

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 857 Session of 2011

INTRODUCED BY SMUCKER, PICCOLA, BAKER, FOLMER, SCARNATI,
 RAFFERTY, ORIE, D. WHITE, ALLOWAY, BROWNE, WILLIAMS, WAUGH,
 BRUBAKER, PILEGGI AND MENSCH, MARCH 22, 2011

REFERRED TO EDUCATION, MARCH 22, 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," in reimbursements by Commonwealth and
 6 between school districts, further providing for
 7 accountability to Commonwealth taxpayers.

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

10 Section 1. Section 2502.49 of the act of March 10, 1949
 11 (P.L.30, No.14), known as the Public School Code of 1949, added
 12 July 9, 2008 (P.L.846, No.61), is repealed:

13 [Section 2502.49. Accountability to Commonwealth
 14 Taxpayers.--(a) In any school district where the amount of
 15 basic education funding allocated pursuant to section 2502.48
 16 exceeds the amount of basic education funding allocated to the
 17 school district in the prior fiscal year by more than the index,
 18 the board of school directors shall use one hundred percent
 19 (100%) of the portion of the increase that exceeds the index as
 20 follows:

1 (1) At least eighty percent (80%) of such funds shall be
2 used to offer any of the following for the first time or to
3 expand any of the following:

4 (i) Programs that increase the amount of student
5 instructional time, which may include tutoring, an extension of
6 the school day or school calendar or intensive support for
7 students who have limited English proficiency.

8 (ii) Implementation of new curricula or course offerings
9 that increase the number of students who graduate from high
10 school prepared for college and high-skill careers.

11 (iii) Training of professional employes in the delivery of a
12 curriculum that increases the number of students who graduate
13 from high school prepared for college and high-skill careers, in
14 strategies for addressing the learning needs of students at risk
15 of academic failure or needing remediation or in strategies to
16 ensure that students stay in school until graduation and
17 successfully transition to postsecondary education or the work
18 force.

19 (iv) Reduction of class size.

20 (v) Prekindergarten or full-day kindergarten.

21 (vi) Incentives for the most effective highly qualified
22 teachers and principals to work in a school identified for
23 improvement or corrective action.

24 (vii) School library services, which may include the
25 employment of school librarians or additional school library
26 staff or the purchase of printed or electronic materials or
27 other resources for the school library collection.

28 (2) No more than ten percent (10%) of such funds may be used
29 to maintain existing programs that meet the criteria of
30 paragraph (1) or for one-time costs necessary to the delivery of

1 instruction that shall include books, materials or other
2 supplies.

3 (3) No more than ten percent (10%) of such funds may be used
4 for other programs or activities that are essential to achieving
5 or maintaining academic performance targets and that are based
6 on sound research or for one-time costs necessary to the
7 delivery of instruction that shall include books, materials or
8 other supplies.

9 (b) The following shall apply:

10 (1) A school district subject to this section shall submit a
11 plan to the Department of Education no later than August 1,
12 2008, and no later than April 15 of each year thereafter,
13 detailing its intended use of funds subject to this section in
14 the subsequent fiscal year. If a general appropriation bill that
15 includes basic education funding for the applicable fiscal year
16 has not been enacted prior to the deadline, a school district
17 shall base its plan on the amount of basic education funding
18 proposed in an executive budget and posted on the department's
19 Internet website.

20 (2) The department shall review all plans and may provide
21 recommendations to school districts within forty-five (45) days
22 of receipt of the plan.

23 (3) Within ninety (90) days of receipt of a plan submitted
24 by a school district identified for warning, improvement or
25 corrective action or a school district with one or more schools
26 identified for improvement or corrective action, the department
27 shall approve or disapprove the plan. The department shall
28 provide a written explanation to the board of school directors
29 of any school district whose plan is disapproved.

30 (4) A school district whose plan has been disapproved shall

1 amend and resubmit its plan as necessary until approved by the
2 department.

3 (c) The department shall approve any school district
4 achievement plan that:

5 (1) meets the requirements of this section;

6 (2) addresses the academic challenges identified in the
7 school district's most recent student achievement results, with
8 specific focus on individual schools, grade levels and
9 populations of students that demonstrate inadequate levels of
10 student achievement; and

11 (3) in the determination of the department, describes
12 programs and strategies that are most likely to improve student
13 achievement in the school district.

14 (d) For any school district where approval of a plan is
15 required pursuant to subsection (b), and notwithstanding any
16 other provision of law to the contrary, the department shall
17 withhold the portion of the increase in basic education funding
18 which exceeds the index until such a time as a plan is approved.

19 (e) The Department of Education shall:

20 (1) Provide technical assistance to any school district upon
21 request for the development of a plan pursuant to this section.

22 (2) Determine the form and manner in which school districts
23 shall submit a plan pursuant to this section.

24 (3) Review all plans submitted to the department and approve
25 or disapprove plans as required pursuant to this section.

26 (f) Nothing in this section shall supersede or preempt any
27 provisions of a collective bargaining agreement between a school
28 entity and an employe organization in effect on the effective
29 date of this section.]

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