related
32 rules that have been waived.

1 NEW SECTION. **Sec. 34.** A new section is added to chapter 28A.600
2 RCW to read as follows:

3 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
4 the period of time that a school district board of directors exercises
5 its waiver authority under section 2 of this act, that school district
6 is not subject to the requirements of this chapter and any related
7 rules that have been waived.

8 NEW SECTION. **Sec. 35.** A new section is added to chapter 28A.605
9 RCW to read as follows:

10 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
11 the period of time that a school district board of directors exercises
12 its waiver authority under section 2 of this act, that school district
13 is not subject to the requirements of this chapter and any related
14 rules that have been waived.

15 NEW SECTION. **Sec. 36.** A new section is added to chapter 28A.620
16 RCW to read as follows:

17 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
18 the period of time that a school district board of directors exercises
19 its waiver authority under section 2 of this act, that school district
20 is not subject to the requirements of this chapter and any related
21 rules that have been waived.

22 NEW SECTION. **Sec. 37.** A new section is added to chapter 28A.623
23 RCW to read as follows:

24 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
25 the period of time that a school district board of directors exercises
26 its waiver authority under section 2 of this act, that school district
27 is not subject to the requirements of this chapter and any related
28 rules that have been waived.

29 NEW SECTION. **Sec. 38.** A new section is added to chapter 28A.625
30 RCW to read as follows:

31 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
32 the period of time that a school district board of directors exercises
33 its waiver authority under section 2 of this act, that school district

1 is not subject to the requirements of this chapter and any related
2 rules that have been waived.

3 NEW SECTION. **Sec. 39.** A new section is added to chapter 28A.630
4 RCW to read as follows:

5 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
6 the period of time that a school district board of directors exercises
7 its waiver authority under section 2 of this act, that school district
8 is not subject to the requirements of this chapter and any related
9 rules that have been waived.

10 NEW SECTION. **Sec. 40.** A new section is added to chapter 28A.635
11 RCW to read as follows:

12 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
13 the period of time that a school district board of directors exercises
14 its waiver authority under section 2 of this act, that school district
15 is not subject to the requirements of this chapter and any related
16 rules that have been waived.

17 NEW SECTION. **Sec. 41.** A new section is added to chapter 28A.640
18 RCW to read as follows:

19 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
20 the period of time that a school district board of directors exercises
21 its waiver authority under section 2 of this act, that school district
22 is not subject to the requirements of this chapter and any related
23 rules that have been waived.

24 NEW SECTION. **Sec. 42.** A new section is added to chapter 28A.642
25 RCW to read as follows:

26 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
27 the period of time that a school district board of directors exercises
28 its waiver authority under section 2 of this act, that school district
29 is not subject to the requirements of this chapter and any related
30 rules that have been waived.

31 NEW SECTION. **Sec. 43.** A new section is added to chapter 28A.645
32 RCW to read as follows:

33 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for

1 the period of time that a school district board of directors exercises
2 its waiver authority under section 2 of this act, that school district
3 is not subject to the requirements of this chapter and any related
4 rules that have been waived.

5 NEW SECTION. **Sec. 44.** A new section is added to chapter 28A.650
6 RCW to read as follows:

7 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
8 the period of time that a school district board of directors exercises
9 its waiver authority under section 2 of this act, that school district
10 is not subject to the requirements of this chapter and any related
11 rules that have been waived.

12 NEW SECTION. **Sec. 45.** A new section is added to chapter 28A.655
13 RCW to read as follows:

14 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
15 the period of time that a school district board of directors exercises
16 its waiver authority under section 2 of this act, that school district
17 is not subject to the requirements of this chapter and any related
18 rules that have been waived.

19 NEW SECTION. **Sec. 46.** A new section is added to chapter 28A.700
20 RCW to read as follows:

21 APPLICATION OF CHAPTER--GENERAL PROVISIONS. To the extent and for
22 the period of time that a school district board of directors exercises
23 its waiver authority under section 2 of this act, that school district
24 is not subject to the requirements of this chapter and any related
25 rules that have been waived.

26 NEW SECTION. **Sec. 47.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

30 NEW SECTION. **Sec. 48.** If any part of this act is found to be in
31 conflict with federal requirements that are a prescribed condition to
32 the allocation of federal funds to the state, the conflicting part of
33 this act is inoperative solely to the extent of the conflict and with

1 respect to the agencies directly affected, and this finding does not
2 affect the operation of the remainder of this act in its application to
3 the agencies concerned. Rules adopted under this act must meet federal
4 requirements that are a necessary condition to the receipt of federal
5 funds by the state.

--- END ---