SENATE BILL
No. 47  Session of 2015

INTRODUCED BY WILLIAMS, FOLMER, AUMENT, WAGNER AND RAFFERTY,
JANUARY 14, 2015

REFERRED TO EDUCATION, JANUARY 14, 2015

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," providing for parent trigger, for transformational model, for school transformation by parental petition, for implementation of parental petition, for duties of the Department of Education, for school district duties, for School-to-school Partnership Program, for notification and for guidelines.

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

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

ARTICLE XVII-D

PARENT TRIGGER

(a) Preliminary Provisions

Section 1701-D. Scope of article.

This article provides for parent trigger.

Section 1702-D. Definitions.

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

"Charter management organization." A nonprofit organization that operates or manages charter schools by centralizing or sharing certain functions and resources among schools.

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

"Education management organization." A for-profit organization or nonprofit organization that provides services for the operation of a school.

"Eligible student." Either:

(1) a student enrolled in a low-achieving school; or

(2) according to the school district board's enrollment policies, a student scheduled for assignment to a low-achieving school in the following year.

"Low-achieving school." A public school that ranked in the lowest 15% of its designation as an elementary school or a secondary school based on combined mathematics and reading scores from the annual assessment administered in the previous school year and for which the department has posted results on its publicly accessible Internet website. The term does not include a charter school, cyber charter school or area vocational-technical school. If, on the date the petition is submitted, a school is identified as a low-achieving school, it remains so until final disposition of the petition by the school district notwithstanding that the school may be removed from the list of low-achieving schools.

"Parent." A natural or adoptive parent, legal guardian or other person holding the right to make an educational decision for the eligible student on the date the petition is submitted.
"Restart model." A school district model in which a school district converts a school or closes and reopens a school under any of the following that has been selected through a rigorous review process:

(1) a charter school operator;
(2) a charter management organization; or
(3) an education management organization.

"School." A public elementary or secondary school in this Commonwealth. The term does not include:

(1) a charter school;
(2) a cyber charter school;
(3) an area vocational-technical school;
(4) a school that does not draw its student body from a particular attendance boundary; or
(5) a school with specialized academic programs with specific admissions criteria except where indicated.

"School closure." A school district turnaround option in which the school district closes a school that results in students being removed and enrolled in a higher performing publicly funded school, including a charter school, cyber charter school and private school receiving public funds within the school district.

"Transformational model." A school district turnaround in which a school district implements the strategies specified in section 1711-D.

"Turnaround model." As follows:

(1) A school district turnaround option in which a school district implements the following strategies:

   (i) Replacing the principal who led the school prior to the commencement of the turnaround model and granting
the new principal sufficient operational flexibility, including flexibility in staffing, scheduling and budgeting, to implement fully a comprehensive approach in order to substantially improve student achievement outcomes and increase high school graduation rates.

(ii) Using locally adopted competencies to measure the effectiveness of staff who can work within the turnaround environment to meet the needs of the students by:

(A) screening the staff and rehiring no more than 50% of the staff; and
(B) selecting new staff.

(iii) Implementing strategies such as providing:

(A) financial incentives;
(B) increased opportunities for promotion and career growth; and
(C) more flexible work conditions that are designed to recruit and retain staff with the skills necessary to meet the needs of the students in the turnaround school.

(iv) Providing staff with ongoing, high-quality, job-embedded professional development that is aligned with the comprehensive instructional program of the school and designed with school staff to ensure that staff are equipped to facilitate effective teaching and learning to successfully implement school reform strategies.

(v) Adopting a new governance structure, which may include requiring the school to report to a new turnaround office in the school district, hiring a
turnaround leader who reports directly to the superintendent or chief academic officer or entering into a multiyear contract with the school district to obtain added flexibility in exchange for greater accountability.

(vi) Using data to identify and implement an instructional program that is research based and vertically aligned from one grade to the next as well as aligned with State academic standards.

(vii) Promoting the continuous use of student data from assessments to inform and differentiate instruction in order to meet the academic needs of individual students.

(viii) Establishing schedules and implementing strategies that provide increased learning time.

(ix) Providing appropriate social, emotional and community-oriented services and supports for students.

(2) A turnaround model may include the implementation of other strategies, including any of the required and permissible strategies under the transformational model, or a new school model based on a single theme.

(b) Transformational Model and School District Using a Restart Model

Section 1711-D. Transformational model.

