
Education Committee

HB 1596

Brief Description: Concerning flexibility schools and zones.

Sponsors: Representatives Kirby and Tharinger.

Brief Summary of Bill

- Establishes requirements for the designation and operation of flexibility schools and flexibility zones.
- Directs the Office of the Superintendent of Public Instruction to develop the application process for school districts seeking to have one or more schools designated as a flexibility school or zone, but requires educational service districts to determine the outcome of the applications.
- Requires flexibility schools and zones to comply with specified laws and directives, but exempts flexibility schools and zones from most statutes and rules applicable to schools and districts.

Hearing Date: 3/18/19

Staff: Ethan Moreno (786-7386).

Background:

Non-traditional Education Programs.

In addition to provisions for the governance and operation of traditional schools and programs, Washington's kindergarten through grade twelve (K-12) education system includes provisions for alternative or non-traditional education programs that operate under different or modified legal frameworks than those governing other schools or academic programs. Examples of these programs include:

- *Alternative Learning Experiences* - academic instruction provided independently from a regular classroom setting or schedule through online, remote, and site-based courses.
- *The National Guard Youth Challenge Program* - an academic program operated by the Military Department and governed by rules of the Office of the Superintendent of Public

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Instruction (OSPI) that focuses on academic intervention and credit recovery for 16 to 18 year olds who have dropped out or are at risk of doing so.

- *Innovation Schools and Zones* - common schools approved by the OSPI (in accordance with a recommendation from the applicable educational service district) through an application process and that are eligible for waivers from certain educational requirements that are not otherwise available to traditional schools. Provisions authorizing and governing innovation schools and zones expire on June 30, 2019.
- *Charter Schools* - publicly funded K-12 schools operated by private entities under a contract known as a "charter." Charter schools have specific establishment, operation, and funding provisions established in law and are exempt from most state statutes, rules, and school district policies. With some exceptions, charter schools are subject to the supervision of the Superintendent of Public Instruction (SPI) and the State Board of Education (SBE) to the same extent as other public schools.

Office of the Superintendent of Public Instruction.

In addition to its constitutional charge of supervising all matter pertaining to public schools, the SPI and its office has numerous and broad responsibilities prescribed in statute, including:

- making rules and regulations necessary for the administration of public education requirements;
- preparing courses of study and other materials and books for the discharge of education duties;
- fulfilling financial responsibilities, including distributing legislatively allocated funds to districts for the operation of the public school system, and awarding numerous state and federally funded grants;
- maintaining and revising, in consultation with the SBE, a statewide academic assessment system to measure student knowledge and skills on state learning standards and for purposes of state and federal accountability; and
- satisfying numerous reporting and other duties assigned by the Legislature.

Educational Service Districts.

Washington has nine regionally-based educational service districts (ESDs) that provide cooperative informational services to local districts and assist the OSPI and the SBE in the performance of their duties. In addition to providing the cooperative and informational services, ESDs also serve as a depository and distribution center for instructional materials, and assist districts in the preparation of their budgets. The OSPI and the SBE are authorized in statute to delegate otherwise assigned programs, projects, and services to the ESD. The ESDs governed by boards that are elected by school directors within the ESD.

Summary of Bill:

Flexibility Schools and Zones - Application Process.

The Office of the Superintendent of Public Instruction (OSPI) is directed to 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 serving students in sequential grades, may be designated as a flexibility zone, and a flexibility zone may include all schools within a school district.

Applications requesting the designation and operation of flexibility schools or zones must be developed by the school district in collaboration with the educators, parents, and 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 operations plan for the school or zone.

Application Determinations.

Applications for flexibility school and zone designations must be submitted by the school board of the district to the applicable educational service district (ESD) by September 1 for implementation in the school year beginning on the subsequent September 1.

Each ESD board of directors must review applications and plans for flexibility schools or zones using the common criteria developed by the OSPI. In determining whether to approve the application, the ESD board 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 ESD board, that the flexibility school or zone designation and plan is likely to result in increased student academic achievement. If approved, the ESD must immediately transmit the application and the applicable designation and operation plan to the OSPI.

Designation of flexibility schools and zones are for six-year periods and may be renewed for subsequent six-year periods through an approval by the applicable ESD board.

Decisions to approve or deny an application for a flexibility school or zone designations must:

- be based on documented evidence collected through the application review process;
- follow policies and practices that are transparent and based on merit;
- avoid any conflict of interest, whether real or apparent; and
- be in writing.

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 ESD.

Contents of Application, Detailed Plan.

Each application for designation of a flexibility school or zone must meet numerous and specific requirements, including containing a clear and detailed plan for the designation and operation of the flexibility school or zone. A majority of the staff assigned to the applicable school or schools must also approve the plan for the designation and operation of a flexibility school or zone.

Among other requirements, the plan must:

- 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;
- 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;
- enumerate specific, research-based activities and innovations to be carried out under the designation;
- 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;

- include written statements of support from specified persons and entities; and
- be capable of being implemented without supplemental state funding.

Operational Requirements.

A flexibility school or zone must operate according to the approved designation and operation plan. A flexibility school or zone must satisfy other specified requirements, including:

- complying with local, state and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to school districts;
- providing a program of basic education that meets specific statutory goals, including instruction in the essential academic learning requirements, and participation in the statewide student assessment system;
- employing certificated instructional staff. Flexibility schools or zones, however, may hire noncertificated instructional staff of unusual competence and in exceptional cases;
- complying with the employee record check requirements;
- complying with the Open Public Meetings Act and public records requirements; and
- being subject to, and comply with, collective bargaining agreements to which the school district and organizations representing employees of the school district are parties.

Except as provided otherwise, flexibility schools and zones are not subject to, and are exempt from, all state statutes and rules applicable to schools and school districts. The stated reason for this exemption is to grant the schools and zones flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs to improve student outcomes and academic achievement. Flexibility schools and zones, except as provided otherwise by law or the designation and operation plan, are exempt from all school district policies. Additionally, except as provided otherwise, flexibility schools and zones are subject to the supervision of the Superintendent of Public Instruction and the State Board of Education to the same extent as other public schools.

Appropriation: None.

Fiscal Note: Not requested.

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