
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1546

State of Washington

62nd Legislature

2011 Regular Session

By House Ways & Means (originally sponsored by Representatives Hargrove, Hunt, Dammeier, Pettigrew, Lias, Smith, Anderson, Fagan, Kretz, Dahlquist, Angel, Zeiger, Jenkins, and Finn)

READ FIRST TIME 02/25/11.

1 AN ACT Relating to authorizing creation of innovation schools and
2 innovation zones in school districts; amending RCW 28A.305.140 and
3 28A.655.180; adding new sections to chapter 28A.630 RCW; creating a new
4 section; and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

7 (a) School district boards of directors should be encouraged to
8 grant schools of the district maximum possible flexibility to meet the
9 needs of students and the communities in which they live; and

10 (b) Particularly in schools and communities that are struggling to
11 improve student academic outcomes and close the educational opportunity
12 gap, there is a critical need for innovative models of public education
13 that are tailored to the unique circumstances and needs of the students
14 in those schools and communities.

15 (2) Therefore, the legislature intends to create a framework for
16 change that includes:

17 (a) Leveraging community assets;

18 (b) Improving staff capacity and effectiveness;

19 (c) Developing family, school, and higher education partnerships;

1 (d) Implementing evidence-based practices proven to be effective in
2 reducing demographic disparities in student achievement; and

3 (e) Enabling educators and parents of selected schools and school
4 districts to restructure school operations and develop model school
5 programs that will improve student performance.

6 NEW SECTION. **Sec. 2.** (1) The office of the superintendent of
7 public instruction shall develop a process for school districts to
8 apply to have one or more schools within the district designated as an
9 innovation school. A group of schools that share common interests,
10 such as geographical location or educational focus, or that
11 sequentially serve classes of students as they progress through
12 elementary and secondary grades may be designated as an innovation
13 zone. An innovation zone may include all schools within a school
14 district. Consortia of multiple districts may also apply for
15 designation as an innovation zone, to include all schools within the
16 participating districts.

17 (2) Applications requesting designation of innovation schools or
18 innovation zones must be developed by the educators, parents, and
19 communities of participating schools in collaboration with the school
20 district administration. School districts must ensure that each school
21 has substantial opportunity to participate in the development of the
22 innovation plan under section 4 of this act.

23 (3) The office of the superintendent of public instruction shall
24 develop common criteria for reviewing applications and for evaluating
25 the need for waivers of state statutes and administrative rules as
26 provided under section 5 of this act.

27 NEW SECTION. **Sec. 3.** (1) Applications to designate innovation
28 schools and innovation zones must be submitted by school district
29 boards of directors to their respective educational service districts
30 by February 1, 2012, to be implemented beginning in the 2012-13 school
31 year. Innovation plans must be able to be implemented without
32 supplemental state funds.

33 (2) Each educational service district boards of directors shall
34 review applications from within the district using the common criteria
35 developed by the office of the superintendent of public instruction.
36 Each educational service district shall recommend approval by the

1 office of the superintendent of public instruction of no more than
2 three applications in each district. At least one of the recommended
3 applications in each educational service district must propose an
4 innovation zone, as long as the application meets the review criteria.

5 (3) The office of the superintendent of public instruction shall
6 verify that the innovation plans of the applicants recommended by the
7 educational service districts contain the required elements under
8 section 4 of this act before approving the applications and designating
9 the innovation schools and innovation zones.

10 (4) Designation of innovation schools and innovation zones under
11 this section shall be for a six-year period, beginning in the 2012-13
12 school year.

13 NEW SECTION. **Sec. 4.** (1) Each application for designation of an
14 innovation school or innovation zone must include a proposed plan that:

15 (a) Defines the scope of the innovation school or innovation zone
16 and describes why designation would enhance the ability of the school
17 or schools to improvement student achievement and close the educational
18 opportunity gap;

19 (b) Enumerates specific, research-based activities and innovations
20 to be carried out under the designation;

21 (c) Justifies each request for waiver of state statutes or
22 administrative rules as provided under section 5 of this act;

23 (d) Justifies any requests for waiver of state statutes or
24 administrative rules that are in addition to the waivers authorized
25 under section 5 of this act that are necessary to carry out the
26 proposed innovations;

27 (e) Identifies the improvements in student achievement that are
28 expected to be accomplished through the innovations;

29 (f) Includes budget plans and anticipated sources of funding,
30 including private grants and contributions, if any;

31 (g) Identifies the technical resources desired, the potential costs
32 of those resources, and the institutions of higher education,
33 educational service districts, or consultants available to provide such
34 services;

35 (h) Identifies the evaluation and accountability processes to be
36 used to measure student and innovation school or innovation zone
37 performance;

1 (i) Includes a written statement that school directors and
2 administrators are willing to exempt the designated school or schools
3 from specifically identified local rules, as needed;

4 (j) Includes a written statement that school directors and local
5 bargaining agents will modify those portions of their local agreements
6 as applicable for the designated school or schools;

7 (k) Includes written statements of support from the district's
8 board of directors, the superintendent, the principal and staff of
9 schools seeking designation, each local employee association affected
10 by the proposal, the local parent organization, and statements of
11 support, willingness to participate, or concerns from any interested
12 parent, business, institution of higher education, or community
13 organization; and

14 (l) Commits all parties to work cooperatively during the term of
15 the pilot project.

