

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1067 Session of  
2013

INTRODUCED BY WILLIAMS, RAFFERTY AND FOLMER, SEPTEMBER 19, 2013

REFERRED TO EDUCATION, SEPTEMBER 19, 2013

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 parent trigger, for  
6 transformational model, for school transformation by parental  
7 petition, for implementation of parental petition, for duties  
8 of the Department of Education, for school district duties,  
9 for School-to-school Partnership Program, for notification  
10 and for guidelines.

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

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

16 ARTICLE XVII-C

17 PARENT TRIGGER

18 (a) Preliminary Provisions

19 Section 1701-C. Scope of article.

20 This article provides for parent trigger.

21 Section 1702-C. Definitions.

22 The following words and phrases when used in this article

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Charter management organization." A nonprofit organization  
4 that operates or manages charter schools by centralizing or  
5 sharing certain functions and resources among schools.

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

8 "Education management organization." A for-profit  
9 organization or nonprofit organization that provides services  
10 for the operation of a school.

11 "Eligible student." Either:

12 (1) a student enrolled in a low-achieving school; or

13 (2) according to the school district board's enrollment  
14 policies, a student scheduled for assignment to a low-  
15 achieving school in the following year.

16 "Low-achieving school." A public school that ranked in the  
17 lowest 15% of its designation as an elementary school or a  
18 secondary school based on combined mathematics and reading  
19 scores from the annual assessment administered in the previous  
20 school year and for which the Department of Education has posted  
21 results on its publicly accessible Internet website. The term  
22 does not include a charter school, cyber charter school or area  
23 vocational-technical school. If, on the date the petition is  
24 submitted, a school is identified as a low-achieving school, it  
25 remains so until final disposition of the petition by the school  
26 district notwithstanding that the school may be removed from the  
27 list of low-achieving schools.

28 "Parent." A natural or adoptive parent, legal guardian or  
29 other person holding the right to make an educational decision  
30 for the eligible student on the date the petition is submitted.

1 "Restart model." A school district model in which a school  
2 district converts a school or closes and reopens a school under  
3 any of the following that has been selected through a rigorous  
4 review process:

- 5 (1) a charter school operator;
- 6 (2) a charter management organization; or
- 7 (3) an education management organization.

8 "School." A public elementary or secondary school in this  
9 Commonwealth. The term does not include:

- 10 (1) a charter school;
- 11 (2) a cyber charter school;
- 12 (3) an area vocational-technical school;
- 13 (4) a school that does not draw its student body from a  
14 particular attendance boundary; or
- 15 (5) a school with specialized academic programs with  
16 specific admissions criteria except where indicated.

17 "School closure." A school district turnaround option in  
18 which the school district closes a school that results in  
19 students being removed and enrolled in a higher performing  
20 publicly funded school, including a charter school, cyber  
21 charter school and private school receiving public funds within  
22 the school district.

23 "Transformational model." A school district turnaround in  
24 which a school district implements the strategies specified in  
25 section 1711-C.

26 "Turnaround model." As follows:

- 27 (1) A school district turnaround option in which a  
28 school district implements the following strategies:
  - 29 (i) Replacing the principal who led the school prior  
30 to the commencement of the turnaround model and granting

1 the new principal sufficient operational flexibility,  
2 including flexibility in staffing, scheduling and  
3 budgeting, to implement fully a comprehensive approach in  
4 order to substantially improve student achievement  
5 outcomes and increase high school graduation rates.

6 (ii) Using locally adopted competencies to measure  
7 the effectiveness of staff who can work within the  
8 turnaround environment to meet the needs of the students  
9 by:

10 (A) screening the staff and rehiring no more  
11 than 50% of the staff; and

12 (B) selecting new staff.

13 (iii) Implementing strategies such as providing:

14 (A) financial incentives;

15 (B) increased opportunities for promotion and  
16 career growth; and

17 (C) more flexible work conditions that are  
18 designed to recruit and retain staff with the skills  
19 necessary to meet the needs of the students in the  
20 turnaround school.

21 (iv) Providing staff with ongoing, high-quality,  
22 job-embedded professional development that is aligned  
23 with the comprehensive instructional program of the  
24 school and designed with school staff to ensure that  
25 staff are equipped to facilitate effective teaching and  
26 learning to successfully implement school reform  
27 strategies.

