

## AMENDMENTS TO HOUSE BILL NO. 842

Sponsor: SENATOR RHOADES

Printer's No. 2083

1 Amend Title, page 1, line 5, by inserting after "for"

2 transferred programs and classes and for

3 Amend Title, page 1, line 6, by striking out "development"

4 and inserting

5 education

6 Amend Title, page 1, line 7, by inserting after "FOR"

7 distressed school districts and student attendance in other  
8 districts; in charter school provisions, further providing for  
9 enrollment; in education empowerment provisions, further  
10 providing for board of school directors; providing for  
11 superintendent power to recommend dismissal of certain  
12 management employees; and for

13 Amend Title, page 1, line 9, by inserting after "YEAR;"

14 and

15 Amend Bill, page 2, lines 20 through 23, by striking out all

16 of said lines and inserting

17 Section 1. Section 1113(c) of the act of March 10, 1949  
18 (P.L.30, No.14), known as the Public School Code of 1949,  
19 amended August 5, 1991 (P.L.219, No.25), is amended and the  
20 section is amended by adding a subsection to read:

21 Section 1113. Transferred Programs and Classes.--\* \* \*

22 (b.2) (1) The following shall apply to professional and  
23 temporary professional employees of a distressed school district  
24 in which pupils have been reassigned to another school district  
25 pursuant to section 1607.1:

26 (i) The distressed school district shall create a pool  
27 comprised of the professional and temporary professional  
28 employees who have received formal notice of suspension from the  
29 distressed school district as a result of the curtailment of the  
30 high school program.

31 (ii) Employees in the pool created under subparagraph (i)  
32 shall be offered employment by a school district designated  
33 under section 1607.1(a)(1) whenever a designated school district

1 has a vacancy for a position that an employee in the pool is  
2 certified to fill. No new employee shall be hired by any  
3 designated school district until the position has been offered,  
4 in order of seniority, to all properly certified members of the  
5 pool.

6 (2) The rights of a suspended employee of the distressed  
7 school district shall not supersede the rights that an employee  
8 of a school district designated under section 1607.1(a)(1),  
9 including a suspended or demoted employee, has under this act or  
10 the collective bargaining agreement of the designated school  
11 district.

12 (3) Employees hired from the pool as provided under this  
13 subsection shall be credited by a school district designated  
14 under section 1607.1(a)(1) for all sick leave accumulated in the  
15 distressed school district and shall be credited for years of  
16 service in the distressed school district for purposes of salary  
17 schedule placement. Temporary professional and professional  
18 employees shall further be credited for their years of service in  
19 the distressed school district for purposes of sabbatical leave  
20 eligibility, suspension and realignment rights and eligibility  
21 for any retirement incentives or severance payments in a  
22 designated school district.

23 (c) Nothing contained in [this section] subsections (a) and  
24 (b.1) shall be construed to supersede or preempt any provision  
25 of a collective bargaining agreement in effect on February 4,  
26 1982, and negotiated by a school entity and an exclusive  
27 representative of the employees in accordance with the act of  
28 July 23, 1970 (P.L.563, No.195), known as the "Public Employee  
29 Relations Act."

30 \* \* \*

31 Section 2. Section 1205.2(h) and (i) of the act, amended or  
32 added November 23, 1999 (P.L.529, No.48) and July 13, 2005  
33 (P.L.226, No.46), are amended to read:

34 Amend Sec. 2, page 4, line 5, by striking out "2" and  
35 inserting

36 3

37 Amend Bill, page 6, by inserting between lines 5 and 6

38 Section 4. The act is amended by adding a section to read:

39 Section 1607.1. Distressed School Districts and Student  
40 Attendance in Other Districts.--(a) If a third class school  
41 district in which a public high school is not maintained  
42 operates and, for at least five consecutive years, has operated  
43 under a special board of control under section 692, has been  
44 placed on the education empowerment list under section 1703-B,  
45 has, with the approval of the secretary, curtailed its  
46 educational program by eliminating its high school, and has not  
47 assigned its high school pupils to another school district or  
48 school districts and provided adequate transportation in a  
49 manner pursuant to section 1607, the secretary shall have the  
50 following authority:

51 (1) To designate two or more school districts that shall  
52 accept on a tuition basis the high school students of a  
53 distressed school district, so long as a designated school  
54 district's border is no more than three miles from the border of

1 the distressed school district. Such designation shall occur no  
2 later than fifteen (15) days after the effective date of this  
3 section.

