

Rep Kinsey

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 distress in
6 school districts of the first class and for public hearing
7 prior to closing school; and providing for conditions for
8 closing schools.

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

11 Section 1. Section 696(i)(6) of the act of March 10, 1949
12 (P.L.30, No.14), known as the Public School Code of 1949,
13 amended October 30, 2001 (P.L.828, No.83), is amended to read:

14 Section 696. Distress in School Districts of the First
15 Class.--* * *

16 (i) In addition to all powers granted to the superintendent
17 by law and a special board of control under section 693 and
18 notwithstanding any other law to the contrary, the School Reform
19 Commission shall have the following powers:

20 * * *

1 (6) Notwithstanding any other provisions of this act, to
2 close or reconstitute a school, including the reassignment,
3 suspension or dismissal of professional employes. Provided,
4 however, That no school in a school district of the first class
5 shall be closed except as provided for in sections 780, 1311 and
6 1311.1.

7 * * *

8 Section 2. Section 780 of the act, added April 4, 1984
9 (P.L.190, No.38), is amended to read:

10 Section 780. Public Hearing Prior to Closing School.--In the
11 event of a permanent closing of a public school or substantially
12 all of a school's facilities, the board of school directors
13 shall hold a public hearing on the question not less than three
14 (3) months prior to the decision of the board relating to the
15 closing of the school. Notwithstanding any provision of this act
16 or regulation to the contrary, the board of school directors or
17 a special board of control in a school district of the first
18 class shall hold a separate hearing for each school that is
19 proposed to be permanently closed in the school district and for
20 each school designated to receive an increase of thirty percent
21 (30%) or more in student enrollment as the result of a school
22 being permanently closed. Notice of the hearing shall be given
23 in a newspaper of general circulation in the school district at
24 least fifteen (15) days prior to the date of such hearings. The
25 board of school directors or a special board of control in a
26 school district of the first class shall also conspicuously post
27 notice of the hearing on the school district's Internet website,
28 if a website is maintained. The published and posted notice
29 shall contain the date, time, place and purpose of the hearing
30 and shall be in English and Spanish.

1 Section 3. The act is amended by adding a section to read:

2 Section 1311.1. Conditions for Closing Schools.--(a) In
3 determining whether a school shall be permanently closed
4 pursuant to section 1311 and the students transferred to another
5 school in the school district, the board of school directors of
6 a school district or a special board of control exercising the
7 authority of a board of school directors in a school district of
8 the first class pursuant to section 696 shall:

9 (1) Prepare, or cause to be prepared, a thorough study of
10 each school proposed to be permanently closed. The study shall
11 focus primarily on the welfare of the students to be affected by
12 the proposed closure at both the school to be permanently closed
13 and the school to which the students will be transferred and
14 shall include, but may not be limited to, an evaluation of the
15 following:

16 (i) Enrollments, including any anticipated increase or
17 decrease in student enrollment based on both historical and
18 current projections, and the capacity of the school to which the
19 students from the school proposed to be closed will be
20 transferred to accommodate additional students.

21 (ii) A summary of any known or anticipated inconvenience or
22 hardship, including safety concerns, walking hazards or
23 transportation factors, which may affect the transfer of
24 students enrolled in the school proposed to be permanently
25 closed to another school in the school district.

26 (iii) Any known or projected cost of providing additional
27 school facilities.

28 (iv) Information on school closure counseling services
29 available to students enrolled in each school proposed to be
30 permanently closed.

1 (v) Information on student enrollment or population
2 characteristics such as ethnicity, special needs, free and
3 reduced lunch and English language learners.

4 (vi) Description and comparison of the learning climate,
5 academic performance and special and innovative programming of
6 both the school proposed to be permanently closed and the school
7 to which the students will be transferred in the school
8 district.

9 (vii) The physical condition of the school facility of both
10 the school proposed to be permanently closed and the school to
11 which the students will be transferred in the school district,
12 including technological capacity or other educationally
13 innovative features.

14 (viii) The actual operating costs of the school proposed to
15 be permanently closed.

16 (ix) A summary of the anticipated financial impact that
17 would result from permanently closing the school.

18 (x) Information on the proximity of the school proposed to
19 be closed to other schools in the school district.

20 (xi) A summary of all procedures developed and implemented
21 to ensure community involvement and actual community input
22 regarding the criteria to be considered in the decision-making
23 process by community members representing parents, students,
24 social services, civic organizations, neighborhood businesses
25 and local and State government officials.

26 (xii) A summary of the anticipated disposition of the school
27 building, including any plans for the sale or lease of the
28 school building, and plans for the ongoing maintenance and
29 security of the closed school building.

30 (xiii) Any other information or factors the board of school

1 directors or special board of control deems relevant.

2 (2) Conduct public hearings in accordance with section 780
3 for each school which is proposed to be closed in the school
4 district as well as for each school designated to receive an
5 increase of thirty percent (30%) or more in student enrollment
6 as the result of school closures.

7 (b) When a board of school directors or a special board of
8 control in a school district of the first class finally
9 determines that a school will be permanently closed in a school
10 district, the following shall apply:

11 (1) School closure counseling services shall be provided to
12 students enrolled in a school proposed to be permanently closed
13 in the school district and may be provided to such students on a
14 temporary or as needed basis and shall be provided in accordance
15 with the school district's policies and procedures governing
16 counseling services.

17 (2) School closure counseling services required under this
18 subsection shall be made available to all students enrolled in a
19 school subject to closure within thirty (30) days of the final
20 decision to permanently close the school.

21 (3) For the purposes of this subsection, the term "school
22 closure counseling services" shall mean group or individual
23 counseling provided to students enrolled in a school proposed to
24 be permanently closed in order to help such students transition
25 emotionally and physically to a new school in the school
26 district.

27 (c) A board of school directors or a special board of
28 control in a school district of the first class may authorize
29 the use of school guidance counselors employed by the school
30 district or professional counselors licensed in accordance with

1 the provisions of the act of July 9, 1987 (P.L.220, No.39),
2 known as the "Social Workers, Marriage and Family Therapists and
3 Professional Counselors Act," to provide school closing
4 counseling services authorized under this subsection.

5 Section 4. This act shall take effect in 60 days.