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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1732 Session of  
2019

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INTRODUCED BY GROVE, MILLARD, ROTHMAN, RYAN, BERNSTINE, LEWIS,  
DeLUCA, MOUL AND ZIMMERMAN, JULY 24, 2019

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REFERRED TO COMMITTEE ON EDUCATION, JULY 24, 2019

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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-J

12 INNOVATION SCHOOLS

13 Section 1501-J. 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-J.

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-J. Identification of intervention schools.

24 (a) General rule.--By October 1, 2019, and by October 1 of  
25 each year thereafter, the department shall publish on its  
26 publicly accessible Internet website a list of innovation  
27 schools and transmit notice to the Legislative Reference Bureau  
28 for publication in the Pennsylvania Bulletin.

29 (b) Designation.--Within 20 days of the publication under  
30 subsection (a), the Innovation School Board shall designate as

1 innovation schools all schools that meet the criteria of an  
2 innovation school.

3 Section 1503-J. Powers of local governing body.

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

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

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

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

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

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

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

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

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

1 achievement.

2 Section 1504-J. Advisory teams.

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

7 (1) An academic advisory team, comprised of the  
8 following members:

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

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

14 (iii) A teacher appointed by the local governing  
15 body.

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

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

25 (i) Three parents of students attending the  
26 innovation school.

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

30 (b) Termination of academic advisory team and community

1 advisory team.--The academic advisory team and the community  
2 advisory team may terminate when the school is no longer  
3 designated as an innovation school.

4 Section 1505-J. Diagnostic evaluation.

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

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

24 Section 1506-J. School improvement plan.

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

1           (1) Performance goals consistent with School Performance  
2 Profile benchmarks and timetables to improve academic  
3 performance.

4           (2) Revisions to curriculum or instructional practices.

5           (3) A system of academic accountability for students and  
6 administrators.

7           (4) Procedures to increase parent and community  
8 involvement.

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

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

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

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

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

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

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

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

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

3 (1) Federal statutes or regulations; or

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

6 (i) Civil rights.

7 (ii) Health and safety.

8 (iii) Public records.

9 (iv) Possession of weapons on school grounds.

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

13 (vi) Special education requirements.

14 (vii) Student due process.

15 (viii) Parental rights.

16 (ix) Student assessment and accountability.

17 (x) Open meetings.

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

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

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

10 Section 1507-J. Funding for innovation schools.

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

17 Section 1508-J. Duration of innovation school designation.

18 (a) School designation duration.--A school designated as an  
19 innovation school shall remain an innovation school for a  
20 minimum of five years following the school's initial  
21 designation.

22 (b) Retention of school designation.--After five years, a  
23 school designated as an innovation school shall remain an  
24 innovation school if:

25 (1) the innovation school does not have a School  
26 Performance Profile score of at least 70 for the previous  
27 year;

28 (2) the parents or guardians of 51% of the students  
29 enrolled in the innovation school sign a petition requesting  
30 that the school remain an innovation school; or

1 (3) the local governing body adopts, at a public meeting  
2 at which an opportunity for public comment has been provided,  
3 a resolution requesting that the school remain an innovation  
4 school.

5 Section 1509-J. Innovation School Board.

6 (a) Establishment and membership.--The Innovation School  
7 Board is established. Within 30 days of the effective date of  
8 this section, the Innovation School Board shall be appointed as  
9 follows:

10 (1) The secretary shall appoint one member.

11 (2) The President pro tempore of the Senate, in  
12 consultation with the Majority Leader of the Senate, shall  
13 appoint two members.

14 (3) The Speaker of the House of Representatives, in  
15 consultation with the Majority Leader of the House of  
16 Representatives, shall appoint two members.

17 (4) The chairperson and minority chairperson of the  
18 Education Committee of the Senate shall each appoint one  
19 member.

20 (5) The chairperson and minority chairperson of the  
21 Education Committee of the House of Representatives shall  
22 each appoint one member.

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

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

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

28 (c) Term.--Members of the board shall be appointed for terms  
29 of five years each, except that those persons initially  
30 appointed shall draw lots to determine which members shall serve

1 for a term of five years, which members shall serve for a term  
2 of four years and which members shall serve for a term of three  
3 years. To the extent practicable, from those members initially  
4 appointed, an equal number shall draw lots to serve for a term  
5 of five years, for a term of four years and for a term of three  
6 years. Thereafter, all members shall be appointed for terms of  
7 five years each.

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

10 (e) Quorum.--A majority of the members of the board shall  
11 constitute a quorum.

12 (f) Meetings.--The board shall meet at least quarterly at  
13 the call of the chairperson.

14 (g) Vacancy.--Upon expiration of a member's term or in the  
15 occurrence of a vacancy in the office of a member, the original  
16 appointing authority shall appoint a successor member. An  
17 appointment to fill a vacancy shall be for the balance of a  
18 term.

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

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

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

5 (k) Duty of department.--The department shall provide  
6 administrative support, meeting space and any other assistance  
7 required by the board to carry out its duties under this section  
8 and shall provide the board with data, research and other  
9 information upon request by the board.

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

12 (m) Report.--Beginning October 31, 2021, and by October 31  
13 of each year thereafter, the Innovation School Board shall  
14 submit a written report to the secretary, the President pro  
15 tempore of the Senate, the Majority Leader of the Senate, the  
16 Minority Leader of the Senate, the Speaker of the House of  
17 Representatives, the Majority Leader of the House of  
18 Representatives and the Minority Leader of the House of  
19 Representatives, which shall include all of the following:

20 (1) A list and a description of status, including  
21 academic performance, of each innovation school.

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

24 Section 1510-J. State Board of Education.

25 The State Board of Education shall adopt regulations  
26 necessary for the implementation of this article, including any  
27 changes proposed after the effective date of this article to the  
28 calculation of the School Performance Profile building-level  
29 score created by the department under section 1123.

30 Section 2. This act shall take effect immediately.