

# HOUSE BILL ANALYSIS

## HB 2128

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**Title:** An act relating to opportunity schools.

**Brief Description:** Creating the opportunity schools program.

**Sponsors:** Representatives Schual-Berke, Talcott, Quall, Ruderman, Kessler, Lovick and Kagi; by request of Governor Locke.

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### HOUSE COMMITTEE ON EDUCATION

*Meeting Date:* February 24, 1999.

*Bill Analysis Prepared by:* Charlie Gavigan (786-7340).

**Background:** Individual schools within a school district do not have independent legal status. Instead, they are administrative elements of a school district. Traditional public schools are operated under the direction of the local school board, the district superintendent, and administrators in the school district's central office. The school district board of directors generally sets policies applicable to the district in conformance with state laws and rules and regulations adopted by the Superintendent of Public Instruction and the State Board of Education.

Various mechanisms exist to increase the autonomy of participants in the public school system. Such mechanisms include alternative schools or programs within the traditional framework of the school district and site-based management and shared decision-making combined with limited waiver provisions.

The Washington Constitution contains several provisions governing public education. Article IX, Section 1, of the state constitution states that it is the paramount duty of the state to make ample provision for the education of children residing within its borders. Article IX, Section 2, provides that the Legislature must provide for a general and uniform system of public schools. Article IX, Section 4, provides that all schools maintained or supported wholly or in part by public funds must remain free of sectarian control or influence. Article III, Section 22, provides that the Superintendent of Public Instruction (SPI) shall have supervision over all matters pertaining to public schools. The Legislature has defined basic education— for purposes of meeting the state's obligation under the constitution; this definition includes funding allocation formulas, the most significant portion being funding teacher salaries.

Employees of a school district are entitled to engage in collective bargaining with school districts on a district-wide level.

The Washington Constitution also prohibits the Legislature from amending existing laws indirectly by reference.

**Summary of Bill:** The Opportunity Schools program is established to provide for innovative teaching strategies and proven educational practices, shared decision making, and increased parental and community involvement.

A school board may vote to become an opportunity school district, which provides it greater flexibility in educating students. A plan must be filed with the Superintendent of Public Instruction (SPI) containing: (1) an accountability plan for the school district; (2) a description of the role and composition of school-based councils, their decision-making authority, and the involvement of teachers, parents and the community; (3) a description of the district's budgetary framework and formula funding for all schools in the district.

Each school in an opportunity school district must file a comprehensive school improvement plan with the district that must address at least the following: (1) the use of innovative strategies and proven methods of educating; (2) a comprehensive design for school operation; (3) provisions for staff development; (4) measurable goals and benchmarks; (4) the involvement of parents and the community; (5) a plan for evaluating school reforms and student achievement; and (6) support by faculty and staff and the school-based council on the school improvement plan.

Opportunity school districts are granted waivers from state laws and rules in the education code except those specifically listed; waivers are not granted for provisions related to health and safety, civil rights, special education, collective bargaining, and several education reform provisions.

SPI, in cooperation with OFM and the State Auditor, must establish performance and accountability standards for opportunity school districts on moving to a performance-based education system. After 3 years, the Institute for Public Policy must study opportunity school districts to determine their effectiveness in improving student achievement.

The Opportunity Schools Program begins with the 1999-2000 school year and expires June 30, 2004.

**Appropriation:** None.

**Fiscal Note:** Requested on February 18, 1999.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.