

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 930 Session of
2011

INTRODUCED BY HUGHES, TARTAGLIONE, FERLO, BLAKE, YUDICHAK,
LEACH, COSTA, FONTANA AND WOZNIAK, APRIL 8, 2011

REFERRED TO EDUCATION, APRIL 8, 2011

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," providing for victory academies.

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

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

11 ARTICLE XVII-C

12 VICTORY ACADEMIES

13 (a) Preliminary Provisions

14 Section 1701-C. Short title.

15 This article shall be known as and may be cited as the
16 Victory Academy Pilot Act.

17 Section 1702-C. Legislative intent.

18 It is the intent of the General Assembly, in enacting this
19 article, to study and determine the potential for increased

student academic achievement through the establishment and operation of pilot victory academies that incorporate additional educational supports, including expanded instruction, assessment, tutoring and student and family services.

Section 1703-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:

"Academic performance indicator." The Pennsylvania System of School Assessment test, the Keystone Exam, an equivalent local assessment or another test established by the State Board of Education to meet the requirements of section 2603-B(d)(10)(i) and required under the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) or its successor Federal statute or required to achieve under other standards established by the Department of Education under 22 Pa. Code § 403.3 (relating to single accountability system).

"Applicant." A qualified charter school operator that submits an application and plan to operate a victory charter school to a school district.

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

"Lowest achieving school." A public elementary or secondary school within this Commonwealth achieving within the lowest measured group of 5% on the most recent assessment for which data is posted on the Department of Education's publicly accessible Internet website. The term does not include a charter school, cyber charter school, area vocational-technical school, a public school that does not draw its student body from a particular attendance boundary or a school with a specialized

academic program that has specific admissions criteria.

"Operator." The board of trustees of a qualified charter school or the board of school directors of a school district.

"Qualified charter school." A charter school that places in the top quartile of all public schools in the latest ranking of all public schools based on student academic scores on the Pennsylvania System of School Assessment test or other similar test adopted by the State Board of Education to assess the academic achievement of students.

"School." A lowest achieving school that is placed on the victory academy list established under section 1713-C.

"School district." A school district with one or more lowest achieving schools placed on the victory academy list established under section 1713-C.

"Teacher." An individual who holds a Pennsylvania instructional certificate, educational specialist or administrative certification or letter of eligibility.

"Victory academy." A victory public school or a victory charter school.

(b) Victory Academies

Section 1710-C. Victory Academy Pilot Program.

(a) Establishment.--The Victory Academy Pilot Program is established as a four-year pilot program to require school districts to restructure the governance and operation of schools to improve the academic performance of students in those schools.

(b) Operation.--Notwithstanding Article XVII-A, the operation of victory academies shall begin in the 2011-2012 school year and continue through the 2014-2015 school year.

Section 1711-C. Victory academy requirements.

1 (a) General rule.--A victory academy shall:

2 (1) Operate as a neighborhood school responsible for the
3 education of all students in the victory academy student
4 assignment area.

5 (2) Operate in the same school facility where the school
6 previously operated, where feasible.

7 (3) Enter into an agreement with the school district
8 that establishes minimum standards governing annual increases
9 in the academic performance indicators that are agreed upon
10 with the school district.

11 (4) No later than 30 days following the initial startup
12 of a victory academy, conduct ongoing assessments of student
13 performance, including an initial baseline assessment of
14 knowledge and skills in each grade level and academic content
15 area in which instruction will be provided.

16 (5) Establish data-driven instructional programs.

17 (6) Provide curriculum that is aligned with State
18 academic standards contained in 22 Pa. Code Ch. 4 (relating
19 to academic standards and assessment).

20 (7) In the case of a school that provides kindergarten
21 instruction, provide a full-day kindergarten program.

22 (8) Provide appropriate educational programs for
23 students who are eligible for special education and related
24 services, English Language Learner services and mentally
25 gifted services.

26 (9) For nonspecial education students, develop
27 appropriate educational goals for each student and offer
28 differentiated instruction to meet the needs of all students.

