

ASSEMBLY, No. 3047

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

SYNOPSIS

“Innovation Schools Act”; establishes process to develop innovation schools.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the development of innovation schools and
2 supplementing Title 18A of the New Jersey Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. This act shall be known and may be cited as the “Innovation
8 Schools Act.”

9
10 2. a. The Commissioner of Education shall establish an
11 innovation schools program.

12 (1) An innovation school shall be a public school operating
13 within a school district for the purpose of improving school
14 performance and student achievement through increased autonomy
15 and flexibility. An innovation school may be established as a new
16 public school or as a conversion of an existing public school. An
17 innovation school may establish an advisory board of trustees.

18 (2) An innovation school shall be a school in which faculty and
19 school leaders are primarily responsible for developing the
20 innovation plan under which the school operates and leadership is
21 responsible for meeting the terms of the innovation plan, or an
22 external partner is primarily responsible for developing the
23 innovation plan under which the school operates and the external
24 partner is responsible for meeting the terms of the innovation plan.

25 b. The commissioner shall provide guidance on the
26 development and operation of innovation schools by local school
27 districts pursuant to the provisions of this act. The commissioner
28 shall:

29 (1) provide planning and implementation grants to eligible
30 applicants to establish innovation schools;

31 (2) provide technical assistance and support to eligible applicants;

32 (3) collect and publish data and research related to the innovation
33 schools initiative; and

34 (4) collect and disseminate best practices in innovation schools
35 that may be adopted by other public schools.

36 c. An innovation school shall have increased autonomy and
37 flexibility in one or more of the following areas:

38 (1) curriculum;

39 (2) budget;

40 (3) school schedule and calendar;

41 (4) staffing policies and procedures, including waivers from or
42 modifications to, contracts or collective bargaining agreements;

43 (5) school district policies and procedures; and

44 (6) professional development.

45 d. An innovation school established pursuant to this act shall
46 be authorized by the local board of education and shall operate
47 according to an innovation plan which articulates the areas of

1 autonomy and flexibility authorized under subsection c. of this
2 section.

3 e. An innovation school shall operate in accordance with the
4 provisions of law and regulation which govern other public schools,
5 except as those laws and regulations conflict with this act or an
6 innovation plan created pursuant to this act.

7
8 3. a. An innovation school may be established by: parents;
9 teachers; parent-teacher organizations; principals; superintendents;
10 boards of education; teacher unions; institutions of higher
11 education; non-profit community-based organizations; non-profit
12 business or corporate entities; non-profit charter school operators;
13 non-profit education management organizations; educational
14 collaboratives; consortia of these groups; and non-profit entities
15 authorized by the commissioner.

16 b. Private and parochial schools shall not be eligible to operate
17 an innovation school.

18
19 4. An application to establish an innovation school shall
20 include, but need not be limited to, a description of:

21 a. whether the school will be a new school or a conversion of
22 an existing school;

23 b. if the school is a new school, the proposed location of the
24 school;

25 c. if the school is a conversion of an existing school, the school
26 that is being proposed for conversion;

27 d. the external partners, if any, that will be involved in the
28 school;

29 e. the number of students the school is anticipated to serve and
30 the number of staff expected to be employed in the school;

31 f. the overall vision for the school, including improving school
32 performance and student achievement;

33 g. specific needs or challenges the school will be designed to
34 address;

35 h. an assessment of the autonomy and flexibility
36 accommodations that the applicant seeks, and explanation as to how
37 these accommodations will address specific needs or challenges the
38 school will be designed to address;

39 i. anticipated components of the school's innovation plan;

40 j. a description of the process that will be used to involve
41 appropriate stakeholders in the development of the innovation plan;

42 k. a proposed timetable for development and establishment of
43 the proposed school; and

44 l. such other information as the board of education may
45 require.

46
47 5. a. Upon completion of the application, an applicant shall
48 submit the application to the superintendent, who shall within 30

1 days convene a screening committee consisting of the
2 superintendent or designee, a board of education member, and a
3 representative of the local collective bargaining unit for teachers.

4 b. The screening committee shall review the application for the
5 purpose of determining whether the application:

6 (1) presents a sound and coherent plan for improving school
7 performance and student achievement;

8 (2) supports or enhances existing educational efforts in the
9 district; and

10 (3) reasonably can be expanded into a comprehensive
11 innovation plan.

