
Education Committee

HB 1215

Brief Description: Authorizing innovation schools.

Sponsors: Representatives Hargrove, Pettigrew, Kretz, Smith and Stambaugh.

Brief Summary of Bill

- Authorizes any school district board of directors (school board) to authorize one or more innovation schools or zones within their district.
- Establishes requirements for the development, submission, and review of plans for the establishment and operation of innovation schools and zones.
- Requires the Superintendent of Public Instruction, the State Board of Education, and the Professional Educator Standards Board, within their scope of statutory authority, to waive requirements for innovation schools and zones.
- Authorizes employees assigned to an innovation school or zone who are part of a bargaining unit and subject to a collective bargaining agreement to elect to be removed from the units and agreements.
- Allows previously authorized innovation schools or zones to operate under existing innovation school or zone statutes while the newly submitted plan is under consideration by the applicable school board.

Hearing Date: 3/9/17

Staff: Ethan Moreno (786-7386).

Background:

Innovation Schools and Zones - 2011 Authorization.

Legislation adopted in 2011 authorized the establishment of innovation schools and zones. The legislation directed the Office of the Superintendent of Public Instruction (OSPI) to establish an application-based process that would allow districts to apply to Educational Service Districts (ESDs) to have one or more of their schools designated as an innovation school. Additionally,

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groups of schools in one district that shared a common interest, such as a geographical location or serving students in sequential grades, were eligible to apply for designation as an innovation zone. Innovation zones could also include all schools within a district, or a consortia of multiple districts, with all schools in the participating districts. All statutory provisions for innovation schools and zones will expire on June 30, 2019.

Application Process.

The application process established a priority for schools and zones: intending to focus on arts, science, technology, engineering, and mathematics (A-STEM); intending to actively partner with the community, business, and higher education; and using project-based or hands-on learning. In accordance with numerous requirements established in statute, applications to designate innovation schools and innovation zones were directed to be submitted by school district boards of directors (school boards) to the applicable ESD. If an application for an innovation school or zone was recommended for approval by the ESD, the OSPI was directed to approve the designation request.

The application period for innovation schools and zones closed on January 6, 2012. Ten schools were designated as innovation schools, and all Tacoma Public Schools are within a designated innovation zone.

Waivers from Certain Statutes and Rules.

The Superintendent of Public Instruction (SPI) and the State Board of Education (SBE), each within the scope of their statutory authority, were authorized to grant waivers of state statutes and administrative rules for designated innovation schools and innovation zones. Requirements that were eligible for waivers included provisions governing:

- the length of the school year;
- student-to-teacher ratios; and
- the commingling of funds appropriated by the Legislature on a categorical basis, including funds for highly capable students, transitional bilingual instruction, and learning assistance.

Waivers could also be granted for other administrative rules that in the opinion of the SPI or the SBE were necessary to implement an innovation school or innovation zone. State rules concerning public health, safety, and civil rights, including accessibility for individuals with disabilities, could not be waived. Additionally, waiver requests could be denied if the SPI or the SBE concluded that granting the waiver would:

- likely result in decreased academic achievement in the innovation school or innovation zone;
- jeopardize the receipt of state or federal funds that a school district would otherwise be eligible to receive; or
- violate state or federal laws or rules that were not eligible for a waiver.

Summary of Bill:

Innovation Schools and Zones - Submission and Local Approval of Plans.

Any school within a school district may submit to the school board a plan to establish and operate an innovation school, and any school board may authorize one or more innovation school or zone within the district.

One or more schools that share common interests, such as geographical location or educational focus, or that sequentially serve classes of students as they progress through grades, may jointly submit to the school board a plan to establish and operate an innovation zone. An innovation zone may include all schools within a school district, but may not include schools that are not innovation schools.

A school board that receives a plan to establish and operate an innovation school or zone must approve or disapprove the plan within 60 days of its receipt. If the school board rejects the plan, the board must provide a written explanation of the reasons for the rejection. The school or group of schools that submitted a rejected plan may resubmit an amended plan any time after the plan is rejected.

If a school board approves an innovation school or zone plan that includes a request for a waiver of school district collective bargaining agreements, the board must enter into negotiations with the appropriate employee organizations, and the employee organizations and the school board must bargain in good faith.

If an innovation school or zone plan is approved by a school board, the board must permit the implementation of the plan for a period of at least four years, after which time the board may discontinue implementation of the plan or continue the plan for a period of time specified by the board.

Innovation School Plans - Development, Approvals, and Contents.

A plan for the establishment and operation of an innovation school must be jointly developed by the teachers of the school and the parents or guardians of the students at the school. A submitted plan must also be approved by a majority of staff assigned to the school or schools participating in the plan, and by the parents or guardians of a majority of the students at the school.

