

SENATE BILL REPORT

SB 5792

As of February 21, 2011

Title: An act relating to authorizing creation of innovation schools and innovation zones in school districts.

Brief Description: Authorizing creation of innovation schools and innovation zones in school districts.

Sponsors: Senator Ericksen.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/21/11.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Susan Mielke (786-7422)

Background: School District Authority. A school district board of directors has broad statutory authority to develop and implement programs, activities, services, or practices that promote the education of kindergarten through twelfth grade students in the public schools. Additionally, school boards have explicit authority to establish grades, departments, schools, and training that, in the judgment of the board, best promotes the interests of education in the district, so long as it does not conflict with other law.

Waivers. Currently there are limited waivers to statutory requirements available to school districts. A district may obtain a waiver to the 180-day school year and instructional hours requirements to implement a plan to enhance and restructure the educational program or if unforeseen events make facilities unsafe or inoperable. There is a pilot program for small school districts to obtain a waiver to the 180-day school year requirement to implement a flexible calendar to achieve economies and efficiencies. Additionally, small high school cooperative projects to increase curriculum programs and opportunities among the participating districts may obtain waivers from administrative rules that are considered financial disincentives to the establishment of such projects and would impede the operation of a proposed project.

Required Action Plans. In 2010 the Legislature established a state accountability process for identifying the persistently lowest-achieving schools and selecting some of those schools for required actions using the federal School Improvement Grants. The selected schools must

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submit a plan with specified components, including the implementation of one of four federal intervention models.

Summary of Bill: A school district board of directors may authorize Innovation Schools or an Innovation Zone within the school district. An Innovation Zone is a group of schools that share common interests such as location or educational focus, or sequentially serve students in elementary through secondary grades.

Innovation School (School) or Innovation Zone (Zone) Process. A school district board of directors or a school may initiate the process to create an Innovation School or Innovation Zone. If initiated by the board of directors then the board must ensure that each public school affected by the plan has substantial opportunity to participate in the development of the plan.

A plan must include specified information, including why designation as an Innovation School would enhance the ability of the school to improve student achievement; a description of the innovations to be implemented by the school; a statement of the level of support by students, parents, and the community; and a list of any waivers of school district policies, collective bargaining agreements, state laws, and rules that are necessary to implement the plan. The plan must be approved by a majority of staff assigned to the school or schools.

A school district must permit the implementation of an authorized plan for at least four years. A district must make every reasonable effort to accommodate any employee's request to transfer from an Innovation School or a school within an Innovation Zone to another school within the district.

State Board of Education (SBE) Endorsement. A school district that authorizes an Innovation School or Zone may seek state endorsement of the School or Zone by the SBE after using a specified process and timeline for review and comment by the SBE, the Office of Superintendent of Public Instruction, (OSPI) and the Professional Educators Standards Board (PESB). The SBE must endorse the School or Zone unless the SBE concludes that the plan is likely to result in a decrease in academic achievement, is not financially feasible, or would violate state or federal laws or rules not authorized to be waived.

Waivers. The SBE, OSPI, and PESB must waive their rules and related laws included in an endorsed plan. The chapters of laws subject to waiver are specified as are specific requirements that may not be waived. A granted waiver may be suspended based on evidence of academic harm to students or findings in financial or program audits.

Supplemental Funding Requests. An Innovation School or Zone plan must be able to be implemented without supplemental state funds but may include a request for supplemental funds. School districts are authorized to seek gifts, grants, and donations to develop and implement the plans. OSPI must submit supplemental state funding requests contained in plans as a single budget package to be considered by the Legislature as a whole and not by each School or Zone. If funding is provided in an amount less than the full request then OSPI must pro-rate the amounts provided to the schools.

Collective Bargaining Units and Agreements. If an approved plan includes a request of a waiver of provisions of the district collective bargaining agreements, then the board must enter into negotiations and bargain in good faith with the appropriate employee organizations. Future collective bargaining agreements must contain a provision allowing the employees of an Innovation School or a school within an Innovation Zone to opt out of the district's collective bargaining agreement by a majority vote of the employees assigned to the school.

Reporting. Each authorized School or Zone must annually report to the school board of directors on student achievement results and other accomplishments. The school district must forward a copy of the report to the SBE.

Required Action Plans. School districts are encouraged to implement an Innovation School in a persistently lowest-achieving school if the Innovation School plan also meets the requirements of a federal intervention model.

Appropriation: None.

Fiscal Note: Requested on February 15, 2011.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Many teachers and principals would not go into education today because of the bureaucracy. Washington is recognized as innovative in almost every sector in our state, except for education. Under the current statutes and rules you can't really innovate in our schools. We need to give freedom to the local level to embrace innovative practices. This does not mandate but gives flexibility without micromanaging. We have spent billions of dollars to improve our education system without much change. This bill provides a safe space and the authority to challenge the existing laws and innovate. This gives us the potential to foster creativity and create new ways to education each child that will lead to new reforms. Parents will keep the schools accountable.

CON: We support the freedom to innovate but we cannot support the broad range of waivers available under the bill: teacher licensure, high school graduation requirements, and compulsory attendance laws are all things that can be waived. Instead of waiving laws we should recognize that many laws were put into place to help and protect students. The Legislature has been responsive when people have come to ask for specific changes to allow for innovation but this broad authority to waive is not workable. There are many schools successfully operating that have made innovations within the existing law and collective bargaining agreements, including those with extended day programs, specialized Science, Technology, Engineering and Mathematics programs, programs that extend across school district boundaries, magnet schools where there is a specific area of interest as a focus of the educational program. This bill adds a layer of bureaucracy that we can't support. The opting in and out of collective bargaining agreements will not work.

OTHER: Innovation schools across the nation are dramatically improving student achievement. Our children deserve more than the status quo in education. Allowing flexibility is necessary to overcome the opportunity and achievement gap. We have some suggestions to improve the bill: allow for a parent or community process to create innovation schools & zones, require schools to control 90 percent of the school's budget, require specific academic targets in the plan that the students in the school must meet, enable the district to revoke a plan or the designation, and make the waivers automatic for the lowest performing schools. We are unclear whether programs such as the Learning Assistance Program could be waived instead of just permitting it to be done differently. These ideas need a broader based discussion before going forward.

Persons Testifying: PRO: Senator Ericksen, prime sponsor; Roger Franklin, Cedar River Academy; Joshua J. Garcia, Federal Way School District; Dave Powell, Stand for Children.

CON: Lucinda Young, Washington Education Association; Brad Burnham, Washington State Board of Education; Shawn Lewis, OSPI; Doug Nelson, Public School Employees, Service Employees International Union.

OTHER: Liv Finne, Washington Policy Center; Heather Cope, Carrie Madden, League of Education Voters; Anne Luce, Partnership for Learning; Bob Cooper, Washington Association of Colleges for Teacher Education.