

SENATE BILL REPORT

E2SHB 1546

As of March 22, 2011

Title: An act relating to authorizing creation of innovation schools and innovation zones in school districts.

Brief Description: Authorizing creation of innovation schools and innovation zones in school districts.

Sponsors: House Committee on Ways & Means (originally sponsored by Representatives Hargrove, Hunt, Dammeier, Pettigrew, Lias, Smith, Anderson, Fagan, Kretz, Dahlquist, Angel, Zeiger, Jinkins and Finn).

Brief History: Passed House: 3/07/11, 94-2.

Committee Activity: Early Learning & K-12 Education: 3/21/11.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Susan Mielke (786-7422)

Background: School District Authority. A school district board of directors has broad statutory authority to develop and implement programs, activities, services, or practices that promote the education of kindergarten through twelfth grade students in the public schools. Additionally, school boards have explicit authority to establish grades, departments, schools, and training that, in the judgment of the board, best promotes the interests of education in the district, so long as it does not conflict with other law.

Waivers. Currently there are limited waivers to statutory requirements available to school districts, including Basic Education requirements, student-to-teacher ratios, and length of the school year to implement a plan to enhance and restructure the educational program. Waivers to the length of school year and instructional hour requirements are available if unforeseen events make facilities unsafe or inoperable. There is a pilot program for small school districts to obtain a waiver to the 180-day school year requirement to implement a flexible calendar to achieve economies and efficiencies. Additionally, small high school cooperative projects to increase curriculum programs and opportunities among the participating districts may obtain waivers from administrative rules that are considered financial disincentives to the establishment of such projects and would impede the operation of a proposed project. Laws that require school districts to separately account for funds to support categorical programs such as the Learning Assistance Program, Transitional

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Bilingual Instructional Program, or Highly Capable Program are not specifically addressed in the current waiver process.

Summary of Bill: The Office of the Superintendent of Public Instruction (OSPI) must establish a process for school districts to apply to have schools designated as Innovation Schools. Groups of schools in one district or consortia of schools in multiple districts may apply for designation as an Innovation Zone. Applications for designation must be developed by educators, parents, and communities in participating schools. School districts must ensure that each school has substantial opportunity to participate in developing an application. OSPI must develop criteria for reviewing applications and evaluating the need for waivers of state laws and rules.

Initial applications must be submitted to the local Educational Service District (ESD) by February 1, 2012. Each ESD must review submitted applications using the OSPI-developed criteria and must recommend approval by OSPI of no more than three applications, with at least one recommended application in each ESD proposing an Innovation Zone. OSPI must verify that the ESD-recommended applications contain the required elements before granting designation as an Innovation School or Innovation Zone. Each application must include a proposed plan with specified components, including written support for local rules and bargaining agreements to be modified as applicable for innovation schools. A plan must be approved by a majority of the staff assigned to the school and must be able to be implemented without supplemental state funds. The designation is for six years, beginning in the 2012-13 school year.

The State Board of Education or OSPI may grant waivers for Innovation Schools or Zones that are currently authorized, and may permit comingling of categorical state funds, flexibility in calculating course credits for high school courses, and other waivers necessary to implement an Innovation School or Zone plan. Rules addressing public health, safety, and civil rights may not be waived. The SBE and OSPI must conduct an expedited review of waiver requests, and may deny a request if the waiver would decrease student achievement, jeopardize a district's receipt of state or federal funds, or violate state or federal laws or rules.

Each Innovation School and Zone must annually report to OSPI, and OSPI must report biennially to the legislative education committees. The OSPI report must include recommendations for additional waivers of laws and rules as identified in innovation plans.

The provisions of the act expire June 30, 2019.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Innovative ideas are what have enabled schools to address challenging issues and turn around to move forward in a positive manner.

This bill has been significantly changed since its introduction to alleviate many of the concerns initially raised. Lake Washington School District already has what are innovation schools. There are innovative schools currently in our state, but this bill establishes a process to facilitate innovation on a broader level. Additionally, the ability to create innovation zones will permit a synergy to occur between and among schools. We like the focus of improving student achievement and closing the achievement gap for these schools and believe that it is important to require the plans to include written support to modify the collective bargaining agreement. OSPI can conduct the statute and rule review earlier, by January 2012, which may help facilitate greater participation by schools in the process. There needs to be a deadline of March 2012 for OSPI to approve plans because this date will allow school districts to work with their students, parents, and communities.

CON: We do not think this legislation is necessary. We appreciate many of the changes made in the House to address many of the initial concerns. However, there are a large number of successful innovative schools under the current governance structure and without additional waivers being available. This legislation actually imposes the additional requirements of a process when now schools can request waivers from the state and the federal government without such additional requirements.

OTHER: Although we have some limited examples of innovative schools, it is not easy in the current un-flexible governance structure for schools to be innovative. Requirements need to be eliminated to provide greater flexibility. Vibrant school cultures are established by innovative schools. There are examples in our state that demonstrate when schools are given flexibility in hiring and funding policies all students can achieve. Many of the current innovative schools have received additional support from private business. This bill is a good first step but the caps need to be removed especially in this time when blending funds could be so helpful to school districts. We suggest requiring 75 percent of the staff to agree to the plan submitted in the application instead of a simple majority. The applications should go directly to OSPI – the ESD review is an unnecessary step. OSPI should be required to grant the waivers unless it can be demonstrated that a waiver will decrease the student achievement under the plan. The bill should not require the collective bargaining agreement to be modified.

Persons Testifying: PRO: Representative Hargrove, prime sponsor; Shawn Lewis, OSPI; Heather Cope League of Education voters; Cindy Duenas, Lake Washington School District.

CON: Lucinda Young, Washington Education Association.

OTHER: Monique LeTourneau, Stand for Children; Liv Finne, Washington Policy Center; Jonelle Adams, Washington State School Directors Association.