

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1192 Session of 2010

INTRODUCED BY PICCOLA, DINNIMAN, BROWNE, EARLL, RAFFERTY,
WASHINGTON, WILLIAMS AND BOSCOLA, FEBRUARY 1, 2010

REFERRED TO EDUCATION, FEBRUARY 1, 2010

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," further providing for definitions;
6 and providing for empowering the Department of Education,
7 school districts, schools and parents of school children to
8 undertake measures necessary to improve the academic
9 performance of students.

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

12 Section 1. The definition of "warning" in section 102 of the
13 act of March 10, 1949 (P.L.30, No.14), known as the Public
14 School Code of 1949, amended December 23, 2003 (P.L.304, No.48),
15 is amended to read:

16 Section 102. Definitions.--When used in this act the
17 following words and phrases shall have the following meanings:

18 * * *

19 "Warning." Classification as provided in 22 Pa. Code § 403.3
20 (relating to single accountability system) indicating that a
21 school or school district has failed to make [its academic

performance targets] adequate yearly progress for one year.

Section 2. The act is amended by adding an article to read:

ARTICLE XVII-C

2010 EDUCATION EMPOWERMENT ACT

Section 1701-C. 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:

"Board of school directors." The term shall include the following:

(1) The board of school directors of a school district.

(2) The board of trustees of a charter school.

(3) The joint operating committee of a comprehensive vocational-technical school.

"Corrective action I." Classification as provided in 22 Pa. Code § 403.3 (relating to single accountability system) indicating that a school or school district failed to make adequate yearly progress for four consecutive years in the same academic subject thereby requiring the development of a corrective action plan.

"Corrective action II." Classification as provided in 22 Pa. Code § 403.3 (relating to single accountability system) indicating that a school or school district failed to make adequate yearly progress for five or more consecutive years in the same academic subject thereby requiring the development of a corrective action plan.

"Corrective action plan." A school district's plan or school-level plan designed to improve the academic performance of a school district or a school designated for corrective action I or corrective action II in year one, two or three.

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

3 "Improvement I." Classification as provided in 22 Pa. Code §
4 403.3 (relating to single accountability system) indicating that
5 a school or school district failed to make adequate yearly
6 progress for two consecutive years in the same academic subject
7 thereby requiring the development of an improvement plan.

8 "Improvement II." Classification as provided in 22 Pa. Code
9 § 403.3 (relating to single accountability system) indicating
10 that a school or school district failed to make adequate yearly
11 progress for three consecutive years in the same academic
12 subject thereby requiring the development of an improvement
13 plan.

14 "Improvement plan." A school-level or school district's plan
15 designed to improve the academic performance of a school or a
16 school district designated for warning, improvement I or
17 improvement II.

18 "Making progress." The status of a school or school district
19 designated for warning, improvement I, improvement II,
20 corrective action I or corrective action II in a school year and
21 that makes adequate yearly progress in the subsequent and most
22 recent school year.

23 "Restructuring plan." A school-level or school district's
24 plan designed to improve the academic performance of a school or
25 a school district placed under the control of a school reform
26 commission under section 1706-C(f).

27 "School." A public school in this Commonwealth including a
28 charter school and a comprehensive area vocational-technical
29 school.

30 "School year." The period of time elapsing between the

opening of the public schools in the fall of one year and the
closing of the public schools in the spring of the following
year.

"Secretary." The Secretary of Education of the Commonwealth.

"State plan." The plan for the implementation of the No
Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat.
1425) approved by the United States Department of Education.

"Student subgroup." One of the specific groups of students
designated in the definition of "adequate yearly progress" under
section 1111(b) (2) (C) (v) (II) of the No Child Left Behind Act of
2001 (Public Law 107-110, 115 Stat. 1425) for which adequate
yearly progress is measured separately.

Section 1702-C. Annual report.

By August 15 of each school year, the department shall issue
electronically an annual report that shall do the following:

(1) Identify the schools and school districts that have
made adequate yearly progress for all students and for each
student subgroup for the immediately preceding school year.

(2) Identify the schools and school districts that have
failed to make adequate yearly progress based upon failure to
meet academic performance targets for all students and for
each student subgroup for the immediately preceding school
year.

(3) Designate the schools and school districts
referenced in paragraph (2) for classification in one of the
following categories:

(i) Warning.

(ii) Improvement I.

(iii) Improvement II.

(iv) Corrective action I.

1 (v) Corrective action II.

2 (vi) Making progress.

3 Section 1703-C. School districts and schools designated for
4 warning.

5 (a) School districts.--Each school district designated for
6 warning shall appoint an improvement team within 30 days of
7 publication of the annual report required under section 1702-C.
8 Appointments to the improvement team for a school district shall
9 be made by the board of school directors in consultation with
10 the superintendent of the school district.

11 (b) Schools.--The following shall apply to schools
12 designated for warning:

13 (1) The board of school directors of a school district
14 in which a school is designated for warning shall ensure that
15 the school designated for warning has appointed an
16 improvement team within 30 days of publication of the annual
17 report required under section 1702-C. Appointments to the
18 improvement team shall be made by the board of school
19 directors in consultation with the school principal and the
20 superintendent of the school district.

21 (2) In the case of a charter school, the improvement
22 team shall be appointed by the board of trustees of the
23 school within 30 days of publication of the annual report
24 required under section 1702-C. The improvement team shall
25 include a representative from the governing body or
26 administration of the chartering entity.

27 (3) In the case of a vocational-technical school, the
28 improvement team shall be appointed by the joint operating
29 committee of the vocational-technical school within 30 days
30 of publication of the annual report required under section

1 1702-C.

2 (4) A school district not designated for warning which
3 includes a school designated for warning may assign an
4 advisory team to evaluate the academic and fiscal needs of
5 the school and present recommendations designed to improve
6 academic performance to the improvement team. The advisory
7 team may also assist the improvement team with the
8 development of the improvement plan.

