

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 884 Session of 2023

INTRODUCED BY GROVE, GREINER AND ORTITAY, APRIL 10, 2023

REFERRED TO COMMITTEE ON EDUCATION, APRIL 10, 2023

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 new and optimizing
6 variations of education and learning (NOVEL) schools.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding an
11 article to read:

12 ARTICLE XV-N

13 NEW AND OPTIMIZING VARIATIONS OF

14 EDUCATION AND LEARNING (NOVEL) SCHOOLS

15 Section 1501-N. Definitions.

16 The following words and phrases when used in this article
17 shall have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "Department." The Department of Education of the
20 Commonwealth.

1 "Education management service provider." A for-profit or
2 nonprofit management organization, nonprofit charter management
3 organization, school design provider, business manager or other
4 partner entity with which a school district contracts to provide
5 educational design, business services, comprehensive management
6 or personnel functions.

7 "Local governing body." A board of school directors or other
8 governing authority of a school district.

9 "NOVEL school." A school that:

10 (1) is part of a school district; and

11 (2) ranks in the lowest 15% of the school's
12 classification as an elementary or secondary school according
13 to student performance under section 1138.3(a)(2).

14 "NOVEL School Board." The NOVEL School Board established
15 under section 1509-N.

16 "Secretary." The Secretary of Education of the Commonwealth.
17 Section 1502-N. Designation of NOVEL schools.

18 By October 1, 2023, and by October 1 of each year thereafter,
19 the department, in conjunction with the NOVEL School Board,
20 shall identify and designate NOVEL schools. The list of NOVEL
21 schools shall be published on the department's publicly
22 accessible Internet website and transmitted to the Legislative
23 Reference Bureau for publication as a notice in the next
24 available issue of the Pennsylvania Bulletin.

25 Section 1503-N. Powers of local governing body.

26 A local governing body shall have all the following powers
27 with respect to a NOVEL school within the local governing body's
28 jurisdiction:

29 (1) To enter into agreements with education management
30 service providers to operate the school.

1 (2) To employ in the school professional and senior
2 management employees who do not hold State certification in
3 the school, if the local governing body has approved the
4 employee's qualifications, at a salary established by the
5 local governing body.

6 (3) To enter into agreements with persons or education
7 management service providers providing educational or other
8 services to the school.

9 (4) To close or reconstitute the school, including the
10 reassignment, suspension or dismissal of professional
11 employees.

12 (5) To suspend professional employees without regard to
13 the provisions of seniority and according to a professional
14 employee's performance.

15 (6) To appoint managers, administrators or education
16 management service providers to oversee the operations of the
17 school.

18 (7) To convert the school to a charter school.

19 (8) To apply to the NOVEL School Board for a waiver of
20 any provision of this act, regulation of the State Board of
21 Education or standard of the secretary that inhibits the
22 ability of the school to increase student achievement.

23 Section 1504-N. Advisory teams.

24 (a) Local governing body assembly.--Within 30 days of a
25 school's initial designation as a NOVEL school, the local
26 governing body shall convene the following for the school:

27 (1) An academic advisory team, comprised of the
28 following members:

29 (i) A school administrator appointed by the local
30 governing body.

1 (ii) A school business manager or individual
2 responsible for the fiscal management of the school
3 district appointed by the local governing body.

4 (iii) A teacher appointed by the local governing
5 body.

6 (iv) Three experts, appointed by the local governing
7 body in consultation with the department, who possess
8 knowledge and experience in such areas as school or
9 business administration, staff development, early
10 childhood education, curriculum development, budget
11 development or fiscal management, labor relations or
12 special education.

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

15 (i) Three parents of students attending the school.

16 (ii) Three residents of the area served by the
17 school who are not parents of students attending the
18 school.

19 (b) Termination of academic advisory team and community
20 advisory team.--The academic advisory team and the community
21 advisory team shall terminate when the NOVEL school is no longer
22 designated as a NOVEL school, unless the local governing body
23 votes for either or both teams to continue.

24 Section 1505-N. Diagnostic evaluation.

25 (a) Districtwide review.--Within three months of a school's
26 initial designation as a NOVEL school, a local governing body of
27 a school district in which at least one school has been
28 designated as a NOVEL school shall conduct a districtwide review
29 of academic programs, management and operations, including
30 whether school facilities are being used to maximize student

1 academic opportunities, using a standard evaluation and
2 diagnostic tool, and submit the findings to the NOVEL School
3 Board.

