

## ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda-underwritten by global corporations- includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

### ALEC's Corporate Board --in recent past or present

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  - Altria Client Services, Inc.
  - American Bail Coalition
  - State Farm Insurance
- For more on these corporations, search at [www.SourceWatch.org](http://www.SourceWatch.org).

**DID YOU KNOW?** Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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## THE INNOVATION SCHOOLS AND SCHOOL DISTRICTS ACT

### Summary

The Innovation Schools and School Districts Act creates a mechanism for schools, groups of schools, and districts to adopt plans that try new ways of delivering instruction and/or allocating resources. It creates a new classification of school districts, "Districts of Innovation," that have one or more schools implementing these plans. Districts of innovation are provided a greater degree of autonomy and can **waive some statutory requirements.**

### Model Legislation

**Section 1. {Title}** The Innovation Schools and School Districts Act

**Section 2. {Legislative Declaration}**

(A) The Legislature hereby finds that:

(1) the **constitutional** provisions regarding the public education system direct the Legislature to establish a thorough and uniform statewide system of public education, but they also recognize the importance of preserving local flexibility by granting to each school district board of education the control of instruction in the schools of the school district;

(2) the **constitution's** requirement that each school district board of education is responsible for controlling the instruction in its schools is based on the belief that the delivery of educational services must be tailored to the specific population of students they are intended to serve and that the parents of those students should have great opportunity for input regarding the educational services their children receive;

(3) in tailoring the delivery of educational services, it is also important that the persons delivering those services, the principal of the public schools and the faculty employed at that school, have the maximum degree of flexibility possible to determine the most effective and efficient manner in which to meet their students' needs;

(4) to further the goals of high-quality public education throughout the state, therefore, each school district board of education should have the authority to grant public schools of the school district the maximum degree of flexibility possible to meet the needs of individual students and the communities in which they live; and

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(5) while the ultimate responsibility for controlling the instruction in public schools continues to lie with the school district board of education of each public school, each school district board of education is strongly encouraged to delegate to each public school a high degree of autonomy in implementing curriculum, making personnel decisions, organizing the school day, determining the most effective use of resources, and generally organizing the delivery of high-quality educational services, thereby empowering each public school to tailor its services most effectively and efficiently to meet the needs of the population of students it serves.

(B) The Legislature therefore finds that it is in the best interests of the people of [state] to enact the "Innovation Schools and School Districts Act" to achieve the following purposes:

(1) To grant to [state]'s school districts and public schools greater ability to meet the educational needs of a diverse and constantly changing student population;

(2) To encourage intentionally diverse approaches to learning and education within individual school districts;

(3) To improve educational performance through greater individual school autonomy and managerial flexibility;

(4) To encourage school districts, where appropriate, to create and manage a portfolio of schools that meet a variety of education needs, including identifying elementary, middle or junior high, and high schools to collectively operate as a vertically integrated innovation zone of schools;

(5) To encourage innovation in education by providing local school communities and principals with greater control over levels of staffing, personnel selection and evaluation, scheduling, and educational programming with the goal of achieving improved student achievement;

(6) To encourage school districts and public schools to find new ways to allocate resources, including through implementation of specialized school budgets, for the benefit of the students they serve; and

(7) To hold public schools that receive greater autonomy under the article accountable for student academic achievement, as measured by the [state] Student Assessment Program, other more specifically tailored accountability measures, and the federal requirements of adequate yearly progress.

**Section 3. {Definitions}** As used in this article, unless the context otherwise requires:

(A) "Commissioner" means the commissioner of education appointed by the state Board of Education.

(B) "District of Innovation" means a school district that is designated as a district of innovation pursuant to Section 7.

(C) "Innovation School" means a school in which a local school board implements an innovation plan pursuant to Section 4.

(D) "Innovation School Zone" means a group of schools of a school district that share common interests, such as geographical location or educational focus, or that sequentially serve classes of students as they progress through elementary and secondary education and in which a local school board implements a plan for

creating an innovation school zone pursuant to Section 4.