29 (10) Provide academic supports and interventions,
30 including tutoring and other appropriate educational

1 assistance, that are targeted for students who perform below
2 proficiency standards on an academic performance indicator.

3 (11) Provide for a student-to-teacher ratio that does
4 not exceed 15 students to 1 teacher for elementary grades and
5 20 students to 1 teacher for secondary grades.

6 (12) Provide for appropriate school staffing that
7 includes establishing positions and selecting staff to
8 address the needs of the students and provide professional
9 development for all instructional and support staff.

10 (13) Notwithstanding the provisions of section 1327,
11 provide for a minimum of 1,100 hours of elementary
12 instruction or 1,190 hours of secondary instruction, as
13 applicable, which may include any of the following: a
14 lengthened school day, an extended school year, a minimum of
15 four weeks of summer school and Saturday instructional
16 classes. Notwithstanding the provisions of section 1502(a), a
17 victory academy may conduct instructional classes on
18 Saturday.

19 (14) Provide programs to improve parental involvement,
20 which may include:

21 (i) Creation of a school advisory council.

22 (ii) Professional development programs for
23 administrators, teachers and support professionals that
24 focus on communicating about students' academic goals
25 with parents and interaction with family members from
26 different cultural and linguistic backgrounds.

27 (iii) Programs that provide instruction on parenting
28 skills and opportunities for parents to engage in the
29 operation of the victory academy and its curriculum.

30 (iv) Establishment of a school liaison to ensure the

1 sharing of information between families and teachers and
2 who is available to meet with parents after normal school
3 hours.

4 (v) Provision of supports to families for students
5 most at risk of academic failure, truancy and dropping
6 out of school by school-based social workers and home and
7 school visitors.

8 (vi) Programs to improve parent and student
9 satisfaction, which may include programs to improve
10 communications with parents and provide parents with
11 opportunities to provide feedback to the school.

12 (15) Programs to improve access to intensive social
13 services for victory academy students and their families,
14 which may include family counseling services, home, school
15 and community safety programs and substance abuse treatment.
16 A victory academy may provide such services or work with
17 community providers or public or private institutions to
18 refer students and families to these services.

19 (16) Formulate and implement programs designed to
20 improve the learning environment and school culture, which
21 shall include measures to ensure the safety of students and
22 staff, and may include the following:

23 (i) Positive behavioral supports.

24 (ii) Professional development.

25 (iii) Coordination with community partners.

26 (iv) An increase in extracurricular activities for
27 victory academy students.

28 (b) Required elements.--The required elements for the models
29 of a victory academy are as follows:

30 (1) The following shall apply to a victory public

1 school:

2 (i) A school district shall operate a victory public
3 school.

4 (ii) (A) Staff at a victory public school shall be
5 employees of the school district who are selected by
6 the victory public school for employment at the
7 victory public school.

8 (B) Staff shall be subject to collective
9 bargaining agreements for the school district,
10 provided that the staff shall enter into a
11 supplementary agreement governing staffing and
12 certain school working conditions, including the
13 scheduling of school hours and the school year,
14 consistent with this article.

15 (C) Staff compensation at a victory public
16 school shall include performance-based pay and
17 incentives not solely based upon student performance
18 on a single assessment.

19 (2) The following shall apply to a victory charter
20 school:

21 (i) An operator of a victory charter school that is
22 selected by a school district under section 1715-C shall
23 enter into a four-year charter agreement with the school
24 district for the operation of the school.

25 (ii) The operator of a qualified charter school
26 shall govern the operation of a victory charter school.

27 (iii) (A) Staff at a victory charter school, who
28 are employed by the victory charter school, shall not
29 be considered employees of the school district.

30 (B) Teachers who are currently employed by the

1 school district at a school which is converted into a
2 victory charter school may request a leave of absence
3 for up to four years from the school district to
4 become an employee of a victory charter school.

5 (C) Staff compensation at a victory charter
6 school shall be determined by the board of trustees
7 of the victory charter school and shall include
8 performance-based pay and incentives that are not
9 solely based upon student performance on a single
10 assessment.

