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**SUBSTITUTE HOUSE BILL 2799**

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**State of Washington**

**62nd Legislature**

**2012 Regular Session**

**By** House Education (originally sponsored by Representatives Sullivan, Santos, Maxwell, Darneille, Hunt, Carlyle, Haigh, Pollet, and Kenney; by request of Governor Gregoire)

READ FIRST TIME 03/02/12.

1           AN ACT Relating to authorizing a five-year pilot project for up to  
2 six collaborative schools for innovation and success operated by school  
3 districts in partnership with colleges of education; amending RCW  
4 28A.305.140, 28A.655.180, and 28A.657.050; adding new sections to  
5 chapter 28A.630 RCW; adding a new section to chapter 28A.410 RCW;  
6 adding a new section to chapter 28A.660 RCW; creating a new section;  
7 and providing an expiration date.

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

9           NEW SECTION.   **Sec. 1.**   (1) The legislature finds that:

10           (a) There are more low-achieving schools in the state seeking  
11 assistance in improving the academic outcomes of students than are  
12 being assisted using current school improvement initiatives;

13           (b) Promising educator development programs provide intensive  
14 school-based, residency, and mentor experiences for those preparing for  
15 careers in teaching and educational leadership; and

16           (c) Collaboration among colleges of education, schools, and  
17 communities offers unique opportunities to leverage resources, foster  
18 innovation, disseminate best practices in educator preparation and

1 professional development, and close the educational opportunity gap for  
2 students in low-achieving schools.

3 (2) Therefore, the legislature intends to authorize a pilot project  
4 where colleges of education collaborate with school districts to  
5 establish collaborative schools for innovation and success serving  
6 particularly at-risk and low-achieving students. Each collaboration is  
7 intended both to accelerate student achievement and deepen the  
8 knowledge and skills of current and future educators. The legislature  
9 intends that the initial collaborations occur in elementary schools.  
10 Pending the evaluation results of the initial pilot project, the  
11 legislature may expand the collaborations to include middle and high  
12 schools.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.630  
14 RCW to read as follows:

15 As used in sections 3 through 7 of this act, unless the context  
16 clearly requires otherwise, "college of education" means an institution  
17 of higher education in Washington state that has been approved by the  
18 professional educator standards board to offer educator preparation and  
19 certification programs.

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

22 (1) The collaborative schools for innovation and success pilot  
23 project is created as follows:

24 (a) The school district located in western Washington with the  
25 largest number of enrolled students and the school district located in  
26 eastern Washington with the largest number of enrolled students may  
27 each enter an agreement with a college of education to participate in  
28 the pilot project; and

29 (b) Any other school district in the state may enter an agreement  
30 with a college of education and submit an application to the office of  
31 the superintendent of public instruction and the professional educator  
32 standards board as provided in section 4 of this act to participate in  
33 the pilot project.

34 (2) The purpose of the pilot project is for colleges of education  
35 and school districts to collaborate to improve student and educator  
36 success by:

1 (a) Developing and implementing research-based models of  
2 instruction and services that have proven to be successful in closing  
3 the educational opportunity gap and improving student learning in  
4 low-performing schools; and

5 (b) Developing and implementing research-based models of educator  
6 preparation and professional development programs that have proven to  
7 be successful in building an educator workforce with the knowledge,  
8 skills, and background that aligns with the characteristics and needs  
9 of students in low-performing schools.

10 (3) For each proposed pilot project, the college of education and  
11 the school district shall collaborate to select an elementary school in  
12 the district to be the collaborative school for innovation and success.  
13 The school must be among the lowest-achieving schools in the district  
14 as measured by district, state, or federal criteria, including criteria  
15 that measure the educational opportunity gap in the school, and the  
16 school must not have received state, federal, or private funds for the  
17 purpose of implementing a school improvement plan.

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

20 (1) Each school district and college of education seeking approval  
21 to participate in the collaborative schools for innovation and success  
22 pilot project, including the districts and colleges under section  
23 3(1)(a) of this act, must submit a joint application of intent to the  
24 office of the superintendent of public instruction and the professional  
25 educator standards board by July 1, 2012.

