

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 545

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO EDUCATION; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A
2 NEW CHAPTER 58, TITLE 33, IDAHO CODE, TO ESTABLISH THE LOCAL INNOVATION
3 SCHOOL ACT, TO DEFINE TERMS, TO PROVIDE FOR ELIGIBILITY TO PARTICIPATE,
4 REQUIREMENTS AND EXEMPTIONS AND TO PROVIDE FOR INNOVATION SCHOOL AGREE-
5 MENTS.
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7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Title 33, Idaho Code, be, and the same is hereby amended
9 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
10 ter 58, Title 33, Idaho Code, and to read as follows:

11 CHAPTER 58

12 LOCAL INNOVATION SCHOOL ACT

13 33-5801. LOCAL INNOVATION SCHOOL ACT. There is hereby established the
14 local innovation school act. Participating schools and districts will eval-
15 uate existing laws and administrative rules to receive flexibility from laws
16 and policies that impede local autonomy, allowing them to be agile, innova-
17 tive and empowered to adapt to local circumstances.

18 33-5802. DEFINITIONS. As used in this chapter:

19 (1) "Board" means the governing body of a school district or public
20 charter school.

21 (2) "Innovation school" means a public school participating in the lo-
22 cal innovation school act.

23 (3) "Innovation school agreement" means a written agreement between
24 the innovation school team and the board establishing the innovation school.

25 (4) "Innovation school team" means the combination of individuals re-
26 sponsible for the operations of an innovation school.

27 33-5803. ELIGIBILITY TO PARTICIPATE -- REQUIREMENTS AND EXEMP-
28 TIONS. (1) Up to ten (10) public schools per year for each of school years
29 2016 through 2021, totaling not more than fifty (50) schools, are eligible
30 to participate in the local innovation school act by following the processes
31 set forth in section 33-5804, Idaho Code. If more than ten (10) schools seek
32 to establish an innovation school in any single year, the first ten (10)
33 schools to notify the state board of education pursuant to section 33-5804,
34 Idaho Code, shall be established as innovation schools.

35 (2) The following shall apply to an innovation school:

36 (a) State, federal and local laws prohibiting discrimination;

37 (b) Laws governing safety including, but not limited to, sections
38 33-122 and 33-130, Idaho Code; and

1 (c) Section 33-5204, Idaho Code, if the innovation school is an exist-
2 ing public charter school authorized by the school district.

3 (3) Except as otherwise provided in subsection (2) of this section,
4 pursuant to the terms of the innovation school agreement, innovation schools
5 may be exempted from the following:

6 (a) Idaho Code statutes applicable to a school board or school dis-
7 trict;

8 (b) Rules promulgated or guidelines adopted by the state board of edu-
9 cation or state department of education; and

10 (c) Local district policies, including terms and conditions of employ-
11 ment.

12 33-5804. INNOVATION SCHOOL AGREEMENT. (1) An innovation school may be
13 established by a written innovation school agreement between:

14 (a) A majority of the teachers at the school seeking to establish an in-
15 novation school, in cooperation with:

16 (i) A principal;

17 (ii) A superintendent; or

18 (iii) Both; and

19 (b) A board.

20 (2) The innovation school agreement shall include:

21 (a) A statement that the innovation school is considered to be part
22 of the school district and not considered a separate local education
23 agency;

24 (b) A provision that the district shall distribute estimated state,
25 federal and local funding to the innovation school consistent with the
26 amounts it distributes to other schools in the district;

27 (c) The performance goals and accountability metrics agreed upon for
28 the innovation school;

29 (d) The duration of the agreement, which shall be for not less than
30 three (3) years and include automatic renewal at the option of the inno-
31 vative school team if all conditions under the agreement are satisfied;

32 (e) Grounds for termination of the agreement, including the right of
33 termination if the innovation school team fails to:

34 (i) Comply with the conditions or procedures established in the
35 innovation school agreement;

36 (ii) Meet generally accepted fiscal management and government ac-
37 counting principles;

38 (iii) Comply with applicable laws; or

39 (iv) Meet the educational goals set forth in the innovation school
40 agreement; and

41 (f) If the innovation school is an existing public charter school au-
42 thorized by the district, a statement regarding which provisions of
43 chapter 52 of this title shall apply.

44 (3) The board shall notify the state board of education within thirty
45 (30) days after entering into an innovation school agreement to establish
46 an innovation school. Upon receiving notification, the state board of ed-
47 ucation shall notify the state department of education, and the state de-
48 partment of education shall, for school years starting after the date of the
49 agreement:

1 (a) Within sixty (60) days of notification, distribute ten thousand
2 dollars (\$10,000) to the innovation school team to be used for planning
3 purposes;

4 (b) Treat the innovation school as part of the local district for pur-
5 poses of state and national assessments; and

6 (c) Treat the innovation school in the same manner as a school oper-
7 ated by the local district when calculating the total amount of state
8 and federal funding to be distributed to the school district.

9 (4) For as long as an innovation school team operates an innovation
10 school:

11 (a) The innovation school team may use the school building, the accom-
12 panying real property and the building's contents, equipment and sup-
13 plies, unless otherwise provided in the innovation school agreement.

14 (b) The school district shall provide the innovation school with trans-
15 portation, building and grounds maintenance and repair, and access to
16 funds consistent with that afforded other schools in the same district.

17 (c) With the exception of funds described in subsection (3) (a) of this
18 section, an innovation school is not entitled to any state funding not
19 afforded other district schools.

20 (d) If an innovation school team contracts with a school district for
21 goods or services, the school district may not charge more for the goods
22 or services than the school district pays for the goods or services.

23 (5) The innovation school team shall have full operational autonomy to
24 run the innovation school as provided in the innovation school agreement.

25 (6) Employees of an innovation school may organize and create collec-
26 tively bargained working conditions with the innovation school team, con-
27 sistent with the principles, vision, goals and essential characteristics of
28 the innovation school.

29 (7) Individuals employed by an innovation school are entitled to par-
30 ticipate in the public employee retirement system, federal social security,
31 unemployment insurance, worker's compensation insurance and health insur-
32 ance.

33 (8) If an agreement is terminated pursuant to subsection (2) (e) of this
34 section, then the affected school shall revert to the type of school it was
35 immediately before becoming an innovation school and shall thereby be sub-
36 ject to all applicable laws, rules, guidelines and policies.