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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 995 Session of  
2017

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INTRODUCED BY GROVE, ZIMMERMAN, RYAN, ORTITAY, MILLARD AND  
PHILLIPS-HILL, MARCH 28, 2017

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REFERRED TO COMMITTEE ON EDUCATION, MARCH 28, 2017

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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, 2017, 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-J. 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-J. 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-J. 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-J. School improvement plan.

24 The following apply:

25 (1) Using the results of the diagnostic evaluation under  
26 section 1505-J(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 School

1 Performance Profile benchmarks and timetables to improve  
2 academic performance.

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

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

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

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

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

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

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

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

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

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

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

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

4 (i) Federal statutes or regulations; or

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

7 (A) Civil rights.

8 (B) Health and safety.

9 (C) Public records.

10 (D) Possession of weapons on school grounds.

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

14 (F) Special education requirements.

15 (G) Student due process.

16 (H) Parental rights.

17 (I) Student assessment and accountability.

18 (J) Open meetings.

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

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

30 (5) Following the approval of the school improvement

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

8 Section 1507-J. Funding for innovation schools.

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

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

16 The following apply:

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

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

22 (i) the innovation school does not have a School  
23 Performance Profile score of at least 70 for the previous  
24 year;

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

29 (iii) the local governing body adopts, at a public  
30 meeting at which an opportunity for public comment has

1 been provided, a resolution requesting that the school  
2 remain an innovation school.

3 Section 1509-J. Innovation School Board.

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

6 (1) The secretary shall appoint one member.

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

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

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

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

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

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

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

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

1 of five years, for a term of four years and for a term of three  
2 years. Thereafter, all members shall be appointed for terms of  
3 five years each.

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

6 (e) Quorum.--Five members of the board shall constitute a  
7 quorum.

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

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

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

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

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

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

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

8 (m) Report.--Beginning October 31, 2019, and by October 31  
9 of each year thereafter, the Innovation School Board shall  
10 submit a written report to the secretary, the President pro  
11 tempore of the Senate, the Majority Leader of the Senate, the  
12 Minority Leader of the Senate, the Speaker of the House of  
13 Representatives, the Majority Leader of the House of  
14 Representatives and the Minority Leader of the House of  
15 Representatives, which shall include all of the following:

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

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

20 Section 1510-J. State Board of Education.

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

26 Section 2. This act shall take effect immediately.