
HOUSE BILL 1641

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Pettigrew, Springer, and Magendanz

Read first time 02/04/13. Referred to Committee on Education.

1 AN ACT Relating to creating a statewide school district for the
2 purpose of dramatically improving the performance of the most
3 persistently lowest achieving schools; amending RCW 28A.310.140; adding
4 a new section to chapter 41.56 RCW; adding a new section to chapter
5 41.59 RCW; adding a new section to chapter 28A.315 RCW; adding a new
6 section to chapter 28A.323 RCW; adding a new section to chapter 28A.343
7 RCW; and adding a new chapter to Title 28A RCW.

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

9 NEW SECTION. **Sec. 1.** FINDING. The legislature finds that despite
10 efforts to identify and provide various forms of assistance to schools
11 and school districts that are struggling to improve student
12 achievement, there remain a small number of schools that are
13 persistently lowest-achieving and not making progress. Incremental
14 change has not been a successful strategy to turn around the
15 performance of these schools. Rather, a more significant
16 transformation and renewal of school governance, staffing, leadership,
17 and management is necessary to allow these schools first to recover,
18 and then to be successful on an ongoing basis. Transformation and

1 renewal requires innovation and leadership from the state level, along
2 with the structures, resources, and expertise to implement change that
3 will dramatically improve student performance.

4 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
5 section apply throughout this chapter unless the context clearly
6 requires otherwise.

7 (1) "Learning management organization" means a nonprofit
8 corporation with expertise in managing both the daily operations and
9 the academic and instructional learning environment of a school under
10 a contract with the governing authority of the school. A learning
11 management organization must be either a public benefit nonprofit
12 corporation as defined in RCW 24.03.490, or a nonprofit corporation as
13 defined in RCW 24.03.005 that has applied for tax-exempt status under
14 section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec.
15 501(c)(3)).

16 (2) "Original school district" means the school district within
17 whose boundaries a school is located and does not include the renewal
18 district.

19 (3) "Renewal district" means an office within the office of the
20 superintendent of public instruction that has been assigned the powers
21 and responsibilities of a school district as provided under this
22 chapter.

23 (4) "Renewal school" means a school that has been temporarily
24 transferred from its original school district to the jurisdiction of
25 the renewal district as provided under this chapter.

26 NEW SECTION. **Sec. 3.** RENEWAL DISTRICT. (1) The renewal district
27 is hereby established as a statewide school district within the state
28 of Washington. The superintendent of public instruction shall exercise
29 all powers and responsibilities assigned under this title to a school
30 district board of directors for the governance and oversight of the
31 renewal district, including under RCW 28A.150.230 and 28A.320.015,
32 except as otherwise provided in this chapter.

33 (2) The renewal district and the superintendent of public
34 instruction as the governing authority of the district have
35 jurisdiction over all renewal schools that have been temporarily
36 transferred to the district under section 4 of this act.

1 (3) The renewal district is not a local taxing district and the
2 superintendent of public instruction may not levy taxes under RCW
3 84.52.053. The superintendent of public instruction may not buy or
4 sell real property under RCW 28A.335.120 or incur bonded indebtedness
5 under RCW 28A.530.010 or 28A.530.080, and does not have the power of
6 eminent domain under RCW 28A.335.220. The state treasurer shall act as
7 the treasurer for the renewal district, with the same responsibilities
8 for renewal district funds as are assigned by law to the county
9 treasurer for local school district funds.

10 (4) The renewal district shall be designated as a local education
11 agency of the state under applicable federal laws and rules and is
12 responsible for meeting the requirements of local education agencies
13 under those laws and rules, including those regarding the receipt and
14 expenditure of federal funds.

15 NEW SECTION. **Sec. 4.** RENEWAL SCHOOLS--TRANSFER. (1) Beginning in
16 January 2014, the superintendent of public instruction shall annually
17 recommend to the state board of education schools for temporary
18 transfer to the jurisdiction of the renewal district.

19 (2) The superintendent of public instruction shall adopt criteria
20 for the recommendation, including:

21 (a) The school has been identified under RCW 28A.657.020 as a
22 persistently lowest-achieving school and is furthermore among the
23 persistently lowest-achieving of these schools;

24 (b) The school is not the subject of a required action plan in a
25 required action district under chapter 28A.657 RCW, except that a
26 school that has been the subject of a required action plan for at least
27 three years and has not been released from required action under RCW
28 28A.657.100 may be recommended for transfer to the renewal district;
29 and

30 (c) The school is not the subject of a currently active federal
31 school improvement grant.

