

Innovation Zone Schools

This Act authorizes creating special zones where schools are granted the flexibility to try innovative strategies to improve school performance. The Act establishes a process to create such zones.

Submitted as:

West Virginia

[HB 109 \(Enrolled version\)](#)

Status: Enacted into law in 2009.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “The “School Innovation Zones Act.”

2

3 Section 2. [*School Innovation Zones; Intent and Purpose.*] The purposes of this Act are

4 to:

5 (1) Provide for the establishment of school innovation zones to improve educational

6 performance;

7 (2) Provide principals and teachers at schools approved as innovation zones with greater

8 flexibility and control to meet the needs of a diverse population of students by removing certain

9 policy, rule, interpretive and statutory constraints;

10 (3) Provide a testing ground for innovative educational reform programs and initiatives to

11 be applied on an individual school level;

12 (4) Provide information regarding the effects of specific innovations and policies on

13 student achievement;

14 (5) Document educational strategies that enhance student success; and

15 (6) Increase the accountability of the state’s public schools for student achievement as

16 measured by the state assessment programs and local assessment processes identified by the

17 schools.

18

19 Section 3. [*School Innovation Zones; Application for Designation; State Board Rules.*]

20 (A) A school, a group of schools, a subdivision or department of a group of schools, or a

21 subdivision or department of a school may be designated as an innovation zone in accordance

22 with this Act.

23 (B) The [state board] shall promulgate [rules], including [emergency rules] if necessary,

24 in accordance with [insert citation] to implement this Act. The rules shall include provisions for

25 at least the following:

26 (1) A process for a school, a group of schools, a subdivision or department of a

27 group of schools or a subdivision or department of a school to apply for designation as an

28 innovation zone that encompasses at least the following:

29 (a) The manner, time and process for the submission of an innovation zone

30 application;

31 (b) The contents of the application, which must include a general

32 description of the innovations the school or schools seek to institute and an estimation of the

33 employees who may be affected by the implementation of the innovations; and

34 (c) Factors to be considered by the state board when evaluating an
35 application, which shall include, but are not limited to, the following factors:

36 (I) The level of staff commitment to apply for designation as an
37 innovation zone as determined by a vote by secret ballot at a special meeting of employees
38 eligible to vote on the plan, as provided in section 6 of this Act;

39 (II) Support from parents, students, the county board of education,
40 the local school improvement council and school business partners; and

41 (III) The potential for an applicant to be successful as an
42 innovation zone; and

43 (2) Standards for the [state board] to review applications for designation as
44 innovation zones and to make determinations on the designation of innovation zones.

45 (C) The [state board] shall review innovation zone applications in accordance with the
46 standards adopted by the [board] and shall determine whether to designate the applicant as an
47 innovation zone. The [state board] shall notify an applicant of the [board's] determination within
48 [sixty] days of receipt of an innovation zone application. When initially designating innovation
49 zones after the enactment of this Act, the [state board] shall consider applicants for designation
50 in the following order:

51 (1) A school and groups of schools;

52 (2) A group of schools seeking designation across the same subdivision or
53 department of the schools; and

54 (3) A school seeking designation of a subdivision or a department.
55

56 Section 4. [*Innovation Zones; Required Plans; Plan Approval; State Board Rule.*]

57 (A) The rules promulgated by the [state board] pursuant to section 3 of this Act shall at
58 least require:

59 (1) Each school, group of schools, subdivision or department of a group of
60 schools or subdivision or department of a school designated as an innovation zone or seeking
61 designation as an innovation zone in accordance with this Act shall develop an innovation zone
62 plan;

63 (2) The innovation zone plan shall contain:

64 (a) A description of the programs, policies or initiatives the school, group
65 of schools, subdivision or department of a group of schools or subdivision or department of a
66 school intends to implement as an innovative strategy to improve student learning if the plan is
67 approved in accordance with section 5 of this Act;

68 (b) A list of all county and [state board] rules, policies and interpretations,
69 and all statutes, if any, identified as prohibiting or constraining the implementation of the plan,
70 including an explanation of the specific exceptions to the rules, policies and interpretations and
71 statutes required for plan implementation. A school, a group of schools, a subdivision or
72 department of a group of schools or a subdivision or department of a school may not request an
73 exception nor may an exception be granted from any of the following:

74 (I) An assessment program administered by the state [department
75 of education];

76 (II) Any provision of law or policy required by the No Child Left
77 Behind Act of 2001, Public Law No. 107-110 or other federal law; and

78 (III) [Insert citations].