(E) "Local school board" means the board of education of a school district.

(F) "State Board" means the state Board of Education.

#### **Section 4. {Innovation Plans - Submission - Contents}**

(A)

(1) A public school or a school district may submit to its local school board an innovation plan as described in Subsection (C) of this section. A group of public schools of a school district that share common interests, such as geographical location or educational focus, or that sequentially serve classes of students as they progress through elementary and secondary education may jointly submit to their local school board a plan to create an innovation school zone as described in Subsection (D) of this section.

(2) A local school board shall receive and review each innovation plan or plan for creating an innovation school zone submitted pursuant to Paragraph (1) of this Subsection (A). The local school board shall either approve or disapprove the innovation plan or plan for creating an innovation school zone within 60 days after receiving the plan.

(3) If the local school board rejects the plan, it shall provide to the public school or group of public schools that submitted the plan a written explanation of the basis for its decision. A public school or group of public schools may resubmit an amended innovation plan or amended plan for creating an innovation school zone at any time after denial.

(4) If the local school board approves the plan, it may proceed to seek designation of the school district as a district of innovation pursuant to Section 7.

(B) A local school board may initiate and collaborate with one or more public schools of the school district to create one or more innovation plans, as described in Subsection (C) of this section, or one or more plans to create innovation school zones, as described in Subsection (D) or this section. In creating an innovation plan or a plan to create an innovation school zone, the local school board shall ensure that each public school that would be affected by the plan has the opportunity to participate in creation of the plan. A local school board may approve or create a plan to create an innovation school zone that includes all of the public schools of the school district. If the local school board creates an innovation plan or a plan for creating an innovation school zone, the local school board may seek designation of the school district as a district of innovation pursuant to Section 7.

(C) Each innovation plan, whether submitted by a public school or created by a local school board through collaboration between the local school board and a public school, shall include the following information:

(1) A statement of the public school's mission and why designation as an innovation school would enhance the school's ability to achieve its mission;

(2) A description of the innovations the public school would implement, which may include, but need not be limited to, innovations in school staffing; curriculum and assessment; class scheduling; use of financial and other resources; and faculty recruitment, employment, evaluation, and compensation;

(3) A listing of the programs, policies, or operational documents within the public school that would be affected by the public school's

identified innovation and the manner in which they would be affected. The programs, policies, or operational documents may include, but need not be limited to:

(a) the research-based educational program the public school would implement;

(b) the length of school day and school year at the public school;

(c) the student promotion and graduation policies to be implemented at the public school;

(d) the public school's assessment plan;

(e) the proposed budget for the public school; and

(f) the proposed staffing plan for the public school.

(4) An identification of the improvements in academic performance that the public school expects to achieve in implementing the innovations;

(5) An estimate of the cost savings and increased efficiencies, if any, the public school expects to achieve in implementing its identified innovation;

(6) Evidence that a majority of the administrators employed at the public school, a majority of the teachers employed at the public school, and a majority of the school advisory council for the public school consent to designation as an innovation school;

(7) A statement of the level of support for designation as an innovation school demonstrated by the other persons employed at the public school, the students and parents of students enrolled in the public school, and the community surrounding the public school;

(8) A description of any statutory sections included in this title or any regulatory or district policy requirements that would need to be waived for the public school to implement its identified innovations;

(9) A description of any provision of the collective bargaining agreement in effect for the personnel at the public school that would need to be waived for the public school to implement its identified innovation; and

(10) Any additional information required by the local school board of the school district in which the innovation plan would be implemented.

