
HOUSE BILL 1447

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Hunt, Orwall, Roberts, Liias, Haigh, Probst, Reykdal, Upthegrove, and Hargrove

Read first time 01/21/11. Referred to Committee on Education.

1 AN ACT Relating to encouraging innovation in public schools;
2 amending RCW 28A.305.140, 28A.655.180, and 28A.400.200; adding new
3 sections to chapter 28A.630 RCW; creating a new section; and providing
4 an expiration date.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature intends to encourage
7 educational innovation, creativity, professionalism, and initiative by:
8 (a) Providing schools and school districts an opportunity to remove
9 barriers to innovation through the temporary waiver of certain state
10 statutes and administrative rules, and (b) providing selected schools
11 and school districts with the technology, services, and staff necessary
12 to enhance learning through innovative practices.

13 (2) The legislature further intends that the school innovation
14 program create a framework for change that includes: (a) Leveraging
15 community assets; (b) improving staff capacity and effectiveness; (c)
16 developing family and school partnerships; and (d) enhancing capacity
17 and collaboration between school districts and local education
18 associations with the goal of improving student learning.

1 NEW SECTION. **Sec. 2.** (1) The school innovation program is
2 established to foster change in the public school system. The
3 objectives of the program are to:

4 (a) Enable educators and parents of selected schools and school
5 districts to restructure certain school operations and develop model
6 school programs that will improve student performance;

7 (b) Determine through an evaluation of the pilot projects whether
8 increasing local decision-making authority will produce more effective
9 learning; and

10 (c) Hold pilot projects accountable for student progress.

11 (2) The office of the superintendent of public instruction, in
12 consultation with the quality education council under RCW 28A.290.010,
13 shall develop a process for schools and school districts to apply to
14 participate in the school innovation program. The office shall review
15 and select pilot projects for grant awards and monitor and evaluate the
16 school innovation program. The office shall develop criteria to
17 evaluate the need for waivers of state statutes or administrative rules
18 as provided under section 3 of this act. In developing the application
19 review process, selecting projects for grant awards, and developing the
20 criteria for waivers, the office shall take into consideration the
21 recommendations of the quality education council.

22 (3) The superintendent of public instruction may adopt rules to
23 carry out the responsibilities assigned under sections 2 through 8 of
24 this act.

25 NEW SECTION. **Sec. 3.** (1) The superintendent of public instruction
26 may grant waivers of state statutes and administrative rules for pilot
27 projects in the school innovation program as follows:

28 (a) Waivers may be granted under RCW 28A.655.180;

29 (b) Waivers may be granted from the provisions of RCW 28A.400.200
30 regarding the statewide salary schedule and salary lid compliance
31 requirements;

32 (c) Waivers may be granted to permit the commingling of funds
33 appropriated by the legislature on a categorical basis for such
34 programs as, but not limited to, highly capable students, transitional
35 bilingual instruction, and learning assistance;

36 (d) Waivers may be granted of other administrative rules that in

1 the opinion of the superintendent of public instruction are necessary
2 to be waived to implement a school innovation pilot project; and

3 (e) State rules dealing with public health, safety, and civil
4 rights, including accessibility for individuals with disabilities, may
5 not be waived.

6 (2) At the request of a school district, the superintendent of
7 public instruction may petition the United States department of
8 education or other federal agencies to waive federal regulations
9 necessary to implement a school innovation pilot project.

10 (3) The state board of education may grant waivers for pilot
11 projects in the school innovation program of administrative rules
12 pertaining to calculation of course credits for high school courses.

13 (4) Waivers may be granted under this section for a school
14 innovation pilot project for a period not to exceed the duration of the
15 project.

16 NEW SECTION. **Sec. 4.** (1) Initial applications to participate in
17 the school innovation program shall be submitted by school district
18 boards of directors to the office of the superintendent of public
19 instruction by March 31, 2013. An application may include one or more
20 schools in the district or the school district as a whole. Subject to
21 available funding, additional applications may be submitted for
22 consideration by November 1st of subsequent years.

23 (2) Each application must contain a proposed plan that:

24 (a) Enumerates specific activities to be carried out as part of the
25 pilot project;

26 (b) Commits all parties to work cooperatively during the term of
27 the pilot project;

28 (c) Includes budget plans for the project and additional
29 anticipated sources of funding, including private grants and
30 contributions, if any;

31 (d) Identifies the technical resources desired, the potential costs
32 of those resources, and the institutions of higher education,
33 educational service districts, or consultants available to provide such
34 services;

35 (e) Identifies the evaluation and accountability processes to be
36 used to measure student and project performance;

1 (f) Justifies each request for waiver of specific state statutes or
2 administrative rules during at least the first two years of the
3 project;

4 (g) Includes a written statement that school directors and
5 administrators are willing to exempt the pilot project from
6 specifically identified local rules, as needed;

7 (h) Includes a written statement that the school directors and the
8 local bargaining agents will modify those portions of their local
9 agreements as applicable for the pilot project; and

10 (i) Includes written statements of support from the district's
11 board of directors, the district superintendent, the principal and
12 staff of schools requesting to become a pilot project, each local
13 employee association affected by the proposal, the local parent
14 organization, and statements of support, willingness to participate, or
15 concerns from any interested parent, business, or community
16 organization.

