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In Senate, April 14, 2011

An Act To Create Innovative Public School Zones and Innovative Public School Districts

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator LANGLEY of Hancock.
Cosponsored by Representative PARRY of Arundel and Senators: President RAYE of Washington, SNOWE-MELLO of Androscoggin, THIBODEAU of Waldo, WOODBURY of Cumberland, Representatives: LUCHINI of Ellsworth, MALABY of Hancock, RICHARDSON of Carmel.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §6213 is enacted to read:

§6213. Innovative public school zones and innovative public school districts

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Innovative, autonomous public school" or "school" means an innovative, autonomous public school established pursuant to section 6212.

B. "Innovation plan" means a plan for the creation and operation of an innovative, autonomous public school or innovative zone or district as described in subsections 2, 3 and 4.

C. "Innovative public school district" or "district" means a school administrative unit in which all schools operated by the school administrative unit are innovative, autonomous public schools included in an innovation plan approved pursuant to this section and implemented by the school board.

D. "Innovative public school zone" or "zone" means 2 or more innovative, autonomous public schools operated by a school administrative unit that share common interests, such as their geographical location or educational focus, or that sequentially serve classes of students as they progress through elementary and secondary education and in which a school board implements an innovation plan approved pursuant to this section.

E. "Public school" has the same meaning as in section 1, subsection 24.

2. School-initiated innovation plan. A public school or a group of 2 or more public schools in a school administrative unit may submit to its school board an innovation plan. The school board may approve an instruction design, a school calendar, a staff selection process and a method for assessing professional development to be used in an innovative, autonomous public school that is not in conflict with applicable statutory and regulatory requirements.

A. A school board shall receive and review each innovation plan submitted pursuant to this subsection. The school board shall either approve or disapprove the innovation plan within 60 days after receiving the plan.

B. If the school board rejects the innovation plan, it shall provide to the public school or public schools that submitted the plan a written explanation of the basis for its decision. A public school or public schools may submit an amended innovation plan at any time.

C. If the school board approves the plan, it shall proceed to seek the commissioner's approval of the public school or public schools as an innovative, autonomous public school, an innovative public school zone or an innovative public school district pursuant to subsection 9.
3. Board-initiated innovation plan. A school board may initiate and collaborate with one or more public schools within the school administrative unit to create one or more innovation plans. In creating an innovation plan, the school board shall ensure that each public school that would be affected by the plan has the opportunity to participate in the creation of the plan.

4. Innovation plan. An innovation plan must include the following information:

A. A statement of the mission of the school, zone or district and why designation as a school, zone or district would enhance the ability of the school, zone or district to achieve its mission;

B. A description of the innovations the school, zone or district would implement, which may include, but are not limited to, innovations in school staffing, curriculum and assessment; school calendar; use of financial and other resources; and the recruitment, employment, evaluation and compensation of teachers, administrators and other staff employed by the school;

C. An identification of the improvements in academic performance that the school, zone or district expects to achieve in implementing the innovations;

D. A listing of the programs, policies and practices within the school, zone or district that would be affected by the innovations identified by the school, zone or district and the manner in which they would alter current programs, policies and practices. The programs, policies or practices may include, but are not limited to:

(1) A description of any research-based educational program to be implemented;

(2) The length of the school day and the school year;

(3) The student promotion and graduation policies;

(4) The assessment plan;

(5) The budget; and

(6) The staffing plan.

E. A description of any statutory requirements applicable to public schools or school administrative unit policy requirements that would need to be waived for the school, zone or district to implement the identified innovations;

F. An identification of the improvements in academic performance that the school, zone or district expects to achieve in implementing the innovations;

G. An identification of the strategic partnerships, including partnerships with business, industry, postsecondary education institutions, nonprofit educational organizations and other educational entities, that the school, zone or district expects to develop in implementing its identified innovation;

H. An estimate of the cost savings and increased efficiencies, if any, the school, zone or district expects to achieve in implementing the identified innovations;

I. A description of the strategies that the school, zone or district expects to implement in the future to secure and maintain the resources necessary to sustain the identified innovations;
Evidence that both a majority of the administrators and a majority of the teachers employed at the school, zone or district approve of the innovation plan and consent to the designation as an innovative school, zone or district. The determination of approval and consent of the plan must be obtained by means of a secret ballot vote;

K. A statement of the level of support for designation as a school, zone or district demonstrated by the staff employed by the school, zone or district who are not administrators or teachers, the students and parents of students enrolled in the school, zone or district, and the community served by the school, zone or district; and

L. Any additional information required by the school board.

5. Additional information. An innovation plan, whether submitted by one or more public schools or created by a school board through collaboration with one or more public schools, must include the following information:

A. A description of how innovations in the schools in the zone or district would be integrated to achieve results that would be less likely to be accomplished by each school working alone; and

B. An estimate of any economies of scale that would be achieved by innovations implemented jointly by the schools within the zone or district.