(D) Each plan for creating an innovation school zone, whether submitted by a group of public schools or created by a local school board through collaboration with a group of public schools, shall include the information specified in Subsection (C) of this section for each public school that would be included in the innovation school zone. A plan for creating an innovation school zone shall also include the following additional information:

(1) A description of how innovations in the public schools in the school innovation zone would be integrated to achieve results that would be less likely to be accomplished by each public school working alone;

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(2) An estimate of any economies of scale that would be achieved by innovations implemented jointly by the public schools within the innovation school zone;

(3) Evidence that a majority of the administrators and a majority of the teachers employed at each public school that would be included in the innovation school zone and a majority of the school advisory council for each public school that would be included in the innovation school zone consent to creating the innovation school zone; and

(4) A statement of the level of support for creating an innovation school zone demonstrated by the other persons employed at each public school that would be included in the zone, the students and parents of students enrolled in each public school that would be included in the zone, and the community in which the local school board would approve the innovation school zone. In determining the level of support, each public school shall specifically solicit input concerning the selection of public schools included in the innovation school zone and the strategies and procedures that would be used in implementing and integrating the innovations within the public schools in the zone.

#### **Section 5. {Suggested Innovation}**

(A) In considering or creating an innovation plan or a plan for creating an innovation school zone, each local school board is strongly encouraged to consider innovations in the following areas:

(1) Curriculum and academic standards and assessments;

(2) Accountability measures, including but not limited to expanding the use of a variety of accountability measures to more accurately present a complete measure of student learning and accomplishment. The accountability measures adopted by an innovation school or an innovation school zone may include, but need not be limited to:

(a) use of graduation or exit examinations;

(b) use of end-of-course examinations;

(c) use of student portfolio reviews;

(d) use of national and international accountability measures such as the national assessment of educational progress and the program for international student assessment;

(e) measuring the percentage of students continuing into higher education; and

(f) measuring the percentage of students simultaneously obtaining a high school diploma and an associate's degree or a career and technical education certificate.

(3) Provision of services, including but not limited to special education services; services for gifted and talented students; services for students for whom English is not the dominant language; educational services for students at risk of academic failure, expulsion, or dropping out; and support services provided by the

department of human services or county social services agencies;

(4) Teacher recruitment, training, preparation, and professional development;

(5) Teacher employment;

(6) Performance expectations and evaluation procedures for teachers and principals;

(7) Compensation for teachers, principals, and other school building personnel, including but not limited to performance pay plans, total compensation plans, and other innovations with regard to retirement and other benefits;

(8) School governance and the roles, responsibilities, and expectations of principals in innovation schools or schools within an innovation school zone; and

(9) Preparation and counseling of students for transition to higher education or the work force.

#### **Section 6. {Innovation Planning - Financial Support}**

(A) Each public school and each local school board is authorized and encouraged to seek and accept public and private gifts, grants, and donations to offset the costs of developing and implementing innovation plans and plans for creating innovation school zones.

#### **Section 7. {District of Innovation - Designation}**

(A) Each local school board may seek for its school district designation by the state board as a district of innovation. A local school board may seek the designation on the basis of innovation plans or plans for creating innovation school zones approved or collaboratively created by the local school board pursuant to Section 4.

(B) A local school board that seeks designation as a district of innovation shall submit one or more innovation plans or plans for creating an innovation school zone to the commissioner for review and comment by the commissioner and the state board. Within 60 days after receiving a local school board's plan, the commissioner and the state board shall respond to the local school board with any suggested changes or additions to the plan, including but not limited to suggestions for further innovations or for measures to increase the likelihood that the innovations will result in greater academic achievement within the innovation schools or innovation school zones. Based on the commissioner's and the state board's comments, the local school board may choose to withdraw and resubmit its innovation plan or plan for creating an innovation school zone.

(C)

(1) Within 60 days after receiving a local school board's innovation plan or plan for creating an innovation school zone, the state board shall designate the local school board's school district as a district of innovation unless the state board concludes that the submitted plan:

(a) is likely to result in a decrease in academic achievement in the innovation schools or innovation school zones; or

(b) is not fiscally feasible.

(2) If the state board does not designate a school district as a district of innovation, it shall provide to the local school board a written explanation of the basis for its decision. The local school board may resubmit an amended innovation plan or plan for creating an innovation school zone and seek designation of its school district as a school district of innovation at any time after denial.

