
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

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INTRODUCED BY EVANS, RIEGER, A. H. WILLIAMS, TANGRETTI,
GODSHALL, READSHAW, SAYLOR, BUNT AND THOMAS, MAY 14, 1997

REFERRED TO COMMITTEE ON URBAN AFFAIRS, MAY 14, 1997

AN ACT

1 Providing for the qualifications of members of the board of
2 education in school districts of the first class;
3 establishing a council for accountability and local school
4 councils; providing for the powers and duties of the councils
5 and for the duties of principals and superintendents;
6 authorizing special programs; and providing for the
7 maintenance of certain offices.

8 TABLE OF CONTENTS

9 Chapter 1. Preliminary Provisions

10 Section 101. Short title.

11 Section 102. Definitions.

12 Chapter 3. Board of Education

13 Section 301. Eligibility for membership.

14 Section 302. Diversity of membership.

15 Section 303. Organization.

16 Chapter 5. Council for Accountability

17 Section 501. Purpose.

18 Section 502. Eligibility for membership.

19 Section 503. Operation.

20 Section 504. Powers and duties.

1 Section 505. Advice and recommendations.
2 Section 506. Meetings.
3 Chapter 7. Local School Councils
4 Section 701. Authorization.
5 Section 702. Eligibility and selection.
6 Section 703. Limitations.
7 Section 704. Terms.
8 Section 705. Election schedule.
9 Section 706. Meetings.
10 Section 707. Council powers and duties.
11 Chapter 9. Principals
12 Section 901. Autonomy.
13 Section 902. Personnel matters.
14 Section 903. School improvement plans.
15 Section 904. Academic advisory committees.
16 Section 905. Performance contract.
17 Section 906. Performance review criteria.
18 Chapter 11. Superintendents
19 Section 1101. Interim performance review process.
20 Section 1102. Performance indicators.
21 Section 1103. Performance incentives.
22 Section 1104. Performance sanctions.
23 Section 1105. Academically failing schools.
24 Section 1106. Academically distressed schools.
25 Section 1107. Rating system.
26 Section 1108. Replacement of local school council.
27 Section 1109. School safety report card.
28 Section 1110. School building report card.
29 Section 1111. Transportation.
30 Chapter 13. Special Programs

1 Section 1301. Full-day kindergarten program.
2 Section 1302. Tuition scholarship program.
3 Section 1303. Eligibility for tuition scholarship program.
4 Section 1304. Education plan requirements.
5 Section 1305. Certification program.
6 Section 1306. Alternative certification authorization.
7 Section 1307. Implementation of alternative certifications.
8 Section 1308. Waiver of residency.
9 Section 1309. Prohibited subjects of negotiations.

10 Chapter 15. Offices within School Districts

11 Section 1501. Facilities management office.
12 Section 1502. Office of information technology.
13 Section 1503. Facilities management information system
14 and planning requirements.

15 Chapter 21. Miscellaneous Provisions

16 Section 2101. Effect on existing collective bargaining
17 agreements.
18 Section 2102. Repeals.
19 Section 2103. Applicability.
20 Section 2104. Effective date.

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

23 CHAPTER 1

24 PRELIMINARY PROVISIONS

25 Section 101. Short title.

26 This act shall be known and may be cited as the First Class
27 School District Reform and Accountability Act.

28 Section 102. Definitions.

29 The following words and phrases when used in this act shall
30 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Board of education" or "board." The board of education in a
3 school district of the first class.

4 "City." A city of the first class.

5 "Cluster leader." An individual who is employed by the board
6 of a school district of the first class to serve as the leader
7 of a cluster consisting of a neighborhood high school,
8 elementary, middle and special schools.

9 "Council for accountability." The council for accountability
10 within a school district of the first class as established under
11 Chapter 5.

12 "Local school council." The local school council or local
13 school councils within a school district of the first class as
14 established under Chapter 7.

15 "Nonpublic school." A nonprofit school, other than a public
16 school within this Commonwealth, wherein a resident of this
17 Commonwealth may legally fulfill compulsory school attendance
18 requirements and which meets the requirements of Title VI of the
19 Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241). The
20 term does not include any nonprofit school that is affiliated
21 with a church or other religious organization.

22 "Principal." An individual who is employed by the board of
23 education of a city of the first class to serve as the principal
24 or to act in the capacity of a principal of a school in the
25 school district of such city.

26 "School" or "school building." A school or school building
27 within a school district of the first class.

28 "School district." Any school district of the first class,
29 including any home rule school district, in existence within a
30 city of the first class on the effective date of this act.

1 "Superintendent." An individual who is elected or appointed
2 by the board of education in a school district of the first
3 class to serve as the district superintendent of such school
4 district.

5 CHAPTER 3

6 BOARD OF EDUCATION

7 Section 301. Eligibility for membership.

8 Beginning with the first mayoral election after the effective
9 date of this act, the members of the board of education shall be
10 registered voters of the city encompassing the school district.
11 Terms of members shall be concurrent with that of the mayor of
12 the city, and members shall continue to serve on the board until
13 their replacements are chosen or until they are reappointed to
14 another term. There shall be no limit on the number of terms
15 that a member may serve on the board.

