

It seems that in any organization, but more so within the public sector arena, it is common practice to create a lengthy regulatory process around doing things differently. It is therefore not all that unusual for a state to create practices such as being suggested in the bill to "protect the current way of doing business." While one might want "innovation" to be able to flourish, we usually regulate innovation more than we do the other 99% of the operation. We assume that "what is" is acceptable but "what is new" must be looked at very carefully...skeptically in many cases. It is no surprise that when organizations want to innovate, the "innovation office" is put as far away as possible from the rest of the current operation. Clay Christensen's work points that out so clearly.

But the good news is that West Virginia is willing to look at doing things differently...at innovation within the district sector of public education and that is positive. But it is crucial that the innovation not be curtailed before it has a chance to be fairly tried...that it will not be terminated if it is not immediately as successful as hoped...that it has a chance to improve and get better.

The following are a few specific suggestions to the bill:

1. General comments:

a. It appears that the state board of education will be working directly with the school(s) in the Innovation Zone rather than with the local school board. If this is correct, does that usurp the local board responsibility and transfer that role to the state? Might it be better for the responsibility to stay vested in the local board and have the state board provide expanded authority to the local board for the Innovation Zone?

b. It appears that the county board, the state board and the commissioner must review and approve the Innovation Zone plan. If one of those levels does not approve the plan, does that terminate the application?

c. The Innovation Zones seem to suggest that only current sites...not new sites can be approved as Innovation Zones. Are parents, community members, teachers, etc. able to respond to the RFP to develop Innovation Zones? Having multiple options available is desirable.

d. The process appears to be quite bureaucratic with multiple layers of review and approval. Perhaps one aspect of innovation to consider in West Virginia is to develop less regulatory methods of encouraging innovation.

e. The bill appears to be more of a "law/rule waiver bill" than an innovations bill. I do not know what the laws and rules of West Virginia are that folks would want waived...but "innovation" may not always include "waivers" from laws. The logical comment to that would likely be that folks should then just do it! But creating new schools sometimes requires an impetus...a push...with planning and start-up resources.

Also, apparently the state board does not currently have the authority to grant waivers from their rules? A better approach I believe would be to have the legislature state which

laws must be followed i.e. health and safety, licensure of teachers, special ed, audits, financial management, tuition free, no teaching of religion, etc...and then state that everything else is waived.

f. I would also suggest that the innovation not be required to have "best-practice research." Some innovation is more experimental...and as a result, a research-base does not exist. Clearly, some "best-practice research" is not well done...and should be avoided The point being that "best-practice" is what is now...and yesterday. Innovation includes what should happen tomorrow

## 2. Section 18 - 5B-2 Legislative Findings and Purpose

(a) (3) One of the provisions of innovations at sites should be greater budgetary control. If the site does not have greater control over the use of resources, its innovation powers will be diminished considerably. Perhaps a phrase such as "decision making over a substantial portion of the revenue earned by students at the site" or something to that effect might be added. It is the results that are important...and if the Innovation Zone is to be held accountable for results, it will also need to have control over and be held accountable for resource allocation.

Another provision is to permit the Innovation Zone to select the teachers that will work at the site. While the bill does address teacher selection, it seems to suggest that the current teachers at the site that converts to an Innovation Zone will remain unless they opt out. Perhaps the reverse ought to be the case that only teachers that want to teach in that model will be able to do so.

(b) (3) What does the language contemplate with the term "small scale?" Might that be used to restrict innovation to one or two Innovation Zones?

It might be helpful to have the legislation suggest some of the "categories of innovations" such as new ways to empower teachers; new evaluation models; ways to bring pre-k and post-secondary together with K-12; how to improve efficiency by making better use of the services of other governmental organizations; instructional models; use of technology; etc....but always emphasize that WV wants to let innovation bubble-up from teachers and sites.

Clearly those mentioned in the current bill, while broad, are workable...but by specifying some of the categories leaves less discretion to the state board or commissioner regarding approval or disapproval of a specific innovation that the legislature may well want to see explored.

(b) (6) An Innovation Zone appears to be defined as a school...not multiple school sites...not a "school within a school." At a large high school for example, might it be desirable to have a part of that large school become an Innovation Zone...or several Innovation Zones within the same building?

## 3. Section 18 - 5B -3

(c) (3) Having staff committed to the learning model is crucial. But getting 80 percent of staff to agree to an innovation model is highly unlikely. Perhaps having this level of approval might be one option but another one would be to permit a group of teachers to be able to create an Innovation Zone at a different site...perhaps in a rented facility....or an on-line school...or a school within a school. With this option, only the teachers that wanted to work in that Innovation Zone would be selected to do so.

(e) An annual review is sound...but this should be in a larger context of a three to five year agreement for the Innovation Zone. The evaluation would be completed in the third year...but annual reports would be provided. This is an example of an innovation that local boards might want to adopt for all of its schools.

An evaluation after one year will likely show little unless the evaluation is more of a process evaluation. One should not expect to see big jumps in student performance that quickly. Along that line, the legislature and the state board should understand that not all innovations will produce "gains" in the traditional areas measured by tests. For example, students "hope" for their future will likely not show-up on a math test...but it will be evident on a longitudinal study of what happens to students

#### 4. Section 18 - 5B-6 Teacher vacancies

(a) Having a vote of all teachers in the county to approve teacher requirements seems quite excessive. Innovation Zones such as "project-based high schools" will likely have different requirements for staff than does a "course-based high school." Same for on-line learning schools. Requiring votes on each of these will take considerable authority away from the body granting the waivers I expect...and may not make the Innovation Zone possible.

#### 5. Legislative Waivers

Perhaps a statement that no federal law or regulation may be waived should be included. Now NCLB is identified.

A provision is included that no waiver of state assessment may be made. Does this also mean that no waiver from state standards may be made? I assume the West Virginia state assessment does not assess all of the state standards.