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**HOUSE BILL 1215**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives Hargrove, Pettigrew, Kretz, Smith, and Stambaugh

AN ACT Relating to innovation schools; amending RCW 28A.657.050 and 28A.657.050; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.165 RCW; adding a new section to chapter 28A.170 RCW; adding a new section to chapter 28A.175 RCW; adding a new section to chapter 28A.180 RCW; adding a new section to chapter 28A.185 RCW; adding a new section to chapter 28A.190 RCW; adding a new section to chapter 28A.193 RCW; adding a new section to chapter 28A.194 RCW; adding a new section to chapter 28A.215 RCW; adding a new section to chapter 28A.220 RCW; adding a new section to chapter 28A.225 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.235 RCW; adding a new section to chapter 28A.245 RCW; adding a new section to chapter 28A.250 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.325 RCW; adding a new section to chapter 28A.335 RCW; adding a new section to chapter 28A.340 RCW; adding a new section to chapter 28A.345 RCW; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.415 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.605 RCW; adding a new section to chapter 28A.620 RCW; adding a new section to chapter 28A.623 RCW; adding a new section to chapter 28A.625 RCW; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 28A.635 RCW; adding a new section to chapter 28A.650 RCW; adding a new section to chapter 28A.655 RCW; adding a new section to chapter 28A.700 RCW; adding a new chapter to Title 28A RCW; creating a new section; providing an effective date; and providing an expiration date.

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

**PART I**

**LOCALLY AUTHORIZED INNOVATION SCHOOLS**

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

(a) To further the goals of high quality public education throughout the state, school district boards of directors should be granted authority to establish locally authorized innovation schools that grant schools maximum flexibility to meet the needs of students and the communities within which they live; and

(b) Particularly in schools and communities that are struggling to improve student academic outcomes and close the achievement gap, there is a critical need for innovative models of public education that are tailored to the unique circumstances and needs of the students in those schools and communities.

(2) Therefore, the legislature intends to create a system for the establishment and operation of locally authorized innovation schools that will:

(a) Grant school districts and schools greater flexibility to meet the educational needs of a diverse student population;

(b) Improve educational performance through greater individual school autonomy and managerial flexibility;

(c) Implement evidence-based practices proven to be effective in reducing demographic disparities in student achievement; and

(d) Encourage innovation in education by providing local school communities and principals with greater control over decisions related to staffing, personnel selection and evaluation, scheduling, and educational programming.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Innovation school" means a public school that, as provided in this chapter, has been authorized by a school district board of directors in accordance with a plan for the establishment and operation of the innovation school.

(2) "Innovation zone" or "zone" means two or more innovation schools that, as provided in this chapter, have been authorized by a school district board of directors in accordance with a plan for the establishment and operation of the innovation schools in the zone that was jointly submitted by the participating schools.

NEW SECTION. **Sec.**  Any school district board of directors may authorize one or more innovation schools or innovation zones within the district as provided in this section.

(1)(a) Any school within a school district may submit to the board of directors a plan as described under section 104 of this act to establish and operate an innovation school. One or more schools that share common interests, such as geographical location or educational focus, or that sequentially serve classes of students as they progress through elementary and secondary grades, may jointly submit to the board of directors a plan to create an innovation zone as described under section 104 of this act to establish and operate an innovation zone. An innovation zone may, but is not required to, include all schools within a school district. An innovation zone may not include schools that are not innovation schools.

(b) A school district board of directors that receives a plan to establish and operate an innovation school or zone must approve or disapprove the plan within sixty days of its receipt. If the board of directors rejects the plan, the board must provide a written explanation of the reasons for the rejection. The school or group of schools that submitted the plan may resubmit an amended plan any time after a plan is rejected.

(2) If a school district board of directors approves an innovation school or zone plan that includes a request for a waiver of provisions of school district collective bargaining agreements, the board must enter into negotiations with the appropriate employee organizations, and the employee organizations and the school board must bargain in good faith.

(3) Each innovation school or zone authorized under this section must submit an annual report to the school district board of directors on student achievement results in the school or zone and other accomplishments achieved during the prior year. The board of directors must annually forward a copy of the reports to the state board of education.