4 (2) To establish a process that a distressed school district  
5 shall use to reassign its high school students to the school  
6 districts designated under paragraph (1).

7 (3) To establish the per-pupil tuition rate that a school  
8 district designated under paragraph (1) shall receive for each  
9 student in a regular or special education program. For the 2007-  
10 2008 school year, the tuition rate shall be the 2006-2007 high  
11 school tuition charge, of each of the school districts  
12 designated under paragraph (1), as set forth under section (3).  
13 For the 2008-2009 school year and each school year thereafter,  
14 the tuition rate established under this paragraph may not exceed  
15 the tuition rate established for the 2007-2008 school year  
16 multiplied by the greater of either two per centum (2%) or the  
17 percentage increase in total budgeted revenues available to a  
18 distressed school district.

19 (b) A school district designated under subsection (a)(1)  
20 shall provide transportation to the students reassigned to its  
21 high school and shall be eligible for transportation  
22 reimbursement in a manner consistent with section 2541.

23 (c) The secretary shall publish the following on the  
24 Department of Education's Internet website no later than August  
25 1, 2007, and August 1 of each year thereafter and in the  
26 Pennsylvania Bulletin no later than September 30, 2007, and  
27 September 30 of each year thereafter:

28 (1) the names of the school districts designated under  
29 subsection (a)(1);

30 (2) the process established under subsection (a)(2); and

31 (3) the tuition rate established under subsection (a)(3).

32 (d) Notwithstanding any other provision of law, regulation,  
33 guideline, directive, decision or agreement to the contrary, any  
34 school district that is designated by the secretary under  
35 subsection (a)(1) may not be required to include the students in  
36 its public school enrollment report for the purposes of  
37 determining an interscholastic sports classification by a  
38 private entity that is organized under the laws of this  
39 Commonwealth to administer interscholastic athletics.

40 (e) A student assigned to a school district designated  
41 pursuant to subsection (a)(1) shall be included in the average  
42 daily membership of the student's school district of residence  
43 for the purpose of providing basic education funding allocations  
44 and special education funding payments pursuant to Article XXV.

45 (f) No later than February 1, 2008, and February 1 of each  
46 year thereafter, the Legislative Budget and Finance Committee  
47 shall submit a report to the chairman and minority chairman of  
48 the Appropriations and Education Committees of the Senate and to  
49 the chairman and minority chairman of the Appropriations and  
50 Education Committees of the House of Representatives summarizing  
51 the financial and academic status of a distressed school  
52 district under this section and including an audit of its  
53 accounts for the immediately preceding school year.

54 (g) (1) No later than October 1, 2007, the secretary shall  
55 establish an Education Advisory Committee which shall provide  
56 semi-annual reports to the secretary. Such reports to the  
57 secretary may include, but are not limited to:

58 (i) An evaluation of the transition of students that have  
59 been assigned to a school district designated under subsection

1 (a)(1).

2 (ii) Recommendations for changes to the process established  
3 under subsection (a)(2).

4 (iii) Recommendations for improving education opportunities  
5 for students of a distressed school district under this section.

6 (2) The secretary shall provide the Education Advisory  
7 Committee a written response to the semi-annual report required  
8 under this paragraph.

9 (3) The Education Advisory Committee shall consist of  
10 members selected by the Secretary of Education, including:

11 (i) A representative of each designated school district  
12 recommended by the board of school directors of the designated  
13 school district.

14 (ii) A member of the board of control of the distressed  
15 school district.

16 (iii) An administrator from each designated school district  
17 and from the distressed school district.

18 (iv) A teacher from each designated school district and from  
19 the distressed school district.

20 (v) An elected official representing voters in each  
21 designated school district and the distressed school district.

22 (vi) Three residents of each of the designated school  
23 districts.

24 (vii) Three residents of the distressed school district.

25 (viii) An employe of the Department of Education, who shall  
26 not be a current member of the board of control.