28 (v) Adopting a new governance structure, which may  
29 include requiring the school to report to a new  
30 turnaround office in the school district, hiring a

1 turnaround leader who reports directly to the  
2 superintendent or chief academic officer or entering into  
3 a multiyear contract with the school district to obtain  
4 added flexibility in exchange for greater accountability.

5 (vi) Using data to identify and implement an  
6 instructional program that is research based and  
7 vertically aligned from one grade to the next as well as  
8 aligned with State academic standards.

9 (vii) Promoting the continuous use of student data  
10 from assessments to inform and differentiate instruction  
11 in order to meet the academic needs of individual  
12 students.

13 (viii) Establishing schedules and implementing  
14 strategies that provide increased learning time.

15 (ix) Providing appropriate social, emotional and  
16 community-oriented services and supports for students.

17 (2) A turnaround model may include the implementation of  
18 other strategies, including any of the required and  
19 permissible strategies under the transformational model, or a  
20 new school model based on a single theme.

21 (b) Transformational Model and  
22 School District Using a Restart Model  
23 Section 1711-C. Transformational model.

24 A transformational model shall implement the following  
25 strategies:

26 (1) Developing and increasing teacher and school leader  
27 effectiveness as follows:

28 (i) A school district shall:

29 (A) replace the principal who led the school  
30 prior to commencement of the transformational model;

1           (B) use rigorous, transparent and equitable  
2           evaluation systems for teachers and principals as  
3           provided for under section 1123;

4           (C) identify and reward school leaders, teachers  
5           and other staff who, in implementing the  
6           transformational model, have increased student  
7           achievement or high school graduation rates;

8           (D) identify and remove school leaders, teachers  
9           and other staff who, in implementing the  
10          transformational model, have not significantly  
11          increased student achievement or high school  
12          graduation rates;

13          (E) provide staff with ongoing, high-quality,  
14          job-embedded professional development that is aligned  
15          with the school's comprehensive instructional program  
16          and designed with school staff to ensure that the  
17          staff are equipped to facilitate effective teaching  
18          and learning and have the capacity to successfully  
19          implement school reform strategies; and

20          (F) implement such strategies as financial  
21          incentives, increased opportunities for promotion and  
22          career growth and more flexible work conditions that  
23          are designed to recruit, place and retain staff with  
24          the skills necessary to meet the needs of the  
25          students in a transformational model school.

26          (ii) In addition to the strategies contained under  
27          subparagraph (i), a school district may implement other  
28          strategies to develop the effectiveness of teachers and  
29          school leaders, including the following:

30          (A) providing additional compensation to attract

1 and retain staff with the skills necessary to meet  
2 the needs of the students in a transformational model  
3 school;

4 (B) instituting a system for measuring changes  
5 in instructional practices resulting from  
6 professional development; and

7 (C) ensuring the school is not required to  
8 accept a teacher without the mutual consent of the  
9 teacher and principal, regardless of the seniority of  
10 the teacher.

11 (2) Comprehensive instructional reform strategies as  
12 follows:

13 (i) A school district shall:

14 (A) use data to identify and implement a  
15 research-based instructional program that is aligned  
16 with State academic standards and vertically aligned  
17 from one grade to the next; and

18 (B) promote the continuous use of student data  
19 from assessments to inform and differentiate  
20 instruction to meet the academic needs of individual  
21 students.

22 (ii) In addition to the strategies implemented under  
23 subparagraph (i), a school district may implement  
24 comprehensive instructional reform strategies, such as:

25 (A) conducting periodic reviews to ensure that  
26 the curriculum is being implemented with fidelity and  
27 having the intended impact on student achievement;

28 (B) modifying the curriculum if it is not having  
29 the intended impact on student achievement;

30 (C) implementing a school-wide response to an

intervention model;

(D) providing additional supports and professional development to teachers and principals in order to implement effective strategies to support students with disabilities in the least restrictive environment and to ensure that limited English proficient students acquire language skills to master academic content;

(E) using and integrating technology-based supports and interventions as part of the instructional program; and

(F) in secondary schools:

(I) increasing rigor by offering opportunities for students to enroll in advanced coursework, early-college high schools, dual enrollment programs or thematic learning academies that prepare students for college and careers, including providing appropriate supports designed to ensure that low-achieving students can take advantage of the programs and coursework;

(II) improving student transition from middle school to high school through summer transition programs or freshman academies;

(III) increasing graduation rates through strategies, such as credit-recovery programs, re-engagement strategies, smaller learning communities, competency-based instruction, performance-based assessments and acceleration of basic reading and mathematics skills; and



1                   (IV) establishing early-warning systems to  
2                   identify students who may be at risk of failing  
3                   to achieve at high standards or graduate.