16 Section 302. Diversity of membership.

17 The members of the board shall include women and members of
18 minority groups. Membership shall be representative of the
19 following in the city: business, labor, community associations,
20 the higher education community, parents of children enrolled in
21 the public school system and representatives of nonpartisan
22 organizations concerned with the improvement of public
23 education.

24 Section 303. Organization.

25 The board shall hold its first meeting within ten days of the
26 appointment of all members by the mayor. The mayor shall appoint
27 both a president and a vice-president of the board. The
28 president and vice-president shall be subject to annual
29 reappointment by the mayor.

30 CHAPTER 5

COUNCIL FOR ACCOUNTABILITY

Section 501. Purpose.

There is established for each school district a council for accountability. The purpose of the council is to assist the school district to fulfill its goals and objectives for the educational attainment of the students served by the district in the most cost-effective manner possible. The council shall be prepared to commence its duties under this act on or before July 1, 1998.

Section 502. Eligibility for membership.

The council shall consist of five members, who shall have experience in one or more of the following areas: education administration, teaching, evaluation of education programs, education policy analysis, financial management in either the private or the public sector or experience in management in either the private or the public sector. Three members of the council shall be appointed by the Governor and two members shall be appointed by the mayor. Members shall serve at the pleasure of their appointing authority. There shall not be any limit on their length of service. The members of the council shall annually select a chairman.

Section 503. Operation.

The council shall employ staff and may enter into contracts for the undertaking of evaluations, management analyses and related studies and research. To the greatest extent possible, the council shall coordinate its efforts with those of other public and private organizations engaged in the oversight of the school district and the monitoring or evaluation of its activities and performance. All expenses of the council shall be paid from State funds, and there shall be a separate line item

1 appropriation within the general appropriation acts for the
2 Commonwealth each fiscal review. The council may seek both
3 Federal funds and grants from any public or private sources.
4 Section 504. Powers and duties.

5 The council shall have the powers and duties necessary or
6 convenient to carry out this act, including, but not limited to,
7 the following:

8 (1) Perform continuous oversight and monitoring of the
9 school district's academic programs and related nonacademic
10 programs and services to assure their effectiveness.

11 (2) Conduct ongoing review of the fiscal affairs of the
12 school district.

13 (3) Develop and implement a plan for the evaluation of
14 the school district as a whole and the performance of
15 individual schools.

16 (4) Give particular emphasis to the evaluation of
17 academic programs and related nonacademic programs and
18 services found in individual schools within the school
19 district where academic achievement exceeds that of the
20 school district as a whole so that such programs and services
21 may be replicated.

22 (5) Evaluate less successful academic programs and
23 related nonacademic programs and services so that they may be
24 either improved or eliminated.

25 Section 505. Advice and recommendations.

26 The council shall provide advice and recommendations to the
27 superintendent in the following areas:

28 (1) The classification of individual schools as either
29 academically failing or academically distressed.

30 (2) The development of plans for assisting individual

1 schools that have been classified as either academically
2 failing or as academically distressed.

3 (3) The development and administration of tests to
4 measure changes in academic performance and the
5 interpretation of the results of such tests.

6 (4) The development of criteria for inclusion in a
7 standard performance-based contract of employment for
8 principals.

9 (5) The development of criteria to measure the progress
10 of schools in meeting district-wide goals and objectives for
11 educational attainment and the publication of results in an
12 annual report.

13 (6) The development of criteria to be used in the
14 evaluation of teacher performance.

15 (7) The development of a program of school performance
16 incentives and rewards.

17 (8) The development of the criteria to be used in
18 student transportation cost indices.

19 (9) The development of the criteria to be used in
20 performance standards for cleaning and maintenance
21 activities.

22 Section 506. Meetings.

23 (a) General rule.--The council shall at a minimum meet four
24 times in public session during the school year. A majority of
25 the full membership of the council shall constitute a quorum,
26 and whenever a vote is taken on any issue before the council, a
27 quorum being present, the affirmative vote of a majority of the
28 votes of the full membership of the then serving council shall
29 determine the outcome.

30 (b) Periodic meetings.--The council shall also schedule

1 periodic meetings at various locations throughout the school
2 district and at times designed to encourage the attendance of
3 parents and the public at large. Meetings under this subsection
4 shall inform both parents and the public at large of the results
5 of the work of the council and shall provide an opportunity for
6 parents and the public at large to inform the council of their
7 views of the progress of the school district in attaining its
8 educational attainment goals.

9 CHAPTER 7

10 LOCAL SCHOOL COUNCILS

11 Section 701. Authorization.

12 For the school year beginning after the first day of July in
13 the year 2000 and for each school year thereafter, each school
14 building in the school district shall be governed by a local
15 school council. The council shall consist of six parents or
16 guardians of students enrolled in that school, two members of
17 the community served by that school, two members of the
18 professional staff assigned for at least 75% of the time to that
19 school and the principal of the school. Any school council
20 organized under the provisions of any collective bargaining
21 agreement in effect on the effective date of this act shall
22 terminate and cease to exist at the end of the 1999-2000 school
23 year.

24 Section 702. Eligibility and selection.

25 (a) Principal.--The principal of a school building shall be
26 an ex officio member of the local school council for that school
27 building.

28 (b) Professional staff.--

29 (1) The two members from the professional staff shall be
30 chosen on the basis of a vote by secret ballot of all members

1 of the professional staff who are assigned, for at least 75%
2 of their time, to the school building. No member of the
3 professional staff may vote for more than two candidates.
4 Those two individuals receiving the highest number of votes
5 shall serve for four-year terms.

