

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1410 Session of 2012

INTRODUCED BY FERLO, COSTA, FONTANA, SOLOBAY, FARNESE AND BROWNE, FEBRUARY 2, 2012

SENATOR PICCOLA, EDUCATION, AS AMENDED, MARCH 27, 2012

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," reenacting and amending provisions
6 relating to school boards and educational empowerment.

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

9 ~~Section 1. Section 1704 B(c) of the act of March 10, 1949~~ ←
10 ~~(P.L.30, No.14), known as the Public School Code of 1949,~~
11 ~~amended or added July 11, 2006 (P.L.1092, No.114) and July 9,~~
12 ~~2008 (P.L.846, No.61), is reenacted and amended to read:~~

13 SECTION 1. SECTION 1704-B HEADING AND (C) OF THE ACT OF ←
14 MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE
15 OF 1949, AMENDED OR ADDED JULY 11, 2006 (P.L.1092, NO.114) AND
16 JULY 9, 2008 (P.L.846, NO.61), ARE REENACTED AND AMENDED TO
17 READ:

18 Section 1704-B. Board of School Directors OF COMMONWEALTH ←
19 PARTNERSHIP SCHOOL DISTRICTS.--* * *

20 (c) (1) In addition to all current rights, powers,



1 privileges, prerogatives and duties, a board of school directors
2 of a school district that has been placed on the empowerment
3 list ON OR AFTER JUNE 30, 2006, due to the designation by the
4 secretary as a Commonwealth partnership school district shall
5 have the power to cancel or renegotiate any contract, other than
6 collective bargaining agreements, for the purpose of making
7 necessary economies in the operation of the schools within the
8 school district; eliminate nonprofessional positions for
9 services nonessential for the operation of the school district;
10 or enter into agreements with individuals, for-profit or
11 nonprofit organizations for the operation of school buildings or
12 groups of school buildings or for the provision of educational
13 or other types of services to or for the school district.

14 (2) The superintendent shall be responsible for the
15 implementation of a system of performance review of school
16 administrators, as approved by the board of school directors.
17 Administrator performance shall be evaluated on the basis of
18 abilities and effectiveness to manage the operation of the
19 school facilities and staff, manage resources, provide
20 instructional leadership, implement and administer the school
21 budget and promote and maintain a positive educational learning
22 environment.

23 (3) Based upon an unsatisfactory review and evaluation of a
24 school administrator arising from the implementation of the
25 program established in paragraph (2), a board of school
26 directors may reassign, transfer or suspend the school
27 administrator without regard to section 1125.1 or 1151.

28 (4) Based upon an unsatisfactory review and evaluation of a
29 school administrator arising from the implementation of the
30 program established in paragraph (2), a board of school

1 directors may dismiss the school administrator pursuant to the
2 procedure contained in section 1127, provided that the board of
3 school directors shall afford the school administrator notice
4 and an opportunity to be heard pursuant to 2 Pa.C.S. Ch. 5
5 Subch. B (relating to practice and procedure of local agencies).

6 (4.1) In addition to powers enumerated in this act, a school
7 district designated as a Commonwealth partnership school
8 district may dispose of unused and unnecessary lands and
9 buildings, if such buildings are in excess of twenty-five (25)
10 years of age, in the following manner, notwithstanding the
11 provisions of section 707 of this act:

12 (i) By negotiated sale, provided the district has an
13 affidavit of at least three (3) persons who are familiar with
14 the value of real estate in the locality in which the lands and
15 buildings proposed to be sold are located, who have examined the
16 property and set forth a value for the property and who opine
17 that the consideration for the property is equal to or better
18 than that which could be received by sealed bid. The sale price
19 shall not be less than the highest value set forth in the three
20 (3) affidavits.

21 (ii) By entering into agreements with an urban redevelopment
22 authority organized under the act of May 24, 1945 (P.L.991,
23 No.385), known as the Urban Redevelopment Law, under which the
24 district may convey property to the authority for the purpose of
25 the authority facilitating the conveyance of the property
26 consistent with the goals of the school district and the
27 authority.

28 (5) [As used in] For purposes of this subsection, ["school
29 administrator" shall have the same meaning given to it under
30 section 1164] the following terms shall have the following

1 meanings:

2 "Commonwealth partnership school district." A school
3 district for which ~~within sixty (60) days of July 11, 2006,~~ the ←
4 secretary has determined, ON OR AFTER JULY 11, 2006, AND NOT ←
5 LATER THAN SEPTEMBER 9, 2006, all of the following:

6 (i) The school district has experienced a decline of fifteen
7 per centum (15%) or more in student enrollment during the
8 immediately preceding five-year period.

9 (ii) The school district has experienced a loss of revenue
10 during the immediately preceding three-year period due to the
11 statutory removal of one or more of the sources of revenue made
12 available pursuant to section 652.1.

13 (iii) The school district has an equalized millage for the
14 2004-2005 fiscal year of greater than twenty-seven (27).

15 "Department." The Department of Education of the ←
16 Commonwealth.

17 "Education empowerment list." A list prepared annually by
18 the department "EMPOWERMENT LIST." A LIST PREPARED BY THE ←
19 DEPARTMENT OF EDUCATION containing school districts that fall
20 below certain academic assessments as provided in FORMER section ←
21 1703-B.

22 "School administrator." As defined in section 1164.

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

24 [(6) This subsection shall expire June 30, 2012.]

25 Section 2. This act shall take effect immediately.