79 (c) Any other information the [state board] requires.

80 (3) The innovation zone plan may include:

81 (a) An emphasis on the early childhood through intermediate grade levels
82 to ensure that each student is prepared fully at each grade level, including additional intervention

83 strategies at grade levels three and eight to reinforce the preparation of students who are not
84 prepared fully for promotion, or an emphasis on the secondary grade levels to ensure that each
85 student is prepared fully for college or other post-secondary education, as applicable for the
86 school; and

87 (b) An emphasis on innovative strategies which allow academically
88 advanced students to pursue academic learning above grade level or are not available through the
89 normal curriculum at the school.

90 (B) Each school, group of schools, subdivision or department of a group of schools or
91 subdivision or department of a school designated or seeking designation as an innovation zone
92 shall submit its innovation zone plan to the school's employees, the county superintendent and
93 county board having jurisdiction over the school, the [state board], and the [state superintendent]
94 in accordance with section 5 of this Act.

95
96 Section 5. *[Approval of Innovation Zone Plans; Waiver of Statutes, Policies, Rules or*
97 *Interpretations.]*

98 (A) Each school, group of schools, subdivision or department of a group of schools or
99 subdivision or department of a school designated or seeking designation as an innovation zone
100 shall:

101 (1) Submit its innovation zone plan to each employee regularly employed at the
102 school if the employee's primary job duties would be affected by the implementation of the plan.
103 An innovation zone plan is approved by school employees when approved by a vote by secret
104 ballot as provided in section 6 of this Act;

105 (2) Submit its innovation zone plan as approved by vote of school employees to
106 the county superintendent and board for review. The county board shall within [sixty] days of
107 receipt of the plan review the plan and with recommendations from the county superintendent
108 report its support or concerns, or both, and return the plan and report to the school principal,
109 faculty senate and local school improvement council; and

110 (3) Submit its innovation zone plan as approved by vote of the school employees
111 eligible to vote on the plan along with the report of the county board to the [state board] and
112 [state superintendent] for review. The county board shall be given an opportunity to present its
113 concerns with the plan, if any, to the [state board] during its review. Except as provided in
114 subsection (C) of this section, the [state board] and [state superintendent] shall approve or
115 disapprove the plan within [sixty] days of receipt, subject to the following:

116 (a) No exceptions to county or [state board] rules, policies or
117 interpretations are granted unless both the [state superintendent] and the [state board] approve
118 the plan at least conditionally pursuant to subsections (B) and (C) of this section; and

119 (b) If the plan is disapproved, the [state superintendent], the [state board]
120 or both, as applicable, shall communicate the reasons for the disapproval to the school, the group
121 of schools, the subdivision or department of a group of schools or the subdivision or department
122 of a school and shall make recommendations for improving the plan. The school, the group of
123 schools, the subdivision or department of a group of schools or the subdivision or department of
124 a school may amend the plan pursuant to subsection (D) of this section.

125 (B) Upon the approval of an innovation zone plan by the [state board] and [state
126 superintendent], all exceptions to county and [state board] rules, policies and interpretations
127 listed within the plan are granted, subject to the limitations contained in section (4)(A)(2)(b) of
128 this Act.

129 (C) If an innovation zone plan, or a part thereof, may not be implemented unless an
130 exception to a statute is granted by an act of the [legislature], the [state board] and [state
131 superintendent] may approve the plan, or the part thereof, only upon the condition that the

132 [legislature] acts to grant the exception. If the [state board] and [state superintendent] approve a
133 plan on that condition, the [state board] and [state superintendent] shall submit the plan with the
134 request for an exception to a statute, along with supporting reasons, to the [legislative oversight
135 commission on education accountability]. The [commission] shall review the plan and exemption
136 request and make a recommendation to the [legislature] regarding the exception requested.

137 (D) The rules promulgated by the [state board] pursuant to section 3 of this Act shall
138 include a process for amending or revising an innovation zone plan. The process shall require
139 that any amendments or revisions to an innovation zone plan are subject to the approval
140 requirements of subsection (A) of this section.

141
142 Section 6. *[Employee Approval of Innovation Plan Application and Plan; Transfer of*
143 *Employees.]*

144 (A) An employee shall be eligible to vote in accordance with the provisions of this
145 section if the employee is regularly employed at the school and the employee's primary job
146 duties will be affected by the implementation of the innovation zone plan. The panel created in
147 subsection (C) of this section and the principal shall determine which employees are eligible to
148 vote in accordance with this subsection. No employee may be eligible to vote unless both the
149 panel and the principal determine that the employee is eligible to vote.