11 (iv) Parental and community involvement shall occur
12 through the school advisory council, participation on the
13 board of trustees of a victory charter school or other
14 organizations established in the charter agreement.

15 (v) Provisions of Article XVII-A relating to the
16 operation of a charter school shall apply to the
17 operation of a victory charter school.

18 (vi) Notwithstanding the provisions of subparagraph
19 (v), the following shall not apply to the conversion or
20 operation of a victory charter school:

21 (A) The provisions under section 1717-A.

22 (B) The provisions under section 1720-A.

23 (C) The provisions under section 1722-A(a).

24 (D) Except for section 1723-A(b)(1), the
25 provisions under section 1723-A.

26 Section 1712-C. Community input.

27 (a) General rule.--Prior to the selection of an operator of
28 a victory charter school, a school district shall conduct the
29 following meetings:

30 (1) At least two community meetings at each school to be

1 held during the evening that shall include a presentation on
2 the Victory Academy Pilot Program, distribution of
3 information materials and a question and answer session with
4 parents and community members to address the conversion of
5 schools to a victory academy. The school district shall
6 provide public notice for each community meeting.

7 (2) At least one staff meeting at each school that shall
8 include: a presentation on the Victory Academy Pilot Program
9 with information on the placement of the school on the
10 victory academy list, the selection for conversion and how
11 the final selection may impact staff employment at the
12 victory academy.

13 (b) Opportunity for public comment.--In addition to the
14 meetings required under subsection (a), a school district shall
15 provide an opportunity for public comments which shall be
16 considered by the school district in making its selection under
17 section 1715-C.

18 Section 1713-C. Victory academy list; identification of
19 qualified charter schools.

20 (a) General rule.--

21 (1) Within five days of the effective date of this
22 section, the department shall:

23 (i) Identify the lowest achieving schools as of the
24 effective date of this section and place them on a
25 victory academy list.

26 (ii) Notify each school district with one or more
27 schools on the victory academy list of the placement of
28 the school or schools on the victory academy list.

29 (2) (i) Following notification, a school district that
30 has implemented measures that are substantially similar

1 to provisions of this article for new governance and
2 operation in specific lowest achieving schools on the
3 effective date of this section may petition the
4 department for removal of such lowest achieving schools
5 from the victory academy list. The department shall
6 determine the required documentation for submission by
7 the school district to support a petition.

8 (ii) Within 20 days of receipt of a petition under
9 this paragraph, the department shall approve the petition
10 and remove the applicable lowest achieving schools from
11 the victory academy list where the department determines
12 that the measures implemented are substantially similar
13 to the provisions of this article.

14 (b) Department duties.--Within 15 days of the effective date
15 of this section, the department shall:

16 (1) Identify all charter schools that meet the criteria
17 for designation as a qualified charter school.

18 (2) Notify each school district of all qualified charter
19 schools located within ten miles of the boundaries of the
20 school district by the nearest public highway.

21 Section 1714-C. Duties of school districts.

22 A school district shall have the following duties:

23 (1) Within five days of notification under section
24 1713-C(a)(1)(ii), develop standards for the operation of
25 victory academies to include the following:

26 (i) Requirements contained in section 1711-C(a).

27 (ii) A minimum annual increase in academic
28 performance indicators to be incorporated into a charter
29 for the operation of a victory charter school and to be
30 incorporated into the operation of a victory public

1 school by the school district.

2 (iii) A plan to provide or provide access to
3 applicable intensive social services to support school
4 students and their families who will attend a victory
5 academy in compliance with section 1711-C(a)(15).

6 (2) Provide for public participation through
7 informational meetings pursuant to section 1712-C.

8 (3) Select the operator of a victory academy for each
9 school pursuant to section 1715-C.

10 (4) Where no qualified charter school applies for or is
11 selected to operate a victory charter school, develop a plan
12 for the operation of each school as a victory public school
13 that incorporates the standards established under paragraph
14 (1).