4 (b) Period for evaluation.--A local governing body that has
5 completed a diagnostic evaluation under subsection (a) within
6 the past five years is not required to complete a districtwide
7 diagnostic evaluation developed by the department subsequent to
8 the initial designation of a new NOVEL school within the local
9 governing body's jurisdiction, provided that the local governing
10 body shall complete, within two months of the designation of a
11 new NOVEL school, a supplemental study of the school to the
12 extent that the needs of the school are different from those of
13 the district.

14 Section 1506-N. School improvement plan.

15 (a) School improvement plan.--Using the results of the
16 diagnostic evaluation under section 1505-N(a), the local
17 governing body, with input from the academic advisory team and
18 the community advisory team, shall develop for each NOVEL school
19 a school improvement plan that includes all of the following:

20 (1) Performance goals and timetables to improve academic
21 performance.

22 (2) Revisions to curriculum or instructional practices.

23 (3) A system of academic accountability for students and
24 administrators.

25 (4) Procedures to increase parent and community
26 involvement.

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

29 (6) A multiyear strategic plan with annual goals and
30 measurable objectives based on identified needs, projected

1 enrollment and revenue.

2 (7) Clear delineation of the responsibilities of the
3 local governing body and superintendents.

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

6 (9) A plan for professional development to assist
7 teachers and administrators with ensuring that students reach
8 academic standards.

9 (10) A plan for the allocation of resources targeted to
10 the NOVEL school.

11 (11) A plan for the implementation of at least two
12 interventions allowable under section 1503-N.

13 (b) Application for waiver permitted.--The local governing
14 body may include in a school improvement plan an application to
15 the NOVEL School Board for a waiver of any provision of this
16 act, regulation of the State Board of Education or standard of
17 the secretary if the NOVEL School Board determines that the
18 proposed waiver will help the NOVEL school to increase academic
19 achievement. The NOVEL School Board may not waive either:

20 (1) Federal statutes or regulations; or

21 (2) State statutes or regulations or standards of the
22 secretary related to the following:

23 (i) Civil rights.

24 (ii) Health and safety.

25 (iii) Public records.

26 (iv) Possession of weapons on school grounds.

27 (v) Employment history reviews, criminal background
28 checks and child abuse clearances for school personnel
29 and volunteers.

30 (vi) Special education requirements.

1 (vii) Student due process.

2 (viii) Parental rights.

3 (ix) Student assessment and accountability.

4 (x) Open meetings.

5 (c) Plan submission to NOVEL School Board.--Within 60 days
6 of the completion of the diagnostic evaluation under section
7 1505-N, the local governing body shall submit the school
8 improvement plan for approval to the NOVEL School Board.

9 (d) Board approval of plan.--

10 (1) Within 30 days of receipt of the school improvement
11 plan, the NOVEL School Board shall approve the school
12 improvement plan or request further modifications to the
13 plan. The NOVEL School Board shall notify the local governing
14 body of the approval or request for further modification.

15 (2) Within 30 days of the receipt of the request for
16 modification to the plan, the local governing body of the
17 NOVEL school shall resubmit the school improvement plan to
18 the NOVEL School Board.

19 (3) The NOVEL School Board shall approve the modified
20 school improvement plan within 30 days of receipt.

21 (e) Local governing body reports on implementation and
22 progress.--Following the approval of the school improvement plan
23 by the NOVEL School Board, the local governing body of the NOVEL
24 school shall, with input from the academic advisory team and the
25 community advisory team, submit reports every six months to the
26 NOVEL School Board detailing the implementation and progress of
27 the school improvement plan. The local governing body of the
28 NOVEL school shall post the reports on the local governing
29 body's publicly accessible Internet website.

30 (f) Evaluation by NOVEL School Board.--The NOVEL School

1 Board shall evaluate the interim school improvement reports
2 submitted by the local governing body under subsection (e) and
3 may request modifications to the school improvement plan if
4 necessary to ensure continued improvement of student performance
5 at the NOVEL school.

6 Section 1507-N. Funding NOVEL schools.

7 The department may use money appropriated by the General
8 Assembly to the department for the purposes of this article,
9 including grants to assist NOVEL schools, and may accept
10 donations from all public and private sources, including the
11 Federal Government.