A transformational model shall implement the following strategies:

(1) Developing and increasing teacher and school leader effectiveness as follows:

(i) A school district shall:

(A) replace the principal who led the school prior to commencement of the transformational model;
(B) use rigorous, transparent and equitable evaluation systems for teachers and principals as provided for under section 1123;

(C) identify and reward school leaders, teachers and other staff who, in implementing the transformational model, have increased student achievement or high school graduation rates;

(D) identify and remove school leaders, teachers and other staff who, in implementing the transformational model, have not significantly increased student achievement or high school graduation rates;

(E) provide staff with ongoing, high-quality, job-embedded professional development that is aligned with the school's comprehensive instructional program and designed with school staff to ensure that the staff are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies; and

(F) implement such strategies as financial incentives, increased opportunities for promotion and career growth and more flexible work conditions that are designed to recruit, place and retain staff with the skills necessary to meet the needs of the students in a transformational model school.

(ii) In addition to the strategies contained under subparagraph (i), a school district may implement other strategies to develop the effectiveness of teachers and school leaders, including the following:

(A) providing additional compensation to attract
and retain staff with the skills necessary to meet
the needs of the students in a transformational model
school;

(B) instituting a system for measuring changes
in instructional practices resulting from
professional development; and

(C) ensuring the school is not required to
accept a teacher without the mutual consent of the
teacher and principal, regardless of the seniority of
the teacher.

(2) Comprehensive instructional reform strategies as
follows:

(i) A school district shall:

(A) use data to identify and implement a
research-based instructional program that is aligned
with State academic standards and vertically aligned
from one grade to the next; and

(B) promote the continuous use of student data
from assessments to inform and differentiate
instruction to meet the academic needs of individual
students.

(ii) In addition to the strategies implemented under
subparagraph (i), a school district may implement
comprehensive instructional reform strategies, such as:

(A) conducting periodic reviews to ensure that
the curriculum is being implemented with fidelity and
having the intended impact on student achievement;

(B) modifying the curriculum if it is not having
the intended impact on student achievement;

(C) implementing a school-wide response to an
intervention model;

(D) providing additional supports and professional development to teachers and principals in order to implement effective strategies to support students with disabilities in the least restrictive environment and to ensure that limited English proficient students acquire language skills to master academic content;

(E) using and integrating technology-based supports and interventions as part of the instructional program; and

(F) in secondary schools:

(I) increasing rigor by offering opportunities for students to enroll in advanced coursework, early-college high schools, dual enrollment programs or thematic learning academies that prepare students for college and careers, including providing appropriate supports designed to ensure that low-achieving students can take advantage of the programs and coursework;

(II) improving student transition from middle school to high school through summer transition programs or freshman academies;

(III) increasing graduation rates through strategies, such as credit-recovery programs, reengagement strategies, smaller learning communities, competency-based instruction, performance-based assessments and acceleration of basic reading and mathematics skills; and
(IV) establishing early-warning systems to identify students who may be at risk of failing to achieve at high standards or graduate.

(3) Increasing learning time and creating community-oriented schools as follows:

(i) A school district shall:
   (A) establish schedules and implement strategies that provide increased learning time; and
   (B) provide ongoing mechanisms for family and community engagement.

(ii) In addition to the strategies implemented under subparagraph (i), a school district may implement strategies that extend learning time and create community-oriented schools, such as:
   (A) partnering with parents, parent organizations, faith-based organizations, community-based organizations, health clinics, other State or local agencies and others to create safe school environments that meet the social, emotional and health needs of the students;
   (B) extending or restructuring the school day to add time for advisory periods that build relationships between students, faculty and other school staff;
   (C) implementing approaches to improve school climate and discipline, such as implementing a system of positive behavioral supports or taking steps to eliminate bullying and student harassment; and
   (D) expanding the school program to offer full-day kindergarten or prekindergarten.
Providing operational flexibility and sustained support as follows:

(i) A school district shall:

(A) give the school sufficient operational flexibility, such as staffing, scheduling and budgeting, to fully implement a comprehensive approach to substantially improve student achievement outcomes and increase high school graduation rates; and

(B) ensure that the school receives ongoing, intensive technical assistance and related support from the school district or a designated external lead partner organization, such as a school turnaround organization or an education management organization.

(ii) In addition to the strategies implemented under subparagraph (i), a school district may implement other operational flexibility and intensive support strategies, such as:

(A) allowing the school to be operated under a new governance arrangement; or

(B) implementing a per student, school-based budget formula that is weighted based on student needs.

Section 1712-D. School districts implementing a restart model.

A school district implementing a restart model shall:

(1) enroll, within the grades it serves, any former student who wishes to attend the school; and

(2) continue to serve the entire attendance boundary of the school.
(c) School Transformation by Parental Petition

Section 1721-D. School transformation by parental petition.

