

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," providing for innovation schools.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
9 as the Public School Code of 1949, is amended by adding an
10 article to read:

11 ARTICLE XV-H

12 INNOVATION SCHOOLS

13 Section 1501-H. Definitions.

14 The following words and phrases when used in this article
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Department." The Department of Education of the
18 Commonwealth.

19 "Education management service provider." A for-profit or

1 nonprofit management organization, nonprofit charter management
2 organization, school design provider, business manager or any
3 other partner entity with which a school district contracts to
4 provide educational design, business services, comprehensive
5 management or personnel functions. The term shall not include a
6 charter school foundation.

7 "Innovation school." A school that:

8 (1) is part of a school district;

9 (2) ranks in the lowest 15% of the school's
10 classification as an elementary or secondary school according
11 to the SPP; and

12 (3) has an SPP score that does not exceed 60.

13 "Innovation School Board." The board created under section
14 1509-H.

15 "Local governing body." A board of school directors, school
16 reform commission or other governing authority of a school
17 district.

18 "School Performance Profile" or "SPP." A comprehensive
19 overview of student academic performance in a public school
20 developed and compiled annually by the department under section
21 1123.

22 "Secretary." The Secretary of Education of the Commonwealth.
23 Section 1502-H. Identification of intervention schools.

24 (a) General rule.--By October 1, 2016, and by October 1 of
25 each year thereafter, the department shall publish on its
26 publicly accessible Internet website and in the Pennsylvania
27 Bulletin a list of innovation schools.

28 (b) Designation.--Within 20 days of the department's
29 publication under subsection (a), the Innovation School Board
30 shall designate as innovation schools all schools that meet the

1 criteria of an innovation school.

2 Section 1503-H. Powers of local governing body.

3 A local governing body shall have all the following powers
4 with respect to an innovation school within its jurisdiction:

5 (1) authority to enter into agreements with education
6 management service providers to operate the school;

7 (2) authority to employ professional and senior
8 management employees who do not hold State certification in
9 the innovation school, if the local governing body has
10 approved the employee's qualifications, at a salary
11 established by the local governing body;

12 (3) authority to enter into agreements with persons or
13 education management service providers providing educational
14 or other services to the school;

15 (4) authority to close or reconstitute the school,
16 including the reassignment, suspension or dismissal of
17 professional employees;

18 (5) authority to suspend professional employees without
19 regard to the provisions of seniority and according to a
20 professional employee's performance;

21 (6) authority to appoint managers, administrators or
22 education management service providers to oversee the
23 operations of the school;

24 (7) authority to convert the school to a charter school;
25 and

26 (8) authority to apply to the Innovation School Board
27 for a waiver of any provision of this act, regulation of the
28 State Board of Education or standard of the secretary that
29 inhibits the ability of the school to increase student
30 achievement.

1 Section 1504-H. Advisory teams.

2 The following apply:

3 (1) Within 30 days of a school's initial designation as
4 an innovation school, the local governing body shall convene
5 the following for the innovation school:

6 (i) An academic advisory team, comprised of the
7 following members:

8 (A) A school administrator appointed by the
9 local governing body.

10 (B) A school business manager or individual
11 responsible for the fiscal management of the district
12 appointed by the local governing body.

13 (C) A teacher appointed by the local governing
14 body.

15 (D) Three experts, appointed by the local
16 governing body in consultation with the department,
17 who possess knowledge and experience in such areas as
18 school or business administration, staff development,
19 early childhood education, curriculum development,
20 budget development or fiscal management, labor
21 relations or special education.

22 (ii) A community advisory team comprised of the
23 following members appointed by the local governing body:

24 (A) Three parents of students attending the
25 innovation school.

26 (B) Three residents of the area served by the
27 innovation school who are not parents of students
28 attending the innovation school.

29 (2) The academic advisory team and the community
30 advisory team may terminate when the school is no longer

1 designated as an innovation school.

2 Section 1505-H. Diagnostic evaluation.

3 The following apply:

4 (1) Within three months of a school's initial
5 designation as an innovation school, each local governing
6 body of a school district, in which at least one school has
7 been designated as an innovation school, shall conduct a
8 districtwide review of academic programs, management and
9 operations, including whether school facilities are being
10 used to maximize student academic opportunities, using a
11 standard evaluation and diagnostic tool and submit its
12 findings to the Innovation School Board.

