

HOUSE BILL REPORT

E2SHB 1546

As Passed House:

March 7, 2011

Title: An act relating to authorizing creation of innovation schools and innovation zones in school districts.

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

Sponsors: House Committee on Ways & Means (originally sponsored by Representatives Hargrove, Hunt, Dammeier, Pettigrew, Liias, Smith, Anderson, Fagan, Kretz, Dahlquist, Angel, Zeiger, Jinkins and Finn).

Brief History:

Committee Activity:

Education: 2/8/11, 2/17/11 [DPS];

Ways & Means: 2/23/11, 2/25/11 [DP2S(w/o sub ED)].

Floor Activity:

Passed House: 3/7/11, 94-2.

Brief Summary of Engrossed Second Substitute Bill

- Directs the Office of the Superintendent of Public Instruction (OSPI) to establish a process for school districts to apply to Educational Service Districts to designate Innovation Schools or groups of schools as Innovation Zones.
- Requires applications to be developed by educators, parents, and communities in participating schools.
- Establishes a time frame for applications, which must be able to be implemented without supplemental state funds.
- Authorizes the OSPI and the State Board of Education to waive specified laws and rules using an expedited review process.

HOUSE COMMITTEE ON EDUCATION

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.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 20 members: Representatives Santos, Chair; Lytton, Vice Chair; Dammeier, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Ahern, Angel, Billig, Dahlquist, Fagan, Finn, Haigh, Hargrove, Hunt, Klippert, Kretz, Ladenburg, Maxwell, McCoy, Probst and Wilcox.

Minority Report: Without recommendation. Signed by 1 member: Representative Liias.

Staff: Barbara McLain (786-7383).

HOUSE COMMITTEE ON WAYS & MEANS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 26 members: Representatives Hunter, Chair; Darneille, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle, Chandler, Cody, Dickerson, Haigh, Haler, Hinkle, Hudgins, Hunt, Kagi, Kenney, Ormsby, Parker, Pettigrew, Ross, Schmick, Seaquist, Springer, Sullivan and Wilcox.

Minority Report: Without recommendation. Signed by 1 member: Representative Hasegawa, Vice Chair.

Staff: Ben Rarick (786-7349).

Background:

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 Office of the Superintendent of Public Instruction (OSPI) 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.

Laws that require school districts to separately account for funds to support categorical programs such as the Learning Assistance Program, Transitional Bilingual Instructional Program, or Highly Capable Program are not addressed in the current waiver process.

Summary of Engrossed Second Substitute Bill:

The OSPI must establish a process for school districts to apply to have schools designated as Innovation Schools. Groups of schools in one district or all schools in multiple districts may apply for designation as an Innovation Zone. Applications for designation must be developed by educators, parents, and communities in participating schools. School districts must ensure that each school has substantial opportunity to participate in developing an application. The OSPI develops common criteria for reviewing applications and for reviewing the need for waivers of state laws and rules.

Initial applications must be submitted to Educational Service Districts (ESDs) by February 1, 2012. Each ESD reviews applications using the common criteria and recommends no more than three applications, including at least one Innovation Zone. The OSPI verifies that the innovation plans contain required elements before granting designation as an Innovation School or Innovation Zone. Innovation plans must be able to be implemented without supplemental state funds. The designation is for six years, beginning in the 2012-13 school year.

An innovation plan must contain a number of elements, including:

- why designation would enhance student achievement;
- research-based activities and innovations to be carried out;
- justification for waiver of state statutes and rules that are authorized;
- justification of any request for additional waivers beyond what is authorized;
- a budget for the project and anticipated sources of funding;
- evaluation and accountability processes;
- district support for waiver of local rules and modification of collective bargaining agreements if necessary to implement the plan;
- letters of support from the district, school staff, and community; and
- approval of the plan by a majority of the staff assigned to the school or schools.

Current laws that authorize the SBE or the OSPI to grant waivers from laws and rules pertaining to Basic Education requirements, student-to-teacher ratios, and length of the school year are amended to include Innovation Schools or Innovation Zones. In addition, Innovation Schools and Innovation Zones may apply for waivers of laws pertaining to comingling of state funds for categorical programs and flexibility in calculating course credits for high school courses. The SBE and the OSPI must conduct an expedited review of waiver requests, and may deny a request if the waiver would decrease student achievement; jeopardize a district's receipt of state or federal funds; or violate state or federal laws or rules.

Annual progress reports are required from each Innovation School and Innovation Zone, and the OSPI must report biennially to the Education Committees of the Legislature. The report must include recommendations for additional waivers of laws and rules as identified in innovation plans.

The provisions of the bill expire June 30, 2019.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (Education):

(In support) Congratulations and kudos always go to schools that do innovative things. It is a difficult process to be innovative, and the Legislature could make that process easier. People at the grassroots level should be encouraged to put together a plan and get buy-in from parents and teachers. The people at the local level are the ones who get excited and carry forward a vision. This does not have to cost money. This is not a charter school; it is within the current public school system.

