
HOUSE BILL 2493

State of Washington 62nd Legislature 2012 Regular Session

By Representatives Hunt, Hope, McCoy, Appleton, Santos, and Roberts

Read first time 01/16/12. Referred to Committee on Education.

1 AN ACT Relating to making the membership of the state board of
2 education more representative of public education; amending RCW
3 28A.305.011 and 28A.305.130; creating new sections; repealing RCW
4 28A.305.021; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature that the
7 state board of education provide meaningful policy direction as defined
8 in RCW 28A.305.130 and 28A.230.090. The legislature finds that
9 meaningful policies are best made when a majority of board members have
10 firsthand knowledge of how educational institutions and staff in the K-
11 12 system operate, including how policy changes affect local district
12 and state budgets, school programs, and student achievement. It is
13 also critical that members of the state board of education understand
14 which policies and goals will contribute the greatest benefit to all
15 students, as well as policies and goals that create burdens on the
16 system and barriers to student achievement.

17 The legislature finds that a similar model has worked well for the
18 professional educator standards board, which was split from the state
19 board of education through legislation in 2000. Further, the

1 legislature finds that such members, working as a team with citizen
2 members, are more likely to save the state time and money by
3 identifying unintended consequences of decisions early on, and will be
4 well-positioned to assist local education staff and communities with
5 implementation of innovative policy changes.

6 It is also the intent of the legislature that any policy changes or
7 rules considered by the state board of education be accompanied by a
8 thorough fiscal analysis of local school district costs, as well as the
9 impact to state funds, with the clear understanding that no mandates be
10 imposed on students, schools, staff, or school districts without ample
11 funding.

12 Therefore the legislature intends to reconfigure the membership of
13 the state board of education to include locally elected school
14 directors and school district staff, as well as citizens appointed by
15 the governor to broadly represent the interests of Washington state
16 students. Furthermore, the legislature intends to clarify that fiscal
17 impact statements be required and considered by the board and
18 legislature before board adoption of goals or policy changes.

19 **Sec. 2.** RCW 28A.305.011 and 2006 c 263 s 105 are each amended to
20 read as follows:

21 (1) The membership of the state board of education shall be
22 composed of sixteen voting members who are residents of the state of
23 Washington. The membership shall consist of the following:

24 ~~(a) ((Seven shall be members representing the educational system,~~
25 ~~as follows:~~

26 ~~(i) Five members elected by school district directors. Three of~~
27 ~~the members elected by school district directors shall be residents of~~
28 ~~western Washington and two members shall be residents of eastern~~
29 ~~Washington;~~

30 ~~(ii)) One member elected at-large by the members of the boards of~~
31 ~~directors of all private schools in the state meeting the requirements~~
32 ~~of RCW 28A.195.010(~~;~~and~~

33 ~~(iii) The superintendent of public instruction));~~

34 (b) ((Seven)) Four members appointed by the Washington state school
35 directors' association, one of whom must be a resident of western
36 Washington, one of whom must be a resident of eastern Washington, and

1 one of whom must represent a school with two thousand or fewer
2 students;

3 (c) Two members appointed by the Washington association of school
4 administrators, one of whom must be a resident of western Washington
5 and one of whom must be a resident of eastern Washington;

6 (d) One member appointed by the association of Washington school
7 principals;

8 (e) Three members appointed by the Washington education
9 association, one of whom must be a resident of western Washington, one
10 of whom must be a resident of eastern Washington, and one of whom must
11 represent a school with two thousand or fewer students;

12 (f) One member appointed by the Washington association for career
13 and technical education;

14 (g) One member appointed by unions representing classified school
15 employees;

16 (h) Three members appointed by the governor; and

17 ~~((e))~~ (i) Two students selected in a manner determined by the
18 state board of education.

19 (2) Initial appointments shall be for terms from one to four years
20 in length, with the terms expiring on the second Monday of January of
21 the applicable year. As ~~((the terms of the first appointees expire~~
22 ~~or))~~ vacancies on the board occur, the ~~((governor shall appoint or~~
23 ~~reappoint members of the board))~~ members shall be appointed or
24 reappointed to complete the ~~((initial))~~ terms or to four-year terms, as
25 appropriate, in the same manner as the original appointment.

