

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1430 Session of  
2012

INTRODUCED BY SCHWANK, COSTA, HUGHES, FERLO, FONTANA, STACK,  
KASUNIC, LEACH, SOLOBAY AND BROWNE, MARCH 16, 2012

REFERRED TO EDUCATION, MARCH 16, 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," providing for Priority Assistance  
6 Grant for Education Program.

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

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

12 Section 2599.4. Priority Assistance Grant for Education  
13 Program.--(a) Beginning with the 2012-2013 fiscal year, the  
14 Department of Education shall establish the Priority Assistance  
15 Grant for Education Program to support students enrolled in  
16 qualifying school districts. The purpose of the program is to  
17 ensure that students in qualifying school districts have access  
18 to proven, research-based academic programs that will improve  
19 student learning and academic achievement.

20 (b) To qualify for the program under this section, a school

1 district shall:

2 (1) (i) Be classified as a school district of the second,  
3 third or fourth class.

4 (ii) Be certified as a Corrective Action 2 school district  
5 pursuant to the No Child Left Behind Act of 2001 (Public Law  
6 107-110, 115 Stat. 1425) as of the effective date of this  
7 section; or

8 (2) meet all of the following:

9 (i) Have a 2009 personal income divided by the adjusted  
10 average daily membership for the 2009-2010 school year of less  
11 than or equal to one hundred thousand dollars (\$100,000).

12 (ii) Have a market value/personal income aid ratio for the  
13 2011-2012 school year greater than or equal to 0.7000.

14 (iii) Have the percentage of students eligible for free or  
15 reduced-price meals under the National School Lunch Program  
16 during the 2009-2010 school year greater than or equal to sixty-  
17 five percent (65%), calculated by dividing the number of  
18 students eligible for free and reduced-price meals during the  
19 2009-2010 school year by the adjusted average daily membership  
20 of the school district for the 2009-2010 school year.

21 (iv) Have a percentage of students scoring below proficient  
22 on the 2009-2010 PSSA test in reading of greater than or equal  
23 to thirty percent (30%), calculated by dividing the number of  
24 PSSA tests administered in the school district on which students  
25 scored below proficient in reading during the 2009-2010 school  
26 year by the total number of PSSA tests scored in reading in the  
27 school district during the 2009-2010 school year.

28 (v) Have a percentage of students scoring below proficient  
29 on the 2009-2010 PSSA test in mathematics of greater than or  
30 equal to thirty percent (30%), calculated by dividing the number

of PSSA tests administered in the school district on which  
students scored below proficient in mathematics during the  
2009-2010 school year by the total number of PSSA tests scored  
in mathematics in the school district during the 2009-2010  
school year.

(c) A school district that qualifies for the program under  
subsection (b) shall establish a school leadership team in order  
to develop the priority assistance plan required under  
subsection (f) (2) and monitor the academic achievement of  
students impacted by the program. The school leadership team  
shall meet at least quarterly and shall continue for as long as  
the school district receives a priority assistance grant for  
education under subsection (e). The school leadership team shall  
include:

(1) The school district superintendent or a designee.

(2) Two (2) building principals.

(3) Five (5) professional employees, selected by the exclusive  
representative of professional employees in the school district.

(4) Two (2) parents, selected by the members enumerated in  
paragraphs (1), (2) and (3).

(5) If practicable, one (1) faculty member of a certified  
education program at a Pennsylvania accredited college or  
university selected by the members enumerated in paragraphs (1),  
(2) and (3).

(d) A school district that qualifies for the program under  
subsection (b) shall use the priority assistance grant for  
education funds provided under subsection (e) to support proven,  
research-based academic programs. Specifically, priority  
assistance grant for education funds may be used only for any of  
the following:

1     (1) Establishing or expanding prekindergarten programs.

2     (2) Establishing or expanding full-day kindergarten  
3 programs.

4     (3) Reducing class sizes such that one teacher in any  
5 elementary-level class for which funds under this section are  
6 used is responsible for no more than twenty (20) students per  
7 class period and that one teacher in any secondary-level class  
8 for which funds under this section are used is responsible for  
9 no more than twenty-five (25) students per class period:

10 Provided, That a school district that has increased class sizes  
11 in the school year prior to the first year in which priority  
12 assistance grant for education funds under subsection (e) are  
13 allocated shall use funds provided under subsection (e) such  
14 that one teacher is responsible for no more than twenty (20)  
15 elementary-level students or twenty-five (25) secondary-level  
16 students per class period.