(4) Once an innovation school or zone plan has been approved by a school district board of directors, the board must permit the implementation of the plan as approved for a period of at least four years, after which time the board may discontinue implementation of the plan or continue the plan for a period of time specified by the board.

(5)(a) A plan for the establishment and operation of an innovation school or zone in accordance with this chapter by an innovation school or zone authorized under RCW 28A.630.081 shall take priority over other plans submitted under this section to a school district board of directors.

(b) An innovation school or zone authorized under RCW 28A.630.081 that has submitted a plan under this section for the establishment and operation of an innovation school or zone may continue to operate as an innovation school or zone under RCW 28A.630.081 through 28A.630.089, as those statutes existed on January 1, 2017, while the submitted plan is under consideration by the applicable school district board of directors.

(6) An innovation school must operate according to the terms of the plan and the provisions of this chapter.

NEW SECTION. **Sec.**  (1) An innovation school plan must include the following information:

(a) A statement of why designation as an innovation school would enhance the ability of the school to improve student achievement and close the achievement gap;

(b) A description of the innovations to be implemented by the school, which may include, but are not limited to: Innovations in school staffing; class scheduling; use of financial and other resources; school-based budgeting; professional development; parent involvement; collaboration and partnership with the community; school-based decision making; and recruitment, employment, assignment, evaluation, and compensation of school employees, including providing financial incentives for performance and excellence;

(c) A description of the programs, policies, and approaches to providing instruction and services that would be changed to reflect evidence-based practices and other innovations, such as unique learning opportunities for students; curriculum; student promotion and graduation policies; forms of student assessment; the length of school day and school year; programs, services, and strategies specifically intended to close the achievement gap and increase graduation rates across all groups of students; project-based learning; team-teaching; interdisciplinary instruction; provision of special services including for students in special education, highly capable students, and English language learner students; dropout early warning, prevention, intervention, and reengagement; and guidance and counseling services;

(d) Identification of the improvements in student achievement that the school expects to accomplish in implementing the innovations;

(e) A statement of support for designation as an innovation school by the students and parents of students enrolled in the school, and by the community surrounding the school;

(f) A listing of any waivers of school district policies or provisions of school district collective bargaining agreements that are necessary to implement the plan and an explanation of why the waivers are necessary; and

(g) A listing of any waivers of state laws, rules, or policies that are necessary to implement the plan and an explanation of why the waivers are necessary.

(2) An innovation zone plan must include all of the information required under subsection (1) of this section, plus the following additional information:

(a) A description of how innovations in the schools within the zone would be integrated to achieve results that would be less likely to be accomplished by each school working independently as an innovation school; and

(b) An estimate of any economies of scale that would be achieved by innovations implemented jointly by the schools within the zone.

(3) A plan submitted to the school district board of directors under this section must be jointly developed by the teachers of the school that is applying to become an innovation school and parents or guardians of the students at the school. A submitted plan must be approved by a majority of staff assigned to the school or schools participating in the plan, and by the parents or guardians of a majority of the students at the school.

NEW SECTION. **Sec.**  Innovation school and innovation zone plans must be capable of being implemented without supplemental state funds, but may include requests for supplemental funds from the school district or from the state for specified components of the plan. Each school district board of directors is authorized and encouraged to seek and accept public and private gifts, grants, and donations to offset the costs of developing and implementing innovation school and innovation zone plans.

NEW SECTION. **Sec.**  (1)(a) The superintendent of public instruction, the state board of education, and the professional educator standards board, each within the scope of their statutory authority, must waive the application of policies and procedures of their respective agencies for an innovation school or schools within an innovation zone. The requirements of this subsection apply to the extent the waivers are included in the plan for the innovation school or zone.

(b) The superintendent of public instruction, the state board of education, and the professional educator standards board may not waive policies and procedures that would jeopardize the receipt of state or federal funds that a school district with an innovation school or zone would otherwise be eligible to receive unless the school district submits a written authorization for the waiver acknowledging that receipt of funds could be jeopardized.

(2) The superintendent of public instruction, the state board of education, and the professional educator standards board, each within the scope of their statutory authority, must waive the statutory requirements and any related rules of the chapters of law specified under section 107 of this act for an innovation school or schools within an innovation zone. The requirements of this subsection apply to the extent the waivers are included in the innovation school or zone plan.

