
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 256 Session of
2021

INTRODUCED BY GROVE, JANUARY 26, 2021

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 26, 2021

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-K

12 INNOVATION SCHOOLS

13 Section 1501-K. 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
20 nonprofit management organization, nonprofit charter management

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

6 "Innovation school." A school that:

7 (1) is part of a school district;

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

11 (3) has a School Performance Profile score that does not
12 exceed 60.

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

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." A comprehensive overview of
19 student academic performance in a public school developed and
20 compiled annually by the department under section 1123.

21 "Secretary." The Secretary of Education of the Commonwealth.
22 Section 1502-K. Identification of intervention schools.

23 (a) General rule.--By October 1, 2021, and by October 1 of
24 each year thereafter, the department shall publish on the
25 department's publicly accessible Internet website a list of
26 innovation schools and transmit notice of the list to the
27 Legislative Reference Bureau for publication in the Pennsylvania
28 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-K. Powers of local governing body.

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

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

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

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

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

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

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

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

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

1 inhibits the ability of the school to increase student
2 achievement.

3 Section 1504-K. Advisory teams.

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

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

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

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

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

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

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

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

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

1 (b) Termination of academic advisory team and community
2 advisory team.--The academic advisory team and the community
3 advisory team may terminate when the school is no longer
4 designated as an innovation school.

5 Section 1505-K. Diagnostic evaluation.

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

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

25 Section 1506-K. School improvement plan.

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

1 following:

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

5 (2) Revisions to curriculum or instructional practices.

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

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

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

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

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

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

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

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

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

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

1 the proposed waiver will help the innovation school to increase
2 academic achievement. The Innovation School Board may not waive
3 either:

4 (1) Federal statutes or regulations; or

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

7 (i) Civil rights.

8 (ii) Health and safety.

9 (iii) Public records.

10 (iv) Possession of weapons on school grounds.

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

14 (vi) Special education requirements.

15 (vii) Student due process.

16 (viii) Parental rights.

17 (ix) Student assessment and accountability.

18 (x) Open meetings.

19 (c) Plan submission to Innovation School Board.--Within 60
20 days of the completion of the diagnostic evaluation under
21 section 1505-K, the local governing body shall submit the school
22 improvement plan for approval to the Innovation School Board.

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

1 plan to take action.

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

12 Section 1507-K. Funding innovation schools.

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

19 Section 1508-K. Duration of innovation school designation.

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

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

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

30 (2) the parents or legal guardians of 51% of the

1 students enrolled in the innovation school sign a petition
2 requesting that the school remain an innovation school; or

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

7 Section 1509-K. Innovation School Board.

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

12 (1) The secretary shall appoint one member.

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

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

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

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

25 (b) Qualifications.--Each member of the Innovation School
26 Board must satisfy at least one of the following:

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

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

30 (c) Term.--Members of the Innovation School Board shall be

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

10 (d) Chairperson.--The Innovation School Board shall select a
11 chairperson from its membership by a majority vote.

12 (e) Quorum.--A majority of the members of the Innovation
13 School Board shall constitute a quorum.

14 (f) Meetings.--The Innovation School Board shall meet at
15 least quarterly at the call of the chairperson.

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

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

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

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

8 (k) Duty of department.--The department shall provide
9 administrative support, meeting space and other assistance
10 required by the Innovation School Board to carry out its duties
11 under this section and shall provide the Innovation School Board
12 with data, research and other information upon request by the
13 Innovation School Board.

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

16 (m) Report.--Beginning October 31, 2022, and by October 31
17 of each year thereafter, the Innovation School Board shall
18 submit a written report to the secretary, the President pro
19 tempore of the Senate, the Majority Leader of the Senate, the
20 Minority Leader of the Senate, the Speaker of the House of
21 Representatives, the Majority Leader of the House of
22 Representatives and the Minority Leader of the House of
23 Representatives, which shall include all of the following:

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

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

28 Section 1510-K. State Board of Education.

29 The State Board of Education shall adopt regulations
30 necessary for the implementation of this article, including any

1 changes proposed after the effective date of this article to the
2 calculation of the School Performance Profile building-level
3 score created by the department under section 1123.

4 Section 2. This act shall take effect immediately.