6. Prohibited acts. An employee of a public school or school administrative unit may not be discriminated against by the school board, the superintendent or any other administrator of the school administrative unit or by any employee organization, officer of the organization or member of the organization for exercising or not exercising the rights provided for under this section. An employee of a school administrative unit or an officer or member of an employee organization may not impede, restrain or coerce an employee of a public school or school administrative unit to keep that employee from exercising the rights provided for under this section or cause an employer to impede, restrain or coerce an employee to keep that employee from exercising the rights provided for under this section.

7. Innovations. In considering or creating an innovation plan, each school board may consider innovations in the following areas:

A. Curriculum and academic standards and assessments;

B. Accountability measures, including, but not limited to, expanding the use of a variety of accountability measures to more accurately present a complete measure of student learning and accomplishment. The accountability measures adopted may include, but are not limited to:

(1) Use of graduation or exit examinations;

(2) Use of end-of-course examinations;

(3) Use of formative assessments that measure student growth over time;

(4) Use of multiple measures of student achievement;

(5) Measuring the percentage of students continuing on to postsecondary education; and
(6) Measuring the percentage of students simultaneously obtaining a high school
diploma and an associate's degree or a career and technical education certificate
from a postsecondary educational institution;

C. Provision of services, including, but not limited to, special education services;
services for gifted and talented students; services for students with limited English
proficiency; educational services for students at risk of academic failure, expulsion or
dropping out; and support services provided by the Department of Health and Human
Services or the Department of Corrections to a state ward or to a state agency client;

D. Teacher recruitment, training, preparation and professional development;

E. Teacher employment;

F. Performance expectations and evaluation procedures for teachers and principals;

G. Compensation for teachers, principals and other school personnel, including, but
not limited to, performance pay plans, total compensation plans and innovations with
regard to retirement and other benefits;

H. School governance and the roles, responsibilities and expectations of principals;
and

I. Preparation and counseling of students for transition to postsecondary education or
the workforce.

8. Gifts, grants and donations. A school, zone or district may seek and accept
public and private gifts, grants and donations to offset the costs of developing and
implementing an innovation plan.

9. Commissioner's approval. A school board shall submit school, zone or district
innovation plans approved pursuant to subsection 4, paragraph J to the commissioner.

A. Within 60 days after receiving an innovation plan for a school, zone or district,
the commissioner shall approve the innovation plan unless the commissioner
concludes that the plan:

(1) Is likely to result in a decrease in academic achievement in the innovative
school, zone or district; or

(2) Is not fiscally feasible.

B. If the commissioner does not approve the innovation plan, the commissioner shall
provide to the school board a written explanation of the basis for the decision. The
school board may submit an amended innovation plan for the commissioner's
approval at any time.

Nothing in this subsection may prevent or may be construed to prevent the commissioner
from approving an innovation plan to create an innovative public school district when the
innovation plan is created by a school board for a school administrative unit that operates
only one innovative, autonomous public school.

10. Commissioner's waiver. Upon approval of an innovation plan for a school,
zone or district, the commissioner shall waive requirements of any statutes or rules
specified in the approved innovation plan as they pertain to the innovative school, zone or
district, except that the commissioner may not waive requirements pertaining to:

A. School administrative unit employee participation in the Maine Public Employee
Retirement System;

B. The standards established by the school board for awarding a high school diploma
as set forth in chapter 207-A, subchapter 3;

C. The statewide assessment program established under this chapter to measure
student achievement of the content standards in the system of learning results set
forth in this chapter and in department rules implementing this chapter and other
curricular requirements established by the school board; and

D. The applicable federal statutes and regulations pertaining to student assessment as
required by the federal No Child Left Behind Act of 2001, 20 United States Code,
Chapter 70.

Except as otherwise provided in this subsection, the commissioner may not waive any
requirements of any law or rule specified in the approved innovation plan for an
innovative school, zone or district if the law or rule relates to the implementation of or
requirements for any program or grant for which the school administrative unit is
receiving funds appropriated or allocated for the support of public school activities. The
commissioner may waive any requirements of any law or rule that relates to the
implementation of or requirements for any program or grant only if the funding for the
program or grant is no longer allocated to the school administrative unit.