(3) A waiver under this section applies only to innovation schools and schools within an innovation zone and only as specified in the innovation school or zone plan. A waiver granted under this section may not exceed the duration of the innovation school or zone designation.

(4) The superintendent of public instruction, the state board of education, or the professional educator standards board may suspend a waiver granted under this section based on evidence of academic harm to students or findings in financial or program audits.

NEW SECTION. **Sec.**  (1) Except as provided in subsection (2) of this section, the following laws and related rules are subject to waiver under section 106 of this act:

(a) Chapter 28A.150 RCW, general provisions;

(b) Chapter 28A.160 RCW, student transportation;

(c) Chapter 28A.165 RCW, learning assistance program;

(d) Chapter 28A.170 RCW, substance abuse awareness program;

(e) Chapter 28A.175 RCW, dropout prevention, intervention, and retrieval system;

(f) Chapter 28A.180 RCW, transitional bilingual instructional program;

(g) Chapter 28A.185 RCW, highly capable students;

(h) Chapter 28A.190 RCW, residential education programs;

(i) Chapter 28A.193 RCW, education programs for juvenile inmates;

(j) Chapter 28A.194 RCW, education programs for juveniles in adult jails;

(k) Chapter 28A.215 RCW, early childhood, preschools, before-and-after school care;

(l) Chapter 28A.220 RCW, traffic safety;

(m) Chapter 28A.225 RCW, compulsory school attendance and admission;

(n) Chapter 28A.230 RCW, compulsory course work and activities;

(o) Chapter 28A.235 RCW, food services;

(p) Chapter 28A.245 RCW, skill centers;

(q) Chapter 28A.250 RCW, online learning;

(r) Chapter 28A.300 RCW, superintendent of public instruction;

(s) Chapter 28A.305 RCW, state board of education;

(t) Chapter 28A.320 RCW, provisions applicable to all districts;

(u) Chapter 28A.325 RCW, associated student bodies;

(v) Chapter 28A.335 RCW, school districts' property;

(w) Chapter 28A.340 RCW, small high school cooperative projects;

(x) Chapter 28A.345 RCW, Washington state school directors' association;

(y) Chapter 28A.400 RCW, employees;

(z) Chapter 28A.405 RCW, certificated employees;

(aa) Chapter 28A.410 RCW, certification;

(bb) Chapter 28A.415 RCW, institutes, workshops, and training;

(cc) Chapter 28A.600 RCW, students;

(dd) Chapter 28A.605 RCW, parent access;

(ee) Chapter 28A.620 RCW, community education programs;

(ff) Chapter 28A.623 RCW, meal programs;

(gg) Chapter 28A.625 RCW, awards;

(hh) Chapter 28A.630 RCW, temporary provisions—special projects;

(ii) Chapter 28A.635 RCW, offenses relating to school property and personnel;

(jj) Chapter 28A.650 RCW, education technology;

(kk) Chapter 28A.655 RCW, academic achievement and accountability; and

(ll) Chapter 28A.700 RCW, secondary career and technical education.

(2) The following may not be waived under section 106 of this act:

(a) Laws and regulations applicable to school districts pertaining to health, safety, civil rights, privacy, and nondiscrimination;

(b) Laws and rules associated with determining disbursements of state funds, including capital funds, through state funding formulas;

(c) Laws and regulations pertaining to school district budgeting and accounting and bonded indebtedness;

(d) Laws and regulations pertaining to the statewide assessment and school and district accountability system to the extent that the provisions are required by federal laws or regulations;

(e) Laws regarding financial examinations and audits as determined by the state auditor and the office of the superintendent of public instruction, including audits for legal and fiscal compliance;

(f) Laws pertaining to the election of school district boards of directors and to the organization and reorganization of school districts;

(g) Requirements pertaining to the employment of certificated instructional staff as specified in RCW 28A.410.025. Innovation schools, however, may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7); and

(h) Employee background and record check requirements under RCW 28A.400.301 and 28A.400.303 and mandatory termination for crimes against children under RCW 28A.400.320 through 28A.400.330.