17     (4) Establishing or expanding programs to provide additional  
18 student learning time. Programs offered under this paragraph  
19 shall first focus on school buildings with the highest  
20 proportion of students who scored "basic" or "below basic" on  
21 the PSSA tests in reading or mathematics administered in the  
22 school year prior to the school year in which priority  
23 assistance grant for education funds are allocated under  
24 subsection (e). Programs offered under this paragraph may  
25 include before-school and after-school tutoring opportunities,  
26 tutoring programs offered during the regular school day or  
27 behavior support programs.

28     (5) Establishing or expanding programs to provide  
29 vocational-education opportunities to students. Programs  
30 eligible under this paragraph may include initiatives to

1 identify students for vocational-education opportunities, create  
2 partnerships with existing vocational-education providers and  
3 create partnerships for internships and externships with  
4 employers.

5 (6) Establishing or expanding parent involvement programs.  
6 Initiatives eligible under this paragraph include expanded use  
7 of parent-teacher conferences, establishment of online student  
8 grading report systems and establishment of school-wide or  
9 school district-wide activities aimed at fostering greater  
10 involvement by parents and others in school or school district  
11 activities.

12 (7) Establishing or expanding programs that promote  
13 connections with local law enforcement, that expand the  
14 availability, coordination, integration and utilization of  
15 social and health services and that promote connections with  
16 other State and local organizations and agencies that exist to  
17 meet the needs of children and families in addressing issues  
18 that may serve to limit student academic achievement.

19 (8) Establishing or expanding programs to place eligible  
20 students in alternative education programs. Initiatives under  
21 this paragraph may include the use of priority assistance grant  
22 for education funds to finance the placement of eligible  
23 students in existing alternative education programs.

24 (9) Establishing or expanding programs to educate students  
25 about and to train school employees to prevent bullying, threats  
26 and other abusive behaviors.

27 (10) Establishing or expanding programs to provide mentoring  
28 opportunities to school employees who have been employed by a  
29 qualifying school district for less than five (5) years or who  
30 are newly assigned to a school building impacted by a program

under this subsection. Initiatives under this paragraph shall provide opportunities for such school employees to learn from colleagues and receive targeted professional development.

(11) Making expenditures essential to the continued operation of the school district or reinstating any initiative, course offering or other academic program not otherwise enumerated in this subsection that was eliminated or curtailed during the school year in which priority assistance grant for education funds under subsection (e) are allocated or during the school year immediately preceding the school year in which priority assistance grant for education funds are allocated: Provided, That a qualifying school district that elects to use grant funds under this paragraph shall be subject to the provisions of subsection (g).

(12) In years subsequent to the first year in which priority assistance grant for education funds under subsection (e) are allocated, a qualifying school district may use such funds to maintain any program or expenditure authorized in this subsection.

(e) During the 2012-2013 school year and each school year thereafter, a school district that qualifies for the program under subsection (b) shall receive a priority assistance grant for education, calculated as follows:

(1) Determine the percentage of students who scored below proficient on the 2009-2010 PSSA tests in reading by dividing the number of PSSA tests administered in the school district on which students scored below proficient in reading during the 2009-2010 school year by the total number of PSSA tests scored in reading in the school district during the 2009-2010 school year.

1     (2) Determine the percentage of students who scored below  
2 proficient on the 2009-2010 PSSA tests in mathematics by  
3 dividing the number of PSSA tests administered in the school  
4 district on which students scored below proficient in  
5 mathematics during the 2009-2010 school year by the total number  
6 of PSSA tests scored in mathematics in the school district  
7 during the 2009-2010 school year.

8     (3) Divide the sum of paragraphs (1) and (2) by 2.0.

9     (4) Multiply the quotient from paragraph (3) by the adjusted  
10 average daily membership of the school district for the  
11 2009-2010 school year.

