

---

HOUSE BILL 2128

---

State of Washington

56th Legislature

1999 Regular Session

By Representatives Schual-Berke, Talcott, Quall, Ruderman, Kessler, Lovick and Kagi; by request of Governor Locke

Read first time 02/16/1999. Referred to Committee on Education.

1 AN ACT Relating to opportunity schools; adding new sections to  
2 chapter 28A.630 RCW; creating a new section; and providing an  
3 expiration date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that Washington state  
6 is moving forward in implementing a bold education agenda: Teaching  
7 every student to achieve high academic standards. The legislature  
8 further finds that school districts and schools need to have the  
9 flexibility to meet this challenge in exchange for greater  
10 accountability. Thus, the legislature intends to authorize school  
11 districts to be pilot opportunity school districts. These pilots  
12 should evaluate how deregulation and increased flexibility assist in  
13 moving schools to a performance-based education system. Opportunity  
14 school districts should have the opportunity to advance an educational  
15 agenda that is centered on student performance and holds their schools  
16 accountable for that performance, without the restrictions of rules  
17 that divert attention to unnecessary paperwork and labeling of  
18 students. Opportunity school districts should afford their schools  
19 flexibility over instructional programming and how they achieve

1 district and state educational goals, including control over their most  
2 important management tool, their budgets. Schools need to be supported  
3 as the place where the majority of teaching and learning takes place.

4 NEW SECTION. **Sec. 2.** The opportunity schools program is  
5 established. The purpose of the program is to provide opportunities  
6 for innovative teaching strategies and proven educational practices,  
7 shared decision making, and increased parental and community  
8 involvement in public schools.

9 NEW SECTION. **Sec. 3.** The definitions in this section apply  
10 throughout sections 2 through 7 of this act.

11 (1) "Actual schools budget" means the funding for individual  
12 schools. It is the remainder of the potential schools budget minus  
13 district determined functions.

14 (2) "Budgetary framework" is the district plan for delineating the  
15 total district budget, potential schools budget, and actual schools  
16 budget.

17 (3) "Core district functions" includes those functions in (a)  
18 through (j) of this subsection and may include those functions in (k)  
19 through (m) of this subsection relating to:

20 (a) The superintendent's office;

21 (b) The board of directors;

22 (c) Information services;

23 (d) Legal services;

24 (e) The business office, including financial, accounting, payroll  
25 services, insurance, and workers' compensation;

26 (f) An accountability/testing system;

27 (g) Monitoring state and federal categorical programs;

28 (h) Conducting individual education plans for special education  
29 students;

30 (i) Technology infrastructure;

31 (j) Transportation;

32 (k) Food services;

33 (l) School facilities; and

34 (m) Federal program services carried out by the district and not  
35 individual school buildings.

36 (4) "District determined functions" are centrally retained  
37 functions within the potential schools budget. They are limited to no

1 more than twenty-five percent of the potential schools budget and may  
2 be used for district determined expenditures, including but not limited  
3 to extracurricular activities, community services, instructional  
4 support for curriculum development and supervision, and professional  
5 development for administrators and teachers.

6 (5) "Formula funding" is the district plan for allocating the  
7 actual schools budget to individual schools. The majority, at least  
8 seventy-five percent, of the formula should be weighted by student  
9 need, including grade level, special education, bilingual education,  
10 and additional learning needs. Formula funding is intended to ensure  
11 an equitable distribution of resources within the district based on  
12 objectively measured student needs. Thus, within any district, schools  
13 with similar students in characteristics and numbers should receive the  
14 same level of resources under district formula funding. Formula  
15 funding should result in lump-sum funding, rather than staffing units,  
16 for individual school buildings. Once funding is provided to the  
17 school, the school has full discretion on allocating resources,  
18 regardless of the specifics of the district formula.

19 (6) "Potential schools budget" means the potential amount available  
20 for school funding. The potential schools budget is the amount  
21 remaining in the school district's budget after subtracting funds for  
22 core district functions from the total district budget.

23 (7) "Total district budget" means the total budget for the school  
24 district, including all state, federal, and local operating revenues.