(D) It is the intent of the Legislature that the department of education receive a one-time appropriation to offset the costs incurred by the department and the state board in adopting rules and otherwise establishing the procedures for implementation of this section. The Legislature finds, however, that the department of education and the state board may implement this section in future years without additional state funding.

### **Section 8. {District of Innovation - Waiver of Statutory and Regulatory Requirements}**

(A) Upon designation of a district of innovation, the state board shall waive any statutes or rules specified in the school district's innovation plan as they pertain to the innovation schools or innovation school zones of the district of innovation; except that the state board shall not waive:

(1) [state teachers' retirement and pension plan]; and

(2) established regulations and procedures for administration of the [public school transportation fund].

(B) Each district of innovation shall continue to be subject to all statutes and rules that are not waived by the state board pursuant to Subsection (A) of this section, including but not limited to all statutes and rules concerning implementation of:

(1) the [state student assessment program];

(2) school accountability reports; and

(3) the federal "No Child Left Behind Act" of 2001", 20 U.S.C. sec. 6301 et seq.

(C) Designation as a district of innovation shall not affect a school district's:

(1) total program funding; or

(2) eligibility for funding.

(D) Each district of innovation that receives a waiver pursuant to this section shall specify the manner in which the innovation school or the schools within the innovation school zone shall comply with the intent of the waived statutes or rules and shall be accountable to the state for such compliance.

(E)

(1) If the local school board for a district of innovation revises an innovation plan as provided in Section 10, the local school board may request, and the state board shall grant, additional waivers or changes to existing waivers as necessary to accommodate the revisions to the innovation plan. In requesting a new waiver or a change to an existing waiver, the local school board shall demonstrate the consent of a majority of the teachers and a majority of the administrators employed at and a majority of the school advisory committee for each public school that is affected by the new or changed waiver.

(2) Except as otherwise provided in Paragraph (1) of this Subsection (E), a waiver that is granted pursuant to this section shall continue to apply to a public school so long as the public school continues to be designated as an innovation school or included in an innovation school zone.

### Section 9. {District of Innovation - Collective Bargaining Agreement}

(A)

targeting workers rights (again)

(1) On and after the date on which the state board designates a school district as a district of innovation, any collective bargaining agreement initially entered into or renewed by the local school board of the district of innovation shall include a term that allows each innovation school and each innovation school zone in the school district to waive any provisions of the collective bargaining agreement identified in the innovation plan as needing to be waived for the innovation school or the innovation school zone to implement its identified innovations.

(2) For an innovation school, waiver of one or more of the provisions of the collective bargaining agreement shall be based on obtaining the approval, by means of a secret ballot vote, of at least 60 percent of the members of the collective bargaining unit who are employed at the innovation school.

(3) For an innovation school, waiver of one or more of the provisions of the collective bargaining agreement shall be based on obtaining, at each school included in the innovation school zone, the approval of at least 60 percent of the members of the collective bargaining unit who are employed at the school. The innovation school zone shall seek to obtain approval of the waivers through a secret ballot vote of the members of the collective bargaining unit at each school included in the innovation school zone. The local school board for the innovation school zone may choose to revise the plan for creating an innovation school zone to remove from the zone any school in which at least 60 percent of the members of the collective bargaining unit employed at the school do not vote to waive the identified provisions of the collective bargaining agreement.

(4) If a local school board, in collaboration with the innovation school or the public schools included in the innovation school zone, revises the innovation plan as provided in Section 10 and the revisions include changes to the identified provisions of the collective bargaining agreement that need to be waived to implement the innovations that are included in the innovation plan, the local school board shall seek such additional waivers or revision or revocation of the existing waivers of provisions of the collective bargaining agreement as are necessary to implement the revised innovation plan. Any changes to waivers, or additional waivers, of the identified provisions of the collective bargaining agreement shall be subject to approval in the same manner as provided in Paragraphs (2) and (3) of this Subsection (A) for the initial approval of waivers of provisions of the collective bargaining agreement.

