
HOUSE BILL 1596

State of Washington

66th Legislature

2019 Regular Session

By Representatives Kirby and Tharinger

Read first time 01/24/19. Referred to Committee on Education.

1 AN ACT Relating to flexibility schools and zones; and adding a
2 new chapter to Title 28A RCW.

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

4 NEW SECTION. **Sec. 1.** (1) The office of the superintendent of
5 public instruction shall develop a process for school districts to
6 apply to have one or more schools within the district designated as a
7 flexibility school. A group of schools that share common interests,
8 such as geographical location, or that sequentially serve classes of
9 students as they progress through elementary and secondary grades may
10 be designated as a flexibility zone, and a flexibility zone may
11 include all schools within a school district.

12 (2) Applications requesting designation and operation of
13 flexibility schools or zones must be developed by the school district
14 in collaboration with educators, parents, and the communities of
15 participating schools. School districts must ensure that each school
16 requesting a flexibility school designation has substantial
17 opportunity to participate in the development of the designation and
18 operation plan required by section 3 of this act.

19 NEW SECTION. **Sec. 2.** (1) Applications for flexibility school
20 and zone designations must be submitted by the applicable school

1 district boards of directors to their respective educational service
2 districts by September 1st for implementation in the school year
3 beginning on the subsequent September 1st.

4 (2) Each educational service district board of directors shall
5 review applications and plans for flexibility schools or zones from
6 within the educational service district using the common criteria
7 developed by the office of the superintendent of public instruction.

8 (3) In deciding whether to approve the application, the
9 educational service district board of directors may grant the
10 flexibility school or zone designation only to applicants that have
11 complied with all application requirements and that demonstrate, to
12 the satisfaction of the board, that the flexibility school or zone
13 designation and plan is likely to result in increased academic
14 achievement by the students in the school or zone. An approval
15 decision may include, if appropriate, reasonable conditions required
16 by the educational service district board of directors that the
17 applicant must meet before receiving an approval. If approved, the
18 educational service district must immediately transmit the
19 application and the designation and operation plan developed under
20 section 3 of this act to the office of the superintendent of public
21 instruction.

22 (4) Designation of flexibility schools and zones under this
23 section shall be for a six-year period, which may be renewed for
24 subsequent six-year periods through an approval by the applicable
25 educational service district board of directors.

26 (5)(a) Decisions made in accordance with subsections (3) and (4)
27 of this section must:

28 (i) Be based on documented evidence collected through the
29 application review process;

30 (ii) Follow policies and practices that are transparent and based
31 on merit;

32 (iii) Avoid any conflict of interest, whether real or apparent;
33 and

34 (iv) Be in writing.

35 (b) Decisions to deny an application or the renewal of a
36 flexibility school or zone must state clearly the reasons for the
37 denial. A denied applicant may subsequently reapply to the applicable
38 educational service district.

1 NEW SECTION. **Sec. 3.** (1) Each application for designation of a
2 flexibility school or zone must include a clear and detailed plan for
3 the designation and operation of the flexibility school or zone. The
4 plan must:

5 (a) Include an executive summary;

6 (b) Describe the mission and vision of the proposed flexibility
7 school or zone, indicate the grades to be served, and explain why the
8 designation would enhance the ability of the school or schools to
9 improve student achievement and close the educational opportunity
10 gap;

11 (c) Describe the school's or zone's proposed instructional
12 design, including the type of learning environment, class size and
13 structure, curriculum overview, and teaching methods;

14 (d) Enumerate specific, research-based activities and innovations
15 to be carried out under the designation;

16 (e) Identify the improvements in student achievement and the
17 educational opportunity gap that are expected to be accomplished;

18 (f) Identify the multiple measures for evaluation and
19 accountability to be used to measure improvement in student
20 achievement, closure in the educational opportunity gap, and the
21 overall performance of the flexibility school or flexibility zone,
22 including but not limited to assessment scores, graduation rates, and
23 dropout rates;

24 (g) Describe the school's or zone's plans for identifying,
25 successfully serving, and complying with applicable laws, rules, and
26 regulations regarding students with disabilities, students who are
27 limited English proficient, students who are struggling academically,
28 and highly capable students;

29 (h) Include the school's or zone's student discipline policies,
30 including discipline policies for special education students;

31 (i) Include plans for providing transportation, food service, and
32 all other significant operational or ancillary services;

33 (j) Describe opportunities and expectations for parent
34 involvement in the operation of the school or zone;

35 (k) Include budget plans and anticipated sources of funding,
36 including private grants and contributions, if any;

37 (l) Include written statements of support from the principal and
38 staff of schools seeking designation, each local employee association
39 affected by the proposal, the local parent organizations, and
40 statements of support, willingness to participate, or concerns from

1 any interested parent, business, institution of higher education, or
2 community organization; and

3 (m) Be capable of being implemented without supplemental state
4 funding.

5 (2) A plan proposing the designation and operation of a
6 flexibility school or zone must be approved by a majority of the
7 staff assigned to the school or schools participating in the plan.

8 NEW SECTION. **Sec. 4.** (1) A flexibility school or zone must
9 operate according to the designation and operation plan developed
10 under section 3 of this act and the provisions of this chapter.

11 (2) A flexibility school or zone must:

12 (a) Comply with local, state, and federal health, safety,
13 parents' rights, civil rights, and nondiscrimination laws applicable
14 to school districts and to the same extent as other public schools,
15 including but not limited to chapter 28A.642 RCW (discrimination
16 prohibition) and chapter 28A.640 RCW (sexual equality);

17 (b) Provide a program of basic education that meets the goals in
18 RCW 28A.150.210, including instruction in the essential academic
19 learning requirements, and participate in the statewide student
20 assessment system as developed under RCW 28A.655.070;

21 (c) Employ certificated instructional staff as required in RCW
22 28A.410.025. Flexibility schools or zones, however, may hire
23 noncertificated instructional staff of unusual competence and in
24 exceptional cases as specified in RCW 28A.150.203(7);

25 (d) Comply with the employee record check requirements in RCW
26 28A.400.303;

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

31 (f) Comply with the annual school performance report under RCW
32 28A.655.110;

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

35 (h) Comply with the open public meetings act in chapter 42.30 RCW
36 and public records requirements in chapter 42.56 RCW;

37 (i) Be subject to and comply with collective bargaining
38 agreements to which the school district and organizations
39 representing employees of the school district are parties; and

1 (j) Be subject to and comply with legislation enacted after
2 September 1, 2019, that governs the operation and management of
3 flexibility schools and zones.

4 (3) While flexibility schools and zones are subject to the
5 specific statutes and rules identified in subsection (2) of this
6 section, for the purpose of allowing flexibility to innovate in areas
7 such as scheduling, personnel, funding, and educational programs to
8 improve student outcomes and academic achievement, flexibility
9 schools and zones are not subject to, and are exempt from, all other
10 state statutes and rules applicable to schools and school districts.
11 Except as provided otherwise by this chapter or the designation and
12 operation plan developed under section 3 of this act, flexibility
13 schools and zones are exempt from all school district policies.

14 (4) Flexibility schools and zones are subject to the supervision
15 of the superintendent of public instruction and the state board of
16 education, including accountability measures, to the same extent as
17 other public schools, except as otherwise provided in this chapter.

18 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act
19 constitute a new chapter in Title 28A RCW.

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