32 (3) No more than twenty schools that meet the superintendent's
33 criteria may be transferred to the renewal district each single year.

34 (4) The superintendent of public instruction shall provide a school
35 district superintendent with written notice of the recommendation for
36 transfer of a school to the renewal district by certified mail or
37 personal service. A school district superintendent may request

1 reconsideration of the superintendent of public instruction's
2 recommendation. The reconsideration is limited to a determination of
3 whether the school met the criteria for being recommended for transfer
4 to the renewal district. A request for reconsideration must be in
5 writing and served on the superintendent of public instruction within
6 ten days of service of the notice of the superintendent's
7 recommendation.

8 (5) The state board of education must consider the recommendations
9 of the superintendent of public instruction under subsection (1) of
10 this section at a public meeting. The state board of education may
11 modify the superintendent's recommendations before directing the annual
12 transfer of schools to the jurisdiction of the renewal district. The
13 transfer shall take effect on September 1st following the board's
14 decision.

15 (6) During the period of time between the board's decision and the
16 effective date of the transfer of a school under this section, the
17 original school district must cooperate with the superintendent of
18 public instruction in developing a transfer plan, including but not
19 limited to providing necessary financial and staffing information to
20 the superintendent.

21 NEW SECTION. **Sec. 5.** LEARNING MANAGEMENT ORGANIZATION CONTRACTS.

22 (1) The superintendent of public instruction shall contract with a
23 learning management organization for the management and operation of
24 each renewal school. A learning management organization may manage
25 more than one renewal school, but each school shall be the subject of
26 a separate contract. The term of a contract under this section shall
27 be no more than three years. A learning management organization may
28 apply for renewal of a contract. The superintendent of public
29 instruction shall use the performance framework established under this
30 section as a primary determining factor in awarding or denying a
31 contract renewal.

32 (2) The superintendent's requests for proposals for learning
33 management organizations must require an applicant to provide:

34 (a) The applicant's strategic vision for operation, management, and
35 transformation and renewal of a persistently lowest-achieving school;

36 (b) A plan to support the vision presented, including explanation

1 and evidence of the applicant's budget and personnel capacity and
2 commitment to execute the responsibilities of school operation and
3 management;

4 (c) A draft of the performance framework that the applicant would
5 use to guide the transformation and renewal of the school; and

6 (d) A statement of assurance that the applicant will provide public
7 accountability and transparency in all matters concerning practices,
8 decisions, and expenditures related to its management of a renewal
9 school.

10 (3) A contract with a learning management organization must contain
11 a performance framework that clearly sets forth the academic and
12 operational performance indicators, measures, and metrics for the
13 improvement of student learning in the renewal school. Annual
14 performance targets must be established under the contract. The
15 learning management organization must develop, oversee, and implement
16 a school transformation and renewal plan based on the performance
17 framework.

18 (4) At a minimum, the performance framework must include
19 indicators, measures, and metrics for:

- 20 (a) Student academic proficiency;
- 21 (b) Student academic growth;
- 22 (c) Achievement gaps in both proficiency and growth between major
23 student subgroups;
- 24 (d) Attendance;
- 25 (e) Recurrent enrollment from year to year;
- 26 (f) Graduation rates and postsecondary readiness, for high schools;
- 27 (g) Financial performance and sustainability; and
- 28 (h) Performance and stewardship by the learning management
29 organization, including compliance with all applicable laws, rules, and
30 terms of the contract with the superintendent of public instruction.

31 (5) The superintendent of public instruction and the learning
32 management organization may also include additional rigorous, valid,
33 and reliable indicators in the performance framework to augment
34 external evaluations of the performance of the renewal school.

35 (6) The performance framework must require the disaggregation of
36 all student performance data by major student subgroups, including
37 gender, race and ethnicity, poverty status, special education status,
38 English learner status, and highly capable status.

1 (7) A contract with a learning management organization must include
2 expectations and indicators for parent and community involvement in the
3 renewal school. The learning management organization must establish
4 and hold regular public meetings with a standing parent and community
5 advisory committee.

6 (8) A learning management organization may contract with
7 individuals, organizations, educational service districts, and school
8 districts including the original school district to provide goods and
9 services to a renewal school.