26 (a) Appointees of the governor must be individuals who have
27 demonstrated interest in public schools and are supportive of
28 educational improvement, have a positive record of service, and who
29 will devote sufficient time to the responsibilities of the board.

30 (b) In appointing board members, the governor and appointing
31 authorities shall consider the geographic, gender, and ethnic diversity
32 of the population of the state.

33 (c) All appointments to the board made by the governor are subject
34 to confirmation by the senate.

35 (d) No person may serve as a member of the board ~~((, except the~~
36 ~~superintendent of public instruction,))~~ for more than two consecutive
37 full four-year terms.

1 (3) The governor may remove an appointed member of the board for
2 neglect of duty, misconduct, malfeasance, or misfeasance in office, or
3 for incompetent or unprofessional conduct as defined in chapter 18.130
4 RCW. In such a case, the governor shall file with the secretary of
5 state a statement of the causes for and the order of removal from
6 office, and the secretary of state shall send a certified copy of the
7 statement of causes and order of removal to the last known post office
8 address of the member.

9 (4)(a) The chair of the board shall be elected by a majority vote
10 of the members of the board. The chair of the board shall serve a term
11 of two years, and may be reelected to an additional term. A member of
12 the board may not serve as chair for more than two consecutive terms.

13 (b) (~~Eight~~) Nine voting members of the board constitute a quorum
14 for the transaction of business.

15 (c) All members except the student members are voting members.

16 (5) Members of the board appointed by the governor who are not
17 public employees shall be compensated in accordance with RCW 43.03.250
18 and shall be reimbursed for travel expenses incurred in carrying out
19 the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

20 **Sec. 3.** RCW 28A.305.130 and 2011 1st sp.s. c 6 s 1 are each
21 amended to read as follows:

22 The purpose of the state board of education is to provide advocacy
23 and strategic oversight of public education; implement a standards-
24 based accountability framework that creates a unified system of
25 increasing levels of support for schools in order to improve student
26 academic achievement; provide leadership in the creation of a system
27 that personalizes education for each student and respects diverse
28 cultures, abilities, and learning styles; and promote achievement of
29 the goals of RCW 28A.150.210. In addition to any other powers and
30 duties as provided by law, the state board of education shall:

31 (1) Hold regularly scheduled meetings at such time and place within
32 the state as the board shall determine and may hold such special
33 meetings as may be deemed necessary for the transaction of public
34 business;

35 (2) Form committees as necessary to effectively and efficiently
36 conduct the work of the board;

1 (3) Seek advice from the public and interested parties regarding
2 the work of the board;

3 (4) For purposes of statewide accountability:

4 (a) Adopt and revise performance improvement goals in reading,
5 writing, science, and mathematics, by subject and grade level, once
6 assessments in these subjects are required statewide; academic and
7 technical skills, as appropriate, in secondary career and technical
8 education programs; and student attendance, as the board deems
9 appropriate to improve student learning. The goals shall be consistent
10 with student privacy protection provisions of RCW 28A.655.090(7) and
11 shall not conflict with requirements contained in Title I of the
12 federal elementary and secondary education act of 1965, or the
13 requirements of the Carl D. Perkins vocational education act of 1998,
14 each as amended. The goals may be established for all students,
15 economically disadvantaged students, limited English proficient
16 students, students with disabilities, and students from
17 disproportionately academically underachieving racial and ethnic
18 backgrounds. The board may establish school and school district goals
19 addressing high school graduation rates and dropout reduction goals for
20 students in grades seven through twelve. The board shall adopt the
21 goals by rule. However, before each goal or policy change is
22 implemented, the board shall:

23 (i) Complete a fiscal analysis on the impact of the rule or policy
24 change on the state and school district, including soliciting fiscal
25 impact data from a representative sample of school districts from
26 across the state, and share this information with the education
27 committees of the house of representatives and the senate at the time
28 the goal or policy change is presented; and