25 NEW SECTION. **Sec. 4.** (1) By simple majority, a school board may  
26 vote to become an opportunity school district.

27 (2) Each school board that has voted to become an opportunity  
28 school district is provided greater flexibility for education policy to  
29 meet the needs of all its students. Opportunity school districts shall  
30 file a plan with the superintendent of public instruction. The plan  
31 shall contain the following elements:

32 (a) An accountability plan for schools in the district, including  
33 provisions for:

34 (i) Meeting state and district accountability goals; and

35 (ii) Serving struggling students and limited-English proficient  
36 students;

37 (b) A description of the role and composition of school-based  
38 councils, including, but not limited to:

1 (i) Representation by principals, parents, teachers, other school  
2 staff, and members of the community; and

3 (ii) The decision-making authority of the school-based councils,  
4 especially with regard to the instructional program and budget; and

5 (c) A description of the district's budgetary framework and formula  
6 funding for all schools within the district.

7 (3) Each school must file with its district a comprehensive school  
8 improvement plan discussing how its budget is aligned with its school  
9 improvement plan. This plan replaces all other plans currently  
10 required by rule or law and must address at the least the following  
11 areas:

12 (a) The use of innovative strategies and proven methods of student  
13 learning, teaching, and school management based on reliable research,  
14 effective practices, and with evidence of replication across schools  
15 with diverse characteristics;

16 (b) A comprehensive design for school functioning including  
17 instruction, assessment, classroom management, professional  
18 development, parental involvement, and school management aligned with  
19 the school's curriculum, technology, and professional development into  
20 a school-wide reform plan designed to enable all students to meet  
21 challenging state standards and addresses needs identified through a  
22 school needs assessment;

23 (c) The provision of high quality and continuous professional  
24 development for teachers and staff;

25 (d) Measurable goals for student performance and benchmarks for  
26 meeting them, including the diverse learning needs of all students in  
27 the building;

28 (e) The involvement of parents and the local community in planning  
29 and implementing school improvement activities;

30 (f) A plan for evaluation of school reforms and student  
31 achievement; and

32 (g) Support by school faculty, administrators, staff, and the  
33 school site council on the school improvement plan.

34 NEW SECTION. **Sec. 5.** (1) Opportunity school districts are  
35 automatically granted waivers from state laws and rules as specified in  
36 this title, except for those relating to:

37 (a) Health and safety;

38 (b) Civil rights;

1 (c) Special education;  
2 (d) Collective bargaining; and  
3 (e) The following education reform provisions:  
4 (i) Education goals in RCW 28A.150.210;  
5 (ii) Values and character traits in RCW 28A.150.211;  
6 (iii) Student assessments in RCW 28A.300.320, 28A.230.190,  
7 28A.230.220, 28A.230.230, and 28A.230.240;  
8 (iv) Accountability provisions in RCW 28A.630.887 and 28A.630.885  
9 and chapter . . . , Laws of 1999 (Z-0499/99);  
10 (v) Reporting of school and district assessments of student  
11 learning in RCW 28A.630.889;  
12 (vi) Curricular adjustments and parental notification of student  
13 achievement on tests in RCW 28A.230.195; and  
14 (vii) Basic education program requirements and allocation in RCW  
15 28A.150.220 and 28A.150.260.  
16 (2) Opportunity school districts and schools are subject to  
17 generally accepted accounting principles. The office of the  
18 superintendent of public instruction, in cooperation with the office of  
19 financial management and the state auditor, shall establish performance  
20 and financial accountability requirements for opportunity school  
21 districts and schools that are consistent with moving to a performance-  
22 based education system.

23 NEW SECTION. **Sec. 6.** After three years of implementation, the  
24 institute for public policy shall study opportunity school districts to  
25 determine their effectiveness in improving student achievement.

26 NEW SECTION. **Sec. 7.** The program in sections 2 through 6 of this  
27 act shall be available commencing with the 1999-2000 school year.

28 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act expire June  
29 30, 2004.

30 NEW SECTION. **Sec. 9.** Sections 2 through 7 of this act are each  
31 added to chapter 28A.630 RCW.

--- END ---