(3) By August 1, 2017, the office of the superintendent of public instruction, the professional educator standards board, and the state board of education shall jointly publish a list of each of the statutes under this title and administrative rules adopted under those statutes that may be waived under this section. The list must be updated by August 1st of each year thereafter.

NEW SECTION. **Sec.**  (1) The office of the superintendent of public instruction must annually forward to the legislature any supplemental state funding requests contained in the plans of innovation schools or zones.

(2) The supplemental funding requests under this section must be submitted by the superintendent of public instruction as a single decision package, to be considered as a whole by the legislature and not by individual request for each innovation school or zone.

(3) If funding is appropriated to implement innovation school or zone plans in an amount less than the full request, the office of the superintendent of public instruction must apportion the appropriated funds among the school districts with innovation schools and zones based on a pro rata share of the amount of the appropriation compared to the amount of the request.

NEW SECTION. **Sec.**  (1) A school district with an innovation school or zone must permit, but not require, employees assigned to an innovation school or a school within an innovation zone who are part of a bargaining unit and subject to a collective bargaining agreement to, by simple majority, elect to be removed from collective bargaining units and collective bargaining agreements as provided under sections 203 and 204 of this act.

(2) If the majority of the employees assigned to a school within an innovation zone who are eligible to participate in the election do not elect to be removed from the collective bargaining unit and collective bargaining agreements, the school district board of directors may revise the zone plan to remove that school from the plan.

(3) Any employee who is assigned to an innovation school or a school within an innovation zone may request a transfer to another school within the school district. The superintendent and school district board of directors must make every reasonable effort to accommodate the employee's request for a transfer.

NEW SECTION. **Sec.**  The office of the superintendent of public instruction must provide information about the provisions of this chapter to all schools and school districts in the state and, within available funds, offer advice and technical assistance at the request of schools, school districts, and school district boards of directors in the development and implementation of locally authorized innovation school and zone plans.

**PART II**

**IMPLEMENTATION, INCLUDING COLLECTIVE BARGAINING PROVISIONS, APPLICABLE REQUIREMENTS, AND WAIVERS**

**Sec.**  RCW 28A.657.050 and 2013 c 159 s 5 are each amended to read as follows:

(1)(a) The local district superintendent and local school board of a school district designated as a required action district must submit a required action plan to the state board of education for approval. Unless otherwise required by subsection (3) of this section, the plan must be submitted under a schedule as required by the state board. A required action plan must be developed in collaboration with administrators, teachers, and other staff, parents, unions representing any employees within the district, students, and other representatives of the local community.

(b) The superintendent of public instruction shall provide a district with assistance in developing its plan if requested, and shall develop and publish guidelines for the development of required action plans. The superintendent of public instruction, in consultation with the state board of education, shall also publish a list of research and evidence-based school improvement models, consistent with turnaround principles, that are approved for use in required action plans.

(c) The school board must conduct a public hearing to allow for comment on a proposed required action plan. The local school district shall submit the plan first to the office of the superintendent of public instruction to review and approve that the plan is consistent with federal and state guidelines, as applicable. After the office of the superintendent of public instruction has approved that the plan is consistent with federal and state guidelines, the local school district must submit its required action plan to the state board of education for approval.

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

(a) Implementation of an approved school improvement model required for the receipt of federal or state funds for school improvement for those persistently lowest-achieving schools that the district will be focusing on for required action. The approved school improvement model selected must address the concerns raised in the academic performance audit and be intended to improve student performance to allow a school district to be removed from the list of districts designated as a required action district by the state board of education within three years of implementation of the plan. The required action plan for districts with multiple persistently lowest-achieving schools must include separate plans for each school as well as a plan for how the school district will support the schools collectively;

(b) Submission of an application for federal or state funds for school improvement to the superintendent of public instruction;

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

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

(e) Identification of the measures that the school district will use in assessing student achievement at a school identified as a persistently lowest-achieving school, which include closing the educational opportunity gap, improving mathematics and reading or English language arts student achievement, and improving graduation rates as defined by the office of the superintendent of public instruction that enable the school to no longer be identified as a persistently lowest-achieving school.