6 (2) A vacancy shall be declared in either of these
7 positions whenever a professional staff member of the local
8 school council is no longer assigned for 75% of the time to
9 the school building.

10 (c) Parents, guardians and community members.--

11 (1) The six members from parents or guardians with
12 children enrolled in the school building and the two members
13 from the community shall be chosen by secret ballot. Parents
14 and guardians may vote for local school council members in
15 each school building in which they have a child enrolled.
16 Members of a community who are 18 years of age or older shall
17 vote for local school council members for all school
18 buildings designated as serving the area in which they
19 reside. No voter may select more than four candidates per
20 local school council contest in which the voter is eligible
21 to participate.

22 (2) A vacancy shall be declared whenever a parent or
23 guardian ceases to have a child enrolled in the school or
24 whenever a community member ceases to live within the school
25 building service area.

26 (d) Filling of vacancies.--Vacancies shall be filled by
27 appointment by the local school council within 21 days.

28 (e) Removal.--The superintendent may remove the members of
29 the local school council only if the school has been classified
30 as academically distressed in accordance with section 1106.

1 (f) Disqualification.--No person convicted of an infamous
2 crime shall be eligible to serve as a member of the local school
3 council. For purposes of this section, "infamous crime" means
4 any violation and conviction for an offense which would
5 disqualify an individual from holding public office pursuant to
6 section 6 of Article II of the Constitution of Pennsylvania, 18
7 Pa.C.S. § 4113 (relating to misapplication of entrusted property
8 and property of government of financial institutions) or 18
9 Pa.C.S. Ch. 47 (relating to bribery and corrupt influence), 49
10 (relating to falsification and intimidation), 51 (relating to
11 obstructing governmental operations) or 53 (relating to abuse of
12 office) or any other violation of the laws of the Commonwealth
13 for which an individual has been convicted within the preceding
14 ten years and which is classified as a felony, and any similar
15 violations of the laws of any other state or the Federal
16 Government.

17 Section 703. Limitations.

18 (a) Participation.--No individual may seek election to or be
19 a member of more than one local school council at a time.
20 Candidates for parent or community members of local school
21 councils may not be employees of the school district.
22 Candidates, at the time they file for nomination, must disclose
23 any business relationships with the school district, whether as
24 an individual or member of a business, including any business
25 relationships between the school district and either the spouse
26 or children of the candidate.

27 (b) Conduct.--Members of local school councils shall comply
28 with all applicable State and local financial disclosure and
29 conflict of interest requirements.

30 (c) Immediate family employment or contracts barred.--No

1 immediate family member of a local school council member may be
2 initially hired or rehired as an employee of the school district
3 while the local school council member serves on the local school
4 council. No such immediate family member or local school council
5 member shall hold any interest in any new or renewed contract
6 for the provision of goods or services to the school district
7 after the local school council member is elected to the local
8 school council.

9 Section 704. Terms.

10 Elected members shall serve for a period of four years, and
11 there shall be no limit on the number of terms a member may
12 serve.

13 Section 705. Election schedule.

14 (a) General rule.--On or before December 31, 1999, the
15 superintendent of the school district shall announce a schedule
16 for the election of members of local school councils. The
17 schedule shall contain, at a minimum, the following information:
18 local school council voting district boundaries, the date or
19 dates on which the voting for the election of members of local
20 school councils will occur, the method by which candidates will
21 file for election, the method and locations where ballots will
22 be cast, a process for the resolution of disputes concerning
23 eligibility as a candidate, disputes about election procedures
24 and election results and such other procedures and activities as
25 are required to encourage the broadest participation of school
26 staff, parents and members of the community in the election
27 process. In the event that an insufficient number of candidates
28 apply, the superintendent shall appoint the remaining members of
29 a local school council.

30 (b) Disputes and appeals.--All disputes arising from the

1 election of any members of a local school council shall be
2 resolved by the superintendent. Appeals from a superintendent's
3 decisions may be taken to the board.

4 (c) Initial election.--The initial election for local school
5 councils shall be held prior to the end of the school year
6 ending in the year 2000.

7 Section 706. Meetings.

8 (a) Organizational meeting.--Local school councils shall
9 meet initially no later than the first week in September, 2000
10 for the purpose of electing officers. The chairperson of each
11 local school council must be either a parent or community
12 representative and shall be chosen by majority vote of the
13 members of the council. A vice-chair shall be selected by a
14 majority vote of the members of the local school council.
15 Vacancies of officers shall be filled in the same manner.
16 Elections of officers shall occur annually.

17 (b) Frequency of meetings.--Each local school council shall
18 establish a schedule of meetings and may meet for unscheduled
19 meetings at the call of the chair or by request of a majority of
20 the members of the local school council. All applicable State
21 and local laws governing the announcement and open conduct of
22 meetings shall apply.

23 (c) Quorum and action.--A majority of the full membership of
24 the local school council shall constitute a quorum, and,
25 whenever a vote is taken on any issue before the local school
26 council, a quorum being present, the affirmative vote of a
27 majority of the votes of the full membership of the then serving
28 council shall determine the outcome thereof.