13 (2) A local governing body which has completed a
14 diagnostic evaluation within the past five years under
15 paragraph (1) shall not be required to complete a
16 districtwide diagnostic evaluation developed by the
17 department subsequent to the initial designation of a new
18 innovation school within its jurisdiction, provided that the
19 local governing body shall complete, within two months of the
20 designation of a new innovation school, a supplemental study
21 of the school to the extent that the needs of the school are
22 different from those of the district.

23 Section 1506-H. School improvement plan.

24 The following apply:

25 (1) Using the results of the diagnostic evaluation under
26 section 1505-H(1), the local governing body, with input from
27 the academic advisory team and the community advisory team,
28 shall develop for each innovation school a school improvement
29 plan that shall include all of the following:

30 (i) Performance goals consistent with SPP benchmarks

1 and timetables to improve academic performance.

2 (ii) Revisions to curriculum or instructional
3 practices.

4 (iii) A system of academic accountability for
5 students and administrators.

6 (iv) Procedures to increase parent and community
7 involvement.

8 (v) Policies to provide individual schools greater
9 authority over personnel, budget and educational
10 programming.

11 (vi) A multiyear strategic plan with annual goals
12 and measurable objectives based on identified needs,
13 projected enrollment and revenue.

14 (vii) Clear delineation of the responsibilities of
15 the local governing body and superintendents.

16 (viii) A plan to formally evaluate the performance
17 and cost of major educational and operational programs.

18 (ix) A plan for professional development to assist
19 teachers and administrators with ensuring that students
20 reach academic standards.

21 (x) A plan for the allocation of any resources
22 targeted to the innovation school.

23 (xi) A plan for the implementation of at least two
24 interventions allowable under section 1503-H.

25 (2) The local governing body may include in a school
26 improvement plan an application to the Innovation School
27 Board for a waiver of any provision of this act, regulation
28 of the State Board of Education or standard of the secretary
29 if the Innovation School Board determines that the proposed
30 waiver will help the innovation school to increase academic

1 achievement. The Innovation School Board may not waive
2 either:

3 (i) Federal statutes or regulations; or

4 (ii) State statutes or regulations or standards of
5 the secretary related to the following:

6 (A) Civil rights.

7 (B) Health and safety.

8 (C) Public records.

9 (D) Possession of weapons on school grounds.

10 (E) Employment history reviews, criminal
11 background checks and child abuse clearances for
12 school personnel and volunteers.

13 (F) Special education requirements.

14 (G) Student due process.

15 (H) Parental rights.

16 (I) Student assessment and accountability.

17 (J) Open meetings.

18 (3) Within 60 days of the completion of the diagnostic
19 evaluation, the local governing body shall submit the school
20 improvement plan for approval to the Innovation School Board.

21 (4) Within 30 days of receipt of the school improvement
22 plan, the Innovation School Board shall approve the school
23 improvement plan or request further modifications to the
24 plan. Within 30 days of the request for modifications to the
25 plan, the local governing body of the innovation school shall
26 resubmit the school improvement plan to the Innovation School
27 Board. The Innovation School Board shall have 30 days from
28 the receipt of the modified plan to take action.

29 (5) Following the approval of the school improvement
30 plan by the Innovation School Board, the local governing body

1 of an innovation school shall, with input from the academic
2 advisory team and the community advisory team, submit reports
3 to the Innovation School Board detailing the implementation
4 and progress of the school improvement plan every six months.
5 The local governing body of an innovation school shall post
6 these reports on its publicly accessible Internet website.

7 Section 1507-H. Funding for innovation schools.

8 The department shall use funds provided for under section
9 2510.3 to assist innovation schools. Innovation schools may use
10 funds appropriated by the General Assembly for the purposes of
11 this article and may accept donations from all public and
12 private sources, including the Federal Government, to pay for
13 the implementation of the school improvement plan.

14 Section 1508-H. Duration of innovation school designation.

15 The following apply:

16 (1) A school designated as an innovation school shall
17 remain an innovation school for a minimum of five years
18 following the school's initial designation.