17 (3) Grant applications may include proposals for a
18 performance-based system of staff evaluation and compensation that
19 includes some or all of the following components:

20 (a) Peer reviews or evaluations;

21 (b) Student feedback;

22 (c) Video reviews;

23 (d) Evaluation by supervisors;

24 (e) Years of experience;

25 (f) Socioeconomic status of students; and

26 (g) Educational experience.

27 (4) Grant applications may include proposals for activities that
28 would require additional funding to be implemented, such as extended
29 instructional time, professional development time for staff,
30 curriculum, and materials, or additional staff resources.

31 NEW SECTION. **Sec. 5.** (1) After reviewing pilot project proposals
32 and considering the recommendations of the quality education council,
33 and subject to funds appropriated or available in the school innovation
34 program account for this purpose, the office of the superintendent of
35 public instruction shall select not more than ten school innovation
36 pilot projects. At least one entire school district must be included
37 among the selected pilot projects if the application is consistent with

1 the requirements of section 4 of this act. To the extent possible, the
2 office of the superintendent of public instruction shall select
3 projects that reflect a balance among elementary, middle, and high
4 schools, as well as a balance among geographic areas of the state and
5 school characteristics and sizes.

6 (2) Subject to funds appropriated or available in the school
7 innovation program account for this purpose, the office of the
8 superintendent of public instruction shall award school innovation
9 program grant funding to the selected pilot projects. Initial grants
10 shall be awarded by July 1, 2013, with the pilot projects commencing in
11 the 2013-14 school year.

12 (3) School innovation pilot projects may be conducted for up to six
13 years, if funds are provided for this purpose. Subject to approval by
14 the office of the superintendent of public instruction and continued
15 state funding, pilot projects initially funded for two years may be
16 extended for a total period not to exceed six years. Future funding
17 shall be conditioned on a positive evaluation of the project.

18 NEW SECTION. **Sec. 6.** Subject to funds appropriated or available
19 in the school innovation program account for this purpose, the office
20 of the superintendent of public instruction shall ensure that school
21 innovation pilot projects are provided with resources, support, and
22 assistance to conduct project activities. The office shall facilitate
23 coordination and cooperation among pilot projects, colleges and
24 universities, the state board for community and technical colleges,
25 community-based organizations, and the business community. Staff from
26 pilot projects must be given priority consideration for participation
27 in state sponsored staff development programs that are directly related
28 to the goals of the projects.

29 NEW SECTION. **Sec. 7.** (1) The office of the superintendent of
30 public instruction shall report to the education committees of the
31 legislature on the progress of the school innovation program by January
32 15, 2015, and January 15th of each odd-numbered year thereafter,
33 including a recommendation on the number of additional pilot projects
34 that should be authorized and funded.

35 (2) Each pilot project selected to participate in the school

1 innovation program must submit an annual report to the office of the
2 superintendent of public instruction on the progress of the project as
3 a condition of receipt of continued funding.

4 (3) The office of the superintendent of public instruction, through
5 the center for the improvement of student learning, must collect and
6 disseminate to all school districts and other interested parties
7 information about the school innovation program.

8 NEW SECTION. **Sec. 8.** (1) The superintendent of public instruction
9 may accept, receive, and administer such gifts, grants, and
10 contributions as may be provided from public and private sources for
11 the purposes of sections 2 through 7 of this act.

12 (2) The school innovation program account is established in the
13 custody of the state treasurer. The superintendent of public
14 instruction shall deposit in the account all moneys received under this
15 section. Moneys in the account may be spent only for the purposes of
16 sections 2 through 7 of this act. Only the superintendent of public
17 instruction or the superintendent's designee may authorize expenditures
18 from the account. The account is subject to the allotment procedures
19 provided under chapter 43.88 RCW, but an appropriation is not required
20 for expenditures.