10 NEW SECTION. **Sec. 6.** RENEWAL DISTRICT EMPLOYEES. (1) The
11 original school district must notify all certificated and classified
12 employees assigned to a school that is scheduled to be transferred to
13 the renewal district under section 4 of this act that their employment
14 contracts shall be nonrenewed at the end of the school year before the
15 transfer takes effect. The transfer of the school of assignment to the
16 jurisdiction of the renewal district where the superintendent of public
17 instruction has governing authority, including over the employment of
18 necessary staff, constitutes probable cause for contract nonrenewal.
19 For certificated employees, the notice must comply with the provisions
20 of RCW 28A.405.210 and 28A.405.220.

21 (2) Certificated and classified employees assigned to a school that
22 is scheduled to be transferred to the renewal district may apply to the
23 original school district for a transfer of assignment within the
24 original district, which request must be considered according to the
25 policies and procedures of the district regarding transfers of
26 assignment.

27 (3) The superintendent of public instruction shall exercise the
28 powers of a school district board of directors under RCW 28A.400.300
29 with regard to employment of certificated and classified employees who
30 shall be considered employees of the renewal district.

31 (4) Under the terms of the contracts executed under section 5 of
32 this act, the superintendent must delegate to the learning management
33 organization the responsibility to hire, assign, evaluate, and dismiss
34 all staff of a renewal school.

35 (5) Classified and certificated staff previously assigned to a
36 school that is transferred to the renewal district may apply to the

1 learning management organization to become employees of the renewal
2 district assigned to that school.

3 (6) Years of service in a renewal school by certificated
4 instructional staff shall be included in the years of service
5 calculation for purposes of the statewide salary allocation schedule
6 under RCW 28A.150.410.

7 NEW SECTION. **Sec. 7.** RENEWAL DISTRICT STUDENTS. (1) The original
8 school district must notify all parents of students attending a school
9 scheduled to be transferred to the renewal district of the state board
10 of education's decision to transfer the school.

11 (2) A parent of a student scheduled to attend a renewal school must
12 be permitted to transfer the student to another school within the
13 original school district, but may be required to follow other school
14 assignment policies of the original school district.

15 (3) Except for transfers requested by a parent under this section,
16 assignment of students to a renewal school must be based on the same
17 policies for student assignment to other schools in the original school
18 district.

19 (4) Students enrolled in a renewal school may participate in
20 interscholastic and extracurricular activities offered by the original
21 school district in the same manner as other students enrolled in the
22 original school district, including being required to pay fees to
23 participate in extracurricular activities.

24 NEW SECTION. **Sec. 8.** RENEWAL SCHOOLS--APPLICABILITY OF STATE
25 LAWS. (1) The superintendent of public instruction, as the governing
26 authority of the renewal district, and the schools transferred to its
27 jurisdiction are exempt from all state statutes and rules applicable to
28 school districts and school district boards of directors, except those
29 statutes and rules made applicable under this chapter.

30 (2) The renewal district and all renewal schools must:

31 (a) Comply with state and federal health, safety, parents' rights,
32 civil rights, and nondiscrimination laws applicable to school districts
33 and to the same extent as school districts, including but not limited
34 to chapter 28A.642 RCW (discrimination prohibition) and chapter 28A.640
35 RCW (sexual equality);

1 (b) Provide instruction in the essential academic learning
2 requirements and participate in the statewide student assessment system
3 as provided under RCW 28A.655.070;

4 (c) Employ certificated instructional staff as required in RCW
5 28A.410.025, however the renewal district may hire noncertificated
6 instructional staff of unusual competence and in exceptional cases as
7 specified in RCW 28A.150.203(7);

8 (d) Comply with the employee record check requirements in RCW
9 28A.400.303;

10 (e) Adhere to generally accepted accounting principles and be
11 subject to financial examinations and audits as determined by the state
12 auditor, including annual audits for legal and fiscal compliance;

13 (f) Comply with the annual performance report under RCW
14 28A.655.110;

15 (g) Be subject to the performance improvement goals adopted by the
16 state board of education under RCW 28A.305.130;

17 (h) Comply with the open public meetings act in chapter 42.30 RCW
18 and open public records requirements in RCW 42.56.040; and

19 (i) Be subject to and comply with legislation enacted after the
20 effective date of this section governing the operation and management
21 of the renewal district.

22 NEW SECTION. **Sec. 9. FUNDING.** (1) According to the schedule
23 established under RCW 28A.510.250, the superintendent of public
24 instruction shall deduct from the apportionment payments due to an
25 original school district funding for each annual average full-time
26 equivalent student enrolled in a renewal school, including general
27 apportionment, special education, categorical, and other nonbasic
28 education moneys including local effort assistance. Categorical
29 funding must be deducted for a renewal school based on the same funding
30 criteria used for other public schools, except that the superintendent
31 of public instruction is exempt from rules and statutes regarding the
32 expenditure of these funds.