9 (c) Duties of improvement team.--An improvement team shall
10 have the following powers and duties:

11 (1) To design an improvement plan under this section and
12 to submit the plan to the board of school directors of the
13 school district within 90 days of publication of the annual
14 report required under section 1702-C.

15 (2) To begin implementing the improvement plan
16 immediately upon approval of the board of school directors.

17 (3) To provide periodic reports on the implementation of
18 the improvement plan to the board of school directors.

19 (4) To meet periodically to review implementation of the
20 improvement plan.

21 (5) To seek technical assistance from the department or,
22 in the case of a school, from the school district in the
23 design and implementation of the plan.

24 (d) Improvement plan.--Within 90 days of publication of the
25 annual report required under section 1702-C, the improvement
26 team for each school and school district designated for warning
27 shall present an improvement plan to its board of school
28 directors. The board of school directors shall review and
29 approve, approve with modifications or disapprove the
30 improvement plan within 30 days of its submission.

1 (e) Contents.--The improvement plan shall provide an
2 analysis of the effectiveness of the current practices of the
3 school or school district in the areas of curriculum, teaching
4 techniques, school climate, school leadership, staffing and the
5 use of time, technology and resources. The plan shall do the
6 following:

7 (1) Include specific references to supporting data about
8 student achievement.

9 (2) Address the academic achievement problem or problems
10 that caused the warning designation, including the student
11 subgroups that failed to make adequate yearly progress.

12 (3) Include measurable annual objectives for continuous
13 and substantial progress for each subgroup identified in
14 paragraph (2).

15 (f) Improvement program.--Based on an analysis of the data
16 provided under subsection (e), the improvement team shall set
17 forth its improvement program for each of the areas listed in
18 subsection (e)(2). The improvement program shall set forth
19 academic performance objectives for each area.

20 (g) Improvement strategies.--The plan shall include
21 research-based strategies for achieving the academic performance
22 objectives identified in subsection (f). Strategies may include
23 the following:

24 (1) The school district or school may publish a
25 performance data report and distribute the report to the
26 parents of students attending the school or school district.

27 (2) The school district may design and implement a
28 program that would allow a student attending a school
29 designated for warning to transfer to another school that is
30 not designated for warning within the school district upon

1 the request of a parent.

2 (3) The school district or school may appoint a person
3 or organization not affiliated with the school district or
4 school to review the programs of the school district or
5 school and make recommendations for improvement.

6 (4) The school district or school may work with a
7 curriculum committee appointed by the department from the
8 intermediate unit serving the school district or school. The
9 curriculum committee may:

10 (i) Assist the school district or school with
11 curriculum development.

12 (ii) Assist principals and teachers in presenting
13 the curriculum.

14 (iii) Meet with principals to review progress
15 monthly.

16 (5) The school district or school may plan and make
17 available to its principals and teachers continuing
18 professional education options that shall be specific to the
19 academic performance objectives of the school district or
20 school.

21 (6) The school district or school may establish a parent
22 advisory committee.

23 (7) The school district or school may evaluate whether
24 the school district or school has the resources to reduce
25 class sizes in classrooms that fail to meet performance
26 targets. To the extent resources are available, the school
27 district or school may undertake class-size reductions.

28 (8) The school district or school may evaluate whether a
29 school that fails to meet performance targets should be
30 converted to a charter school and may undertake the

1 conversion of the school. A conversion to a charter school
2 under this article shall be subject to the provisions of
3 section 1711-C.

4 (9) The school district or school may offer tutoring
5 programs to students whose most recent results on the
6 Pennsylvania System of School Assessment test, the Keystone
7 Exam, an equivalent local assessment or another test
8 established by the State Board of Education to meet the
9 requirements of section 2603-B(d)(10)(i) were below
10 proficient.

11 (10) The improvement plan may include additional
12 elements that the board of school directors deems necessary
13 to improve the academic performance of the school district or
14 school.

15 (h) Evidence of effectiveness.--The improvement plan shall
16 set forth evidence of the effectiveness of the strategies that
17 shall be implemented.

18 (i) Duties of the school board.--The board of school
19 directors of a school district designated for warning or of a
20 school district in which a school is designated for warning
21 shall have the following powers and duties:

22 (1) Review and approve, approve with modifications or
23 disapprove the improvement plan required under this section
24 within 30 days of the submission of the improvement plan to
25 the board of school directors.

26 (2) Ensure that parents are notified of the warning
27 designation.

28 (3) Take actions necessary to implement the approved
29 improvement plan.

30 (j) Technical assistance.--For school districts and schools

designated for warning, the department shall provide technical assistance directly or through the intermediate unit and in accordance with the provisions of section 1707-C.

(k) Effect of making adequate yearly progress.--

(1) A school district or school designated for warning that makes adequate yearly progress in the same academic subject in the school year following the warning designation shall be designated as making progress. The improvement team and the improvement plan established under this section shall remain in place for the school year following the making progress designation.

(2) A school district or school designated as making progress under paragraph (1) that fails to make adequate yearly progress in the same academic subject for the school year following the making progress designation shall be designated for improvement I.

(3) The improvement team may disband when the school district or school has made adequate yearly progress in the same academic subject for two consecutive school years.

Section 1704-C. School districts and schools designated for improvement I or improvement II.

(a) School districts.--The following shall apply to school districts that have been designated for improvement I or improvement II:

(1) The board of school directors of each school district designated for improvement I or improvement II shall appoint an improvement team consisting of at least eight members within 30 days of publication of the annual report required under section 1702-C. Appointments to the improvement team for a school district shall be made by the

1 board of school directors in consultation with the
2 superintendent of the school district.

3 (2) Members of the improvement team shall be subject to
4 approval by the department and include the following:

5 (i) A teacher employed by the school district
6 selected by all teachers in the district.

7 (ii) An administrator employed by the school
8 district.

9 (iii) A member of the board of school directors of
10 the school district.

11 (iv) No fewer than two parents of students enrolled
12 in the school district.

13 (v) A member of the school district's pupil services
14 staff.

15 (3) Additional members of the improvement team may
16 include:

17 (i) Staff members from the intermediate unit serving
18 the school district.