12     (5) Multiply the product from paragraph (4) by the sum of  
13 1.0 and the percentage of students eligible for free or reduced-  
14 price meals under the National School Lunch Program during the  
15 2009-2010 school year. The percentage of students under this  
16 paragraph shall be calculated by dividing the number of students  
17 eligible for free and reduced-price meals during the 2009-2010  
18 school year by the adjusted average daily membership of the  
19 school district for the 2009-2010 school year.

20     (6) Multiply the product from paragraph (5) by the quotient  
21 of one hundred thousand (100,000) and the 2009 personal income  
22 per adjusted average daily membership of the school district.

23     (7) Multiply the product from paragraph (6) by the market  
24 value/personal income aid ratio of the school district for the  
25 2011-2012 school year.

26     (8) Divide the product from paragraph (7) by the sum of the  
27 products of paragraph (6) for all qualifying school districts.

28     (9) Multiply the quotient from paragraph (8) by thirty  
29 million dollars (\$30,000,000).

30     (f) (1) Within fifteen (15) days of the effective date of

this section and no later than June 1 of each year thereafter,  
the Department of Education shall notify a school district that  
qualifies for the program under subsection (b) of the amount of  
priority assistance grant for education funds it will receive  
under subsection (e) and of the programs authorized under  
subsection (d).

(2) No later than forty-five (45) days after a qualifying  
school district receives the notice under paragraph (1), the  
board of school directors shall submit a priority assistance  
plan to the Department of Education. The priority assistance  
plan shall be developed and submitted to the board of school  
directors by the school leadership team established under  
subsection (c). A qualifying school district that fails to  
establish a school leadership team under subsection (c) and  
submit a priority assistance plan under this paragraph shall  
forfeit its priority assistance grant for education funds under  
subsection (e). The priority assistance plan shall include:

(i) The program or programs under subsection (d) that  
priority assistance grant for education funds will be used to  
support.

(ii) The amount of priority assistance grant for education  
funds used for each program identified under subparagraph (i).

(iii) A detailed description of each program for which  
priority assistance grant for education funds will be used.

(iv) A description of the academic accountability measures  
the school district will use to measure the impact the program  
or programs identified under subparagraph (i) have on students.

(v) An indication of whether the program or programs  
identified under subparagraph (i) are new, an expansion of  
existing programs or a reinstatement of programs that were



1 previously eliminated or curtailed.

2 (3) Where a qualifying school district's priority assistance  
3 plan under paragraph (2) indicates that it intends to use  
4 twenty-five percent (25%) or more of its priority assistance  
5 grant for education funds pursuant to subsection (d)(11), such  
6 qualifying school district shall be subject to the provisions of  
7 subsection (g).

8 (4) No later than October 1, 2012, and September 1 of each  
9 year thereafter, the Department of Education shall pay priority  
10 assistance grant for education funds pursuant to subsection (e)  
11 to a qualifying school district that complies with paragraphs  
12 (2) and (3).

13 (5) No later than March 1, 2013, and March 1 of each year  
14 thereafter, the Department of Education shall, in consultation  
15 with the academic excellence advisory commission established  
16 under subsection (h), submit a report to the Chairman and  
17 Minority Chairman of the Appropriations Committee of the Senate,  
18 the Chairman and Minority Chairman of the Education Committee of  
19 the Senate, the Chairman and Minority Chairman of the  
20 Appropriations Committee of the House of Representatives and the  
21 Chairman and Minority Chairman of the Education Committee of the  
22 House of Representatives summarizing the operation of the  
23 program for the fiscal year in which the report is submitted.

24 The report shall include:

25 (i) A description of the operation of the program.

26 (ii) A summary of the total amount of priority assistance  
27 grant for education funds paid to qualifying school districts.

28 (iii) A summary of the uses of priority assistance grant for  
29 education funds in qualifying school districts.

30 (iv) An identification of the number of qualifying school

districts that used priority assistance grant for education funds for each of the programs under subsection (d).

(v) A listing of each qualifying school district and the program or programs under subsection (d) for which priority assistance grant for education funds were used.

(g) (1) Where a qualifying school district's priority assistance plan includes expenditures within subsection (f)(3), the Secretary of Education shall appoint a State monitor to oversee the expenditure of only that portion of the qualifying school district's priority assistance grant for education funds used for the purpose enumerated under subsection (d)(11). The State monitor shall be appointed no later than thirty (30) days subsequent to the allocation of priority assistance grant for education funds under subsection (e).