29 (d) Matters regarding principals.--Principals shall not
30 participate in any discussions, actions or activities related to

1 the local school council's decisions concerning the position of
2 principal in the school building. Any decisions concerning the
3 position of principal shall require the vote of a majority of
4 council members, excluding the principal.

5 (e) Expenses.--Members shall serve without compensation but
6 may be reimbursed for expenses.

7 Section 707. Council powers and duties.

8 (a) Employment matters.--Each local school council shall
9 have final approval in all matters related to the employment,
10 performance review, continued employment and replacement of the
11 principal of the school building, subject to the following
12 limitations:

13 (1) A principal shall be hired under the provisions of a
14 performance-based contract developed by the superintendent.

15 (2) Qualifications for individuals seeking the position
16 of principal shall conform to all applicable Federal, State
17 and local laws, all court orders and to all school district
18 policies and criteria.

19 (3) All reviews of the performance of a principal shall
20 be done in accordance with district-wide performance-review
21 criteria and procedures. The criteria and procedures shall be
22 developed and modified from time to time by the
23 superintendent in consultation with representatives of all
24 organizations representing principals within the school
25 district and in conformity with Chapter 9.

26 (4) Where a local school council fails to select a new
27 principal within 60 days of the occurrence of a vacancy, the
28 superintendent shall select the principal.

29 (b) Matters reviewable by superintendent.--Any decision by a
30 local school council not to renew the contract of the principal

1 shall be reviewed within 14 days by the superintendent to assure
2 that all applicable Federal and State laws, court orders and
3 criteria and review procedures have been adhered to by the local
4 school council. The superintendent shall, following such review,
5 either approve or reject the actions of the local school
6 council. In the event of a rejection, the superintendent shall
7 assist the local school council in a second review to assure
8 that such reviews are conducted in conformity with the
9 requirements of this section.

10 (c) Recommendations.--Each local school council shall
11 provide advice and recommendations concerning the school
12 improvement plan developed by the principal and shall provide
13 advice and recommendations to the principal concerning all
14 aspects of the academic programs and nonacademic programs and
15 services available in the school building, including, but not
16 limited to: curriculum, testing of students, instructional
17 resources, types and numbers of staff, use of the school and its
18 facilities for noninstructional purposes, student discipline and
19 school safety issues.

20 (d) Budget plan review.--Each local school council shall
21 review the school budget plan submitted by the principal, as
22 well as modifications to the approved budget during the school
23 year and provide advice and recommendations to the principal on
24 all issues related to the budget. A local school council may
25 petition the board of education for waivers of districtwide
26 policies and standards. A local school council may seek, with
27 the approval of the board of education, modifications in the
28 terms of collective bargaining agreements that are agreed to in
29 negotiations with the sole and exclusive bargaining
30 representatives of employees in the school building.

1 (e) Public involvement.--Each local school council shall
2 develop a public participation and outreach policy designed to
3 both inform parents and the community concerning academic
4 achievement within the school and to encourage to the greatest
5 extent possible participation by parents and members of the
6 community in school activities.

7 (f) Special public meetings.--Each local school council
8 shall provide for periodic public meetings to provide
9 information to parents and members of the community on such
10 topics as the annual report, the development and modification of
11 the school improvement plan, the annual school budget and other
12 issues that the local school council deems important to parents
13 and members of the community.

14 (g) Annual report.--Each local school council shall annually
15 prepare a report on school performance following the close of
16 the school year.

17 CHAPTER 9

18 PRINCIPALS

19 Section 901. Autonomy.

20 (a) Academic achievement and resource management.--Beginning
21 the school year 2000-2001, and each school year thereafter,
22 principals, to the greatest extent possible, shall be given the
23 autonomy necessary to improve both the academic achievement of
24 the pupils in their charge and to manage the resources provided
25 to them in an effective and efficient manner.

26 (b) Budget development and implementation.--Principals shall
27 develop and implement the school district budget based on a lump
28 sum allocation distributed by the superintendent. Principals may
29 amend the school building budget as required to meet changing
30 conditions and priorities during the school year. Decisions

1 concerning the expenditure of funds shall conform to the
2 requirements of all applicable collective bargaining agreements,
3 Federal and State laws, court orders and district-wide policies
4 and standards.

5 Section 902. Personnel matters.

6 (a) General rule.--Principals shall exercise direct control
7 over all personnel assigned to work in their school buildings
8 and all personnel shall report to the principal. Principals
9 shall not be precluded from entering into cooperative working
10 relationships with any other administrative or management
11 agencies of the school district if such other arrangements are
12 found to promote greater educational attainment or the more
13 efficient and effective use of personnel and resources.
14 Principals shall have sole discretion concerning the assignment
15 of staff and pupils.

16 (b) Selection.--In the matter of the selection of personnel,
17 principals shall select candidates for appointment based on
18 merit and the ability to perform the duties of the position in
19 question, without regard to seniority or length of service. In
20 cases where the furlough of personnel is required, the same
21 criteria shall be used to determine which members of the current
22 staff are to be retained. The final selection of personnel shall
23 be in conformity with all applicable Federal, State and local
24 laws, court orders and policies and procedures of the school
25 district, provided, however, that no consideration may be given
26 for seniority or length or service.