27 (ix) A representative of the intermediate unit in which the  
28 designated school district and distressed school district are  
29 located.

30 Section 5. Section 1723-A of the act is amended by adding a  
31 subsection to read:

32 Section 1723-A. Enrollment.--\* \* \*

33 (d) (1) Enrollment of students in a charter school or cyber  
34 charter school shall not be subject to a cap or otherwise  
35 limited by any past or future action of a board of school  
36 directors, a board of control established under Article XVII-B,  
37 a special board of control established under section 692 or any  
38 other governing authority, unless agreed to by the charter  
39 school or cyber charter school as part of a written charter  
40 pursuant to section 1720-A.

41 (2) The provisions of this subsection shall apply to a  
42 charter school or cyber charter school regardless of whether the  
43 charter was approved prior to or is approved subsequent to the  
44 effective date of this subsection.

45 Section 6. Section 1704-B(c)(1) of the act, added July 11,  
46 2006 (P.L.1092, No.114), is amended to read:

47 Section 1704-B. Board of School Directors.--\* \* \*

48 (c) (1) In addition to all current rights, powers,  
49 privileges, prerogatives and duties, a board of school directors  
50 of a school district that has been placed on the empowerment  
51 list due to the designation by the secretary as a Commonwealth  
52 partnership school district shall have [the power to cancel or  
53 renegotiate any contract, other than collective bargaining  
54 agreements, for the purpose of making necessary economies in the  
55 operation of the schools within the school district; eliminate  
56 nonprofessional positions for services nonessential for the  
57 operation of the school district; or enter into agreements with  
58 individuals, for-profit or nonprofit organizations for the  
59 operation of school buildings or groups of school buildings or

1 for the provision of educational or other types of services to  
2 or for the school district.] those powers of the board of school  
3 directors enumerated in subsection (a).

4 \* \* \*

5 Section 7. The act is amended by adding a section to read:

6 Section 1704.1-B. Superintendent Power to Recommend  
7 Dismissal.--(a) The superintendent of a school district shall  
8 have the authority to recommend to the board of school directors  
9 dismissal of a management employe for unsatisfactory performance  
10 or wilful misconduct.

11 (b) The board of school directors shall consider a  
12 recommendation of the superintendent for dismissal of a  
13 management employe. A recommendation for dismissal of a  
14 management employe shall be subject to section 508.

15 (c) Consideration of a recommendation for the dismissal of a  
16 management employe under this section shall comply with section  
17 514 and 2 Pa.C.S. Ch. 5 Subch. B (relating to practice and  
18 procedure of local agencies).

19 (d) For the purposes of this section:

20 (i) The term "management employe" shall mean an employe who  
21 holds a management position above the level of first level  
22 supervisor. This term shall not include a principal, assistant  
23 principal, vice principal or any position requiring a  
24 certificate from the Secretary of Education.

25 (ii) The term "school district" shall mean a school district  
26 that has been designated by the Secretary of Education as a  
27 Commonwealth partnership school district.

28 (e) This section shall expire December 31, 2009.

29 Amend Sec. 3, page 6, line 6, by striking out "3" and  
30 inserting

31 8

32 Amend Sec. 4, page 6, line 10, by striking out "4" and  
33 inserting

34 9

35 Amend Sec. 5, page 7, line 2, by striking out "5" and  
36 inserting

37 10

38 Amend Sec. 6, page 7, line 12, by striking out "6" and  
39 inserting

40 11

41 Amend Sec. 7, page 14, line 28, by striking out "7" and  
42 inserting

43 12

1 Amend Sec. 7 (Sec. 2509.5), page 16, lines 2 and 3, by  
2 striking out "ONE THOUSAND SIX HUNDRED AND TWENTY DOLLARS  
3 (\$27,681,620)" and inserting  
4 two thousand one hundred and ninety-three dollars  
5 (\$27,682,193)

6 Amend Sec. 8, page 16, line 29, by striking out "8" and  
7 inserting

8 13

9 Amend Sec. 9, page 24, lines 8 and 9, by striking out all of  
10 said lines and inserting

11 Section 14. This act shall take effect immediately.