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**HOUSE BILL 1596**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representatives Kirby and Tharinger

AN ACT Relating to flexibility schools and zones; and adding a new chapter to Title 28A RCW.

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

NEW SECTION. **Sec.**  (1) The office of the superintendent of public instruction shall develop a process for school districts to apply to have one or more schools within the district designated as a flexibility school. A group of schools that share common interests, such as geographical location, or that sequentially serve classes of students as they progress through elementary and secondary grades may be designated as a flexibility zone, and a flexibility zone may include all schools within a school district.

(2) Applications requesting designation and operation of flexibility schools or zones must be developed by the school district in collaboration with educators, parents, and the communities of participating schools. School districts must ensure that each school requesting a flexibility school designation has substantial opportunity to participate in the development of the designation and operation plan required by section 3 of this act.

NEW SECTION. **Sec.**  (1) Applications for flexibility school and zone designations must be submitted by the applicable school district boards of directors to their respective educational service districts by September 1st for implementation in the school year beginning on the subsequent September 1st.

(2) Each educational service district board of directors shall review applications and plans for flexibility schools or zones from within the educational service district using the common criteria developed by the office of the superintendent of public instruction.

(3) In deciding whether to approve the application, the educational service district board of directors may grant the flexibility school or zone designation only to applicants that have complied with all application requirements and that demonstrate, to the satisfaction of the board, that the flexibility school or zone designation and plan is likely to result in increased academic achievement by the students in the school or zone. An approval decision may include, if appropriate, reasonable conditions required by the educational service district board of directors that the applicant must meet before receiving an approval. If approved, the educational service district must immediately transmit the application and the designation and operation plan developed under section 3 of this act to the office of the superintendent of public instruction.

(4) Designation of flexibility schools and zones under this section shall be for a six-year period, which may be renewed for subsequent six-year periods through an approval by the applicable educational service district board of directors.

(5)(a) Decisions made in accordance with subsections (3) and (4) of this section must:

(i) Be based on documented evidence collected through the application review process;

(ii) Follow policies and practices that are transparent and based on merit;

(iii) Avoid any conflict of interest, whether real or apparent; and

(iv) Be in writing.

(b) Decisions to deny an application or the renewal of a flexibility school or zone must state clearly the reasons for the denial. A denied applicant may subsequently reapply to the applicable educational service district.

NEW SECTION. **Sec.**  (1) Each application for designation of a flexibility school or zone must include a clear and detailed plan for the designation and operation of the flexibility school or zone. The plan must:

(a) Include an executive summary;

(b) Describe the mission and vision of the proposed flexibility school or zone, indicate the grades to be served, and explain why the designation would enhance the ability of the school or schools to improve student achievement and close the educational opportunity gap;

(c) Describe the school's or zone's proposed instructional design, including the type of learning environment, class size and structure, curriculum overview, and teaching methods;

(d) Enumerate specific, research-based activities and innovations to be carried out under the designation;

(e) Identify the improvements in student achievement and the educational opportunity gap that are expected to be accomplished;

(f) Identify the multiple measures for evaluation and accountability to be used to measure improvement in student achievement, closure in the educational opportunity gap, and the overall performance of the flexibility school or flexibility zone, including but not limited to assessment scores, graduation rates, and dropout rates;

(g) Describe the school's or zone's plans for identifying, successfully serving, and complying with applicable laws, rules, and regulations regarding students with disabilities, students who are limited English proficient, students who are struggling academically, and highly capable students;

(h) Include the school's or zone's student discipline policies, including discipline policies for special education students;

(i) Include plans for providing transportation, food service, and all other significant operational or ancillary services;

(j) Describe opportunities and expectations for parent involvement in the operation of the school or zone;

(k) Include budget plans and anticipated sources of funding, including private grants and contributions, if any;

(l) Include written statements of support from the principal and staff of schools seeking designation, each local employee association affected by the proposal, the local parent organizations, and statements of support, willingness to participate, or concerns from any interested parent, business, institution of higher education, or community organization; and

(m) Be capable of being implemented without supplemental state funding.

(2) A plan proposing the designation and operation of a flexibility school or zone must be approved by a majority of the staff assigned to the school or schools participating in the plan.

NEW SECTION. **Sec.**  (1) A flexibility school or zone must operate according to the designation and operation plan developed under section 3 of this act and the provisions of this chapter.

(2) A flexibility school or zone must:

(a) Comply with local, state, and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to school districts and to the same extent as other public schools, including but not limited to chapter 28A.642 RCW (discrimination prohibition) and chapter 28A.640 RCW (sexual equality);

(b) Provide a program of basic education that meets the goals in RCW 28A.150.210, including instruction in the essential academic learning requirements, and participate in the statewide student assessment system as developed under RCW 28A.655.070;

(c) Employ certificated instructional staff as required in RCW 28A.410.025. Flexibility schools or zones, however, may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);

(d) Comply with the employee record check requirements in RCW 28A.400.303;

(e) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance;

(f) Comply with the annual school performance report under RCW 28A.655.110;

(g) Be subject to the performance improvement goals adopted by the state board of education under RCW 28A.305.130;

(h) Comply with the open public meetings act in chapter 42.30 RCW and public records requirements in chapter 42.56 RCW;

(i) Be subject to and comply with collective bargaining agreements to which the school district and organizations representing employees of the school district are parties; and

(j) Be subject to and comply with legislation enacted after September 1, 2019, that governs the operation and management of flexibility schools and zones.

(3) While flexibility schools and zones are subject to the specific statutes and rules identified in subsection (2) of this section, for the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs to improve student outcomes and academic achievement, flexibility schools and zones are not subject to, and are exempt from, all other state statutes and rules applicable to schools and school districts. Except as provided otherwise by this chapter or the designation and operation plan developed under section 3 of this act, flexibility schools and zones are exempt from all school district policies.

(4) Flexibility schools and zones are subject to the supervision of the superintendent of public instruction and the state board of education, including accountability measures, to the same extent as other public schools, except as otherwise provided in this chapter.

NEW SECTION. **Sec.**  Sections 1 through 4 of this act constitute a new chapter in Title 28A RCW.

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