(2) The State monitor shall not be employed by or at any time act in any official capacity connected with the qualifying school district and shall remain in place for as long as the qualifying school district receives priority assistance grant for education funds under subsection (e), unless removed by the Secretary of Education.

(3) The State monitor shall have the following powers and duties:

(i) To review the school district's revenues and expenditures in order to determine whether any other school district resources, other than priority assistance grant for education funds, are available for the purposes authorized under subsection (d)(11).

(ii) To oversee the expenditure of priority assistance grant for education funds for the purposes authorized under subsection (d)(11).

1     (iii) To have access to all records of expenditures made by  
2 the school district for the purposes authorized under subsection  
3 (d) (11).

4     (h) (1) The Secretary of Education shall appoint members of  
5 an academic excellence advisory commission, which shall meet at  
6 least quarterly, at the call of the commission's chairperson.

7     (2) The commission shall:

8     (i) Review priority assistance plans submitted by qualifying  
9 school districts under subsection (f) (2).

10    (ii) Identify successful, research-based initiatives  
11 qualifying school districts may use to implement the programs  
12 identified under subsection (d).

13    (iii) Assist the Secretary of Education in the creation and  
14 maintenance of the clearinghouse established under subsection  
15 (i).

16    (iv) Advise the Secretary of Education in the selection of  
17 any State monitor appointed under subsection (g).

18    (v) Advise the Secretary of Education in the development of  
19 the report required under subsection (f) (5).

20    (3) Commission members shall include:

21    (i) The Department of Education's deputy secretary for basic  
22 education, who shall serve as chairperson.

23    (ii) Two (2) members of the State Board of Education.

24    (iii) Three (3) teachers who are actively employed by  
25 Pennsylvania school districts, as recommended by the  
26 Pennsylvania State Education Association.

27    (iv) Three (3) members of Pennsylvania boards of school  
28 directors, as recommended by the Pennsylvania School Boards  
29 Association.

30    (v) Three (3) school superintendents who are actively

employed by Pennsylvania school districts, as recommended by the Pennsylvania Association of School Administrators.

(vi) Three (3) principals who are actively employed by Pennsylvania school districts, including an elementary school principal, a middle school principal and a secondary school principal, as recommended by the Pennsylvania Association of Elementary and Secondary School Principals.

(vii) Three (3) parents of students enrolled in school districts that qualify for the program under subsection (b), as recommended by the Pennsylvania Parent Teacher Association.

(viii) Three (3) faculty members of certified education programs at a Pennsylvania-accredited college or university.

(i) The Secretary of Education shall, in consultation with the academic excellence advisory commission, establish a clearinghouse of information, initiatives and research that school districts that qualify for the program under subsection (b) may use to implement the programs identified under subsection (d). The contents of the clearinghouse shall be updated quarterly with the most current information, initiatives and research and made available to qualifying school districts through the Department of Education's publicly accessible Internet website.

(j) (1) The Department of Education shall establish reporting procedures and auditing guidelines to ensure that priority assistance grant for education funds are utilized in accordance with subsection (d).

(2) A school district shall maintain separate accounts in its budget to facilitate monitoring the use of the priority assistance grant for education funds.

(3) The Department of Education shall reduce the amount of a

1 State subsidy payment to a school district that qualifies for  
2 the program under subsection (b) by an amount equal to the  
3 amount of any priority assistance grant for education funds  
4 under subsection (e) that are not used in accordance with  
5 subsection (d).

6 (4) No later than September 1, 2013, and September 1 of each  
7 year thereafter, the Auditor General shall issue a report on the  
8 program under this section.

9 (5) No school district may place priority assistance grant  
10 for education funds under this section in a reserve account.

11 (k) Nothing in this section shall be construed to alter or  
12 otherwise affect the rights, remedies and procedures afforded  
13 school or school district employes under Federal, State or local  
14 laws, including applicable regulations or court orders, or under  
15 the terms of collective bargaining agreements, memoranda of  
16 understanding or other agreements between such employes and  
17 their employers.

18 Section 2. This act shall take effect immediately.