

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1251 Session of 1999

INTRODUCED BY GODSHALL, FARGO, CLARK, FLICK, HERSHEY, S. MILLER,
ROSS, E. Z. TAYLOR AND ZIMMERMAN, APRIL 13, 1999

REFERRED TO COMMITTEE ON EDUCATION, APRIL 13, 1999

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 incentives to school
6 entities which negotiate into their collective bargaining
7 agreements performance-based compensation plans; and making
8 an appropriation.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

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

14 Section 1156. Performance-Based Compensation Incentive
15 Program.--(a) The purpose of this section is to establish a
16 program of fiscal incentives to assist school entities in the
17 implementation of a performance-based compensation system if
18 such is negotiated as part of a collective bargaining agreement
19 signed pursuant to the act of July 23, 1970 (P.L.563, No.195),
20 known as the "Public Employe Relations Act," and Article XI-A of
21 this act.

1 (b) Any school district, area vocational-technical school,
2 intermediate unit or joint school is eligible for funding under
3 the performance-based compensation incentive program and shall
4 be considered a school entity for the purposes of this section.

5 (c) For the purposes of this section, a performance-based
6 compensation system is one which bases all or a portion of a
7 teacher's or a group of teachers' compensation on the
8 performance of a teacher's or a group of teachers' students.

9 (d) Incentive funding may be awarded only to school entities
10 which provide documentation to the Department of Education that
11 a performance-based compensation plan is part of the current
12 collective bargaining agreement between the entity and its
13 employe organization and which submit an application for
14 participation in the Performance-Based Compensation Incentive
15 Program.

16 (e) The Department of Education shall establish and
17 administer the Performance-Based Compensation Incentive Program.
18 The Department of Education shall develop an application for
19 incentive awards and make them available to school entities,
20 shall develop any guidelines required for implementation of this
21 act and shall review all applications and make awards from funds
22 appropriated for this purpose.

23 (f) The Department of Education shall establish general
24 criteria for qualifying for these funds as follows:

25 (1) Funds may be utilized by a school entity:

26 (i) to offset costs related to the hiring of necessary
27 consultants to assist in determining student outcomes or other
28 measures to be utilized in measuring an individual teacher or a
29 group of teachers' performance, related testing and data
30 gathering, or assistance in development of appropriate

evaluation devices for measuring student or an individual
teacher or group of teachers' performance;

(ii) to assist in funding the actual cost for production of
appropriate testing or evaluation instruments;

(iii) to provide for in-service training of personnel who
will be involved in the new individual teacher or group of
teachers' evaluation process; or

(iv) for any other uses deemed appropriate by the Department
of Education.

(2) All data submission from the school entities shall be
subject to audit and any incentive payments subsequently
determined to be excessive due to inappropriate data shall be
deducted from subsequent basic education funding payments.

(3) There shall be multiple categories to allow for awards
based on the size and complexity of an entity's program.

(4) Funds may be awarded for up to two years and for up to
fifty per centum (50%) of the district's anticipated costs as
outlined in its application.

Section 2. The sum of \$1,000,000 is hereby appropriated to
the Department of Education for each of fiscal years July 1,
1999, to June 30, 2000, and July 1, 2000, through June 30, 2001,
for the purposes of implementing the Performance-Based
Compensation Incentive Program.

Section 3. This act shall apply to any performance-based
compensation system which is part of a collective bargaining
agreement negotiated on or after April 1, 1998.

Section 4. This act shall take effect July 1, 1999, or
immediately, whichever is later.