
ENGROSSED SUBSTITUTE HOUSE BILL 2799

State of Washington

62nd Legislature

2012 Regular Session

By House Education (originally sponsored by Representatives Sullivan, Santos, Maxwell, Darneille, Hunt, Carlyle, Haigh, Pollet, and Kenney; by request of Governor Gregoire)

READ FIRST TIME 03/02/12.

1 AN ACT Relating to authorizing a five-year pilot project for up to
2 six collaborative schools for innovation and success operated by school
3 districts in partnership with colleges of education; amending RCW
4 28A.305.140, 28A.655.180, and 28A.657.050; adding new sections to
5 chapter 28A.630 RCW; adding a new section to chapter 28A.410 RCW;
6 adding a new section to chapter 28A.660 RCW; creating a new section;
7 and providing an expiration date.

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

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

10 (a) There are more low-achieving schools in the state seeking
11 assistance in improving the academic outcomes of students than are
12 being assisted using current school improvement initiatives;

13 (b) Promising educator development programs provide intensive
14 school-based, residency, and mentor experiences for those preparing for
15 careers in teaching and educational leadership; and

16 (c) Collaboration among colleges of education, schools, and
17 communities offers unique opportunities to leverage resources, foster
18 innovation, disseminate best practices in educator preparation and

1 professional development, and close the educational opportunity gap for
2 students in low-achieving schools.

3 (2) Therefore, the legislature intends to authorize a pilot project
4 where colleges of education collaborate with school districts to
5 establish collaborative schools for innovation and success serving
6 particularly at-risk and low-achieving students. Each collaboration is
7 intended both to accelerate student achievement and deepen the
8 knowledge and skills of current and future educators. The legislature
9 intends that the initial collaborations occur in elementary schools.
10 Pending the evaluation results of the initial pilot project, the
11 legislature may expand the collaborations to include middle and high
12 schools.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.630
14 RCW to read as follows:

15 As used in sections 3 through 7 of this act, unless the context
16 clearly requires otherwise, "college of education" means an institution
17 of higher education in Washington state that has been approved by the
18 professional educator standards board to offer educator preparation and
19 certification programs.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.630
21 RCW to read as follows:

22 (1) The collaborative schools for innovation and success pilot
23 project is created. Any school district in the state may enter an
24 agreement with a college of education and submit an application to the
25 office of the superintendent of public instruction and the professional
26 educator standards board as provided in section 4 of this act to
27 participate in the pilot project.

28 (2) The purpose of the pilot project is for colleges of education
29 and school districts to collaborate to improve student and educator
30 success by:

31 (a) Developing and implementing research-based models of
32 instruction and services that have proven to be successful in closing
33 the educational opportunity gap and improving student learning in
34 low-performing schools; and

35 (b) Developing and implementing research-based models of educator
36 preparation and professional development programs that have proven to

1 be successful in building an educator workforce with the knowledge,
2 skills, and background that aligns with the characteristics and needs
3 of students in low-performing schools.

4 (3) For each proposed pilot project, the college of education and
5 the school district shall collaborate to select an elementary school in
6 the district to be the collaborative school for innovation and success.
7 The school must be among the lowest-achieving schools in the district
8 as measured by district, state, or federal criteria, including criteria
9 that measure the educational opportunity gap in the school, and the
10 school must not have received state, federal, or private funds for the
11 purpose of implementing a school improvement plan.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.630
13 RCW to read as follows:

14 (1) Each school district and college of education seeking approval
15 to participate in the collaborative schools for innovation and success
16 pilot project must submit a joint application of intent to the office
17 of the superintendent of public instruction and the professional
18 educator standards board by July 1, 2012.

19 (2) An application of intent must contain:

20 (a) The school selected for inclusion in the pilot project and the
21 rationale for its selection;

22 (b) The research basis and theory of action proposed to close the
23 educational opportunity gap and improve student achievement in the
24 selected school;

25 (c) The research basis and theory of action proposed to improve
26 educator preparation and professional development in the selected
27 school;

28 (d) A preliminary plan for involving parents, community members,
29 and school staff in the development of the innovation and success plan
30 under section 5 of this act;

31 (e) The proposed roles and responsibilities of the college of
32 education and school district in the pilot project; and

33 (f) A preliminary plan for using the results of the pilot project
34 to improve educational programs throughout the school district and
35 throughout the college of education.