(3)(a) For any district designated for required action, the parties to any collective bargaining agreement negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after June 10, 2010, must reopen the agreement, or negotiate an addendum, if needed, to make changes to terms and conditions of employment that are necessary to implement a required action plan. For any district applying to participate in a collaborative schools for innovation and success pilot project under RCW 28A.630.104, the parties to any collective bargaining agreement negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after June 7, 2012, must reopen the agreement, or negotiate an addendum, if needed, to make changes to terms and conditions of employment that are necessary to implement an innovation and success plan.

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

(c) If the executive director of the public employment relations commission, upon the recommendation of the assigned mediator, finds that the employer and any affected bargaining unit are unable to reach agreement following a reasonable period of negotiations and mediation, but by no later than May 15th of the year in which mediation occurred, the executive director shall certify any disputed issues for a decision by the superior court in the county where the school district is located. The issues for determination by the superior court must be limited to the issues certified by the executive director.

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

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

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

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

(C) A description of the bargaining units involved;

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

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

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

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

(iv) The court must enter an order selecting the proposal for inclusion in a required action plan that best responds to the issues raised in the school district's academic performance audit, and allows for the award of federal or state funds for school improvement to the district from the office of the superintendent of public instruction to implement an approved school improvement model. In the case of an innovation and success plan, the court must enter an order selecting the proposal for inclusion in the plan that best responds to the issues raised in the school's comprehensive needs assessment. The court's decision must be issued no later than June 15th of the year in which the petition is filed and is final and binding on the parties; however the court's decision is subject to appeal only in the case where it does not allow the school district to implement a required action plan consistent with the requirements for the award of federal or state funds for school improvement by the superintendent of public instruction.

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

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

(4) All contracts entered into between a school district and an employee must be consistent with this section and allow school districts designated as required action districts to implement an approved school improvement model in a required action plan.

(5) School districts are encouraged to implement locally authorized innovation schools as provided in chapter 28A.--- RCW (the new chapter created in section 303 of this act) in persistently lowest-achieving schools if the innovation school plan under section 104 of this act also meets applicable state and federal intervention requirements.

**Sec.**  RCW 28A.657.050 and 2013 c 159 s 6 are each amended to read as follows:

(1)(a) The local district superintendent and local school board of a school district designated as a required action district must submit a required action plan to the state board of education for approval. Unless otherwise required by subsection (3) of this section, the plan must be submitted under a schedule as required by the state board. A required action plan must be developed in collaboration with administrators, teachers, and other staff, parents, unions representing any employees within the district, students, and other representatives of the local community.

(b) The superintendent of public instruction shall provide a district with assistance in developing its plan if requested, and shall develop and publish guidelines for the development of required action plans. The superintendent of public instruction, in consultation with the state board of education, shall also publish a list of research and evidence-based school improvement models, consistent with turnaround principles, that are approved for use in required action plans.

(c) The school board must conduct a public hearing to allow for comment on a proposed required action plan. The local school district shall submit the plan first to the office of the superintendent of public instruction to review and approve that the plan is consistent with federal and state guidelines, as applicable. After the office of the superintendent of public instruction has approved that the plan is consistent with federal and state guidelines, the local school district must submit its required action plan to the state board of education for approval.

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

(a) Implementation of an approved school improvement model required for the receipt of federal or state funds for school improvement for those persistently lowest-achieving schools that the district will be focusing on for required action. The approved school improvement model selected must address the concerns raised in the academic performance audit and be intended to improve student performance to allow a school district to be removed from the list of districts designated as a required action district by the state board of education within three years of implementation of the plan. The required action plan for districts with multiple persistently lowest-achieving schools must include separate plans for each school as well as a plan for how the school district will support the schools collectively;

(b) Submission of an application for federal or state funds for school improvement to the superintendent of public instruction;

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

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

(e) Identification of the measures that the school district will use in assessing student achievement at a school identified as a persistently lowest-achieving school, which include closing the educational opportunity gap, improving mathematics and reading or English language arts student achievement, and improving graduation rates as defined by the office of the superintendent of public instruction that enable the school to no longer be identified as a persistently lowest-achieving school.