12 c. In the case of a new school, the committee shall prepare an
13 impact statement describing how the new school will affect the
14 children and faculty in the district. Within 30 days of receiving an
15 application, the screening committee shall decide, on the basis of a
16 two-thirds vote, to accept or reject the application, or return the
17 application to the eligible applicant for revisions. If an application
18 is rejected or returned, the screening committee shall submit a
19 detailed explanation for the decision to the applicant. An
20 application that is rejected or returned may be revised and
21 resubmitted for subsequent consideration.

22
23 6. Upon the acceptance of an application by the screening
24 committee pursuant to section 5 of this act, the applicant shall form
25 an innovation plan committee of not more than 11 individuals
26 within 30 days. The purpose of the innovation plan committee shall
27 be to:

28 a. develop the innovation plan;

29 b. assure that appropriate stakeholders are represented in the
30 development of the proposed innovation school; and

31 c. provide meaningful opportunities for the stakeholders to
32 contribute to the development of the school.

33
34 7. a. The size and composition of the innovation plan
35 committee shall be determined by the applicant; provided, the
36 committee shall include:

37 (1) the applicant;

38 (2) the superintendent, or a designee;

39 (3) a board of education member;

40 (4) a parent of a child enrolled in the school, or in the case of a
41 new school, a parent of a child enrolled in the district;

42 (5) a principal employed by the district; and

43 (6) two teachers employed by the district.

44 b. The applicant shall select the parent from among nominees
45 submitted by parent-teacher organizations in the district. If the
46 district does not contain a parent-teacher organization or if the
47 organization does not submit nominees, the applicant shall select
48 the parent from among volunteers in the area or community the

1 proposed school is expected to serve. The applicant shall select the
2 principal and one teacher from among volunteers in the district and
3 one teacher from among nominees submitted by the collective
4 bargaining unit.

5

6 8. a. Upon the formation of the innovation plan committee
7 pursuant to section 6 of this act, the committee shall develop the
8 innovation plan for the proposed innovation school. The purpose of
9 the innovation plan shall be to comprehensively articulate the areas
10 of autonomy and flexibility that the proposed school will use.

11 b. The innovation plan shall include, but need not be limited to:

12 (1) a curriculum plan, with a detailed description of the
13 curriculum and related programs for the proposed school and how
14 the curriculum is expected to improve school performance and
15 student achievement;

16 (2) a budget plan, with a detailed description of how funds will
17 be used differently in the proposed school to support school
18 performance and student achievement;

19 (3) a school schedule plan, with a detailed description of the
20 ways, if any, the program or calendar of the proposed school will be
21 enhanced or expanded;

22 (4) a staffing plan, with a detailed description of how the school
23 principal, administrators, faculty, and staff will be recruited,
24 employed, evaluated, and compensated in the proposed school and
25 any proposed waivers or modifications of collective bargaining
26 agreements;

27 (5) a policy and procedures plan, with a detailed description of
28 the unique operational policies and procedures to be used by the
29 proposed school and how the procedures will support school
30 performance and student achievement; and

31 (6) a professional development plan, with a detailed description
32 of how the school may provide high-quality professional
33 development to its administrators, teachers, and staff.

34 c. In order to assess the proposed school across multiple
35 measures of school performance and student success, the innovation
36 plan shall include measurable goals including, but not limited to,
37 the following:

38 (1) student attendance;

39 (2) student safety and discipline;

40 (3) student promotion and graduation and dropout rates;

41 (4) student achievement on the Statewide assessments;

42 (5) progress in areas of underperformance;

43 (6) progress among subgroups of students including low-income
44 students, limited English proficient students, and special education
45 students; and

46 (7) reduction of achievement gaps among different groups of
47 students.

1 d. A majority vote of the innovation plan committee shall be
2 required for committee approval of the innovation plan.

3

4 9. The provisions of the collective bargaining agreements
5 applicable to teachers and other school staff in the school district
6 shall be in operation in the innovation school, except to the extent
7 that the provisions are waived or modified under the innovation
8 plan.

9

10 10. a. In the case of a school conversion, upon completion of
11 the innovation plan, the applicant shall submit the innovation plan
12 to teachers in the school that is proposed for conversion for
13 approval within 30 days. A two-thirds vote of the teachers shall be
14 required to approve the plan. Upon approval of an innovation plan,
15 the plan shall, within 7 days, be submitted to the board of
16 education. If a two-thirds vote is not achieved, the innovation plan
17 committee may revise the innovation plan as necessary and submit
18 the revised plan to the teachers for a subsequent vote.