(a) Restart or transformation.--For a low-achieving school on the list developed by the department under section 1709-G.1 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, parents may petition to restart the school or to transform it under one of the turnaround options.

(b) Applicability.--This section does not apply to:

(1) a public elementary or secondary school that the school district scheduled for closure; or

(2) a school that implemented a school transformation by parental petition within the last three years.

(c) Parents.--If parents representing over 50% of the students attending a low-achieving school sign a petition requesting to restart the school or to implement one of the turnaround options provided in subsection (a), the school district shall implement the option requested by the parents, except as provided in section 1722-D(e). A parent may sign the petition once for each eligible student they have in the low-achieving school. Only one parent per eligible student may sign a petition.

(d) Duty of school district.--The school district shall provide in writing to any persons who make a request, enrollment data and the number of signatures required under subsection (c).

(e) Submission.--The petition shall be submitted to the department and school district. Petitioning parents may not submit signatures for a low-achieving school until the petition contains the required amount of signatures.

(f) Signatures.--Once the department receives the petition, the department has no more than 45 calendar days to review and
verify the signatures as legitimate. The department shall initially attempt to verify the signatures by comparing the petitions to their existing files for parents and may only contact parents about their signatures in the case of a perceived discrepancy. The department may not invalidate the signature of a parent of an eligible student because of a technicality if it is clearly the intent of the parent to sign the petition and the parent is entitled to sign it. If enough discrepancies exist to put the total support level at or below 50%, parents have an additional 60-day window to remedy the discrepancies or add the signatures of additional supportive parents.

(g) Decision.--Once the signatures have been verified, the department shall have no more than 30 calendar days to reach a formal decision on the final disposition of the petition.

(h) Right to expedited appeal.--A petitioner has the right to an expedited appeal to the appropriate court of common pleas.

(i) Proposed school operator.--As follows:

(1) If the parents petition for a restart model and include the proposed school operator, the parents need only to sign the petition to indicate their support for the restart school. If the proposed school operator is a charter school or charter school operator, a separate support petition does not need to be signed and submitted.

(2) If the parents petition for a restart model and do not include the proposed school operator, then the school district shall promptly notify the petitioners that it has adopted the restart model and give the petitioners the option to solicit and select a school operator.

(3) If the petitioners opt to solicit and select a
specific school operator, they must submit the proposed
school operator to the school district within 120 calendar
days of final disposition.

(4) If the petitioners decline the option to solicit
proposals and select the school operator, the school district
shall, within 20 calendar days, solicit proposals from
charter school operators, charter management organizations
and education management organizations. If the petitioners
select an education management organization, the school
district shall work in good faith to implement a contract
with a provider selected by the parents.

Section 1722-D. Implementation of parental petition.

(a) Duties of the school district.--Unless the parent
petitioners request otherwise, the school district shall plan
the restart or transformation and shall implement the plan not
later than the subsequent school year after the petition is
received. When a petition is received after March 1, the school
district shall plan the restart or transformation not later than
the first day of school of the school year beginning in the next
calendar year, unless the petitioners and the school district
agree to implement the plan in the subsequent school year.

(b) Parents.--If the school district approves a parent
petition to restart the school, a parent who does not want his
or her child to attend the selected public charter school may
enroll the child in a different publicly funded school within
the jurisdiction.

(c) Public charter schools.--A public charter school
established under this act is subject to the same accountability
and other standards in place for public charters in the
jurisdiction. A public charter school that takes over the
operation of a school under this article shall continue to serve the entire attendance boundary of the school. Parents petitioning to establish a public charter under this article do not need signatures from another party.

(d) Prohibition.--If the school turnaround or restart option to be implemented is the conversion of the school to a public charter school, the public charter operator selected to operate the school may not have a school in its portfolio that has been under its control for at least five years and has performed in the bottom 50% of schools in this Commonwealth, as measured by the Pennsylvania System of School Assessment.

(e) Specific school turnaround or restart option.--The school district shall adopt and implement the specific school turnaround option or restart option selected by parents in the petition unless the school district makes a finding, in writing and presented at a public meeting, that it is logistically impossible to implement the option. In this case, the school district shall state which of the other school turnaround options or restart options, which must include one of the turnaround options or the conversion of the school to a public charter school, it will implement within the time frame under this section. If the school district finds that the school turnaround option or restart option selected by parents is logistically impossible, it shall submit both the school turnaround option or restart option selected by parents and the school district to the department. If, after review, the department determines that the school turnaround option or restart option selected by parents is logistically possible for the school district to implement, the department shall require the school
district to implement that school turnaround option or restart option selected by parents. Alternatively, if the department determines that it is logistically impossible for the school district to implement the school turnaround option or restart option selected by parents, the department shall select a comparable turnaround or restart model and may consider, but is not limited to, the school district's selected model.