29 (ii) Present the goal or policy change to the education committees
30 of the house of representatives and the senate for the committees'
31 review and comment, including a public hearing, in a time frame that
32 will permit the legislature to take statutory action on the goal or
33 policy change if such action is deemed warranted by the legislature;

34 (b) Identify the scores students must achieve in order to meet the
35 standard on the statewide student assessment and, for high school
36 students, to obtain a certificate of academic achievement. The board
37 shall also determine student scores that identify levels of student
38 performance below and beyond the standard. The board shall consider

1 the incorporation of the standard error of measurement into the
2 decision regarding the award of the certificates. The board shall set
3 such performance standards and levels in consultation with the
4 superintendent of public instruction and after consideration of any
5 recommendations that may be developed by any advisory committees that
6 may be established for this purpose. The legislature shall be advised
7 of the initial performance standards for the high school statewide
8 student assessment. Any changes recommended by the board in the
9 performance standards for the high school assessment shall be presented
10 to the education committees of the house of representatives and the
11 senate by November 30th of the school year in which the changes will
12 take place to permit the legislature to take statutory action before
13 the changes are implemented if such action is deemed warranted by the
14 legislature. The legislature shall be advised of the initial
15 performance standards and any changes made to the elementary level
16 performance standards and the middle school level performance
17 standards. The board must provide an explanation of and rationale for
18 all initial performance standards and any changes, for all grade levels
19 of the statewide student assessment. If the board changes the
20 performance standards for any grade level or subject, the
21 superintendent of public instruction must recalculate the results from
22 the previous ten years of administering that assessment regarding
23 students below, meeting, and beyond the state standard, to the extent
24 that this data is available, and post a comparison of the original and
25 recalculated results on the superintendent's web site;

26 (c) Annually review the assessment reporting system to ensure
27 fairness, accuracy, timeliness, and equity of opportunity, especially
28 with regard to schools with special circumstances and unique
29 populations of students, and a recommendation to the superintendent of
30 public instruction of any improvements needed to the system; and

31 (d) Include in the biennial report required under RCW 28A.305.035,
32 information on the progress that has been made in achieving goals
33 adopted by the board;

34 (5) Accredite, subject to such accreditation standards and
35 procedures as may be established by the state board of education, all
36 private schools that apply for accreditation, and approve, subject to
37 the provisions of RCW 28A.195.010, private schools carrying out a
38 program for any or all of the grades kindergarten through twelve.

1 However, no private school may be approved that operates a kindergarten
2 program only and no private school shall be placed upon the list of
3 accredited schools so long as secret societies are knowingly allowed to
4 exist among its students by school officials;

5 (6) Articulate with the institutions of higher education, workforce
6 representatives, and early learning policymakers and providers to
7 coordinate and unify the work of the public school system;

8 (7) Hire an executive director and an administrative assistant to
9 reside in the office of the superintendent of public instruction for
10 administrative purposes. Any other personnel of the board shall be
11 appointed as provided by RCW 28A.300.020. The board may delegate to
12 the executive director by resolution such duties as deemed necessary to
13 efficiently carry on the business of the board including, but not
14 limited to, the authority to employ necessary personnel and the
15 authority to enter into, amend, and terminate contracts on behalf of
16 the board. The executive director, administrative assistant, and all
17 but one of the other personnel of the board are exempt from civil
18 service, together with other staff as now or hereafter designated as
19 exempt in accordance with chapter 41.06 RCW; and

20 (8) Adopt a seal that shall be kept in the office of the
21 superintendent of public instruction.

22 NEW SECTION. **Sec. 4.** RCW 28A.305.021 (Election of board members--
23 Restrictions) and 2005 c 497 s 102 are each repealed.

24 NEW SECTION. **Sec. 5.** Appointing authorities must identify
25 appointees as soon as possible after the effective date of this section
26 and the state board of education as reconfigured by this act must
27 convene at the earliest opportunity after the effective date of
28 sections 1 through 4 of this act.

29 NEW SECTION. **Sec. 6.** Section 5 of this act is necessary for the
30 immediate preservation of the public peace, health, or safety, or
31 support of the state government and its existing public institutions,
32 and takes effect immediately.

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