36 (3) The office of the superintendent of public instruction and the
37 professional educator standards board shall jointly review the

1 applications and select up to six applications for participation in the
2 pilot project no later than August 1, 2012. One of the selected
3 applications must be from the largest school district in western
4 Washington that submitted an application, and one must be from the
5 largest school district in eastern Washington that submitted an
6 application.

7 (4) The selection criteria shall include, but are not limited to,
8 the quality of the research basis for the proposed collaboration; the
9 efficacy of the proposed strategies for closing the educational
10 opportunity gap, improving student achievement, and improving educator
11 preparation in low-performing schools; and the degree of commitment
12 displayed by the college of education and the school district to
13 collaborate throughout the pilot project.

14 (5) Subject to funds appropriated specifically for this purpose,
15 the office of the superintendent of public instruction shall allocate
16 grants to three of the selected applications, to be used for
17 development and implementation of an innovation and success plan under
18 section 5 of this act. The colleges of education and school districts
19 from the remaining selected applications may participate in the
20 collaborative schools for innovation and success pilot project by
21 complying with the provisions of sections 5 through 7 of this act, but
22 without state funding support.

23 (6) The college of education shall serve as the fiscal agent for
24 the pilot project, unless the college is an independent institution of
25 higher education, in which case the school district shall serve as the
26 fiscal agent. Each college of education and school district must seek
27 private, foundation, community, or other grant funds to leverage any
28 supplemental state funds that may be appropriated for the purposes of
29 the pilot project.

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.630
31 RCW to read as follows:

32 (1) After receiving approval of an application of intent, each
33 college of education and school district must conduct a comprehensive
34 needs assessment of the students to be served by a collaborative school
35 for innovation and success. The needs assessment must use
36 disaggregated student data and include a thorough evaluation of student
37 needs as identified by the parents of the students served by the

1 school, as well as the levels of support within the school community
2 and in the external community at-large for students' academic and
3 social emotional needs. The needs assessment must also examine
4 elements included in an academic performance audit under RCW
5 28A.657.040.

6 (2) The college of education and the school district must develop
7 an innovation and success plan for the school in collaboration with
8 school staff, parents, and community members.

9 (3) The innovation and success plan must include:

10 (a) The proposed program for instruction, wraparound support
11 services, resource deployment, and professional development that has
12 been developed based on the comprehensive needs assessment;

13 (b) A family and community engagement strategy that builds support
14 among students and parents for high achievement for all students in
15 culturally appropriate ways;

16 (c) Professional learning communities among school staff and higher
17 education faculty that are focused on identifying and responding to
18 emergent student learning needs;

19 (d) Intensive preparation of teacher and principal candidates using
20 research-based practices and a particular focus on cultural competency
21 and skill development to improve learning for English language
22 learners, highly mobile and homeless students, students with
23 disabilities, and other students with special learning needs;

24 (e) Identification of the metrics that will be used to assess
25 student achievement and skill development, both while the students are
26 enrolled in elementary school and after they continue into middle
27 school, and specific goals for improvement of these outcomes over the
28 term of the pilot project, including but not limited to such metrics as
29 attendance, grade-level retention, student growth, disciplinary
30 incidents, course completion and grades, and performance on
31 classroom-based assessments;

32 (f) Identification of the metrics that will be used to assess
33 educator skill development, both for preservice and certificated
34 educators, and specific goals for improvement of these outcomes over
35 the term of the pilot project;

36 (g) Identification of private and community partners to provide
37 wraparound services, technology, mentoring, or other enhancements for
38 the students in the school;

1 (h) Identification of waivers to be requested from the state board
2 of education under RCW 28A.305.140 or from the superintendent of public
3 instruction under RCW 28A.655.180;

4 (i) Identification of any modifications to approved educator
5 preparation programs or other waivers to be requested from the
6 professional educator standards board;

7 (j) Identification and completion of any modifications to school
8 district collective bargaining agreements necessary to implement the
9 innovation and success plan, using the procedures under RCW
10 28A.657.050(3); and

11 (k) A proposed budget based on funding and resources available to
12 the pilot project.