11. State subsidy. Designation as a school, zone or district may not affect the
allocation of state subsidy for the school administrative unit as calculated pursuant to
chapter 606-B.

12. Revisions to innovation plan; changes to waivers. If the school board, in
collaboration with one or more public schools pursuant to subsection 3, revises an
innovation plan as provided in subsection 9, paragraph B, the school board may request
additional waivers or changes to existing waivers of the requirements of laws and rules as
necessary to accommodate the revisions to the innovation plan, and the commissioner
shall grant the request unless the commissioner concludes that the waivers or changes to
existing waivers would be likely to result in a decrease in academic achievement in the
school, zone or district, or would not be fiscally feasible.

A. In requesting a new waiver or a change to an existing waiver, the school board
must demonstrate the consent of a majority of the teachers and a majority of the
administrators employed at each school that is affected by the new or changed
waiver.

B. Except as otherwise provided in this section, a waiver from the requirements of a
law or rule that is granted pursuant to this section continues to apply to a school, zone
or district as long as the school, zone or district continues to be designated as a
school, zone or district.

13. Exemption from school district reorganization requirements.
Notwithstanding chapter 103-A, a school administrative unit that has been approved by
the commissioner as an innovative public school district is exempt from the requirements
to reorganize as a regional school unit or as a member entity of an alternative
organizational structure and may not be assessed a penalty as a nonconforming school
administrative unit pursuant to section 15696.

14. Performance review. Three years after the commissioner approves an
innovation plan for a school, zone or district, and every 3 years thereafter, the school
board shall review the level of performance of the school, zone or district and determine
whether the school, zone or district is achieving or making adequate progress toward
achieving the academic performance results identified in the innovation plan of the
school, zone or district. The school board, in collaboration with the school, zone or
district, may revise the innovation plan as necessary to improve or continue to improve
academic performance at the school, zone or district. Any revisions to the innovation
plan require the consent of a majority of the teachers and a majority of the administrators
employed at each affected school.

A. Following review of a school’s performance, if the school board finds that the
academic performance of students enrolled in the school is not improving at a
sufficient rate, the school board may revoke the designation of the school as an
innovative, autonomous public school.

B. Following review of the performance of a zone or district, if a school board finds
that the academic performance of students enrolled in one or more of the schools
included in the zone or district is not improving at a sufficient rate, the school board
may remove the underperforming school or schools from the zone or district or may
revoke the designation of the zone or district as an innovative public school zone or
innovative public school district.

15. Annual report. By March 1, 2012, and each year thereafter, the commissioner
shall submit to the Governor and to the joint standing committee of the Legislature
having jurisdiction over education matters a report concerning the schools, zones and
districts. At a minimum, the report must include:

A. The number of school administrative units designated as innovative districts in
the preceding academic year and the total number of innovative districts in the State;

B. The number of innovative, autonomous public schools, and the number of
innovative public school zones and innovative public school districts, including the
number of schools in each zone and district and the number of students served in the
schools and zones, expressed as a total number and as a percentage of the students
enrolled in the district;

C. An overview of the innovations implemented in each school, zone and district;

D. An overview of the academic performance of the students served in schools,
zones and districts, including a comparison between the academic performance of the
students before and after implementation of the innovations;

E. Any recommendations for legislative changes based on the innovations
implemented or to further enhance the ability of school administrative units and
school boards to implement innovations; and
F. Any information requested by the Governor or a member of the joint standing committee of the Legislature having jurisdiction over education matters.

The commissioner shall promptly post the annual report submitted pursuant to this section on the department’s publicly accessible website.

SUMMARY

This bill provides for the creation, submission, review and approval of innovation plans to establish innovative public school zones and innovative public school districts. An innovative public school zone and an innovative public school district must demonstrate a system for accountability for student achievement that exceeds, but is not in conflict with, the State's accountability standards and the State's assessment system. The bill allows one or more public schools within a school administrative unit to initiate the creation of an innovation plan for submission to its school board. The bill also permits a school board to initiate and collaborate with one or more of the public schools it operates to create an innovation plan. The bill provides that a school board may obtain waivers of laws, rules and local policy requirements from the Commissioner of Education that are considered necessary for an innovative public school zone or district to implement an innovation plan.