21 NEW SECTION. **Sec. 9.** The quality education council shall assist
22 the office of the superintendent of public instruction in the
23 development of the application process and the review and selection of
24 pilot projects for the school innovation program under section 2 of
25 this act. The council shall recommend pilot projects for approval to
26 the office of the superintendent of public instruction. The quality
27 education council shall also assist the office of the superintendent of
28 public instruction and the state board of education in the development
29 of criteria for waivers of statutes or administrative rules for the
30 pilot projects as provided under section 3 of this act and RCW
31 28A.305.140 and 28A.655.180.

32 **Sec. 10.** RCW 28A.305.140 and 1990 c 33 s 267 are each amended to
33 read as follows:

34 (1) The state board of education may grant waivers to school

1 districts from the provisions of RCW 28A.150.200 through 28A.150.220 on
2 the basis that such waiver or waivers are necessary to:

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

9 (b) Implement a school innovation pilot project selected under
10 section 5 of this act.

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

13 **Sec. 11.** RCW 28A.655.180 and 2009 c 543 s 3 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 a school
24 innovation pilot project selected under section 5 of this act.

25 (2) School districts may use the application process in RCW
26 28A.305.140 to apply for the waivers under this section.

27 **Sec. 12.** RCW 28A.400.200 and 2010 c 235 s 401 are each amended to
28 read as follows:

29 (1) Every school district board of directors shall fix, alter,
30 allow, and order paid salaries and compensation for all district
31 employees in conformance with this section.

32 (2)(a) Salaries for certificated instructional staff shall not be
33 less than the salary provided in the appropriations act in the
34 statewide salary allocation schedule for an employee with a
35 baccalaureate degree and zero years of service; and

1 (b) Salaries for certificated instructional staff with a master's
2 degree shall not be less than the salary provided in the appropriations
3 act in the statewide salary allocation schedule for an employee with a
4 master's degree and zero years of service.

5 (3)(a) The actual average salary paid to certificated instructional
6 staff shall not exceed the district's average certificated
7 instructional staff salary used for the state basic education
8 allocations for that school year as determined pursuant to RCW
9 28A.150.410.

10 (b) Fringe benefit contributions for certificated instructional
11 staff shall be included as salary under (a) of this subsection only to
12 the extent that the district's actual average benefit contribution
13 exceeds the amount of the insurance benefits allocation provided per
14 certificated instructional staff unit in the state operating
15 appropriations act in effect at the time the compensation is payable.
16 For purposes of this section, fringe benefits shall not include payment
17 for unused leave for illness or injury under RCW 28A.400.210; employer
18 contributions for old age survivors insurance, workers' compensation,
19 unemployment compensation, and retirement benefits under the Washington
20 state retirement system; or employer contributions for health benefits
21 in excess of the insurance benefits allocation provided per
22 certificated instructional staff unit in the state operating
23 appropriations act in effect at the time the compensation is payable.
24 A school district may not use state funds to provide employer
25 contributions for such excess health benefits.

26 (c) Salary and benefits for certificated instructional staff in
27 programs other than basic education shall be consistent with the salary
28 and benefits paid to certificated instructional staff in the basic
29 education program.

30 (4) Salaries and benefits for certificated instructional staff may
31 exceed the limitations in subsection (3) of this section only by
32 separate contract for additional time, for additional responsibilities,
33 for incentives, or for implementing specific measurable innovative
34 activities, including professional development, specified by the school
35 district to: (a) Close one or more achievement gaps, (b) focus on
36 development of science, technology, engineering, and mathematics (STEM)
37 learning opportunities, or (c) provide arts education. Beginning
38 September 1, 2011, school districts shall annually provide a brief

1 description of the innovative activities included in any supplemental
2 contract to the office of the superintendent of public instruction.
3 The office of the superintendent of public instruction shall summarize
4 the district information and submit an annual report to the education
5 committees of the house of representatives and the senate.
6 Supplemental contracts shall not cause the state to incur any present
7 or future funding obligation. Supplemental contracts shall be subject
8 to the collective bargaining provisions of chapter 41.59 RCW and the
9 provisions of RCW 28A.405.240, shall not exceed one year, and if not
10 renewed shall not constitute adverse change in accordance with RCW
11 28A.405.300 through 28A.405.380. No district may enter into a
12 supplemental contract under this subsection for the provision of
13 services which are a part of the basic education program required by
14 Article IX, section 3 of the state Constitution.

15 (5) Employee benefit plans offered by any district shall comply
16 with RCW 28A.400.350 (~~and~~), 28A.400.275, and 28A.400.280.

17 (6) The superintendent of public instruction may waive the
18 requirements of this section for a school innovation program pilot
19 project as provided under section 3 of this act.

20 NEW SECTION. Sec. 13. Sections 2 through 9 of this act are each
21 added to chapter 28A.630 RCW.

22 NEW SECTION. Sec. 14. This act expires June 30, 2020.

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