13 (4) Each college of education and school district must submit a
14 completed innovation and success plan to the office of the
15 superintendent of public instruction and the professional educator
16 standards board by March 15, 2013.

17 (5) The office of the superintendent of public instruction and the
18 professional educator standards board must notify each college of
19 education and school district by May 1, 2013, whether the innovation
20 and success plan has been approved. If the plan is not approved, the
21 reasons must be specified in writing and the college of education and
22 school district must be provided an opportunity to revise and resubmit
23 the plan within thirty days. The office and the board may provide
24 technical assistance in revising a plan.

25 (6) School districts are encouraged to assign teachers, principals,
26 and other staff to a collaborative school for innovation and success
27 who express an interest, commitment, and qualifications to participate
28 in the pilot project. School districts are also encouraged to permit
29 the transfer of existing school staff to another school in the district
30 if the staff do not wish to participate in the pilot project.

31 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.630
32 RCW to read as follows:

33 (1) Approved innovation and success plans shall be implemented in
34 each collaborative school for innovation and success pilot project over
35 a five-year period beginning in the 2013-14 school year through the
36 2017-18 school year.

1 (2) Each pilot project shall submit an annual progress report to
2 the office of the superintendent of public instruction and the
3 professional educator standards board by December 1st. The report must
4 describe the best practices and new approaches being used at the
5 collaborative school for innovation and success, lessons learned,
6 adjustments planned and implemented, suggestions for expanding use of
7 best practices to a larger scale, and other results from the
8 collaborative experience of the pilot project. The office and board
9 shall compile and summarize the reports in a standard format and
10 forward them to the governor and the appropriate committees of the
11 legislature.

12 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.630
13 RCW to read as follows:

14 (1) Subject to funds appropriated specifically for this purpose,
15 the office of the superintendent of public instruction shall contract
16 with a northwest educational research organization to conduct an
17 evaluation of the collaborative schools for innovation and success
18 pilot project using quantitative and qualitative analysis to identify
19 successful practices in improving student and educator outcomes. The
20 organization shall submit a preliminary evaluation by December 1, 2015,
21 and a final evaluation by September 1, 2018, to the superintendent of
22 public instruction and the professional educator standards board.

23 (2) Based on the experience of the participants and the evaluation
24 results, the office of the superintendent of public instruction and the
25 professional educator standards board shall recommend whether the pilot
26 project should be modified, continued, and expanded to include other
27 elementary schools in the state, or expanded to include middle and high
28 schools. The office and the board shall submit their recommendations
29 and the final report of the pilot project to the governor and the
30 appropriate committees of the legislature by December 1, 2018.

31 **Sec. 8.** RCW 28A.305.140 and 2011 c 260 s 8 are each amended to
32 read as follows:

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

1 (a) Implement successfully a local plan to provide for all students
2 in the district an effective education system that is designed to
3 enhance the educational program for each student. The local plan may
4 include alternative ways to provide effective educational programs for
5 students who experience difficulty with the regular education program;
6 (~~or~~)

7 (b) Implement an innovation school or innovation zone designated
8 under RCW 28A.630.081; or

9 (c) Implement a collaborative schools for innovation and success
10 pilot project approved under section 4 of this act.

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

13 **Sec. 9.** RCW 28A.655.180 and 2011 c 260 s 9 are each amended to
14 read as follows:

15 (1) The state board of education, where appropriate, or the
16 superintendent of public instruction, where appropriate, may grant
17 waivers to districts from the provisions of statutes or rules relating
18 to: The length of the school year; student-to-teacher ratios; and
19 other administrative rules that in the opinion of the state board of
20 education or the opinion of the superintendent of public instruction
21 may need to be waived in order for a district to implement a plan for
22 restructuring its educational program or the educational program of
23 individual schools within the district or to implement an innovation
24 school or innovation zone designated under RCW 28A.630.081 or to
25 implement a collaborative schools for innovation and success pilot
26 project approved under section 4 of this act.