19 (ii) Teachers employed by other school districts.

20 (iii) Administrators employed by other school
21 districts.

22 (iv) School board members from other school
23 districts.

24 (v) Faculty members from colleges and universities
25 in this Commonwealth with particular expertise in school
26 improvement.

27 (vi) Local business representatives.

28 (vii) Community leaders.

29 (4) The board of school directors shall select one of
30 the members as chairperson of the improvement team.

1 (b) Schools.--The following shall apply to schools
2 designated for improvement I or improvement II:

3 (1) The board of school directors of a school district
4 in which a school is designated for improvement I or
5 improvement II shall ensure that the school designated for
6 improvement has appointed an improvement team comprised of no
7 fewer than six and no more than ten members within 30 days of
8 the publication of the annual report required under section
9 1702-C. Appointments to the improvement team shall be made by
10 the board of school directors in consultation with the school
11 principal and the superintendent of the school district or
12 the chief school administrator of the school.

13 (2) Members of the improvement team shall include:

14 (i) A teacher from the school selected by all
15 teachers in the school district.

16 (ii) An administrator from the school.

17 (iii) A local business representative.

18 (iv) A community leader.

19 (v) No fewer than two parents of students enrolled
20 in the school.

21 (vi) Outside experts who have knowledge and
22 experience to address specific needs of the school or
23 school district.

24 (3) In the case of a charter school, the improvement
25 team shall be appointed by the board of trustees of the
26 school within 30 days of the publication of the annual report
27 required under section 1702-C. The improvement team shall
28 include a representative from the governing body or
29 administration of the chartering entity.

30 (4) In the case of a vocational-technical school, the

1 improvement team shall be appointed by the joint operating
2 committee of the vocational-technical school within 30 days
3 of the publication of the annual report required under
4 section 1702-C.

5 (5) A school district not designated for improvement
6 containing a school designated for improvement may assign an
7 advisory team to evaluate the academic and fiscal needs of
8 the school and present recommendations designed to improve
9 academic performance to the improvement team. The advisory
10 team may also assist the improvement team with the
11 development of the improvement plan.

12 (c) Powers and duties of improvement team.--An improvement
13 team shall have the following powers and duties:

14 (1) To design an improvement plan under this section.

15 (2) To begin implementing the improvement plan
16 immediately upon receiving the approval of the board of
17 school directors.

18 (3) To provide periodic reports on the implementation of
19 the improvement plan to the board of school directors and the
20 intermediate unit serving the school district.

21 (4) To meet periodically to review implementation of the
22 improvement plan.

23 (5) To seek technical assistance from the department or,
24 in the case of a school, from the school district in the
25 design and implementation of the plan.

26 (d) Improvement plan.--Within 90 days of publication of the
27 annual report required under section 1702-C, the improvement
28 team for each school district and school designated for
29 improvement I or improvement II shall present an improvement
30 plan to the department, the executive director of the

intermediate unit serving the school district and the board of school directors of the school district. The department and the intermediate unit shall review the plan and provide recommendations to the board of school directors within 30 days of receiving the plan for review. The board of school directors shall approve, approve with modifications or disapprove the improvement plan within 30 days following the receipt of the approval of the department and the intermediate unit.

(e) Contents.--The improvement plan shall provide an analysis of the effectiveness of the current practices of the school district or school in the areas of curriculum, teaching techniques, school climate, school leadership, staffing and the use of time, technology and resources. The plan shall do all of the following:

(1) Include specific references to supporting data about student achievement.

(2) Address the academic achievement problem or problems that caused the improvement I or improvement II designation, including the student subgroups that failed to make adequate yearly progress.

(3) Include measurable annual objectives for continuous and substantial progress for each subgroup identified in paragraph (2).

(f) Improvement program.--Based on an analysis of the data provided under subsection (e), the improvement team shall set forth its improvement program for each of the areas listed under subsection (e)(2). The improvement program shall set forth academic performance objectives for each area.

(g) Improvement strategies.--The plan shall include research-based strategies for achieving the academic performance

objectives identified under subsection (f). Strategies shall include all of the following:

(1) The school district or school shall publish a performance data report and distribute the report to all parents of students attending the school district or school.

(2) The school district shall design and implement a program that will allow a student attending a school designated for improvement I or improvement II to transfer to another school that is not designated for improvement I or improvement II within the school district, upon the request of a parent.

(3) The school district or school shall appoint a person or organization not affiliated with the school district or school to review the programs of the school district or school and make recommendations for improvement.

(4) The school district or school shall work with a curriculum committee appointed by the department from the intermediate unit serving the school district or school. The curriculum committee shall assist the school district or school with curriculum development, assist principals and teachers in presenting the curriculum and meet with principals monthly to review progress.

(5) The school district or school shall plan and make available to principals and teachers continuing professional education options that shall be specific to the academic performance objectives of the school district or school.

(6) The school district or school shall establish a parent advisory committee.

(7) The school district or school shall evaluate whether the school district or school has the resources to reduce

class sizes in classrooms that fail to meet performance targets. If resources are available, the school district or school may undertake class-size reductions.

(8) The school district or school shall offer tutoring programs to students whose most recent results on the Pennsylvania System of School Assessment test, the Keystone Exam, an equivalent local assessment or any other test established by the State Board of Education to meet the requirements of section 2603-B(d)(10)(i) were below proficient.

(h) Optional strategies.--In addition to the strategies required under subsection (g), the plan may include any of the following:

(1) The school district may convert a school to a charter school. A conversion to a charter school under this article shall be subject to the provisions of section 1711-C.

(2) The school district may contract with an education management organization to manage the school district or a school.

(3) The school district may negotiate a memorandum of understanding under the current collective bargaining agreement with the teachers of the school district regarding terms of employment, including:

(i) School building assignment.

(ii) Length of work day.

(iii) Salary.

(iv) Class assignments.

(v) Academic calendar.

(vi) Teaching preparation time.

(vii) Daily schedule.

1 (viii) Method of performance evaluation.