27 Section 903. School improvement plans.

28 (a) Duty to prepare and implement.--Principals shall prepare
29 and implement a multiyear school improvement plan that conforms
30 to school districtwide goals and objectives and incorporates

specific goals and objectives of the local school council.

(b) Contents.--The plan shall specify, at a minimum:

(1) The educational achievement goals in both academic and nonacademic areas and the instructional programs and noninstructional programs and services to be provided to attain the goals.

(2) A timetable for meeting the goals and the process by which attainment is to be measured.

(3) The manner in which school personnel and school resources will be utilized to meet the goals.

(4) The staff development activities that will be undertaken to support student achievement and improve teaching.

(5) The policies and procedures that will be used to assure a physical environment that is safe and secure and conducive to both teaching and learning.

(6) The manner in which resources will be used in the most effective and efficient manner possible.

(7) The linkages that will be made to programs and services outside of the school to support the educational attainment goals of the school building.

(8) The steps that will be taken to both inform parents and the community of the school's performance and to encourage the participation of parents and the community in the school in furtherance of its educational attainment goals.

(9) The budget to be implemented for the support of the school improvement plan.

(c) Staff participation.--Principals shall, to the greatest extent possible, involve the professional and nonprofessional

1 staff in the development, modification and implementation of the
2 school improvement plan.

3 Section 904. Academic advisory committees.

4 Each school shall form an academic advisory committee. One-
5 half of the members of this committee shall be chosen by the
6 professional staff and one-half of the members of the committee
7 shall be chosen by the principal. The committee shall provide
8 advice and recommendations to the principal in regard to all
9 aspects of the academic programs of the school building and, at
10 the request of the principal, in other areas as well.

11 Section 905. Performance contract.

12 (a) General rule.--Each principal shall be employed under
13 the terms and conditions of a performance-based contract and
14 shall no longer be included in any requirements in State law
15 relating to the granting of tenure to public school employees.
16 The term of the contract shall be for four years, without limit
17 on the number of renewals. Principals who transfer from one
18 school to another shall do so under the terms of a new four-year
19 contract. Principals shall not be required to accept a transfer
20 to another school building except in conjunction with a
21 superintendent's plan for the remediation of a school declared
22 academically distressed under section 1106.

23 (b) Renewal based on performance review.--Each local school
24 council, with the support and assistance of cluster leaders
25 shall evaluate and review the performance of a principal and
26 vote to either renew or to not renew the contract of the
27 principal. Each principal shall be subject to such review every
28 four years. The review shall be in lieu of and shall supersede
29 any other review process in effect on the effective date of this
30 act to determine whether a principal's performance has been

1 satisfactory or unsatisfactory.

2 Section 906. Performance review criteria.

3 (a) General rule.--Principals shall be evaluated based on
4 their:

5 (1) instructional leadership skills;

6 (2) management skills;

7 (3) ability to develop and implement a budget that
8 supports the educational attainment goals of the school
9 building; and

10 (4) ability to maintain positive educational and
11 learning environment.

12 (b) Leadership skills.--Leadership skills shall be
13 demonstrated, at a minimum, in terms of the following:

14 (1) leadership and motivation;

15 (2) problem solving and decision making;

16 (3) management of resources;

17 (4) effective budget development and execution;

18 (5) communication with staff, students, parents and the
19 community;

20 (6) the ability to foster interpersonal relationships;

21 (7) supervision of staff and staff development;

22 (8) promotion of parental involvement, including taking
23 into account conflicting parental obligations and employment
24 responsibility.

25 (c) Parental involvement.--Parental involvement shall
26 include, at a minimum, opportunities for parents:

27 (1) to volunteer services in the school building and
28 interact with teachers; and

29 (2) to participate in meetings with the principal and
30 other members of the staff at times which are convenient for

1 the parents.

2 (d) Educational attainment.--Educational attainment shall be
3 demonstrated, at a minimum, in terms of the following:

4 (1) ability to develop a quality school improvement
5 plan;

6 (2) continued advancement toward meeting student
7 educational attainment goals;

8 (3) the quality of the instructional program and the
9 instructional skills of the professional staff;

10 (4) staff development; and

11 (5) the improvement of staff competencies and
12 opportunities for staff development.

13 CHAPTER 11

14 SUPERINTENDENTS

15 Section 1101. Interim performance review process.

16 Beginning with school year 2000-2001, and each school year
17 thereafter, the superintendent shall develop an interim review
18 process. The process shall be used by local school councils,
19 with the assistance of cluster leaders, to assist principals in
20 the improvement of their performance and to correct areas of
21 deficiency in the performance of their duties and
22 responsibilities during the course of a four-year contract
23 period.

24 Section 1102. Performance indicators.

25 (a) General rule.--The superintendent shall develop and
26 implement a system of performance indicators to be used to
27 assess the performance of schools in meeting their goals for
28 educational attainment.

29 (b) Nature of indicators.--Indicators shall be quantifiable
30 and shall include, at a minimum:

- 1 (1) results in reading, math and science;
- 2 (2) promotion rates and persistence rates, where
- 3 applicable;
- 4 (3) student attendance; and
- 5 (4) staff attendance.

6 (c) Review and use of indicators.--The indicators shall be
7 periodically reviewed and revised by the superintendent and
8 shall be used to establish districtwide goals for educational
9 attainment and individual school annual targets for progress in
10 meeting goals for educational attainment.