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

29 **Sec. 10.** RCW 28A.657.050 and 2010 c 235 s 105 are each amended to
30 read as follows:

31 (1) The local district superintendent and local school board of a
32 school district designated as a required action district must submit a
33 required action plan to the state board of education for approval.
34 Unless otherwise required by subsection (3) of this section, the plan
35 must be submitted under a schedule as required by the state board. A
36 required action plan must be developed in collaboration with

1 administrators, teachers, and other staff, parents, unions representing
2 any employees within the district, students, and other representatives
3 of the local community. The superintendent of public instruction shall
4 provide a district with assistance in developing its plan if requested.
5 The school board must conduct a public hearing to allow for comment on
6 a proposed required action plan. The local school district shall
7 submit the plan first to the office of the superintendent of public
8 instruction to review and approve that the plan is consistent with
9 federal guidelines. After the office of the superintendent of public
10 instruction has approved that the plan is consistent with federal
11 guidelines, the local school district must submit its required action
12 plan to the state board of education for approval.

13 (2) A required action plan must include all of the following:

14 (a) Implementation of one of the four federal intervention models
15 required for the receipt of a federal school improvement grant, for
16 those persistently lowest-achieving schools that the district will be
17 focusing on for required action. However, a district may not establish
18 a charter school under a federal intervention model without express
19 legislative authority. The intervention models are the turnaround,
20 restart, school closure, and transformation models. The intervention
21 model selected must address the concerns raised in the academic
22 performance audit and be intended to improve student performance to
23 allow a school district to be removed from the list of districts
24 designated as a required action district by the state board of
25 education within three years of implementation of the plan;

26 (b) Submission of an application for a federal school improvement
27 grant or a grant from other federal funds for school improvement to the
28 superintendent of public instruction;

29 (c) A budget that provides for adequate resources to implement the
30 federal model selected and any other requirements of the plan;

31 (d) A description of the changes in the district's or school's
32 existing policies, structures, agreements, processes, and practices
33 that are intended to attain significant achievement gains for all
34 students enrolled in the school and how the district intends to address
35 the findings of the academic performance audit; and

36 (e) Identification of the measures that the school district will
37 use in assessing student achievement at a school identified as a
38 persistently lowest-achieving school, which include improving

1 mathematics and reading student achievement and graduation rates as
2 defined by the office of the superintendent of public instruction that
3 enable the school to no longer be identified as a persistently lowest-
4 achieving school.

5 (3)(a) For any district designated for required action, the parties
6 to any collective bargaining agreement negotiated, renewed, or extended
7 under chapter 41.59 or 41.56 RCW after June 10, 2010, must reopen the
8 agreement, or negotiate an addendum, if needed, to make changes to
9 terms and conditions of employment that are necessary to implement a
10 required action plan. For any district applying to participate in a
11 collaborative schools for innovation and success pilot project under
12 section 4 of this act, the parties to any collective bargaining
13 agreement negotiated, renewed, or extended under chapter 41.59 or 41.56
14 RCW after the effective date of this section must reopen the agreement,
15 or negotiate an addendum, if needed, to make changes to terms and
16 conditions of employment that are necessary to implement an innovation
17 and success plan.

18 (b) If the school district and the employee organizations are
19 unable to agree on the terms of an addendum or modification to an
20 existing collective bargaining agreement, the parties, including all
21 labor organizations affected under the required action plan, shall
22 request the public employment relations commission to, and the
23 commission shall, appoint an employee of the commission to act as a
24 mediator to assist in the resolution of a dispute between the school
25 district and the employee organizations. Beginning in 2011, and each
26 year thereafter, mediation shall commence no later than April 15th.
27 All mediations held under this section shall include the employer and
28 representatives of all affected bargaining units.