19 b. In the case of a new school, upon the completion of the
20 innovation plan, the applicant, a local union representative, and the
21 superintendent shall negotiate waivers or modifications to the
22 applicable collective bargaining agreement necessary for the school
23 to implement the innovation plan. Upon the conclusion of the
24 negotiations, the innovation plan shall be submitted immediately to
25 the board of education.

26

27 11. Upon receipt of an innovation plan regarding an innovation
28 school, a board of education shall hold at least one public hearing
29 on the innovation plan. After the public hearing, but not later than
30 60 days after the receipt of the innovation plan, the board of
31 education shall vote on whether or not to authorize the innovation
32 school for a period of not more than five years.

33

34 12. In the case of a conversion of an existing school into an
35 innovation school, a student who is enrolled in a school at the time
36 it is established as an innovation school shall retain the ability to
37 remain enrolled in the school if the student chooses to do so. The
38 parent or guardian of the student may determine not to enroll the
39 student in the innovation school, and in that case the student shall
40 be eligible for enrollment in another school in the school district.

41

42 13. a. Each innovation school shall be evaluated by the
43 superintendent at least annually. The superintendent shall transmit
44 the evaluation to the board of education and the commissioner. The
45 purpose of the evaluation shall be to determine whether the school
46 has met the annual goals in its innovation plan and assess the
47 implementation of the innovation plan at the school. If the board of
48 education determines, on the advice of the superintendent, that the

1 school has not met one or more goals in the innovation plan and that
2 the failure to meet the goals may be corrected through reasonable
3 modification of the plan, the board of education may amend the
4 innovation plan as necessary.

5 b. If the board of education determines, on the advice of the
6 superintendent, that the school has substantially failed to meet multiple
7 goals in the innovation plan, the board of education may:

8 (1) limit one or more components of the innovation plan;

9 (2) suspend one or more components of the innovation plan; or

10 (3) terminate the authorization of the school; provided, however,
11 that the limitation or suspension shall not take place before the
12 completion of the second full year of the operation of the school and
13 the termination shall not take place before the completion of the third
14 full year of the operation of the school.

15

16 14. At the end of the period of authorization of an innovation
17 school, the leadership of the school may petition the board of
18 education to extend the authorization of the school for an additional
19 period of not more than 5 years.

20

21 15. a. The school district shall pay directly to the innovation
22 school for each student enrolled in the innovation school who
23 resides in the district an amount equal to 100% of the sum of the
24 budget year equalization aid per pupil and the prebudget year
25 general fund tax levy per pupil inflated by the CPI rate most recent
26 to the calculation. In addition, the school district shall pay directly
27 to the innovation school the security categorical aid attributable to
28 the student and a percentage of the district's special education
29 categorical aid equal to the percentage of the district's special
30 education students enrolled in the innovation school and, if
31 applicable, 100% of preschool education aid. The district shall also
32 pay directly to the innovation school any federal funds attributable
33 to the student.

34 b. Notwithstanding the provisions of subsection a. of this
35 section, in the case of a student who was not included in the
36 district's projected resident enrollment for the school year, the State
37 shall pay 100% of the amount required pursuant to subsection a. of
38 this section for the first year of the student's enrollment in the
39 innovation school.

40 c. The State shall make payments required pursuant to
41 subsection b. of this section directly to the innovation school.

42 d. An innovation school may retain any unused funds and use
43 the funds in subsequent school years.

44 e. An innovation school may establish a non-profit
45 organization that may, among other things, assist the school with
46 fundraising. A district shall not reduce its funding to an innovation
47 school as a result of the school's fundraising activities.

1 16. Nothing in this act shall be construed to prohibit: the
2 establishment of an innovation school as an academy within an
3 existing public school; the establishment of an innovation school
4 serving students from two or more school districts provided all of
5 the provisions of this act are met by each school district; or the
6 simultaneous establishment of two or more innovation schools as an
7 innovation schools zone within a school district.

8
9 17. The commissioner shall report annually to the Governor, and
10 to the Legislature pursuant to section 2 of P.L.1991, c.164
11 (C.52:14-19.1) on the implementation of this act.

12
13 18. The Commissioner of Education shall promulgate
14 regulations pursuant to the "Administrative Procedure Act,"
15 P.L.1968, c.410 (C.52:14B -1 et seq.), to carry out the provisions of
16 this act.

