
Education Committee

HB 1546

Brief Description: Authorizing creation of innovation schools and innovation zones in school districts.

Sponsors: Representatives Hargrove, Hunt, Dammeier, Pettigrew, Lias, Smith, Anderson, Fagan, Kretz, Dahlquist, Angel, Zeiger, Jinkins and Finn.

Brief Summary of Bill

- Provides that school boards may authorize Innovation Schools or groups of schools called Innovation Zones.
- Requires Innovation Schools or Zones to submit a plan that includes the programs or policies that would be changed, the innovations to be implemented, and specific waivers of state laws or rules necessary to implement the plan.
- Authorizes a school board to seek state endorsement of an Innovation School or Zone by the State Board of Education (SBE).
- Requires the SBE, the Superintendent of Public Instruction, and the Professional Educator Standards Board to waive laws and rules for endorsed Innovation Schools or Zones.
- Exempts laws and rules on specified education topics, but allows the remainder of the laws under Title 28A RCW to be waived.
- Requires future collective bargaining agreements to permit employees of an Innovation School or Zone to opt out of the agreement.

Hearing Date: 2/8/11

Staff: Barbara McLain (786-7383).

Background:

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

In 1987 the Schools for the 21st Century was established in legislation as a pilot program intended to foster change in the public school system. The State Board of Education (SBE), in consultation with a Governor-appointed Task Force, selected 33 pilot schools which then received funding for 10 supplemental days of staff time and additional funding for training, curriculum development, and other resources. Pilot schools could also seek waivers of state laws regarding length of the school year, student-to-teacher ratios, instructional hour requirements, restrictions on funding for categorical programs, and other administrative rules. The Schools for the 21st Century law expired in 1995.

In 1995 legislation was enacted that authorized any school district to apply for waivers of specified state laws, similar to what had existed for the Schools for the 21st Century. A school district may apply to the SBE or the Superintendent of Public Instruction (SPI) for a waiver in order to "implement a plan for restructuring its educational program." Another law allows the SBE to grant waivers of the Basic Education program requirements as necessary to implement a local plan designed to enhance the educational program for each student. Currently 83 school districts have a waiver of the 180-day school year under these laws. The SBE also grants waivers from credit-based graduation requirements; two districts have received these waivers.

In 2010 legislation was enacted establishing a process for identifying persistently lowest-performing schools and selecting some of those schools for required intensive assistance using federal school improvement grants. School districts selected for Required Action under this process must submit a plan to implement one of four intervention models defined by the terms of the federal school improvement grants: turnaround, restart, school closure, or transformation.

Summary of Bill:

Innovation Schools and Innovation Zones. Any school district board of directors may authorize an Innovation School or a group of schools called an Innovation Zone. Schools applying to be an Innovation School or within an Innovation Zone must develop a plan, which must include:

- why designation would enhance the school's ability to improve student achievement;
- a description of proposed innovations;
- a description of the programs and policies that would be changed to reflect evidence-based practices and innovations;
- expected outcomes in terms of improved student achievement;
- evidence of parent and community support for the plan; and
- specific requests for waivers or modifications of school district collective bargaining agreements, or waivers of state education laws and rules necessary to implement the plan.

Plans must be approved by a majority of the staff assigned to the school or schools. Plans must be able to be implemented without supplemental state funds, but may include requests for supplemental funds for specified components.

If a school board authorizes a plan, it must enter into negotiations to waive or modify collective bargaining agreements as requested under the plan. Each Innovation School or Zone must submit an annual report on student achievement results and other accomplishments. School boards must permit implementation of a plan as approved for four years, after which the school board may continue or end the plan.

State Endorsement. A school board may seek state endorsement of an Innovation School or Innovation Zone from the SBE. The SBE may deny endorsement if a plan is likely to result in a decrease in academic achievement; is not financially feasible; or would violate state or federal laws or rules not authorized to be waived.

Waivers. If the SBE endorses a plan, the SPI, the SBE, and the Professional Educator Standards Board (PESB), within their statutory authority, must waive any policies, procedures, laws, or rules included in an endorsed plan. The waivers only apply to schools in the plan and only to the extent the waiver is a part of the plan. A waiver may be suspended based on evidence of academic harm to students or findings in financial or program audits.

The following types of laws and rules are not subject to waivers:

1. pertaining to health, safety, civil rights, privacy, and nondiscrimination;
2. associated with determining a school district's eligibility for disbursements of state funds, including capital funds, through state funding formulas;
3. pertaining to school district budgeting and accounting and bonded indebtedness;
4. pertaining to the statewide assessment and accountability system, to the extent required under federal laws or regulations;
5. financial and compliance examinations and audits;
6. election of school district directors and school district boundaries and organization;
7. employee background record check requirements and mandatory termination for certain crimes against children;
8. provisions of the Interstate Compact on Educational Opportunity for Military Children; and
9. pertaining to special education, education centers, home schools, private schools, Educational Service Districts, local effort assistance, nonhigh payments, and appeals of school board decisions.

Language is added through the remainder of Title 28A RCW allowing for the waiver of all other laws and rules for Innovation Schools and Innovation Zones. By August 1, 2011, the OSPI, the SBE, and the PESB must jointly publish a list of each of the laws and their respective administrative rules that may be waived and must update the list each year.

Other Provisions. The OSPI must annually forward to the Legislature supplemental funding requests contained in Innovation School and Zone plans. Requests are submitted as a single budget item. If funding is provided for this purpose in an amount less than the full request, the schools with endorsed plans receive a pro-rata share of the appropriation.

Future collective bargaining agreements must contain a provision allowing the employees of an Innovation School or a school within an Innovation Zone to opt out of the collective bargaining agreement of the school district by a majority vote.

The OSPI must provide information about Innovation Schools and Innovation Zones to all schools and districts and offer technical assistance on request and within available funds.

Appropriation: None.

Fiscal Note: Available.

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