12 Section 1508-N. Duration of NOVEL school designation.

13 (a) General rule.--A NOVEL school shall retain the
14 designation of a NOVEL school until the NOVEL School Board
15 determines that the school has satisfactorily improved student
16 performance and no longer meets the definition of a NOVEL school
17 in section 1501-N and transmits notice of the same to the
18 secretary.

19 (b) Termination of designation.--Upon receipt of the notice
20 in subsection (a), the secretary shall issue a declaration
21 terminating the NOVEL school designation. The secretary shall
22 transmit the declaration to the Legislative Reference Bureau for
23 publication as a notice in the next available issue of the
24 Pennsylvania Bulletin.

25 Section 1509-N. NOVEL School Board.

26 (a) Establishment and membership.--The NOVEL School Board is
27 established. Within 30 days of the effective date of this
28 section, the NOVEL School Board shall be appointed as follows:

29 (1) The secretary shall appoint one member.

30 (2) The President pro tempore of the Senate, in

1 consultation with the Majority Leader and Minority Leader of
2 the Senate, shall appoint three members.

3 (3) The Speaker of the House of Representatives, in
4 consultation with the Majority Leader and Minority Leader of
5 the House of Representatives, shall appoint three members.

6 (b) Qualifications.--Each member of the NOVEL School Board
7 must satisfy at least one of the following:

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

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

11 (c) Term.--Members of the NOVEL School Board shall be
12 appointed for terms of five years each, except that those
13 persons initially appointed shall draw lots to determine which
14 members shall serve for a term of five years, which members
15 shall serve for a term of four years and which members shall
16 serve for a term of three years. To the extent practicable, from
17 those members initially appointed, an equal number shall draw
18 lots to serve for a term of five years, for a term of four years
19 and for a term of three years. Thereafter, all members shall be
20 appointed for terms of five years each.

21 (d) Chairperson.--The NOVEL School Board shall select a
22 chairperson from its membership by a majority vote.

23 (e) Quorum.--A majority of the members of the NOVEL School
24 Board shall constitute a quorum.

25 (f) Meetings.--The NOVEL School Board shall meet at least
26 quarterly at the call of the chairperson.

27 (g) Vacancy.--Upon expiration of a member's term or in the
28 occurrence of a vacancy in the office of a member, the original
29 appointing authority shall appoint a successor member. An
30 appointment to fill a vacancy shall be for the balance of a

1 term.

2 (h) Removal.--

3 (1) No NOVEL School Board member shall be removed from
4 office during the member's term of office except in
5 accordance with the Constitution of Pennsylvania and as
6 authorized in this section.

7 (2) The appointing authority of a member may, upon proof
8 by clear and convincing evidence of malfeasance or
9 misfeasance in office, remove a NOVEL School Board member
10 prior to the expiration of the term.

11 (3) Before a NOVEL School Board member is removed, the
12 member shall be provided with a written statement of the
13 reasons for removal and an opportunity for a hearing.

14 (i) Prohibition.--No member, while in service of the NOVEL
15 School Board, may seek or hold a position as any other public
16 official or as an officer of a political party.

17 (j) Compensation.--Members of the NOVEL School Board shall
18 receive no compensation but shall be reimbursed for reasonable
19 and necessary expenses incurred in the performance of their
20 official duties from the funds of the department.

21 (k) Duties of NOVEL School Board.--

22 (1) To designate NOVEL schools.

23 (2) To receive, review, evaluate, modify and approve
24 school improvement plans under section 1506-N.

25 (3) To grant waivers of any provision of this act to a
26 local governing body of a NOVEL school under section 1506-
27 N(b).

28 (4) To receive and evaluate interim school improvement
29 reports submitted by the local governing body of a NOVEL
30 school under section 1506-N(e).

1 (5) To terminate a NOVEL school designation upon
2 satisfactory improvement in student performance under section
3 1508-N(a).

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

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

12 (n) Report.--Beginning October 31, 2024, and by October 31
13 of each year thereafter, the NOVEL School Board shall submit a
14 written report to the secretary, the President pro tempore of
15 the Senate, the Majority Leader of the Senate, the Minority
16 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. The report shall include all of the following:

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

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

24 Section 1510-N. State Board of Education.

25 The State Board of Education shall promulgate regulations
26 necessary for the implementation of this article.

27 Section 2. This act shall take effect immediately.