2 (4) The school district may dismiss or demote school
3 principals and teachers who fail to meet performance
4 expectations pursuant to the procedures under Article XI.

5 (5) Notwithstanding any other provision of this act, the
6 school district may:

7 (i) Implement a system of performance-based
8 compensation for chief administrative officers of the
9 school district.

10 (ii) Implement a system of performance-based
11 compensation for school principals.

12 (iii) Implement a system of performance-based
13 compensation for teachers.

14 (iv) Offer financial incentives to teachers
15 certified in areas of shortage as determined by the board
16 of school directors.

17 (v) Offer financial incentives to teachers who
18 accept high-need assignments as determined by the board
19 of school directors.

20 (vi) Reassign principals and teachers to meet the
21 needs of the school district or school.

22 (vii) Assign a teacher to a school or class based on
23 the needs of the school district or school and the
24 competencies of the teacher as determined by the board of
25 school directors.

26 (viii) Design and implement a new performance
27 evaluation process for principals.

28 (ix) Design and implement a new performance
29 evaluation process for teachers.

30 (x) Award tenure on the basis of teacher performance

1 evaluations notwithstanding the teacher's number of years
2 of classroom teaching experience.

3 (xi) Petition the department for a certificate that
4 would allow a presently uncertified individual meeting
5 education and work experience requirements established by
6 the department to teach in a shortage area.

7 (xii) Establish and implement an intensive training
8 program for new principals.

9 (xiii) Establish and implement a teacher mentoring
10 program.

11 (xiv) Establish and implement an intensive induction
12 program for new teachers.

13 (6) The school district or school may negotiate a new
14 collective bargaining agreement with its teachers.

15 (7) The school district or school may assist a student
16 in locating external agencies that provide social services
17 needed by the student.

18 (8) The school district or school may award scholarships
19 for higher education to students who meet academic
20 requirements established by the board of school directors.
21 The school district may solicit and accept contributions from
22 the public for this purpose.

23 (9) The school district or school may contract with a
24 college or university teacher preparation program to review
25 the school district's programs, make recommendations for
26 improvement and assist the school district in implementing
27 changes in practices.

28 (10) The school district or school may reallocate school
29 district or school resources.

30 (11) The school district or school may amend school

district or school procedures.

(12) The school district may restructure.

(13) The school district may close schools.

(14) Notwithstanding any other provision of this act,
the school district or school may:

(i) Focus its curriculum on reading, mathematics and
science and offer other courses on a discretionary basis.

(ii) Design a core curriculum for use in all schools
in the school district.

(15) The school district may establish an accelerated
learning academy for any student who scored below proficient
on the student's most recent Pennsylvania System of School
Assessment test, Keystone Exam, equivalent local assessment
or any other test established by the State Board of Education
to meet the requirements of section 2603-B(d)(10)(i).

(16) The school district or school may monitor a
student's progress at intervals throughout the student's
elementary and secondary school years that are determined
based on research to be critical to a student's academic
success.

(17) The school district or school may assign one
teacher or a group of teachers to a group of students over
multiple years.

(18) The school district or school may enter into a
memorandum of understanding with the police department having
jurisdiction over the school district or the school to
address school safety.

(19) The school district or school may engage an
external person or organization to conduct a safety audit of
the school district or school. The school district or school

1 may take actions that the board of school directors deems
2 necessary to improve school safety.

3 (20) The school district or school may establish or
4 amend a code of conduct which may include the following:

5 (i) Increased sanctions for student misconduct.

6 (ii) Increased principal and teacher authority to
7 enforce rules of conduct.

8 (iii) Examples of appropriate conduct.

9 (iv) Examples of inappropriate conduct.

10 (v) Specific negative consequences for inappropriate
11 conduct.

12 (21) The school district may design and implement an
13 interdistrict school choice program in cooperation with one
14 or more other school districts served by the intermediate
15 unit serving the school district.

16 (i) Additional elements.--The following shall apply:

17 (1) The plan may include additional elements that the
18 board of school directors deems necessary to improve the
19 academic performance of the school district or school.

20 (2) The plan shall include additional elements that the
21 department deems necessary to satisfy the requirements of
22 section 1116(b)(3) of the No Child Left Behind Act of 2001
23 (Public Law 107-110, 115 Stat. 1425) as it applies to a
24 school or section 1116(c)(7)(A) of the No Child Left Behind
25 Act of 2001 as it applies to a school district.

26 (j) Evidence of effectiveness.--The plan shall set forth
27 evidence of the effectiveness of the strategies that shall be
28 implemented.

29 (k) Duties of the school board.--The board of school
30 directors of a school district designated for improvement I or

improvement II or of a school district in which a school is
designated for improvement I or improvement II shall have the
following powers and duties:

(1) Review and approve, approve with modifications or
disapprove the improvement plan required under this section
within 30 days following the receipt of the approval of the
department and the intermediate unit.

(2) Take actions necessary to implement the improvement
plan.

(3) Ensure that parents are notified of the school
improvement designation to the extent and in the manner
required under section 1116(b) and (c) of the No Child Left
Behind Act of 2001.

(4) Establish an intradistrict school choice program for
students in any school in the school district that has been
designated for improvement I or improvement II. The program
must satisfy the requirements of the No Child Left Behind Act
of 2001.

(5) Establish a tutoring program for students in a
school that is designated for improvement II status. For
schools designated as Title I schools, tutoring programs
shall include supplemental educational services under section
1116(e) of the No Child Left Behind Act of 2001. Schools that
do not receive funds under Title I of the Elementary and
Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C.
Ch. 63 et seq.) shall provide parents with information on the
availability of other tutoring programs offered by the school
district.

(1) Technical assistance.--For school districts and schools
designated for improvement I or improvement II, the department

1 shall provide technical assistance directly or through the
2 intermediate unit and in accordance with section 1707-C.