16 (2) A plan to designate an innovation school or innovation zone
17 must be approved by a majority of the staff assigned to the school or
18 schools participating in the plan.

19 NEW SECTION. **Sec. 5.** (1)(a) The superintendent of public
20 instruction and the state board of education, each within the scope of
21 their statutory authority, may grant waivers of state statutes and
22 administrative rules for designated innovation schools and innovation
23 zones as follows:

24 (i) Waivers may be granted under RCW 28A.655.180 and 28A.305.140;

25 (ii) Waivers may be granted to permit the commingling of funds
26 appropriated by the legislature on a categorical basis for such
27 programs as, but not limited to, highly capable students, transitional
28 bilingual instruction, and learning assistance; and

29 (iii) Waivers may be granted of other administrative rules that in
30 the opinion of the superintendent of public instruction or the state
31 board of education are necessary to be waived to implement an
32 innovation school or innovation zone.

33 (b) State administrative rules dealing with public health, safety,
34 and civil rights, including accessibility for individuals with
35 disabilities, may not be waived.

36 (2) At the request of a school district, the superintendent of

1 public instruction may petition the United States department of
2 education or other federal agencies to waive federal regulations
3 necessary to implement an innovation school or innovation zone.

4 (3) The state board of education may grant waivers for innovation
5 schools or innovation zones of administrative rules pertaining to
6 calculation of course credits for high school courses.

7 (4) Waivers may be granted under this section for a period not to
8 exceed the duration of the designation of the innovation school or
9 innovation zone.

10 (5) The superintendent of public instruction and the state board of
11 education shall provide an expedited review of requests for waivers for
12 designated innovation schools and innovation zones. Requests may be
13 denied if the superintendent of public instruction or the state board
14 of education conclude that the waiver:

15 (a) Is likely to result in a decrease in academic achievement in
16 the innovation school or innovation zone;

17 (b) Would jeopardize the receipt of state or federal funds that a
18 school district would otherwise be eligible to receive, unless the
19 school district submits a written authorization for the waiver
20 acknowledging that receipt of these funds could be jeopardized; or

21 (c) Would violate state or federal laws or rules that are not
22 authorized to be waived.

23 NEW SECTION. **Sec. 6.** (1) The office of the superintendent of
24 public instruction shall report to the education committees of the
25 legislature on the progress of the designated innovation schools and
26 innovation zones by January 15, 2013, and January 15th of each odd-
27 numbered year thereafter. The report must include recommendations for
28 waiver of state laws and administrative rules in addition to the
29 waivers authorized under section 5 of this act, as identified in
30 innovation plans submitted by school districts.

31 (2) Each innovation school and innovation zone must submit an
32 annual report to the office of the superintendent of public instruction
33 on their progress.

34 (3) The office of the superintendent of public instruction, through
35 the center for the improvement of student learning, must collect and
36 disseminate to all school districts and other interested parties
37 information about the innovation schools and innovation zones.

1 **Sec. 7.** RCW 28A.305.140 and 1990 c 33 s 267 are each amended to
2 read as follows:

3 (1) The state board of education may grant waivers to school
4 districts from the provisions of RCW 28A.150.200 through 28A.150.220 on
5 the basis that such waiver or waivers are necessary to:

6 (a) Implement successfully a local plan to provide for all students
7 in the district an effective education system that is designed to
8 enhance the educational program for each student. The local plan may
9 include alternative ways to provide effective educational programs for
10 students who experience difficulty with the regular education program;
11 or

12 (b) Implement an innovation school or innovation zone designated
13 under section 3 of this act.

14 (2) The state board shall adopt criteria to evaluate the need for
15 the waiver or waivers.

16 **Sec. 8.** RCW 28A.655.180 and 2009 c 543 s 3 are each amended to
17 read as follows:

18 (1) The state board of education, where appropriate, or the
19 superintendent of public instruction, where appropriate, may grant
20 waivers to districts from the provisions of statutes or rules relating
21 to: The length of the school year; student-to-teacher ratios; and
22 other administrative rules that in the opinion of the state board of
23 education or the opinion of the superintendent of public instruction
24 may need to be waived in order for a district to implement a plan for
25 restructuring its educational program or the educational program of
26 individual schools within the district or to implement an innovation
27 school or innovation zone designated under section 3 of this act.

28 (2) School districts may use the application process in RCW
29 28A.305.140 to apply for the waivers under this section.

30 NEW SECTION. **Sec. 9.** Sections 2 through 6 of this act are each
31 added to chapter 28A.630 RCW.

32 NEW SECTION. **Sec. 10.** This act expires June 30, 2019.

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