26 (2) An application of intent must contain:

27 (a) The school selected for inclusion in the pilot project and the  
28 rationale for its selection;

29 (b) The research basis and theory of action proposed to close the  
30 educational opportunity gap and improve student achievement in the  
31 selected school;

32 (c) The research basis and theory of action proposed to improve  
33 educator preparation and professional development in the selected  
34 school;

35 (d) A preliminary plan for involving parents, community members,  
36 and school staff in the development of the innovation and success plan  
37 under section 5 of this act;

1 (e) The proposed roles and responsibilities of the college of  
2 education and school district in the pilot project; and

3 (f) A preliminary plan for using the results of the pilot project  
4 to improve educational programs throughout the school district and  
5 throughout the college of education.

6 (3) The office of the superintendent of public instruction and the  
7 professional educator standards board shall jointly review the  
8 applications. The office and the board must approve but may comment  
9 and make recommendations for improvement of the applications from the  
10 districts and colleges under section 3(1)(a) of this act. The office  
11 and board shall select up to four additional applications for  
12 participation in the pilot project no later than August 1, 2012.

13 (4) The selection criteria shall include, but are not limited to,  
14 the quality of the research basis for the proposed collaboration; the  
15 efficacy of the proposed strategies for closing the educational  
16 opportunity gap, improving student achievement, and improving educator  
17 preparation in low-performing schools; and the degree of commitment  
18 displayed by the college of education and the school district to  
19 collaborate throughout the pilot project.

20 (5) Subject to funds appropriated specifically for this purpose,  
21 the office of the superintendent of public instruction shall allocate  
22 grants to the districts and colleges under section 3(1)(a) of this act,  
23 plus one of the additional selected applications, to be used for  
24 development and implementation of an innovation and success plan under  
25 section 5 of this act. The colleges of education and school districts  
26 from the remaining selected applications may participate in the  
27 collaborative schools for innovation and success pilot project by  
28 complying with the provisions of sections 5 through 7 of this act, but  
29 without state funding support.

30 (6) The college of education shall serve as the fiscal agent for  
31 the pilot project, unless the college is an independent institution of  
32 higher education, in which case the school district shall serve as the  
33 fiscal agent. Each college of education and school district must seek  
34 private, foundation, community, or other grant funds to leverage any  
35 supplemental state funds that may be appropriated for the purposes of  
36 the pilot project.

1        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 28A.630  
2    RCW to read as follows:

3        (1) After receiving approval of an application of intent, each  
4    college of education and school district must conduct a comprehensive  
5    needs assessment of the students to be served by a collaborative school  
6    for innovation and success.        The needs assessment must use  
7    disaggregated student data and include a thorough evaluation of student  
8    needs as identified by the parents of the students served by the  
9    school, as well as the levels of support within the school community  
10   and in the external community at-large for students' academic and  
11   social emotional needs.        The needs assessment must also examine  
12   elements included in an academic performance audit under RCW  
13   28A.657.040.

14        (2) The college of education and the school district must develop  
15   an innovation and success plan for the school in collaboration with  
16   school staff, parents, and community members.

17        (3) The innovation and success plan must include:

18        (a) The proposed program for instruction, wraparound support  
19   services, resource deployment, and professional development that has  
20   been developed based on the comprehensive needs assessment;

21        (b) A family and community engagement strategy that builds support  
22   among students and parents for high achievement for all students in  
23   culturally appropriate ways;

24        (c) Professional learning communities among school staff and higher  
25   education faculty that are focused on identifying and responding to  
26   emergent student learning needs;

27        (d) Intensive preparation of teacher and principal candidates using  
28   research-based practices and a particular focus on cultural competency  
29   and skill development to improve learning for English language  
30   learners, highly mobile and homeless students, students with  
31   disabilities, and other students with special learning needs;

32        (e) Identification of the metrics that will be used to assess  
33   student achievement and skill development, both while the students are  
34   enrolled in elementary school and after they continue into middle  
35   school, and specific goals for improvement of these outcomes over the  
36   term of the pilot project, including but not limited to such metrics as  
37   attendance, grade-level retention, student growth, disciplinary

1 incidents, course completion and grades, and performance on  
2 classroom-based assessments;

3 (f) Identification of the metrics that will be used to assess  
4 educator skill development, both for preservice and certificated  
5 educators, and specific goals for improvement of these outcomes over  
6 the term of the pilot project;

7 (g) Identification of private and community partners to provide  
8 wraparound services, technology, mentoring, or other enhancements for  
9 the students in the school;

10 (h) Identification of waivers to be requested from the state board  
11 of education under RCW 28A.305.140 or from the superintendent of public  
12 instruction under RCW 28A.655.180;

13 (i) Identification of any modifications to approved educator  
14 preparation programs or other waivers to be requested from the  
15 professional educator standards board;

16 (j) Identification and completion of any modifications to school  
17 district collective bargaining agreements necessary to implement the  
18 innovation and success plan, using the procedures under RCW  
19 28A.657.050(3); and

20 (k) A proposed budget based on funding and resources available to  
21 the pilot project.