(5) Except as otherwise provided in Paragraph (4) of this Subsection (A), waiver of identified provisions of a collective bargaining agreement for an innovation school or the public schools within an innovation school zone pursuant to this Subsection (A) shall continue so long as the innovation school remains an innovation school or public school remains a part of the innovation school zone. A waiver approved pursuant to this Subsection (A) shall continue to apply to any substantially similar provision that is included in a new or renewed collective bargaining agreement for the schools of the district of innovation.

(B) A district of innovation shall not be required to seek a waiver by an innovation school or a public school in an innovation school zone of any provision of the collective bargaining agreement. Each district of innovation shall include in its innovation plan a statement as to whether it will seek a waiver by an innovation

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school or the public schools included in an innovation school zone of any of the provisions of the collective bargaining agreement.

(C) A person who is a member of the collective bargaining unit and is employed by an innovation school or by a school included in an innovation school zone may request a transfer to another public school of the district of innovation. The local school board shall make every reasonable effort to accommodate the person's request.

#### **Section 10. {District of Innovation - Review of Innovation Schools and Innovation School Zones}**

(A) Three years after the local school board of a district of innovation approves an innovation plan or a plan for creating an innovation school zone, and every three years thereafter, the local school board shall review the level of performance of the innovation school and each public school included in the innovation school zone and determine whether the innovation school or innovation school zone is achieving or making adequate progress toward achieving the academic performance results identified in the school's or zone's innovation plan. The local school board, in collaboration with the innovation school or the innovation school zone, may revise the innovation plan, including but not limited to revising the identification of the provisions of the collective bargaining agreement that need to be waived to implement the innovations, as necessary to improve or continue to improve academic performance at the innovation school or innovation school zone. Any revisions to the innovation plan shall require the consent of a majority of the teachers and a majority of the administrators employed at and a majority of the school advisory council for each affected public school.

(B)

(1) Following review of an innovation school's performance, if a local school board finds that the academic performance of students enrolled in the innovation school is not improving at a sufficient rate, the local school board may revoke the school's innovation status.

(2) Following review of the performance of an innovation school zone, if a local school board finds that the academic performance of students enrolled in one or more of the public schools included in the innovation school zone is not improving at a sufficient rate, the local school board may remove the underperforming public school or schools from the innovation school zone or may revoke the designation of the innovation school zone.

#### **Section 11. {Reporting}**

(A) On or before March 1, 2010, and on or before March 1 each year thereafter, the commissioner and the state board shall submit to the governor and to the education committees of the Senate and the House of Representatives, or any successor committees, a report concerning the districts of innovation. At a minimum, the report shall include:

(1) The number of school districts designated as districts of innovation in the preceding academic year and the total number of districts of innovation in the state;

(2) The number of innovation schools and the number of innovation school zones, including the number of schools in the zone, in each district of innovation and the number of students served in the innovation schools and innovation school zones, expressed as a total number and as a percentage of the students enrolled in the district of innovation;

(3) An overview of the innovations implemented in the innovation schools and the innovation school zones in the districts of innovation;

(4) An overview of the academic performance of the students served

in innovation schools and innovation school zones in each district of innovation, including a comparison between the students' academic performance before and since implementation of the innovations;

(5) Any recommendations for legislative changes based on the innovations implemented or to further enhance the ability of local school boards to implement innovations; and

(6) Any additional information requested by the governor or a member of the Legislature.

(B) The commissioner shall ensure that the annual report submitted pursuant to this section is promptly posted on the Department of Education Web site.

**Section 12. {Safety Clause}** The [State] Legislature hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

*Approved by the Education Task Force on July 16, 2009.*

*Approved by the ALEC Board of Directors on August 27, 2009.*

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From CMD: This "model" legislation creates a new term of art for schools to allow them to change rules and legal obligations, including waiving provisions of collective bargaining agreements: "districts of innovation." This is, in essence, a way to create charter schools within the public school system and again, like many ALEC corporate proposals, targets changing worker's rights and the rules for teacher pay, pensions, hours and other conditions of employment. The bill would give chartering authority for these so-called "innovative schools" to state-level officials, even though the bill purports to respect the tradition of local administration of school systems.