3 (m) Effect of making adequate yearly progress.--

4 (1) A school district or school designated for
5 improvement I or improvement II that makes adequate yearly
6 progress in the same academic subject in the school year
7 following the designation shall be designated as making
8 progress. The improvement team and the improvement plan
9 established under this section shall remain in place for the
10 school year following the making progress designation.

11 (2) A school district or school designated as making
12 progress under paragraph (1) that fails to make adequate
13 yearly progress in the same academic subject for the school
14 year following the making progress designation shall be
15 designated for improvement II.

16 (3) The improvement team may disband when the school
17 district or school has made adequate yearly progress in the
18 same academic subject for two consecutive school years.

19 Section 1705-C. School districts and schools designated for
20 corrective action I.

21 (a) Improvement team.--

22 (1) The improvement team appointed under section 1704-C
23 shall remain in place during the time period a school
24 district or school is designated for corrective action I. The
25 board of school directors may replace members of the
26 improvement team in its discretion, subject to section 1704-C
27 and with the approval of the department. An improvement team
28 shall have the following powers and duties:

29 (i) To design a corrective action plan under this
30 section.

1 (ii) To begin implementing the corrective action
2 plan immediately following the receipt of the approval of
3 the department and the intermediate unit.

4 (iii) To provide periodic reports on the
5 implementation of the corrective action plan to the board
6 of school directors and the intermediate unit serving the
7 school district.

8 (iv) To meet periodically to review implementation
9 of the corrective action plan.

10 (v) To seek technical assistance from the department
11 or, in the case of a school, from the school district in
12 the design and implementation of the plan.

13 (b) Corrective action plan.--If a school district or school
14 has been designated for corrective action I, the improvement
15 team shall present a revised improvement plan to the board of
16 school directors for approval no later than 30 days after
17 publication of the annual report required under section 1702-C.
18 The board of school directors shall approve or modify the plan
19 and submit it to the department and the intermediate unit
20 serving the school district within 60 days of the publication of
21 the annual report required under section 1702-C. The department
22 and the intermediate unit shall review the plan and approve,
23 approve with modifications or disapprove the plan within 30 days
24 after receiving it for review. The revised improvement plan
25 approved by the department and the intermediate unit shall
26 constitute the corrective action plan.

27 (c) Contents.--The corrective action plan shall provide an
28 analysis of the effectiveness of the current practices of the
29 school district or school in the areas of curriculum, teaching
30 techniques, school climate, school leadership, staffing and the

use of time, technology and resources. The corrective action plan shall do all of the following:

(1) Include specific references to supporting data relating to student achievement.

(2) Address the academic achievement problem or problems that caused the corrective action designation, including the student subgroups that failed to make adequate yearly progress.

(3) Include measurable annual objectives for continuous and substantial progress for each subgroup identified in paragraph (2).

(d) Improvement program.--Based on an analysis of the data provided under subsection (c), the improvement team shall set forth its improvement program for each of the areas set forth in subsection (c) (2). The improvement program shall set forth academic performance objectives for each area.

(e) Improvement strategies.--The plan shall include research-based strategies for achieving the academic performance objectives identified in subsection (d).

(1) For a school district identified for corrective action I, the school district shall take at least one of the following actions:

(i) Implement a new curriculum aligned with State academic standards and provide staff development that will enhance the effectiveness of the new curriculum.

(ii) Terminate or demote the principals and teachers that are relevant to the school district's failure to make adequate yearly progress pursuant to the procedures required by Article XI.

(2) For a school identified for corrective action I, the

1 school district or school shall take at least one of the
2 corrective actions listed in section 1116(b)(7)(C)(iv) of the
3 No Child Left Behind Act of 2001 (Public Law 107-110, 115
4 Stat. 1425). The school district or school may terminate or
5 demote a principal or teacher who is relevant to the school's
6 failure to make adequate yearly progress, provided that the
7 action is undertaken pursuant to the procedures required by
8 Article XI.

9 (3) The plan shall include the strategies set forth in
10 section 1704-C(g).

11 (4) The plan may include the strategies permitted under
12 section 1704-C(h).

13 (f) Duties of the school board.--The board of school
14 directors of a school district designated for corrective action
15 I or of a school district in which a school is designated for
16 corrective action I shall have the following powers and duties:

17 (1) Review and modify, approve or disapprove the
18 corrective action plan required under this section and submit
19 the plan to the department and the intermediate unit serving
20 the school district within 60 days of the publication of the
21 annual report required under section 1702-C.

22 (2) Take actions necessary to implement the corrective
23 action plan following receipt of approval from the department
24 and the intermediate unit.

25 (3) Ensure that parents are notified of the corrective
26 action I designation.

27 (4) Establish an intradistrict school choice program for
28 students in any school in the school district that has been
29 designated for corrective action, provided that the program
30 satisfies the requirements of the No Child Left Behind Act of

1 2001.

2 (5) Establish a tutoring program for students. For
3 schools designated as Title I schools, tutoring programs
4 shall include supplemental educational services pursuant to
5 section 1116(e) of the No Child Left Behind Act of 2001.
6 Schools that do not receive funds under Title I of the
7 Elementary and Secondary Education Act of 1965 (Public Law
8 89-10, 20 U.S.C. Ch. 63 et seq.) shall provide parents with
9 information on the availability of other tutoring programs
10 offered by the school district.

11 (g) Technical assistance.--For school districts and schools
12 designated for corrective action I, the department shall provide
13 technical assistance directly or through the intermediate unit
14 and in accordance with the provisions of section 1707-C.

15 (h) Effect of making adequate yearly progress.--The
16 following shall apply:

17 (1) A school district or school designated for
18 corrective action I that makes adequate yearly progress in
19 the same academic subject in the school year following the
20 corrective action I designation shall be designated as making
21 progress. The improvement team and the improvement plan in
22 place under this section shall remain in place for the school
23 year following the making progress designation.

24 (2) A school district or school designated as making
25 progress under paragraph (1) that fails to make adequate
26 yearly progress in the same academic subject for the school
27 year following the making progress designation shall be
28 designated for corrective action II.