4           (3) Increasing learning time and creating community-  
5 oriented schools as follows:

6           (i) A school district shall:

7                   (A) establish schedules and implement strategies  
8                   that provide increased learning time; and

9                   (B) provide ongoing mechanisms for family and  
10                   community engagement.

11           (ii) In addition to the strategies implemented under  
12 subparagraph (i), a school district may implement  
13 strategies that extend learning time and create  
14 community-oriented schools, such as:

15                   (A) partnering with parents, parent  
16                   organizations, faith-based organizations, community-  
17                   based organizations, health clinics, other State or  
18                   local agencies and others to create safe school  
19                   environments that meet the social, emotional and  
20                   health needs of the students;

21                   (B) extending or restructuring the school day to  
22                   add time for advisory periods that build  
23                   relationships between students, faculty and other  
24                   school staff;

25                   (C) implementing approaches to improve school  
26                   climate and discipline, such as implementing a system  
27                   of positive behavioral supports or taking steps to  
28                   eliminate bullying and student harassment; and

29                   (D) expanding the school program to offer full-  
30                   day kindergarten or prekindergarten.

1       (4) Providing operational flexibility and sustained  
2 support as follows:

3       (i) A school district shall:

4           (A) give the school sufficient operational  
5 flexibility, such as staffing, scheduling and  
6 budgeting, to fully implement a comprehensive  
7 approach to substantially improve student achievement  
8 outcomes and increase high school graduation rates;  
9 and

10          (B) ensure that the school receives ongoing,  
11 intensive technical assistance and related support  
12 from the school district or a designated external  
13 lead partner organization, such as a school  
14 turnaround organization or an education management  
15 organization.

16       (ii) In addition to the strategies implemented under  
17 subparagraph (i), a school district may implement other  
18 operational flexibility and intensive support strategies,  
19 such as:

20           (A) allowing the school to be operated under a  
21 new governance arrangement; or

22           (B) implementing a per-student, school-based  
23 budget formula that is weighted based on student  
24 needs.

25 Section 1712-C. School districts implementing a restart model.

26 A school district implementing a restart model shall:

27       (1) enroll, within the grades it serves, any former  
28 student who wishes to attend the school; and

29       (2) continue to serve the entire attendance boundary of  
30 the school.

1           (c) School Transformation by Parental Petition  
2   Section 1721-C. School transformation by parental petition.

3       (a) Restart or transformation.--For a low-achieving school  
4 on the list developed by the department under section 1709-G.1  
5 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax  
6 Reform Code of 1971, parents may petition to restart the school  
7 or to transform it under one of the turnaround options.

8       (b) Applicability.--This section does not apply to:

9           (1) a public elementary or secondary school that the  
10 school district scheduled for closure; or

11           (2) a school that implemented a school transformation by  
12 parental petition within the last three years.

13       (c) Parents.--If parents representing over 50% of the  
14 students attending a low-achieving school sign a petition  
15 requesting to restart the school or to implement one of the  
16 turnaround options provided in subsection (a), the school  
17 district shall implement the option requested by the parents,  
18 except as provided in section 1722-C(e). A parent may sign the  
19 petition once for each eligible student they have in the low-  
20 achieving school. Only one parent per eligible student may sign  
21 a petition.

22       (d) Duty of school district.--The school district shall  
23 provide in writing to any persons who make a request, enrollment  
24 data and the number of signatures required under subsection (c).

25       (e) Submission.--The petition shall be submitted to the  
26 department and school district. Petitioning parents may not  
27 submit signatures for a low-achieving school until the petition  
28 contains the required amount of signatures.

29       (f) Signatures.--Once the department receives the petition,  
30 the department has no more than 45 calendar days to review and

1 verify the signatures as legitimate. The department shall  
2 initially attempt to verify the signatures by comparing the  
3 petitions to their existing files for parents and may only  
4 contact parents about their signatures in the case of a  
5 perceived discrepancy. The department may not invalidate the  
6 signature of a parent of an eligible student because of a  
7 technicality if it is clearly the intent of the parent to sign  
8 the petition and the parent is entitled to sign it. If enough  
9 discrepancies exist to put the total support level at or below  
10 50%, parents have an additional 60-day window to remedy the  
11 discrepancies or add the signatures of additional supportive  
12 parents.