33 (2) The superintendent of public instruction shall place the
34 deducted funds in a separate account for each renewal school, and funds
35 in such an account may be spent only in support of that school. Any
36 unspent funds at the end of a school fiscal year remain in the account
37 to be used in future years for the benefit of that school.

1 (3) Federal funds that are made available to the renewal district
2 as a local education agency must be apportioned among the renewal
3 schools by the superintendent of public instruction based on the
4 programs and criteria that generated the funds.

5 (4) State funds deducted from the apportionment of an original
6 school district under subsection (1) of this section and federal funds
7 apportioned to a renewal school under subsection (3) of this section
8 must be included in the levy base of the school's original school
9 district under RCW 84.52.0531.

10 (5) If an original school district has a local levy for maintenance
11 and operations, the district must transmit to the superintendent of
12 public instruction a per-student amount of the levy for each annual
13 average full-time equivalent student enrolled in a renewal school in
14 that district. The superintendent of public instruction must place the
15 funds in the separate account under subsection (2) of this section and
16 spend the funds only in support of that school. For levies submitted
17 to voters after the transfer of a school to the renewal district, the
18 school must be included in levy planning, budgets, and funding
19 distribution in the same manner as other schools in the original school
20 district.

21 (6) Notwithstanding the transfer of a school to the renewal
22 district, the original school district must continue to receive
23 applicable state and federal funds for pupil transportation under
24 chapter 28A.160 RCW and for food services under chapter 28A.235 RCW for
25 students enrolled in a renewal school and shall continue to provide
26 transportation services and food services to the students enrolled in
27 that school in the same manner as such services would be provided
28 absent the transfer of the school.

29 NEW SECTION. **Sec. 10.** FACILITIES. (1) A renewal school is
30 entitled to the continued rent free use of its existing facility. The
31 original school district remains responsible for major repairs and
32 safety upgrades that may be required, as well as continued payment for
33 any outstanding bonds or capital projects associated with the school.
34 The renewal district is responsible for routine maintenance of the
35 facility, including but not limited to, cleaning, painting, gardening,
36 and landscaping.

1 (2) The original school district retains ownership of and legal
2 title to the land, building, and equipment of a renewal school. After
3 the decision is made by the state board of education to transfer a
4 school to the renewal district, the original school district may not
5 remove supplies or equipment from the renewal school without written
6 authorization from the superintendent of public instruction or the
7 contracted learning management organization for the school.

8 (3) The superintendent of public instruction may negotiate with the
9 original school district for payment of the school's share of
10 insurance, utilities, or other similar shared overhead associated with
11 the operation of a renewal school.

12 NEW SECTION. **Sec. 11.** RENEWAL SCHOOLS--RETURN TO ORIGINAL
13 DISTRICT. (1) The state board of education must establish criteria for
14 measuring the improvement of each renewal school, based on the
15 performance framework and performance targets established under section
16 5 of this act.

17 (2) A renewal school is eligible to be returned to the jurisdiction
18 of its original school district after the school has met the
19 performance improvement criteria of the state board of education for
20 three consecutive years.

21 (3) The state board of education must notify the superintendent of
22 public instruction by January of the year after which a renewal school
23 becomes eligible to be returned to its original school district. The
24 superintendent of public instruction shall negotiate with the original
25 school district for the return of the renewal school, including
26 addressing the employment status of employees of the renewal school.
27 Any notices of nonrenewal of contracts for certificated instructional
28 staff of the renewal school must comply with RCW 28A.405.210 and
29 28A.405.220. The return of a renewal school to its original school
30 district takes effect September 1st after the board's decision.

31 (4) Any unspent balances in the account associated with the renewal
32 school must be credited to the original school district.

33 (5) The board of directors of the original school district may
34 negotiate a new contract with the learning management organization to
35 continue oversight and management of a returned renewal school.

1 NEW SECTION. **Sec. 16.** A new section is added to chapter 28A.323
2 RCW to read as follows:

3 The provisions of this chapter do not apply to the renewal district
4 established under section 3 of this act.

5 NEW SECTION. **Sec. 17.** A new section is added to chapter 28A.343
6 RCW to read as follows:

7 The provisions of this chapter do not apply to the renewal district
8 established under section 3 of this act.

9 NEW SECTION. **Sec. 18.** Sections 1 through 11 of this act
10 constitute a new chapter in Title 28A RCW.

11 NEW SECTION. **Sec. 19.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

--- END ---