29 (3) The improvement team may disband when the school
30 district or school has made adequate yearly progress in the

1 same academic subject for two consecutive school years.
2 Section 1706-C. School districts and schools designated for
3 corrective action II.

4 (a) Improvement team.--The improvement team in place under
5 section 1705-C shall remain in place during the first three
6 years in which a school district or school is designated for
7 corrective action II. The board of school directors may replace
8 members of the improvement team, subject to the provisions of
9 section 1704-C and with the approval of the department.

10 (b) Revision of corrective action plan.--If a school
11 district or school has been designated for corrective action II,
12 the improvement team shall present a revised corrective action
13 plan to the board of school directors for approval within 30
14 days after the publication of the annual report required under
15 section 1702-C. The board of school directors shall approve or
16 revise the plan and submit the plan to the department and the
17 intermediate unit serving the school district within 60 days of
18 the publication of the annual report required under section
19 1702-C. The revised corrective action plan shall comply with
20 section 1705-C(c), (d) and (e). The department and intermediate
21 unit shall review and approve, approve with modifications or
22 disapprove the plan within 30 days after receiving the plan for
23 review.

24 (c) Duties of the school board.--The board of school
25 directors shall have the duties required under section 1705-C(f)
26 for school districts or schools designated for corrective action
27 I.

28 (d) Effect of making adequate yearly progress.--The
29 following shall apply:

30 (1) A school district or school designated for

1 corrective action II that makes adequate yearly progress in
2 the same academic subject during one of the three school
3 years following the corrective action II designation shall be
4 designated as making progress. The improvement team and
5 corrective action plan in place under this section shall
6 remain in place for the school year following the making
7 progress designation.

8 (2) A school district or school designated as making
9 progress under paragraph (1) that fails to make adequate
10 yearly progress in the same academic subject for the school
11 year following the making progress designation shall be
12 designated for corrective action II, year one.

13 (3) The improvement team may disband when the school
14 district or school has made adequate yearly progress in the
15 same academic subject for two consecutive school years.

16 (e) Parental petition.--The following shall apply:

17 (1) The parents of 51% of students in a school district
18 designated for corrective action II or a school designated
19 for corrective action II may petition the board of school
20 directors to take one of the following actions:

21 (i) Contract with an education management
22 organization to manage the school district or the school.

23 (ii) Convert the school to a charter school.

24 (iii) Close the school.

25 (2) A board of school directors that receives a petition
26 under paragraph (1) shall submit it to the department within
27 five days of receipt. The department shall review and
28 approve, approve with modifications or disapprove the
29 petition within 30 days of receipt of the petition. The board
30 of school directors shall immediately implement the action

1 requested in a petition approved by the department.

2 (3) The department shall:

3 (i) Develop a form for the petition permitted under
4 paragraph (1) and instructions for filing the petition.
5 The form and the instructions shall be made available on
6 the department's publicly accessible Internet website.

7 (ii) Review and approve, approve with modifications
8 or disapprove the petition within 30 days following the
9 receipt of the petition.

10 (iii) Oversee the school district's implementation
11 of the action requested in an approved petition.

12 (f) School reform commission.--A school district designated
13 for a fourth year of corrective action II shall be placed under
14 the governance of a school reform commission that shall report
15 to the secretary.

16 (1) (i) In a school district located in and serving one
17 municipality, the school reform commission shall have
18 three members appointed as follows:

19 (A) Two members shall be appointed by the
20 Governor, subject to confirmation by the Senate.

21 (B) One member shall be appointed by the mayor
22 subject to confirmation by the elected school board.
23 The member appointed by the mayor shall reside in the
24 county or counties in which the school district is
25 located.

26 (ii) In a school district located in and serving
27 more than one municipality, the school reform commission
28 shall have three members appointed as follows:

29 (A) One member shall be appointed by the
30 Governor, subject to confirmation by the Senate.

1 (B) In a school district that serves a city of
2 the third class, one member shall be appointed by the
3 mayor of the city of the third class and one member
4 shall be appointed by the elected school board. The
5 member appointed by the mayor and the member
6 appointed by the elected school board shall reside in
7 the county or counties in which the school district
8 is located.

9 (C) In a school district that does not serve a
10 city of the third class, two members shall be
11 appointed by the elected school board. The members
12 appointed by the elected school board shall reside in
13 the county or counties in which the school district
14 is located.

15 (iii) Appointees to a school reform commission shall
16 not include the following:

17 (A) A person holding elected governmental office
18 provided that members of the elected school board may
19 be appointed.

20 (B) A person employed by the Commonwealth.

21 (C) A person who has served on a previous school
22 reform commission or board of control.

23 (2) If a school reform commission is appointed, all
24 powers and duties of the board of school directors shall be
25 removed from the board of school directors and vested in the
26 school reform commission, provided that all taxes required by
27 the school district shall be levied by the board of school
28 directors pursuant to Article VI. The school reform
29 commission shall establish a restructuring plan which shall
30 comply with section 1705-C(c), (d) and (e).

1 (3) The following shall apply:

2 (i) The parents of 51% of students in a school
3 district under the governance of a school reform
4 commission may petition the school reform commission to
5 take one of the following actions:

6 (A) Contract with an education management
7 organization to manage the school district or a
8 school.

9 (B) Convert a school to a charter school.

10 (C) Close a school.

11 (ii) A school reform commission that receives a
12 petition under subparagraph (i) shall submit the petition
13 to the secretary for review within five days of receipt.
14 The secretary shall review and approve, approve with
15 modifications or disapprove the petition within 30 days
16 after receipt of the petition. The school reform
17 commission shall immediately implement the action
18 requested in a petition approved by the secretary.

19 (iii) The school reform commission shall develop a
20 form for the petition permitted under subparagraph (i)
21 and instructions for filing the form with the school
22 reform commission. The form and the instructions shall be
23 made available on the school district's publicly
24 accessible Internet website.

25 (4) The secretary may direct the school reform
26 commission to do any of the following:

27 (i) Restructure the school district or one or more
28 schools.

29 (ii) Convert one or more schools to charter schools.