19 (2) After five years, a school designated as an
20 innovation school shall remain an innovation school if:

21 (i) the innovation school does not have an SPP score
22 of at least 70 for the previous year;

23 (ii) the parents or guardians of 51% of the students
24 enrolled in the innovation school sign a petition
25 requesting that the school remain an innovation school;
26 or

27 (iii) the local governing body adopts, at a public
28 meeting at which an opportunity for public comment has
29 been provided, a resolution requesting that the school
30 remain an innovation school.

1 Section 1509-H. Innovation School Board.

2 (a) Membership.--Within 30 days, an Innovation School Board
3 shall be appointed as follows:

4 (1) The secretary shall appoint one member.

5 (2) The President pro tempore of the Senate, in
6 consultation with the Majority Leader of the Senate, shall
7 appoint two members.

8 (3) The Speaker of the House of Representatives, in
9 consultation with the Majority Leader of the House of
10 Representatives, shall appoint two members.

11 (4) The majority and the minority chairperson of the
12 Education Committee of the Senate shall each appoint one
13 member.

14 (5) The majority and the minority chairperson of the
15 Education Committee of the House of Representatives shall
16 each appoint one member.

17 (b) Qualifications.--Each member of the board must satisfy
18 at least one of the following:

19 (1) Possess at least five years' experience in school
20 administration or academic assessment.

21 (2) Satisfy the requirements of section 1003(a) or (b).

22 (c) Term.--Members of the board shall be appointed for terms
23 of five years each, except that those persons initially
24 appointed shall draw lots to determine which members shall serve
25 for a term of five years, which members shall serve for a term
26 of four years and which members shall serve for a term of three
27 years. To the extent practicable, from those members initially
28 appointed, an equal number shall draw lots to serve for a term
29 of five years, for a term of four years and for a term of three
30 years. Thereafter, all members shall be appointed for terms of

1 five years each.

2 (d) Chairperson.--The board shall select a chairperson from
3 its membership by a majority vote.

4 (e) Quorum.--Five members of the board shall constitute a
5 quorum.

6 (f) Meetings.--The board shall meet at least quarterly at
7 the call of the chair.

8 (g) Vacancy.--Upon expiration of a member's term or in the
9 occurrence of a vacancy in the office of a member, the original
10 appointing authority shall appoint a successor member. An
11 appointment to fill a vacancy shall be for the balance of a
12 term.

13 (h) Removal.--No board member shall be removed from office
14 during the member's term of office except in accordance with the
15 Constitution of Pennsylvania and as authorized in this section.
16 The appointing authority of a member may, upon proof by clear
17 and convincing evidence of malfeasance or misfeasance in office,
18 remove a board member prior to the expiration of the term.
19 Before a board member is removed, the member shall be provided
20 with a written statement of the reasons for removal and an
21 opportunity for a hearing.

22 (i) Prohibition.--No member, while in service of the
23 Innovation School Board, may seek or hold a position as any
24 other public official or as an officer of a political party.

25 (j) Compensation.--Members of the Innovation School Board
26 shall receive no compensation but shall be reimbursed for
27 reasonable and necessary expenses incurred in the performance of
28 their official duties from the funds of the department.

29 (k) Duty of department.--The department shall provide
30 administrative support, meeting space and any other assistance

1 required by the board to carry out its duties under this section
2 and shall provide the board with data, research and other
3 information upon request by the board.

4 (l) Appeals.--An objecting party may appeal a determination
5 of the Innovation School Board to Commonwealth Court.

6 (m) Report.--Beginning October 31, 2018, and by October 31
7 of each year thereafter, the Innovation School Board shall
8 submit a written report to the secretary, the President pro
9 tempore of the Senate, the Majority Leader of the Senate, the
10 Minority Leader of the Senate, the Speaker of the House of
11 Representatives, the Majority Leader of the House of
12 Representatives and the Minority Leader of the House of
13 Representatives, which shall include all of the following:

14 (1) A listing and description of status, including
15 academic performance, of each innovation school.

16 (2) A list of all schools eligible for designation as an
17 innovation school.

18 Section 1510-H. State Board of Education.

19 The State Board of Education shall adopt regulations
20 necessary for the implementation of this article, including any
21 changes proposed after the effective date of this article to the
22 calculation of the SPP building-level score created by the
23 department under section 1123.

24 Section 2. This act shall take effect immediately.