13 (g) Decision.--Once the signatures have been verified, the  
14 department shall have no more than 30 calendar days to reach a  
15 formal decision on the final disposition of the petition.

16 (h) Right to expedited appeal.--A petitioner has the right  
17 to an expedited appeal to the appropriate court of common pleas.

18 (i) Proposed school operator.--As follows:

19 (1) If the parents petition for a restart model and  
20 include the proposed school operator, the parents need only  
21 to sign the petition to indicate their support for the  
22 restart school. If the proposed school operator is a charter  
23 school or charter school operator, a separate support  
24 petition does not need to be signed and submitted.

25 (2) If the parents petition for a restart model and do  
26 not include the proposed school operator, then the school  
27 district shall promptly notify the petitioners that it has  
28 adopted the restart model and give the petitioners the option  
29 to solicit and select a school operator.

30 (3) If the petitioners opt to solicit and select a

1 specific school operator, they must submit the proposed  
2 school operator to the school district within 120 calendar  
3 days of final disposition.

4 (4) If the petitioners decline the option to solicit  
5 proposals and select the school operator, the school district  
6 shall, within 20 calendar days, solicit proposals from  
7 charter school operators, charter management organizations  
8 and education management organizations. If the petitioners  
9 select an educational management organization, the school  
10 district shall work in good faith to implement a contract  
11 with a provider selected by the parents.

12 Section 1722-C. Implementation of parental petition.

13 (a) Duties of the school district.--Unless the parent  
14 petitioners request otherwise, the school district shall plan  
15 the restart or transformation and shall implement the plan no  
16 later than the subsequent school year after the petition is  
17 received. When a petition is received after March 1, the school  
18 district shall plan the restart or transformation no later than  
19 the first day of school of the school year beginning in the next  
20 calendar year, unless the petitioners and the school district  
21 agree to implement the plan in the subsequent school year.

22 (b) Parents.--If the school district approves a parent  
23 petition to restart the school, a parent who does not want his  
24 or her child to attend the selected public charter school may  
25 enroll the child in a different publicly funded school within  
26 the jurisdiction.

27 (c) Public charter schools.--A public charter school  
28 established under this act is subject to the same accountability  
29 and other standards in place for public charters in the  
30 jurisdiction. A public charter school that takes over the

operation of a school under this article shall continue to serve the entire attendance boundary of the school. Parents petitioning to establish a public charter under this article do not need signatures from another party.

(d) Prohibition.--If the school turnaround or restart option to be implemented is the conversion of the school to a public charter school, the public charter operator selected to operate the school may not have a school in its portfolio that has been under its control for at least five years and has performed in the bottom 50% of schools in this Commonwealth, as measured by the Pennsylvania System of School Assessment.

(e) Specific school turnaround or restart option.--The school district shall adopt and implement the specific school turnaround option or restart option selected by parents in the petition unless the school district makes a finding, in writing and presented at a public meeting, that it is logistically impossible to implement the option. In this case, the school district shall state which of the other school turnaround options or restart options, which must include one of the turnaround options or the conversion of the school to a public charter school, it will implement within the time frame under this section. If the school district finds that the school turnaround option or restart option selected by parents is logistically impossible, it shall submit both the school turnaround option or restart option selected by parents and the turnaround option or restart option selected by the school district to the department. If, after review, the department determines that the school turnaround option or restart option selected by parents is logistically possible for the school district to implement, the department shall require the school

district to implement that school turnaround option or restart option selected by parents. Alternatively, if the department determines that it is logistically impossible for the school district to implement the school turnaround option or restart option selected by parents, the department shall select a comparable turnaround or restart model and may consider, but is not limited to, the school district's selected model.

(f) Requirements.--After the selection of the department, implementation of the selected school turnaround option or restart model must be accomplished in the next school year. If the department authorizes the school district to implement the school turnaround option selected by the school district under subsection (e), the school district shall plan and implement the selected plan for that school turnaround option or restart model no later than 180 days after the department authorizes the school district to implement the selected school turnaround option or restart model.

(g) Harassment, threats and intimidation.--Parents shall be free from harassment, threats and intimidation related to:

- (1) circulation or signature of a petition;
- (2) discouragement in regard to signing a petition; or
- (3) revocation of a signature from the petition.

(h) School or school district resources.--School or school district resources may not be used to impede the petitioning process under this section and may not be used to support or oppose an effort by petitioning parents.