15 (5) Following conclusion of the 2013-2014 school year,
16 submit all required information and data to the department
17 pursuant to section 1719-C(a).

18 Section 1715-C. Selection of victory academy operator.

19 (a) General rule.--A school district shall select an
20 operator to convert the school into a victory academy and
21 operate the victory academy as either a victory public school or
22 a victory charter school.

23 (b) Notice.--Where the school district receives notice
24 pursuant to section 1713-C(b)(2), a school district shall
25 solicit proposals from qualified charter schools for the
26 operation of each school within 45 days of notification under
27 section 1713-C(a)(1)(ii).

28 (c) Plan of operation.--A qualified charter school operator
29 may submit to the school district an application to include a
30 plan for the operation of a victory charter school that

1 implements the standards established under section 1711-C(a).

2 (d) Proposals.--Where a school district receives one or more
3 proposals from an applicant for the conversion of a school to a
4 victory charter school:

5 (1) The school district shall evaluate the
6 qualifications of the applicants and the quality of the plans
7 submitted.

8 (2) The school district shall either:

9 (i) select the qualified charter school best suited
10 to operate a victory charter school; or

11 (ii) where the school district determines that the
12 qualifications of all of the applicants or the quality of
13 the plans submitted are not satisfactory, prepare and
14 implement a plan for the conversion of the school into a
15 victory public school.

16 (3) Provided that a sufficient number of qualified
17 applicants apply for operation of a victory charter school
18 and the applicants and the plans submitted are satisfactory
19 pursuant to paragraph (2)(ii), a school district shall
20 consider the qualified applicants for the conversion of
21 schools into victory charter schools.

22 (e) School-prepared plan.--Where a school district does not
23 receive any satisfactory applications as reasonably determined
24 by the school district from a charter school applicant for the
25 conversion of a school to a victory charter school or where a
26 school district does not receive notice under section 1713-C(b),
27 the school district shall prepare and implement a plan for the
28 conversion of the school into a victory public school within 90
29 days of the receipt of notice pursuant to section 1713-C(a)(1)
30 (ii).

1 Section 1716-C. Payments for victory charter schools.

2 Notwithstanding the provisions of section 1725-A(a)(2) and
3 (3), an agreement between a school district and a victory
4 charter school shall include a payment rate for each nonspecial
5 education student and for each special education student.

6 Section 1717-C. Transportation.

7 A school district shall provide transportation for students
8 who attend a victory academy in accordance with section 1361.

9 Section 1718-C. Department duties.

10 The department shall have the following duties:

11 (1) Provide technical assistance to school districts in
12 the implementation of this article.

13 (2) Prepare and distribute forms and documentation
14 necessary to implement this article, including documentation
15 to report data regarding the academic performance of each
16 victory academy for compliance with section 1719-C.

17 (3) Establish guidelines as necessary to implement this
18 article.

19 Section 1719-C. Study.

20 (a) Performance information.--Within 30 days of the
21 conclusion of the 2011-2012, 2012-2013 and 2013-2014 school
22 years, a school district and an operator of a victory charter
23 school shall submit to the department such information as
24 required by the department in the manner indicated by the
25 department on the academic performance indicators agreed upon
26 between a victory academy and the school district.

27 (b) Effectiveness study.--Within 90 days of the conclusion
28 of the 2013-2014 school year, the department shall conduct a
29 study and prepare a written report on the effectiveness of the
30 Victory Academy Pilot Program to raise student academic

1 performance and submit it to the Governor, the chairman and
2 minority chairman of the Education Committee of the Senate and
3 the chairman and minority chairman of the Education Committee of
4 the House of Representatives.

5 (c) Miscellaneous Provisions

6 Section 1731-C. Inconsistent provisions.

7 The provisions of Article XVII-A that do not conflict with or
8 are not inconsistent with the provisions of this article shall
9 apply to this article.

10 Section 1732-C. Expiration.

11 This article shall expire December 31, 2015.

12 Section 2. This act shall take effect immediately.