150 (B) A secret ballot vote at a special meeting of all employees regularly employed at the
151 school who are eligible to vote in accordance with this section shall be conducted to determine
152 the the level of employee commitment to apply for designation as an innovation zone in
153 accordance with section 3 of this Act and the approval of an innovation zone plan as required by
154 section 5 of this Act.

155 (C) A panel consisting of the elected officers of the faculty senate of the school or
156 schools, [one] representative of the service personnel employed at the school and [three] parent
157 members appointed by the local school improvement council shall call the meeting required in
158 subsection (B) of this section, conduct the votes and certify the results to the principal, the
159 county superintendent and the president of the county board. The panel shall provide notice of
160 the special meeting to all employees eligible to vote at least [two] weeks prior to the meeting and
161 shall provide an absentee ballot to each employee eligible to vote who cannot attend the meeting
162 to vote.

163 (D) At least [eighty] percent of the employees who are eligible to vote in accordance with
164 this section must vote to apply for designation as an innovation zone and to approve the school's
165 innovation zone plan before the level of staff commitment at the school is sufficient for the
166 school to apply for designation and before the plan is approved by the school.

167 (E) An employee regularly employed at a school applying for or designated as an
168 innovation zone whose job duties may be affected by implementation of the innovation zone plan
169 or proposed plan may request a transfer to another school in the school district. The county board
170 shall make every reasonable effort to accommodate the transfer.

171
172 Section 7. *[Progress Reviews and Annual Reports.]*

173 (A) At least [annually], the [state board or its designated committee] shall review the
174 progress of the development or implementation of an innovation zone plan. If, following such a
175 review, the [state board] determines that a designated school, group of schools, subdivision or
176 department of a group of schools, subdivision or department of a school or a school created by a
177 state institution of higher education in accordance with section 9 of this Act has not made
178 adequate progress toward developing or implementing its plan, the [board] shall submit a report
179 to the designated school, group of schools, subdivision or department of a group of schools,
180 subdivision or department of a school or a school created by a state institution of higher

181 education in accordance with section 9 of this Act identifying its areas of concern. The [state
182 board or its designated committee] may conduct an additional review within [six] months of
183 submitting a report in accordance with this section. If, following such additional review, the
184 [state board or its designated committee] determines that the designated school, group of schools,
185 subdivision or department of a group of schools, subdivision or department of a school or a
186 school created by a state institution of higher education in accordance with section 9 of this Act
187 has not made adequate progress toward developing or implementing its innovation zone plan, the
188 [state board] may revoke the designation as an innovation zone or, if the innovation zone plan
189 has been approved in accordance with section 5 of this Act, rescind its approval of the plan.

190 (B) The [state board] shall provide an annual report on innovation zones and the progress
191 of innovation zone plans to the [Education Committee of the Legislature.]

192
193 Section 8. [*Teacher Vacancies in an Innovation Zone; Job Postings.*] A school, group of
194 schools, subdivision or department of a group of schools, or a subdivision or department of a
195 school whose school innovation zone plan has been approved in accordance with section 5 of
196 this Act may make a job posting for a teacher vacancy at the school, the group of schools, the
197 subdivision or department of a group of schools, or the subdivision or department of a school
198 designated as an innovation zone that sets forth standards or qualifications that exceed the
199 standards and qualifications provided in [insert citation], provided that teachers in the county
200 approve the job posting by majority vote; provided however, that the county superintendent
201 administers the vote and the record of the vote remains on file in the personnel office of the
202 county board until the school group of schools, subdivision or department of a group of schools,
203 or a subdivision or department of a school is no longer designated as an innovation zone.