22 (4) Each college of education and school district must submit a  
23 completed innovation and success plan to the office of the  
24 superintendent of public instruction and the professional educator  
25 standards board by March 15, 2013.

26 (5) The office of the superintendent of public instruction and the  
27 professional educator standards board must notify each college of  
28 education and school district by May 1, 2013, whether the innovation  
29 and success plan has been approved. If the plan is not approved, the  
30 reasons must be specified in writing and the college of education and  
31 school district must be provided an opportunity to revise and resubmit  
32 the plan within thirty days. The office and the board may provide  
33 technical assistance in revising a plan.

34 (6) School districts are encouraged to assign teachers, principals,  
35 and other staff to a collaborative school for innovation and success  
36 who express an interest, commitment, and qualifications to participate  
37 in the pilot project. School districts are also encouraged to permit

1 the transfer of existing school staff to another school in the district  
2 if the staff do not wish to participate in the pilot project.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.630  
4 RCW to read as follows:

5 (1) Approved innovation and success plans shall be implemented in  
6 each collaborative school for innovation and success pilot project over  
7 a five-year period beginning in the 2013-14 school year through the  
8 2017-18 school year.

9 (2) Each pilot project shall submit an annual progress report to  
10 the office of the superintendent of public instruction and the  
11 professional educator standards board by December 1st. The report must  
12 describe the best practices and new approaches being used at the  
13 collaborative school for innovation and success, lessons learned,  
14 adjustments planned and implemented, suggestions for expanding use of  
15 best practices to a larger scale, and other results from the  
16 collaborative experience of the pilot project. The office and board  
17 shall compile and summarize the reports in a standard format and  
18 forward them to the governor and the appropriate committees of the  
19 legislature.

20 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.630  
21 RCW to read as follows:

22 (1) Subject to funds appropriated specifically for this purpose,  
23 the office of the superintendent of public instruction shall contract  
24 with a northwest educational research organization to conduct an  
25 evaluation of the collaborative schools for innovation and success  
26 pilot project using quantitative and qualitative analysis to identify  
27 successful practices in improving student and educator outcomes. The  
28 organization shall submit a preliminary evaluation by December 1, 2015,  
29 and a final evaluation by September 1, 2018, to the superintendent of  
30 public instruction and the professional educator standards board.

31 (2) Based on the experience of the participants and the evaluation  
32 results, the office of the superintendent of public instruction and the  
33 professional educator standards board shall recommend whether the pilot  
34 project should be modified, continued, and expanded to include other  
35 elementary schools in the state, or expanded to include middle and high

1 schools. The office and the board shall submit their recommendations  
2 and the final report of the pilot project to the governor and the  
3 appropriate committees of the legislature by December 1, 2018.

4 **Sec. 8.** RCW 28A.305.140 and 2011 c 260 s 8 are each amended to  
5 read as follows:

6 (1) The state board of education may grant waivers to school  
7 districts from the provisions of RCW 28A.150.200 through 28A.150.220 on  
8 the basis that such waiver or waivers are necessary to:

9 (a) Implement successfully a local plan to provide for all students  
10 in the district an effective education system that is designed to  
11 enhance the educational program for each student. The local plan may  
12 include alternative ways to provide effective educational programs for  
13 students who experience difficulty with the regular education program;  
14 (~~or~~)

15 (b) Implement an innovation school or innovation zone designated  
16 under RCW 28A.630.081; or

17 (c) Implement a collaborative schools for innovation and success  
18 pilot project approved under section 4 of this act.

19 (2) The state board shall adopt criteria to evaluate the need for  
20 the waiver or waivers.