30 (iii) Place the school district or one or more

1 schools under the management of an education management
2 organization.

3 (iv) Close one or more schools.

4 (v) Dissolve the school district.

5 (5) Once appointed, the school reform commission shall
6 remain in place for at least five years. After the school
7 reform commission has been in place for at least five years,
8 the secretary may terminate the school reform commission when
9 the school district has made adequate yearly progress in the
10 same subject for at least two consecutive years. Upon
11 termination of the school reform commission, the powers and
12 duties of the school reform commission shall be vested in the
13 board of school directors.

14 (g) Appeals to secretary.--The following shall apply to an
15 appeal of an action by a school reform commission to terminate
16 or demote a professional employee, notwithstanding provisions of
17 section 1131:

18 (1) The professional employee shall file the appeal with
19 the secretary within 15 days after receipt by registered mail
20 of the written notice of the decision of the school reform
21 commission to terminate or demote the professional employee.

22 (2) The secretary shall fix a day and time for a hearing
23 which shall not be more than 20 days after the appeal is
24 filed with the secretary.

25 (3) The secretary shall render an opinion on the appeal
26 within 20 days after the hearing.

27 (h) Technical assistance.--For school districts and schools
28 designated for corrective action II, the department shall
29 provide technical assistance directly or through the
30 intermediate unit and in accordance with section 1707-C.

1 Section 1707-C. Technical assistance.

2 (a) General rule.--A school district or school that has been
3 designated for warning, improvement or corrective action shall
4 be eligible for technical assistance from the department or from
5 an intermediate unit in coordination with the department.

6 Technical assistance may include:

7 (1) Tools to analyze data from the Pennsylvania System
8 of School Assessment test, the Keystone Exam, an equivalent
9 local assessment or any other test established by the State
10 Board of Education to meet the requirements of section 2603-
11 B(d)(10)(i).

12 (2) A framework for and assistance in developing an
13 improvement plan, a corrective action plan or a restructuring
14 plan.

15 (3) A framework for and assistance in developing a
16 strategic plan.

17 (4) Identification of professional development and
18 instructional strategies and methods to improve the academic
19 performance of students in subject areas for which an
20 academic performance target has been established and has not
21 been met.

22 (5) Assistance in identifying regional partners, which
23 may include intermediate units, consultants or institutions
24 of higher education that the school district or school may
25 contract with at its expense for assistance in implementing
26 the professional development and instructional strategies and
27 methods identified in paragraph (4).

28 (6) Tools to analyze the budget of a school district or
29 school or parts of the budget of a school district or school
30 to enable the school district or school to effectively

1 allocate its resources as provided for in Article XXV-A.

2 (7) Information concerning best practices and resources
3 aimed at improving academic performance.

4 (8) The assignment of a distinguished educator to work
5 with a school district.

6 (9) Assistance through the quality review process.

7 (10) Assistance in establishing and utilizing school
8 support teams in accordance with section 1117(a)(5) of the No
9 Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat.
10 1425).

11 (b) Criteria.--Schools and school districts described in
12 subsection (a) shall be eligible for technical assistance based
13 on criteria established by the department in order to ensure
14 that the lowest performing school districts and schools receive
15 priority consideration with respect to the distribution of
16 resources. The department shall establish the criteria and
17 publish guidelines no later than 30 days from the effective date
18 of this section.

19 (c) Clearinghouse.--The department shall establish a
20 clearinghouse of information related to specific strategies for
21 improving the academic performance of students in school
22 districts or schools that have been designated for warning,
23 improvement or corrective action. The clearinghouse shall
24 include best practices, methods and instructional strategies
25 based on scientific research, including:

26 (1) Methods of improving the academic performance of
27 students in any subject area for which an academic
28 performance target has been established and has not been met.

29 (2) Methods of improving the academic performance of
30 students identified having disabilities or limited English

1 proficiency.

2 (3) Parental involvement programs and policies.

3 (4) Classroom instructional strategies.

4 (5) Curriculum redesign.

5 (6) School safety.

6 (7) Tutoring programs.

7 Section 1708-C. Responsibilities of department.

8 The department shall:

9 (1) Provide written notification to a school district or
10 school that has been designated for warning, improvement or
11 corrective action and to any school district in which a
12 school has been designated.

13 (2) Publish the annual report on the department's
14 Internet website by August 15 of each year and notify
15 intermediate units, school districts and schools of the
16 publication.

17 (3) Establish guidelines for the provision of technical
18 assistance to school districts and schools. The guidelines
19 shall include provisions to ensure that the lowest performing
20 school districts and schools receive first priority.

21 (4) Establish guidelines explaining how requisite
22 achievement on English language proficiency testing will be
23 measured.

24 (5) Establish and provide professional education
25 courses, programs, activities or learning experiences under
26 section 1205.2(f) specific to classroom strategies to improve
27 the academic performance of students in content areas subject
28 to the Pennsylvania System of School Assessment test, the
29 Keystone Exam, an equivalent local assessment or any other
30 test established by the State Board of Education to meet the

1 requirements of section 2603-B(d)(10)(i).

2 (6) Provide academic assistance, including strategic
3 interventions and technical assistance, when a school
4 district or school is designated for corrective action in
5 accordance with provisions of the State plan.

6 (7) Annually review improvement plans required under
7 section 1704-C.

8 (8) Annually review and approve, approve with
9 modifications or disapprove corrective action plans required
10 under sections 1705-C and 1706-C.

11 (9) Design the parental petition permitted under section
12 1706-C(e), establish instructions for filing the petition and
13 make the petition and instructions available on the
14 department's publicly accessible Internet website.

15 (10) Review and approve, approve with modifications or
16 disapprove the parental petition permitted under section
17 1706-C(e) or (f)(3) and oversee the implementation of an
18 approved petition.

19 (11) Publish standards necessary to implement this
20 article.