There are examples of innovative schools where the results are happy teachers, happy parents, and happy and successful students. These models are distinctly different from most public schools. Exceptional education should not be restricted to those who can pay tuition. Improved results cannot be expected without making changes in the system. All high performing schools have traits in common: great teachers and leaders, high expectations, and support for achievement. The idea of Innovation Zones is exciting because entire communities could work together. All low-performing schools should be provided with the type of flexibility allowed in the bill.

This bill creates a safe space for communities to explore, develop innovations, and challenge existing norms. Schools need to change the way they make decisions. This bill expects communities to decide what is best for their students. The Federal Way School District uses this approach and has seen the benefits in its schools. Voters in the community should be involved in developing the plans and ensure accountability for making sure the school does good work.

(In support with concerns) There is support for expansion of innovative school models. The positive aspects of the bill include the focus on the achievement gap, increased flexibility in decision-making, parent and community support, and the opportunity for all districts to participate. However, there are also questions, particularly regarding the waiver of certain programs and requirements. Would a waiver mean that a school could stop offering a program entirely? Opening collective bargaining agreements would be good, but there are concerns about exempting schools from agreements entirely.

(Neutral) Research strongly supports passage of this bill. This bill frees up the energy and enthusiasm of genuine educators. What is holding the system back is limitations on educators and leaders who are not able to do what is best for students.

(Opposed) The bill outlines many things that go into creative and innovative schools. Washington is already a leader in innovation. There are over 200 schools using alternative

learning experience programs, and there are digital learning programs. Innovative schools have occurred without any barriers or trouble. There is a concern that by setting up these proposal and approval processes, obstacles will be invented that currently do not exist.

The Superintendent supports innovation, but not this bill. Waiving many of the laws that are listed could have unknown or unintended consequences. The bill requires that the OSPI and the SBE make a list of laws that can be waived, but provides no authority to determine whether these laws should be waived. The provisions that allow employees in some schools to opt out of collective bargaining are largely unworkable and should be removed. There are significant concerns with allowing a waiver of provisions under chapter 28A.400 RCW, which includes such topics as employment practices, sexual misconduct, and crimes against children.

Innovation is supported, but not adding another layer of bureaucracy. This bill could only be implemented with additional resources. There is concern about waiving things like minimum graduation requirements and passing state assessments. One of the laws that could be waived is the requirement to hire fully certified teachers, which is counter to the desire to improve student achievement.

Staff Summary of Public Testimony (Ways & Means):

(In support) Schools feel like they could do so much more, but feel hampered by state rules and regulations. Flexibility is a key component. It can help districts innovate and succeed. The presence of a fiscal note is surprising. In a time of limited resources, strides can still be made in education quality. The Excellent Schools Now Coalition supports this legislation. Even if there is no funding in Phase II for innovation grants, the initiative is worth pursuing. This legislation encourages innovation. The agency based the fiscal note on the language of the bill, but is willing to work on the assumed staffing levels if the Legislature's expectations for data collection and reporting are less intensive than the Office of the Superintendent of Public Instruction initially believed. Staffing levels could be reduced, but the information you get back would be impacted. The fiscal note can be tailored to the expectations.

(Opposed) The work that has gone into the legislation is appreciated, but it will create bureaucracy. School districts are doing excellent innovative work already. In Bremerton, there is an innovative school within the naval station that offers an exciting Science, Technology, Engineering, and Math program to bring young students into math and science. Additionally, Lincoln High School in Tacoma is using levy money to provide extended learning opportunities in a variety of ways. The fiscal note indicates this will have a cost. The Legislature has many difficult decisions to make, and this funding can be better spent within the budget.

Persons Testifying (Education): (In support) Representative Hargrove, prime sponsor; Roger Franklin, Cedar River Academy; Jim Kainbur, Stand for Children; Josh Garcia, Federal Way Public Schools; Anne Luce, Partnership for Learning; Deb Blakeslee; and Carolyn Logue, K12, Inc.

(In support with concerns) Heather Cope, League of Education Voters.

(Neutral) Liv Finne, Washington Policy Center.

(Opposed) Lucinda Young, Washington Education Association; Shawn Lewis, Office of the Superintendent of Public Instruction; Doug Nelson, Public School Employees; Brad Burnham, Washington State Board of Education; and Bob Cooper, Washington Association of Colleges for Teacher Education.

Persons Testifying (Ways & Means): (In support) Representative Hargrove, prime sponsor; Shawn Lewis, Office of the Superintendent of Public Instruction; and George Scarola, League of Education Voters.

(Opposed) Lucinda Young, Washington Education Association.

Persons Signed In To Testify But Not Testifying (Education): None.

Persons Signed In To Testify But Not Testifying (Ways & Means): None.