11 Section 1103. Performance incentives.

12 (a) General rule.--The superintendent shall develop and
13 implement a program of cash awards and recognition for schools
14 that exhibit progress in attaining their goals of educational
15 attainment. A performance index shall be developed to measure
16 the progress made by individual schools in meeting predetermined
17 growth as defined by the superintendent.

18 (b) Purposes of cash awards.--Cash awards shall be used for
19 the following purposes:

- 20 (1) improvement of a school's physical plant;
- 21 (2) the purchase of additional equipment and materials;
- 22 (3) projects that permit expanded participation in
- 23 professional development activities; and
- 24 (4) projects that permit additional student
- 25 participation in educational, cultural, athletic or
- 26 extracurricular activities.

27 (c) Prohibition.--No direct cash payments to school
28 personnel shall be permitted.

29 (d) Review of expenditures.--The local school council shall
30 approve the expenditure of any funds received and designated for

1 cash awards under this section.

2 (e) Source of funding.--The superintendent may seek funds
3 for incentive awards from any Federal, State, local, public or
4 private sources which are available for such purposes.

5 Section 1104. Performance sanctions.

6 Beginning with school year 2000-2001, and each school year
7 thereafter, the superintendent shall develop and implement
8 programs for assistance to schools that do not meet their goals
9 for educational attainment and are classified in either category
10 specified in section 1105 or 1106.

11 Section 1105. Academically failing schools.

12 (a) General rule.--Beginning with school year 2000-2001, and
13 each school year thereafter, the superintendent shall classify
14 any school that either fails to progress or fails to progress at
15 a rate sufficient to meet its individual targets for progress in
16 the educational attainment of its students as academically
17 failing.

18 (b) Evaluation and plan.--For any school building classified
19 as academically failing, the superintendent shall direct an
20 evaluation of the school's academic programs and its nonacademic
21 programs and services and a review of its management practices.
22 Based on the results of these analyses, the superintendent and
23 the local school council shall devise a plan to remedy any
24 deficiencies found. The superintendent shall annually evaluate
25 the progress made by a school to determine if it should continue
26 to be classified as academically failing.

27 (c) Existing programs.--No program in effect on the final
28 passage of this act that is utilized by the school district for
29 assistance to school buildings found to be in need of
30 reconstitution or considered for designation as in need of

1 reconstitution shall be available for use in any school building
2 not already participating in such a program as of July 1, 2000.

3 Section 1106. Academically distressed schools.

4 (a) General rule.--Beginning with school year 2000-2001, and
5 each school year thereafter, the superintendent shall classify
6 any school that has been classified under section 1105(a) for a
7 period of two full school years as academically distressed.

8 Schools which experience a decline in overall performance shall
9 also be classified as academically distressed.

10 (b) Remediation plan.--The superintendent shall implement a
11 plan of remediation for any school classified under subsection

12 (a) which may include the following:

13 (1) revision of the school improvement plan;

14 (2) revision of the school budget;

15 (3) reassignment of a principal to other duties;

16 (4) termination of a principal's performance contract;

17 (5) reassignment of members of the staff;

18 (6) voluntary participation by members of the staff in a
19 peer intervention program;

20 (7) mandatory staff development, if participation in a
21 peer intervention program is either not chosen or is not
22 available for any reason;

23 (8) replacement of the members of local school council
24 by individuals, otherwise eligible for membership, who shall
25 be chosen by the superintendent to serve out the remainder of
26 the previous members' terms of office; and

27 (9) the dissolution of the school building or any of its
28 components.

29 Section 1107. Rating system.

30 By the first day of the school year 2000-2001, the

1 superintendent shall develop and implement a teacher evaluation
2 system for the determination of satisfactory or unsatisfactory
3 performance. Such evaluation system shall, at a minimum, give
4 weight and consideration to the following factors: personality,
5 preparation, technique, pupil reaction, and pupil educational
6 attainment.

7 Section 1108. Replacement of local school council.

8 Except as provided in section 1106, no superintendent shall
9 remove or replace the members of a local school council.

10 Section 1109. School safety report card.

11 (a) Development and collection of information.--The
12 superintendent shall develop and distribute forms to all schools
13 in the school district which shall be used to report information
14 on activity involving criminal offenses and breaches of school
15 discipline policy. The information shall include whether the
16 activities are committed:

17 (1) by students, employees and other juveniles and
18 adults;

19 (2) on school property or school vehicles; or

20 (3) during the course of school-sponsored events.

21 Categories of offenses to be reported shall, at a minimum,
22 include those used by the Pennsylvania State Police.

23 (b) Distribution.--Following the close of the school year
24 each year, the superintendent shall distribute to each school a
25 report of the information reported under subsection (a). The
26 report shall be referred to as a school safety report card, and
27 it shall be included in the annual school report prepared by the
28 local school council under section 707(g).

29 (c) Comprehensive report.--The superintendent shall,
30 following the close of the school year each year, issue a school

1 safety report card for the school district as a whole and each
2 of its schools.

3 Section 1110. School building report card.

4 (a) Development and collection of information.--The
5 superintendent shall compile the performance indicators used to
6 assess the performance of schools under section 1102 and shall
7 include the information in a report which shall be referred to
8 as a school building report card. Such report shall be prepared
9 on an annual basis. The information in the report shall be
10 presented in a numeric format and in such a manner that
11 comparisons to the results from prior school years may be made.