17
18 19. This act shall take effect immediately.

19
20
21 STATEMENT

22
23 This bill directs the Commissioner of Education to establish an
24 innovation schools program. An innovation school will be a public
25 school operating within a school district for the purpose of
26 improving school performance and student achievement through
27 increased autonomy and flexibility. An innovation school could be
28 established as a new school or as a conversion of an existing public
29 school. The commissioner will provide guidance on the
30 development of innovation schools and will provide planning grants
31 and technical assistance to eligible applicants.

32 An innovation school will have increased autonomy and
33 flexibility in one or more areas including curriculum, budget,
34 school schedule and calendar, staffing policies and procedures,
35 school district policies and procedures, and professional
36 development. An innovation school must be authorized by the
37 board of education and will operate in accordance with an
38 innovation plan that articulates its authorized areas of autonomy
39 and flexibility. The innovation plan will be developed by faculty
40 and school leaders, and school leaders will be responsible for
41 meeting the terms of the plan. The innovation plan may also be
42 developed by an external partner, and in that case the external
43 partner will be responsible for meeting the terms of the plan. The
44 innovation plan will be based on student outcomes data including
45 student achievement on Statewide assessments

46 An innovation school may be established by parents, teachers,
47 parent-teacher organizations, principals, superintendents, boards of
48 education, teacher unions, institutions of higher education, non-

1 profit community-based organizations, non-profit business or
2 corporate entities, non-profit charter school operators, non-profit
3 education management organizations, educational collaboratives,
4 consortia of these groups, and non-profit entities authorized by the
5 commissioner.

6 The bill details the information that must be included in an
7 application to establish an innovation school, including: whether the
8 school will be a new school or the conversion of an existing school;
9 the external partners, if any, that will be involved in the school; the
10 overall vision for the school; an assessment of the autonomy and
11 flexibility that the applicant seeks; and the specific needs or
12 challenges the school will be designed to address. The application
13 will be submitted to the superintendent of the school district who,
14 within 30 days, will convene a screening committee. The
15 committee will be composed of the superintendent or a designee, a
16 member of the board of education, and a representative of the local
17 collective bargaining unit for teachers. The screening committee
18 will review the application and, in the case of a new innovation
19 school, prepare an impact statement on how the innovation school
20 will affect the children and faculty in the district. Within 30 days of
21 receiving an application, the committee will decide, on the basis of
22 a two-thirds vote, to accept or reject the application, or return the
23 application to the applicant for revision.

24 Upon the acceptance of an application by the screening
25 committee, the applicant will form an innovation plan committee, of
26 not more than 11 persons, to develop the innovation plan. Each
27 innovation plan committee must include the applicant, the
28 superintendent, a member of the board of education, a parent of a
29 child enrolled in the school, or in the case of a new school a parent
30 of a child enrolled in the district, a principal employed by the
31 district, and two teachers employed by the district.

32 The innovation plan for a proposed innovation school must
33 include a curriculum plan, a budget plan, a school schedule plan, a
34 staffing plan, a policy and procedures plan, and a professional
35 development plan.

36 The bill stipulates that the provisions of the collective bargaining
37 agreements applicable to teachers and other school staff in the
38 school district will be in operation in the innovation school, except
39 to the extent that the provisions are waived or modified under the
40 innovation plan. In the case of a school conversion, the applicant
41 will submit the school conversion plan to the teachers in the school
42 for approval. A two-thirds vote of the teachers will be required to
43 approve the plan. In the case of a new school, the applicant, the
44 superintendent, and the local union representative will negotiate
45 waivers or modifications to the applicable collective bargaining
46 agreement.

47 The approved innovation plan will be submitted to the board of
48 education and the board will hold at least one public hearing on the

1 plan. After the public hearing, but not more than 60 days after the
2 receipt of the plan, the board of education will vote on whether or
3 not to authorize the innovation school for a period of not more than
4 five years.

5 Each innovation school will be evaluated by the superintendent
6 at least annually. The superintendent will transmit the evaluation to
7 the board of education and the commissioner. The bill outlines
8 actions that the board of education may take if it determines that the
9 innovation school has not met the goals of the innovation plan
10 including plan modification, the limit or suspension of one or more
11 components of the plan, or termination of the school's
12 authorization. At the end of the five-year authorization period, the
13 innovation school may petition the board of education to extend
14 authorization for an additional period of not more than five years.