(f) Requirements.--After the selection of the department, implementation of the selected school turnaround option or restart model must be accomplished in the next school year. If the department authorizes the school district to implement the school turnaround option selected by the school district under subsection (e), the school district shall plan and implement the selected plan for that school turnaround option or restart model not later than 180 days after the department authorizes the school district to implement the selected school turnaround option or restart model.

(g) Harassment, threats and intimidation.--Parents shall be free from harassment, threats and intimidation related to:

(1) circulation or signature of a petition;

(2) discouragement in regard to signing a petition; or

(3) revocation of a signature from the petition.

(h) School or school district resources.--School or school district resources may not be used to impede the petitioning process under this section and may not be used to support or oppose an effort by petitioning parents.

Section 1723-D. Department duties.

(a) Regulations.--Within 120 days from the enactment of this article, the Secretary of Education shall adopt regulations to implement the provisions of this article, including, but not
limited to:

(1) the petition format and submission process;

(2) the appeals procedure and timeline if the school
district chooses to implement a restart model or turnaround
option other than that requested by the petitioning parents;

(3) the selection and authorization of the public
charter operator in circumstances where a public charter
school is established under this article; and

(4) the procedures for rescission of parent signatures,
which must specifically provide that signatures may not be
invalidated after the date the petition is submitted on the
grounds that the person who signed the petition has
subsequently revoked the signature.

(b) Records and concerns.--The department shall maintain
records regarding the contents of and outcomes from parental
petitions in order to ensure appropriate implementation of this
section and address concerns identified through regulatory
action.

(c) Partnership program and technical assistance.--The
department shall establish the School-to-school Partnership
Program and provide technical assistance under section 1731-D.

(d) Financial assistance.--The department shall establish
and implement a program to provide financial assistance to a
mentor school in accordance with section 1731-D(c).

(e) Signatures and disposition of petition.--The department
is responsible for verifying petitioners' signatures and making
a decision as to the final disposition of the petition under
section 1721-D(f).

(f) Notification.--The department shall notify the school
district upon receipt of the parental petition and upon its
final disposition of the petition.

Section 1724-D. School district duties.

A school district shall implement the intervention requested by petition under section 1721-D(a) and in accordance with section 1722-D.

(d) Miscellaneous Provisions

Section 1731-D. School-to-school Partnership Program.

(a) Establishment.--The following apply:

(1) The department shall establish a School-to-school Partnership Program and shall provide technical assistance to the participating low-achieving schools and mentor schools. The department shall:

(i) identify and notify schools that qualify as mentor schools;

(ii) create and maintain a Statewide list of schools that elected to be in the program as mentor schools; and

(iii) place the Statewide list established under subparagraph (i) on the department's publicly accessible Internet website.

(2) For purposes of this subsection, a mentor school is a school that:

(i) has been removed from the list of low-achieving schools developed by the department under section 1709-G.1 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971; or

(ii) using the most recent data available, has increased, in the Statewide rankings based on the Pennsylvania System of School Assessment scores, by two or more deciles over the last five years.

(b) Participation.--A school implementing the turnaround...
model or transformational model may participate in the School-to-
school Partnership Program by working with a mentor school
that has successfully transitioned from the list of low-
achieving schools. In doing so, the principal and, at the
discretion of the principal, the staff of a mentor school shall
provide:

    (1) guidance to a low-achieving school to develop a
reform plan for the school using the required elements of the
turnaround or transformation model; and

    (2) guidance and advice on how the mentor school was
able to transform the culture of the low-achieving school and
how that transformation could be replicated at the school
implementing a turnaround or transformation model.

(c) Funding.--The following shall apply:

    (1) To the extent that funds are made available for this
purpose, the department shall provide funding to a school
district for each public school located in the school
district that serves as a mentor school that is proportionate
to the degree of school staff participation in the School-to-
school Partnership Program. A school district that receives
funding under this paragraph shall expend the funding for the
support of each mentor school.

    (2) As a condition for receipt of funds, the principal
and, at the principal's discretion, the staff of a mentor
school shall meet regularly with the assigned low-achieving
school for a period of up to at least three years depending
upon the availability of Federal funds.

Section 1732-D. Notification.
The department shall notify the board of school directors
that one or more of the schools in its jurisdiction have been
identified as a low-achieving school as defined under section 1702-G.1 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

Section 1733-D. Guidelines.

The department may establish guidelines as necessary for the administration of this article. The guidelines must be published in the Pennsylvania Bulletin as statements of policy.

Section 2. This act shall take effect in 60 days.