(3)(a) For any district designated for required action, the parties to any collective bargaining agreement negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after June 10, 2010, must reopen the agreement, or negotiate an addendum, if needed, to make changes to terms and conditions of employment that are necessary to implement a required action plan.

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

(c) If the executive director of the public employment relations commission, upon the recommendation of the assigned mediator, finds that the employer and any affected bargaining unit are unable to reach agreement following a reasonable period of negotiations and mediation, but by no later than May 15th of the year in which mediation occurred, the executive director shall certify any disputed issues for a decision by the superior court in the county where the school district is located. The issues for determination by the superior court must be limited to the issues certified by the executive director.

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

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

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

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

(C) A description of the bargaining units involved;

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

(E) The academic performance audit that the office of the superintendent of public instruction completed for the school district.

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

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

(iv) The court must enter an order selecting the proposal for inclusion in a required action plan that best responds to the issues raised in the school district's academic performance audit, and allows for the award of federal or state funds for school improvement to the district from the office of the superintendent of public instruction to implement an approved school improvement model. The court's decision must be issued no later than June 15th of the year in which the petition is filed and is final and binding on the parties; however the court's decision is subject to appeal only in the case where it does not allow the school district to implement a required action plan consistent with the requirements for the award of federal or state funds for school improvement by the superintendent of public instruction.

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

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

(4) All contracts entered into between a school district and an employee must be consistent with this section and allow school districts designated as required action districts to implement an approved school improvement model in a required action plan.

(5) School districts are encouraged to implement locally authorized innovation schools as provided in chapter 28A.--- RCW (the new chapter created in section 303 of this act) in persistently lowest-achieving schools if the innovation school plan under section 104 of this act also meets applicable state and federal intervention requirements.

NEW SECTION. **Sec.**  A new section is added to chapter 41.56 RCW to read as follows:

(1) Any collective bargaining agreement entered into, extended, amended, or renewed after the effective date of this section between a school district employer and employees under this chapter must allow employees of a school district who are assigned to an innovation school or a school within an innovation zone to elect to be removed from the bargaining unit and the collective bargaining agreement as provided under this section.

(2) In accordance with subsection (1) of this section, employees who are part of a bargaining unit and subject to a collective bargaining agreement may elect, by means of a secret ballot approved by a majority of the employees assigned to the school who are eligible to participate in the election, to be removed from their bargaining unit and collective bargaining agreement. In the case of schools within an innovation zone, the election must be conducted separately for each school within the zone.

(3) The removal from bargaining units and collective bargaining agreements as provided by this section must continue while the school remains an innovation school or within an innovation zone.

NEW SECTION. **Sec.**  A new section is added to chapter 41.59 RCW to read as follows:

(1) Any collective bargaining agreement entered into, extended, amended, or renewed after the effective date of this section between an employer and employees under this chapter must allow employees of a school district who are assigned to an innovation school or a school within an innovation zone to elect to be removed from the bargaining unit and the collective bargaining agreement as provided under this section.

(2) In accordance with subsection (1) of this section, employees assigned to an innovation school or a school within an innovation zone who are part of a bargaining unit and subject to a collective bargaining agreement may elect, by means of a secret ballot approved by a majority of the employees assigned to the school who are eligible to participate in the election, to be removed from their bargaining unit and collective bargaining agreement. In the case of schools within an innovation zone, the election must be conducted separately for each school within the zone.

(3) The removal of employees from bargaining units and collective bargaining agreements as provided by this section must continue while the school remains an innovation school or within an innovation zone.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

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

A school district with an innovation school or an innovation zone established under chapter 28A.--- RCW (the new chapter created in section 303 of this act) is subject to the requirements of this chapter and related rules unless a waiver is included in the innovation school plan or innovation zone plan. A waiver provided under section 107 of this act from the requirements of this chapter and related rules applies only to the innovation schools or schools within innovation zones and only as specified in the plan approved by a school district board of directors under section 104 of this act.

**PART III**

**MISCELLANEOUS PROVISIONS**

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

NEW SECTION. **Sec.**  If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec.**  Sections 101 through 110 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. **Sec.**  Section 201 of this act expires June 30, 2019.

NEW SECTION. **Sec.**  Section 202 of this act takes effect June 30, 2019.

**--- END ---**