12 (b) Distribution.--Each school shall also be provided with
13 its own results that will be included in the annual school
14 report prepared by the local school council under section
15 707(g).

16 Section 1111. Transportation.

17 The superintendent shall develop and maintain cost indices
18 for the provision of transportation services that are based on
19 generally accepted principles for accounting for transportation
20 costs. Where cost effective and consistent with student health
21 and safety concerns, the superintendent shall use private sector
22 providers of transportation services. Vacancies in any positions
23 involving transportation services shall be filled by selection
24 of the most qualified personnel without regard to the seniority
25 or length of service of applicants. The school district shall
26 not agree during any collective bargaining negotiations to
27 establish any limits on the use of private sector vendors for
28 any activities related to the provision of transportation
29 services.

30

CHAPTER 13

SPECIAL PROGRAMS

Section 1301. Full-day kindergarten program.

Any full-day kindergarten program offered by a school district during the 1996-1997 school year shall be offered in each school year thereafter.

Section 1302. Tuition scholarship program.

(a) General rule.--Beginning with the school year 2000-2001, and each school year thereafter, the school district shall offer a tuition scholarship program so that eligible students of the school district may, under circumstances specified in section 1303, attend other public or nonpublic schools.

(b) Parameters.--

(1) The school district shall establish annual limits on the number of students who may participate and the total amount of funds that may be expended, whether from public or private sources.

(2) All costs of placement into a public or nonpublic school shall be borne by the school district.

(3) The superintendent shall maintain a list of public and nonpublic schools eligible for participation.

(4) Eligible students may use the tuition scholarships at any public school in this Commonwealth.

(5) In order for eligible students to use the tuition scholarship at a nonpublic school, the nonpublic school shall operate in conformity with all applicable Federal, State and local laws or court orders and must maintain a policy of nondiscrimination for applicants.

Section 1303. Eligibility for tuition scholarship program.

(a) General rule.--To be eligible for the tuition scholarship program, students whose parents or guardians request

1 their participation in the program shall meet the following
2 criteria:

3 (1) The students shall be enrolled in a school that is
4 classified as academically distressed under section 1106.

5 (2) The student shall come from a low-income family.

6 (3) The superintendent shall find the student to be at
7 risk of academic failure.

8 (b) Approval.--The board of education shall approve all
9 recommendations for the awarding of tuition scholarships.

10 Section 1304. Education plan requirements.

11 The superintendent, in conjunction with the parent or
12 guardian, shall develop an educational plan for each student
13 awarded a tuition scholarship under section 1302. The public or
14 nonpublic school that the student attends shall agree to all
15 terms and conditions in the educational plan. The superintendent
16 shall annually evaluate the educational attainment of all
17 students receiving a tuition scholarship prior to the renewal of
18 a scholarship or continued placement in the public or private
19 school.

20 Section 1305. Certification program.

21 Beginning with the fifth school year after the effective date
22 of this act, the superintendent shall assure that all newly
23 hired teachers who are certified in elementary education
24 demonstrate competency to provide instruction in the areas of
25 reading, math, and science education. The superintendent, with
26 the assistance of the Secretary of Education, shall select a
27 test or tests designed to assure these competencies and shall
28 administer them to every applicant for employment as an
29 elementary education instructor in the school district. If the
30 superintendent determines that this requirement will for any

1 reason or reasons have a deleterious impact on the educational
2 programs of the school district, notification of such impacts
3 shall be provided to the Secretary of Education who shall grant
4 a waiver from compliance with this section.

5 Section 1306. Alternative certification authorization.

6 (a) General rule.--The superintendent may establish a
7 program of alternative certification to aid in the recruitment
8 of individuals to fill vacant or new teaching positions in
9 subject areas that are identified by the superintendent to be
10 experiencing shortages of qualified applicants.

11 (b) Review.--By the end of the fifth school year following
12 the final passage of this act, the council for accountability
13 shall assess the operation of the program of alternative
14 certification and provide recommendations on continued use of
15 that program.

16 Section 1307. Implementation of alternative certifications.

17 (a) Application.--Individuals shall apply directly to the
18 school district to participate in the alternative certification
19 program. To be eligible for acceptance, an individual must
20 possess a baccalaureate degree in a subject area with a shortage
21 of qualified applicants and obtain passing scores on all tests
22 required by the Secretary of Education.

23 (b) Approval by Secretary of Education.--Following a
24 determination of eligibility, the school district shall request
25 from the Secretary of Education permission to enroll the
26 applicant in the alternative certification program. The
27 Secretary of Education shall approve such a request if all of
28 the following requirements are satisfied:

29 (1) The applicant agrees to pay all costs related to the
30 provision of the alternative certification program, including

1 all payments to school district staff who participate as
2 experienced certified teachers or as members of a support
3 team.

4 (2) The applicant enrolls in and meets the requirements
5 of a program of instruction at an approved college or
6 university in this Commonwealth or satisfies such
7 requirements by participation in a program conducted by the
8 school district and approved by the Secretary of Education.