A plan for the establishment and operation of an innovation school must satisfy numerous content requirements, including containing:

- a statement of why designation as an innovation school would enhance the ability of the school to improve student achievement and close the achievement gap;
- a description of the innovations to be implemented by the school, including innovations in school staffing, class scheduling, the use of financial resources, school-based decision making, and the recruitment, evaluation, and compensation of employees;
- a description of the programs, policies, and approaches to providing instruction and services that would be changed to reflect evidence-based practices and other innovations;
- Identification of the improvements in student achievement that the school expects to accomplish in implementing the innovations;
- a statement of support for designation as an innovation school by the students and parents of students enrolled in the school, and by the community surrounding the school;
- a listing of any waivers of school district policies or provisions of school district collective bargaining agreements that are necessary to implement the plan and an explanation of why the waivers are necessary; and
- a listing of any waivers of state laws, rules, or policies that are necessary to implement the plan and an explanation of why the waivers are necessary.

Innovation school and innovation zone plans must be capable of being implemented without supplemental state funds, but may include requests for supplemental funds from the school district or from the state for specified components of the plan. Each school board is authorized and encouraged to seek and accept public and private gifts, grants, and donations to offset the costs of developing and implementing innovation school and innovation zone plans.

Waiver Provisions.

The SPI, the SBE, and the Professional Educator Standards Board (PESB), each within the scope of their statutory authority, must waive the application of policies and procedures of their agencies for an innovation school or schools within an innovation zone. These waiver requirements apply only to the extent the waivers are included in the plan for the innovation school or zone. The SPI, the SBE, and the PESB, however, may not waive policies and procedures that would jeopardize the receipt of state or federal funds that a school district with an innovation school or zone would otherwise be eligible to receive unless the school district submits a written authorization for the waiver acknowledging that receipt of funds could be jeopardized.

Additionally, the SPI, the SBE, and the PESB, each within the scope of their statutory authority, must also waive numerous and specified statutory requirements and any related rules for an innovation school or schools within an innovation zone. These waiver requirements apply only to the extent the waivers are included in the innovation school or zone plan.

Waivers for innovation schools and zones may not be granted for delineated requirements, including laws and other requirements pertaining to:

- health, safety, civil rights, privacy, and nondiscrimination;
- disbursements of state funds through state funding formulas;
- school district budgeting and accounting and bonded indebtedness;
- statewide assessments and school and district accountability systems to the extent that the provisions are required by federal laws or regulations;
- financial examinations and audits as determined by the State Auditor and the OSPI;
- the election of school district boards of directors and to the organization and reorganization of school districts;
- the employment of certificated instructional staff. Innovation schools, however, may hire noncertificated instructional staff of unusual competence and in exceptional cases; and
- employee background and record check requirements, and mandatory termination provisions for persons committing crimes against children.

Granted waivers may not exceed the duration of the innovation school or zone designation, and the SPI, the SBE, and the PESB may suspend a waiver based on evidence of academic harm to students or findings in a financial or program audit.

By August 1, 2017, the OSPI, the SBE and the PESB must jointly publish a list of each of the statutes and administrative rules that may be waived. The list must be subsequently updated each August 1.

Annual Reports.

Innovation schools and zones must submit annual reports to the applicable school board on student achievement results in the school or zone and other accomplishments achieved during the prior year. The school board must annually forward a copy of the reports to the SBE.

Innovation Schools in Low-Achieving Schools.

School districts are encouraged to implement locally authorized innovation schools in persistently lowest-achieving schools if the innovation school plan also meets applicable state and federal intervention requirements.

Collective Bargaining Provisions.

A school district with an innovation school or zone must permit employees assigned to an innovation school or a school within an innovation zone who are part of a bargaining unit and subject to a collective bargaining agreement to, by simple majority, elect to be removed from bargaining units and collective bargaining agreements. In the case of schools within an innovation zone, the election must be conducted separately for each school within the zone. The removal from bargaining units and collective bargaining agreements must continue while the school remains an innovation school or within an innovation zone.

If the majority of the employees assigned to a school within an innovation zone who are eligible to participate in the election do not elect to be removed from the bargaining unit and collective bargaining agreements, the school board may revise the zone plan to remove that school from the plan.

Any employee assigned to an innovation school or to a school within an innovation zone may request a transfer to another school within the school district. The superintendent and school board must make every reasonable effort to accommodate the employee's request for a transfer.

Other Duties of the Office of the Superintendent of Public Instruction.

The OSPI must annually forward to the Legislature any supplemental state funding requests contained in the plans of innovation schools or zones. The supplemental funding requests must be submitted by the SPI as a single decision package, to be considered as a whole by the Legislature and not by individual request for each innovation school or zone.

If funding is appropriated to implement innovation school or zone plans in an amount less than the full request, the OSPI must apportion the appropriated funds among the school districts with innovation schools and zones based on a pro rata share of the amount of the appropriation compared to the amount of the request.

The OSPI must also provide information about innovation schools and zones to all schools and school districts in the state and, within available funds, offer advice and technical assistance at the request of schools, school districts, and school boards in the development and implementation of locally authorized innovation school and zone plans.

Provisions for Currently Authorized Innovation Schools and Zones.

A plan for the establishment and operation of an innovation school or zone by a currently authorized innovation school or zone operating under provisions expiring on June 30, 2019 must take priority over other plans submitted to a school board. If a currently authorized innovation school or zone submits a new plan for the establishment and operation of an innovation school or

zone, the school or zone may continue operating as an innovation school or zone under existing statutory provisions while the newly submitted plan is under consideration by the applicable school board.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.