21 **Sec. 9.** RCW 28A.655.180 and 2011 c 260 s 9 are each amended to  
22 read as follows:

23 (1) The state board of education, where appropriate, or the  
24 superintendent of public instruction, where appropriate, may grant  
25 waivers to districts from the provisions of statutes or rules relating  
26 to: The length of the school year; student-to-teacher ratios; and  
27 other administrative rules that in the opinion of the state board of  
28 education or the opinion of the superintendent of public instruction  
29 may need to be waived in order for a district to implement a plan for  
30 restructuring its educational program or the educational program of  
31 individual schools within the district or to implement an innovation  
32 school or innovation zone designated under RCW 28A.630.081 or to  
33 implement a collaborative schools for innovation and success pilot  
34 project approved under section 4 of this act.

35 (2) School districts may use the application process in RCW  
36 28A.305.140 to apply for the waivers under this section.

1       **Sec. 10.** RCW 28A.657.050 and 2010 c 235 s 105 are each amended to  
2 read as follows:

3       (1) The local district superintendent and local school board of a  
4 school district designated as a required action district must submit a  
5 required action plan to the state board of education for approval.  
6 Unless otherwise required by subsection (3) of this section, the plan  
7 must be submitted under a schedule as required by the state board. A  
8 required action plan must be developed in collaboration with  
9 administrators, teachers, and other staff, parents, unions representing  
10 any employees within the district, students, and other representatives  
11 of the local community. The superintendent of public instruction shall  
12 provide a district with assistance in developing its plan if requested.  
13 The school board must conduct a public hearing to allow for comment on  
14 a proposed required action plan. The local school district shall  
15 submit the plan first to the office of the superintendent of public  
16 instruction to review and approve that the plan is consistent with  
17 federal guidelines. After the office of the superintendent of public  
18 instruction has approved that the plan is consistent with federal  
19 guidelines, the local school district must submit its required action  
20 plan to the state board of education for approval.

21       (2) A required action plan must include all of the following:

22       (a) Implementation of one of the four federal intervention models  
23 required for the receipt of a federal school improvement grant, for  
24 those persistently lowest-achieving schools that the district will be  
25 focusing on for required action. However, a district may not establish  
26 a charter school under a federal intervention model without express  
27 legislative authority. The intervention models are the turnaround,  
28 restart, school closure, and transformation models. The intervention  
29 model selected must address the concerns raised in the academic  
30 performance audit and be intended to improve student performance to  
31 allow a school district to be removed from the list of districts  
32 designated as a required action district by the state board of  
33 education within three years of implementation of the plan;

34       (b) Submission of an application for a federal school improvement  
35 grant or a grant from other federal funds for school improvement to the  
36 superintendent of public instruction;

37       (c) A budget that provides for adequate resources to implement the  
38 federal model selected and any other requirements of the plan;

1 (d) A description of the changes in the district's or school's  
2 existing policies, structures, agreements, processes, and practices  
3 that are intended to attain significant achievement gains for all  
4 students enrolled in the school and how the district intends to address  
5 the findings of the academic performance audit; and

6 (e) Identification of the measures that the school district will  
7 use in assessing student achievement at a school identified as a  
8 persistently lowest-achieving school, which include improving  
9 mathematics and reading student achievement and graduation rates as  
10 defined by the office of the superintendent of public instruction that  
11 enable the school to no longer be identified as a persistently lowest-  
12 achieving school.

13 (3)(a) For any district designated for required action, the parties  
14 to any collective bargaining agreement negotiated, renewed, or extended  
15 under chapter 41.59 or 41.56 RCW after June 10, 2010, must reopen the  
16 agreement, or negotiate an addendum, if needed, to make changes to  
17 terms and conditions of employment that are necessary to implement a  
18 required action plan. For any district applying to participate in a  
19 collaborative schools for innovation and success pilot project under  
20 section 4 of this act, the parties to any collective bargaining  
21 agreement negotiated, renewed, or extended under chapter 41.59 or 41.56  
22 RCW after the effective date of this section must reopen the agreement,  
23 or negotiate an addendum, if needed, to make changes to terms and  
24 conditions of employment that are necessary to implement an innovation  
25 and success plan.

26 (b) If the school district and the employee organizations are  
27 unable to agree on the terms of an addendum or modification to an  
28 existing collective bargaining agreement, the parties, including all  
29 labor organizations affected under the required action plan, shall  
30 request the public employment relations commission to, and the  
31 commission shall, appoint an employee of the commission to act as a  
32 mediator to assist in the resolution of a dispute between the school  
33 district and the employee organizations. Beginning in 2011, and each  
34 year thereafter, mediation shall commence no later than April 15th.  
35 All mediations held under this section shall include the employer and  
36 representatives of all affected bargaining units.