29 (c) If the executive director of the public employment relations
30 commission, upon the recommendation of the assigned mediator, finds
31 that the employer and any affected bargaining unit are unable to reach
32 agreement following a reasonable period of negotiations and mediation,
33 but by no later than May 15th of the year in which mediation occurred,
34 the executive director shall certify any disputed issues for a decision
35 by the superior court in the county where the school district is
36 located. The issues for determination by the superior court must be
37 limited to the issues certified by the executive director.

1 (d) The process for filing with the court in this subsection (3)(d)
2 must be used in the case where the executive director certifies issues
3 for a decision by the superior court.

4 (i) The school district shall file a petition with the superior
5 court, by no later than May 20th of the same year in which the issues
6 were certified, setting forth the following:

7 (A) The name, address, and telephone number of the school district
8 and its principal representative;

9 (B) The name, address, and telephone number of the employee
10 organizations and their principal representatives;

11 (C) A description of the bargaining units involved;

12 (D) A copy of the unresolved issues certified by the executive
13 director for a final and binding decision by the court; and

14 (E) The academic performance audit that the office of the
15 superintendent of public instruction completed for the school district
16 in the case of a required action district, or the comprehensive needs
17 assessment in the case of a collaborative schools for innovation and
18 success pilot project.

19 (ii) Within seven days after the filing of the petition, each party
20 shall file with the court the proposal it is asking the court to order
21 be implemented in a required action plan or innovation and success plan
22 for the district for each issue certified by the executive director.
23 Contemporaneously with the filing of the proposal, a party must file a
24 brief with the court setting forth the reasons why the court should
25 order implementation of its proposal in the final plan.

26 (iii) Following receipt of the proposals and briefs of the parties,
27 the court must schedule a date and time for a hearing on the petition.
28 The hearing must be limited to argument of the parties or their counsel
29 regarding the proposals submitted for the court's consideration. The
30 parties may waive a hearing by written agreement.

31 (iv) The court must enter an order selecting the proposal for
32 inclusion in a required action plan that best responds to the issues
33 raised in the school district's academic performance audit, and allows
34 for the award of a federal school improvement grant or a grant from
35 other federal funds for school improvement to the district from the
36 office of the superintendent of public instruction to implement one of
37 the four federal intervention models. In the case of an innovation and
38 success plan, the court must enter an order selecting the proposal for

1 inclusion in the plan that best responds to the issues raised in the
2 school's comprehensive needs assessment. The court's decision must be
3 issued no later than June 15th of the year in which the petition is
4 filed and is final and binding on the parties; however the court's
5 decision is subject to appeal only in the case where it does not allow
6 the school district to implement a required action plan consistent with
7 the requirements for the award of a federal school improvement grant or
8 other federal funds for school improvement by the superintendent of
9 public instruction.

10 (e) Each party shall bear its own costs and attorneys' fees
11 incurred under this statute.

12 (f) Any party that proceeds with the process in this section after
13 knowledge that any provision of this section has not been complied with
14 and who fails to state its objection in writing is deemed to have
15 waived its right to object.

16 (4) All contracts entered into between a school district and an
17 employee must be consistent with this section and allow school
18 districts designated as required action districts to implement one of
19 the four federal models in a required action plan.

20 NEW SECTION. Sec. 11. A new section is added to chapter 28A.410
21 RCW to read as follows:

22 The professional educator standards board may grant waivers from
23 the provisions of statutes or rules pertaining to educator preparation
24 and certification programs or other rules adopted under this chapter on
25 the basis that such waiver or waivers are necessary to implement a
26 collaborative schools for innovation and success pilot project approved
27 under section 4 of this act.

28 NEW SECTION. Sec. 12. A new section is added to chapter 28A.660
29 RCW to read as follows:

30 The professional educator standards board may grant waivers from
31 the provisions of statutes or rules adopted under this chapter on the
32 basis that such waiver or waivers are necessary to implement a
33 collaborative schools for innovation and success pilot project approved
34 under section 4 of this act.

1 NEW SECTION. **Sec. 13.** Sections 1 through 12 of this act expire
2 June 30, 2019.

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