204
205 Section 9. [*Establishment of New Innovation Zone Schools by State Institutions of Higher*
206 *Education.*]

207 (A) A [state institution of higher education] may establish a new innovation zone school
208 subject to the following:

209 (1) The school will be under the jurisdiction of the [state institution of higher
210 education];

211 (2) The county board with jurisdiction over the school district in which the new
212 school is planned to be located must approve the establishment of the new innovation zone
213 school;

214 (3) The [state institution of higher education] must enter into cooperative
215 agreements with the county board or county boards whose students attend the new innovation
216 zone school. The agreements shall include at least required reporting on student attendance,
217 academic progress and any other matters relating to the administration, operation and support of
218 the school agreed to by institution and the board or boards;

219 (4) Students attending the school shall be enrolled in a school in their county of
220 residence subject to the policies of the county. The students may participate in extracurricular
221 and cocurricular activities at the county school in which they are enrolled and, subject to the
222 cooperative agreement with the [state institution of higher education], participate in curricular
223 activities at the county school in which they are enrolled;

224 (5) No funds provided to support the planning and implementation of school
225 innovation zones pursuant to this Act may be used for a [state institution of higher education] to
226 establish a new innovation zone school; and

227 (6) A school established in accordance with this section may not be funded with
228 moneys appropriated by the [legislature] to fund the innovation zone program or [state] or county
229 moneys that result from the school aid formula.

230 (B) The [state board] shall promulgate rules, including emergency rules if necessary, in
231 for a [state institution of higher education] to establish a new innovation zone school. The rules
232 shall include provisions for at least the following:

233 (1) A process for a [state institution of higher education] in accordance with this
234 section to apply for designation as innovation zone and for approval of its innovation zone plan
235 that encompasses at least the following:

236 (a) The manner, time and process for the submission of an application for
237 innovation zone designation and for approval of its innovation zone plan;

238 (b) The contents of the application; and

239 (c) Factors to be considered by the [state board] when evaluating an
240 application and plan, which shall include, but are not limited to, support from parents, students,
241 county board or boards of education, the local school improvement council or councils and
242 school business partners and the potential for a school to be successful as an innovation zone.

243 (2) A school created by [state institution of higher education] designated as an
244 innovation zone or seeking designation as an innovation zone in accordance with this section
245 shall develop an innovation zone plan that includes at least the following:

246 (a) A description of the programs, policies or initiatives the [state
247 institution of higher education] intends to implement as an innovative strategy to improve
248 student learning if the plan is approved;

249 (b) The approval of the county board of education with jurisdiction over
250 the school district in which the new school is planned to be or is located and the cooperative
251 agreements with the county board or county boards whose students attend the new innovation
252 zone school;

253 (c) A list of all county and state board rules, policies and interpretations,
254 and all statutes, if any, identified as prohibiting or constraining the implementation of the plan,
255 including an explanation of the specific exceptions to the rules, policies and interpretations and
256 statutes required for plan implementation;

257 (d) A policy under which the [state institution of higher education] and
258 participating county board or boards of education agree to meet the accountability requirements
259 for student assessment under all applicable assessment programs administered by the [state
260 department of education] and provisions of law or policy required by the No Child Left Behind
261 Act of 2001, Public Law No. 107-110 or other federal law; and

262 (e) Any other information the [state board] requires.

263 (3) Standards for the [state board] to review applications for designation as
264 innovation zones and to make determinations on the approval of innovation zone plans.

265 (C) The [state board] and [state superintendent] shall review innovation zone applications
266 and plans of a school created by a [state institution of higher education] in accordance with the
267 standards adopted by the [board] and shall determine whether to designate it as an innovation
268 zone or approve it plan, as applicable. The [state board and state superintendent] shall notify an
269 applicant of the [board's] determination within [sixty] days of receipt of an innovation zone
270 application and receipt of an innovation zone plan. If the plan is disapproved, the [state board]
271 and state superintendent shall communicate the reasons for the disapproval to the school and
272 make recommendations for improving the plan. The school may amend and resubmit the plan to
273 the [state board].

274 (D) Upon the approval of an innovation zone plan by the [state board and state
275 superintendent], all exceptions to county and state board rules, policies and interpretations listed
276 within the plan are granted. If an innovation zone plan, or a part thereof, may not be
277 implemented unless an exception to a statute is granted by an act of the [legislature, the state
278 board and state superintendent] may approve the plan, or the part thereof, only upon the

279 condition that the [legislature] acts to grant the exception. If the [state board] and [state
280 superintendent] approve a plan on that condition, the [state board and state superintendent] shall
281 submit the plan with the request for an exception to a statute, along with supporting reasons, to
282 the [legislative oversight commission on education accountability]. The [commission] shall
283 review the plan and request and make a recommendation to the [legislature] on the exception
284 requested.

285

286 Section 10. [*Severability.*] [Insert severability clause.]

287

288 Section 11. [*Repealer.*] [Insert repealer clause.]

289

290 Section 12. [*Effective Date.*] [Insert effective date.]