Section 1723-C. Department duties.

(a) Regulations.--Within 120 days from the enactment of this article, the Secretary of Education shall adopt regulations to implement the provisions of this article, including, but not

1 limited to:

2 (1) the petition format and submission process;

3 (2) the appeals procedure and timeline if the school  
4 district chooses to implement a restart model or turnaround  
5 option other than that requested by the petitioning parents;

6 (3) the selection and authorization of the public  
7 charter operator in circumstances where a public charter  
8 school is established under this article; and

9 (4) the procedures for rescission of parent signatures,  
10 which must specifically provide that signatures may not be  
11 invalidated after the date the petition is submitted on the  
12 grounds that the person who signed the petition has  
13 subsequently revoked the signature.

14 (b) Records and concerns.--The department shall maintain  
15 records regarding the contents of and outcomes from parental  
16 petitions in order to ensure appropriate implementation of this  
17 section and address concerns identified through regulatory  
18 action.

19 (c) Partnership program and technical assistance.--The  
20 department shall establish the School-to-school Partnership  
21 Program and provide technical assistance under section 1731-C.

22 (d) Financial assistance.--The department shall establish  
23 and implement a program to provide financial assistance to a  
24 mentor school in accordance with section 1731-C(c).

25 (e) Signatures and disposition of petition.--The department  
26 is responsible for verifying petitioners' signatures and making  
27 a decision as to the final disposition of the petition under  
28 section 1721-C(f).

29 (f) Notification.--The department shall notify the school  
30 district upon receipt of the parental petition and upon its



1 final disposition of the petition.

2 Section 1724-C. School district duties.

3 A school district shall implement the intervention requested  
4 by petition under section 1721-C(a) and in accordance with  
5 section 1722-C.

6 (d) Miscellaneous Provisions

7 Section 1731-C. School-to-school Partnership Program.

8 (a) Establishment.--

9 (1) The department shall establish a School-to-school  
10 Partnership Program and shall provide technical assistance to  
11 the participating low-achieving schools and mentor schools.  
12 The department shall:

13 (i) identify and notify schools that qualify as  
14 mentor schools;

15 (ii) create and maintain a Statewide list of schools  
16 that elected to be in the program as mentor schools; and

17 (iii) place the Statewide list established under  
18 subparagraph (i) on the department's publicly accessible  
19 Internet website.

20 (2) For purposes of this subsection, a mentor school is  
21 a school that:

22 (i) has been removed from the list of low-achieving  
23 schools developed by the department under section 1709-  
24 G.1 of the act of March 4, 1971 (P.L.6, No.2), known as  
25 the Tax Reform Code of 1971; or

26 (ii) using the most recent data available, has  
27 increased, in the Statewide rankings based on the  
28 Pennsylvania System of School Assessment scores, by two  
29 or more deciles over the last five years.

30 (b) Participation.--A school implementing the turnaround

model or transformational model may participate in the School-to-school Partnership Program by working with a mentor school that has successfully transitioned from the list of low-achieving schools. In doing so, the principal and, at the discretion of the principal, the staff of a mentor school shall provide:

(1) guidance to a low-achieving school to develop a reform plan for the school using the required elements of the turnaround or transformation model; and

(2) guidance and advice on how the mentor school was able to transform the culture of the low-achieving school and how that transformation could be replicated at the school implementing a turnaround or transformation model.

(c) Funding.--

(1) To the extent that funds are made available for this purpose, the department shall provide funding to a school district for each public school located in the school district that serves as a mentor school that is proportionate to the degree of school staff participation in the School-to-school Partnership Program. A school district that receives funding under this paragraph shall expend the funding for the support of each mentor school.

(2) As a condition for receipt of funds, the principal and, at the principal's discretion, the staff of a mentor school shall meet regularly with the assigned low-achieving school for a period of up to at least three years depending upon the availability of Federal funds.

Section 1732-C. Notification.

The department shall notify the board of school directors that one or more of the schools in its jurisdiction have been

1 identified as low-achieving schools as defined under section  
2 1702-G.1 of the act of March 4, 1971 (P.L.6, No.2), known as the  
3 Tax Reform Code of 1971.  
4 Section 1733-C. Guidelines.

5 The department may establish guidelines as necessary for the  
6 administration of this article. The guidelines must be published  
7 in the Pennsylvania Bulletin as statements of policy.

8 Section 2. This act shall take effect in 60 days.