37 (c) If the executive director of the public employment relations  
38 commission, upon the recommendation of the assigned mediator, finds

1 that the employer and any affected bargaining unit are unable to reach  
2 agreement following a reasonable period of negotiations and mediation,  
3 but by no later than May 15th of the year in which mediation occurred,  
4 the executive director shall certify any disputed issues for a decision  
5 by the superior court in the county where the school district is  
6 located. The issues for determination by the superior court must be  
7 limited to the issues certified by the executive director.

8 (d) The process for filing with the court in this subsection (3)(d)  
9 must be used in the case where the executive director certifies issues  
10 for a decision by the superior court.

11 (i) The school district shall file a petition with the superior  
12 court, by no later than May 20th of the same year in which the issues  
13 were certified, setting forth the following:

14 (A) The name, address, and telephone number of the school district  
15 and its principal representative;

16 (B) The name, address, and telephone number of the employee  
17 organizations and their principal representatives;

18 (C) A description of the bargaining units involved;

19 (D) A copy of the unresolved issues certified by the executive  
20 director for a final and binding decision by the court; and

21 (E) The academic performance audit that the office of the  
22 superintendent of public instruction completed for the school district  
23 in the case of a required action district, or the comprehensive needs  
24 assessment in the case of a collaborative schools for innovation and  
25 success pilot project.

26 (ii) Within seven days after the filing of the petition, each party  
27 shall file with the court the proposal it is asking the court to order  
28 be implemented in a required action plan or innovation and success plan  
29 for the district for each issue certified by the executive director.  
30 Contemporaneously with the filing of the proposal, a party must file a  
31 brief with the court setting forth the reasons why the court should  
32 order implementation of its proposal in the final plan.

33 (iii) Following receipt of the proposals and briefs of the parties,  
34 the court must schedule a date and time for a hearing on the petition.  
35 The hearing must be limited to argument of the parties or their counsel  
36 regarding the proposals submitted for the court's consideration. The  
37 parties may waive a hearing by written agreement.

1 (iv) The court must enter an order selecting the proposal for  
2 inclusion in a required action plan that best responds to the issues  
3 raised in the school district's academic performance audit, and allows  
4 for the award of a federal school improvement grant or a grant from  
5 other federal funds for school improvement to the district from the  
6 office of the superintendent of public instruction to implement one of  
7 the four federal intervention models. In the case of an innovation and  
8 success plan, the court must enter an order selecting the proposal for  
9 inclusion in the plan that best responds to the issues raised in the  
10 school's comprehensive needs assessment. The court's decision must be  
11 issued no later than June 15th of the year in which the petition is  
12 filed and is final and binding on the parties; however the court's  
13 decision is subject to appeal only in the case where it does not allow  
14 the school district to implement a required action plan consistent with  
15 the requirements for the award of a federal school improvement grant or  
16 other federal funds for school improvement by the superintendent of  
17 public instruction.

18 (e) Each party shall bear its own costs and attorneys' fees  
19 incurred under this statute.

20 (f) Any party that proceeds with the process in this section after  
21 knowledge that any provision of this section has not been complied with  
22 and who fails to state its objection in writing is deemed to have  
23 waived its right to object.

24 (4) All contracts entered into between a school district and an  
25 employee must be consistent with this section and allow school  
26 districts designated as required action districts to implement one of  
27 the four federal models in a required action plan.

28 NEW SECTION. Sec. 11. A new section is added to chapter 28A.410  
29 RCW to read as follows:

30 The professional educator standards board may grant waivers from  
31 the provisions of statutes or rules pertaining to educator preparation  
32 and certification programs or other rules adopted under this chapter on  
33 the basis that such waiver or waivers are necessary to implement a  
34 collaborative schools for innovation and success pilot project approved  
35 under section 4 of this act.

1        NEW SECTION.    **Sec. 12.**    A new section is added to chapter 28A.660  
2    RCW to read as follows:

3        The professional educator standards board may grant waivers from  
4    the provisions of statutes or rules adopted under this chapter on the  
5    basis that such waiver or waivers are necessary to implement a  
6    collaborative schools for innovation and success pilot project approved  
7    under section 4 of this act.

8        NEW SECTION.    **Sec. 13.**    Sections 1 through 12 of this act expire  
9    June 30, 2019.

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