9 (3) The school district implements an individualized
10 plan of classroom support that requires, at a minimum:

11 (i) four weeks of classroom experience under the
12 direct observation and supervision of an experienced
13 certified teacher;

14 (ii) ten weeks of classroom experience under the
15 observation of a support team and including a formal
16 evaluation by the principal; and

17 (iii) classroom experience through the end of the
18 school year under the observation of a support team, with
19 formal evaluations by the principal at both the midpoint
20 and end of this phase.

21 (c) Issuance of certificate.--Following the successful
22 completion of these requirements and the successful passage of
23 any tests required by the Secretary of Education, the
24 Instructional I certificate shall be issued.

25 (d) Permanent bar to participation.--Individuals who have
26 failed to meet all requirements after two years shall be barred
27 from continued participation.

28 Section 1308. Waiver of residency.

29 Any teacher hired after the effective date of this act shall
30 be exempt from any residency requirement until the first day of

1 the school year following the granting of permanent tenure to
2 the teacher by the school district.

3 Section 1309. Prohibited subjects of negotiations.

4 (a) General rule.--No school district shall engage in
5 collective bargaining negotiations concerning the following
6 subjects:

7 (1) Decisions related to contracts with third parties
8 for the provision of any goods or services and any issues
9 related to the impacts of such actions on current school
10 employees.

11 (2) Decisions related to layoffs and reductions in force
12 for any reason.

13 (3) Decisions related to staffing patterns and
14 assignments, class schedules, academic calendar, hours and
15 places of instruction, pupil assessment policies, the
16 granting of teacher preparation time and any issues related
17 to the impact of these activities on school employees.

18 (4) Decisions related to the use, continuation and
19 expansion of any programs designated by the superintendent as
20 pilot or experimental.

21 (5) Decisions related to any measures taken as a result
22 of a school's designation as either academically failing or
23 academically distressed.

24 (b) Implementation.--This section shall apply to any
25 contract executed or renewed after June 30, 1997.

26 (c) Past practices.--Any past practices contained in any
27 contracts now in effect and deemed by the superintendent to be
28 in conflict with this section shall be discontinued in any
29 contract executed or renewed after June 30, 1997.

1 OFFICES WITHIN SCHOOL DISTRICTS

2 Section 1501. Facilities management office.

3 (a) General rule.--Each school district shall maintain a
4 facilities management office. There shall be an executive
5 director for the office who shall report directly to the
6 superintendent.

7 (b) Duties.--The executive director shall develop and
8 maintain:

9 (1) performance standards for cleaning and maintenance
10 activities; and

11 (2) productivity standards and a program of financial
12 incentives by the start of the school year 2000-2001.

13 (c) Personnel.--The school district shall appoint staff to
14 the office based solely on merit and without regard to seniority
15 or length of service. The school district shall not agree during
16 any collective bargaining negotiations to establish any limits
17 on the use of private sector vendors for any activities related
18 to the provision of any custodial or maintenance services.

19 (d) Competitive bidding and funding.--School principals may
20 bid out their maintenance and custodial functions to the lowest
21 responsible bidder. By the 2000-2001 school year the school
22 district's cleaning and maintenance functions shall be totally
23 funded by payments from school building-budgeted funds for
24 services rendered.

25 Section 1502. Office of information technology.

26 Each school district shall maintain an office of information
27 technology. A chief information officer shall direct the
28 activity of the office and shall report directly to the
29 superintendent. All matters related to the educational and
30 administrative technology programs of the school district shall

1 be within the scope of responsibilities of the chief information
2 officer. The chief information officer shall provide leadership
3 in the planning and management of the school district's
4 technology and shall be responsible for the prioritization of
5 all management information system projects.

6 Section 1503. Facilities management information system and
7 planning requirements.

8 (a) General rule.--On or before the school year 2000-2001,
9 the school district shall develop and implement a facilities
10 management information system. Such system shall, at a minimum,
11 contain the following information:

12 (1) Project categories.

13 (2) Major renovation projects.

14 (3) Alteration and improvement projects.

15 (4) New construction projects.

16 (5) Justification for each project, to include such
17 factors as enrollment changes, installation of new
18 technologies and programs, health and safety concerns and
19 school security requirements.

20 (6) Costs and potential source of funds.

21 (7) Project priority.

22 (8) Utilization of leased and rental facilities.

23 (9) Utilization of school facilities for nonschool
24 related reasons.

25 (b) Capital plan.--The information required by this section
26 shall be used to develop and update a capital facilities
27 construction and improvement plan for the current school year
28 and the succeeding five school years.

29 (c) Work order system.--The superintendent shall develop and
30 maintain a work order system to ensure that proper maintenance

1 is taking place on a cost-effective and timely basis. This
2 system shall measure performance based on statistics such as
3 work order status itemized by each school cluster or region,
4 time to complete, size and age of backlog and the number of
5 duplicated work orders that may be in the system.

6 CHAPTER 21

7 MISCELLANEOUS PROVISIONS

8 Section 2101. Effect on existing collective bargaining
9 agreements.

10 Nothing contained in this act shall supersede or preempt any
11 provisions of an existing collective bargaining agreement
12 between a school district and an employee organization that is
13 in effect on the effective date of this act.

14 Section 2102. Repeals.

15 All acts and parts of acts are repealed insofar as they are
16 inconsistent with this act.

17 Section 2103. Applicability.

18 This act shall apply only to school districts of the first
19 class.

20 Section 2104. Effective date.

21 This act shall take effect immediately.