21 Section 1709-C. Continuing professional development.

22 (a) Amendment of plan.--

23 (1) A school district or school that failed to meet one
24 or more of the proficiency targets in the prior school year
25 shall convene the committee established under section
26 1205.1(b) for the purpose of amending its professional
27 education plan. The amended professional education plan shall
28 specify continuing professional education options designed to
29 assist in the achievement of academic performance objectives.
30 The options may include:

1 (i) Methods of improving the academic performance of
2 students in any subject area in which a school or schools
3 have failed to meet the proficiency target.

4 (ii) Methods of improving the academic performance
5 of any student subgroup that has failed to meet a
6 proficiency target.

7 (2) The amended plan shall be approved by the applicable
8 improvement team and the board of school directors. If the
9 school district is operated by an alternative governing body,
10 the alternative governing body, rather than the board of
11 school directors, shall approve the plan.

12 (b) Approval of credits or hours.--In the case of a school
13 district or school that failed to meet one or more of the
14 proficiency targets in the prior school year:

15 (1) The plan required under section 1205.1(c) shall
16 specify the content of any credits or hours to be obtained
17 through the in-service program of the school district or
18 school.

19 (2) Credits or hours earned under section 1205.2(c)(1),
20 (2), (3) and (4) must be approved by the superintendent,
21 executive director or chief executive officer of the school
22 district or school as fulfilling the goal of the approved
23 professional education plan of the school district or school.

24 (c) Applicability.--For the purposes of this section,
25 "proficiency target" shall be defined as the percentage of
26 students who score proficient or advanced on the Pennsylvania
27 System of School Assessment test, the Keystone Exam, an
28 equivalent local assessment or any other test established by the
29 State Board of Education to meet the requirements of section
30 2603(d)(10)(i) in the particular school year.

1 Section 1710-C. Prohibition of strikes.

2 Notwithstanding the provisions of Article XI-A, strikes shall
3 be prohibited in any school district designated for improvement
4 I, improvement II, corrective action I or corrective action II.
5 The prohibition shall remain effective until the school district
6 has made adequate yearly progress for two consecutive years or,
7 in the case of a school district governed by a school reform
8 commission, until the school reform commission is disbanded
9 pursuant to section 1706-C(f)(5).

10 Section 1711-C. Conversion to charter school.

11 Notwithstanding the provisions of Article XVII-A, the
12 following shall apply to a school district designated for
13 warning, improvement I, improvement II, corrective action I or
14 corrective action II under this article that elects to convert
15 one or more existing schools to a charter school:

16 (1) A school district may establish a nonprofit
17 corporation for the purpose of converting an existing school
18 to a charter school.

19 (2) The school district shall publish notice of its
20 intention to convert an existing school to a charter school.
21 The notice shall be published one time in a newspaper of
22 general circulation in the school district. A 30-day public
23 comment period shall follow publication of the notice.

24 (3) The board of school directors of the school district
25 may determine to convert an existing school to a charter
26 school at its next public meeting following the close of the
27 public comment period required under paragraph (2). Upon the
28 affirmative vote of a majority of the members of the board of
29 school directors present at the public meeting, the school
30 district may grant a charter to a nonprofit corporation

1 established by the school district under paragraph (1) or to
2 any individual, group of individuals or entity permitted to
3 establish a charter school under section 1717-A(a).

4 (4) An individual authorized to establish a charter
5 school or the board of directors of an entity authorized to
6 establish a charter school shall establish a board of
7 trustees to govern the charter school.

8 (5) The charter school may enter contracts with the
9 local school district for the procurement of services,
10 equipment and supplies.

11 (6) Notwithstanding provisions of section 1714-A(c) to
12 the contrary, any indebtedness incurred by a charter school
13 formed under this section in the exercise of the powers
14 specified in section 1714-A may be guaranteed by the school
15 district, subject to the limitations of 53 Pa.C.S. Chs. 81
16 (relating to incurring debt and issuing bonds and notes) and
17 82 (relating to miscellaneous provisions).

18 (7) The following provisions shall not apply to a
19 charter school established under this section:

20 (i) Section 751(c) which requires compliance with
21 the act of March 3, 1978 (P.L.6, No.3), known as the
22 Steel Products Procurement Act.

23 (ii) The Steel Products Procurement Act.

24 (iii) The act of August 15, 1961 (P.L.987, No.442),
25 known as the Pennsylvania Prevailing Wage Act.

26 (iv) Section 1 of the act of May 1, 1913 (P.L.155,
27 No.104), referred to as the Separations Act.

28 Section 1712-C. Nonrenewal or termination of a charter.

29 (a) Closure.--Notwithstanding the provisions of section
30 1729-A, a school district in which a charter school is

1 designated for corrective action I or corrective action II may
2 close the charter school immediately following the designation.
3 In these circumstances, the school district shall provide the
4 charter school with immediate notice of the decision of the
5 board of school directors to close the charter school.

6 (b) Notice and public hearing.--Immediately following
7 closure of the charter school under this section, the school
8 district shall provide the charter school with the notice and
9 public hearing required under section 1729-A(c).

10 (c) Students.--When a charter is revoked under subsection
11 (a), a student who attended the charter school shall apply to
12 another public school in the student's school district of
13 residence. Normal application deadlines will be disregarded
14 under these circumstances.

15 Section 1713-C. Regulations.

16 The State Board of Education may issue regulations to
17 implement this article.

18 Section 1714-C. Construction.

19 Nothing in this article shall be construed to supersede the
20 following:

21 (1) A requirement of the No Child Left Behind Act of
22 2001 (Public Law 107-110, 115 Stat. 1425).

23 (2) A provision of a collective bargaining agreement in
24 effect on the effective date of this article, except that:

25 (i) No collective bargaining agreement entered into
26 after the effective date of this article shall supersede
27 or preempt the powers of the department or a school
28 district under the No Child Left Behind Act of 2001 or
29 under this article.

30 (ii) A school district or school designated for

1 warning, improvement or corrective action and subject to
2 a collective bargaining agreement may renegotiate its
3 collective bargaining agreement or enter into a
4 memorandum of understanding under the collective
5 bargaining agreement.

6 Section 3. This act shall take effect immediately.