

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1192 Session of  
2010INTRODUCED BY PICCOLA, DINNIMAN, BROWNE, EARLL, RAFFERTY,  
WILLIAMS, BOSCOLA AND ALLOWAY, FEBRUARY 1, 2010

SENATOR PICCOLA, EDUCATION, AS AMENDED, APRIL 20, 2010

## 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 definitions;  
6 and providing for empowering the Department of Education,  
7 school districts, schools and parents of school children to  
8 undertake measures necessary to improve the academic  
9 performance of students.

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

12 ~~Section 1. The definition of "warning" in section 102 of the~~ ←  
13 ~~act of March 10, 1949 (P.L.30, No.14), known as the Public~~  
14 ~~School Code of 1949, amended December 23, 2003 (P.L.304, No.48),~~  
15 ~~is amended to read:~~

16 ~~Section 102. Definitions. When used in this act the~~  
17 ~~following words and phrases shall have the following meanings:~~

18 ~~\* \* \*~~

19 ~~"Warning." Classification as provided in 22 Pa. Code § 403.3~~  
20 ~~(relating to single accountability system) indicating that a~~  
21 ~~school or school district has failed to make [its academic~~

~~performance targets] adequate yearly progress for one year.~~

~~Section 2. The act is amended by adding an article to read:~~

~~ARTICLE XVII C~~

~~2010 EDUCATION EMPOWERMENT ACT~~

~~Section 1701-C. Definitions.~~

~~The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:~~

~~"Board of school directors." The term shall include the following:~~

~~(1) The board of school directors of a school district.~~

~~(2) The board of trustees of a charter school.~~

~~(3) The joint operating committee of a comprehensive vocational technical school.~~

~~"Corrective action I." Classification as provided in 22 Pa. Code § 403.3 (relating to single accountability system) indicating that a school or school district failed to make adequate yearly progress for four consecutive years in the same academic subject thereby requiring the development of a corrective action plan.~~

~~"Corrective action II." Classification as provided in 22 Pa. Code § 403.3 (relating to single accountability system) indicating that a school or school district failed to make adequate yearly progress for five or more consecutive years in the same academic subject thereby requiring the development of a corrective action plan.~~

~~"Corrective action plan." A school district's plan or school level plan designed to improve the academic performance of a school district or a school designated for corrective action I or corrective action II in year one, two or three.~~

~~"Department." The Department of Education of the Commonwealth.~~

~~"Improvement I." Classification as provided in 22 Pa. Code § 403.3 (relating to single accountability system) indicating that a school or school district failed to make adequate yearly progress for two consecutive years in the same academic subject thereby requiring the development of an improvement plan.~~

~~"Improvement II." Classification as provided in 22 Pa. Code § 403.3 (relating to single accountability system) indicating that a school or school district failed to make adequate yearly progress for three consecutive years in the same academic subject thereby requiring the development of an improvement plan.~~

~~"Improvement plan." A school level or school district's plan designed to improve the academic performance of a school or a school district designated for warning, improvement I or improvement II.~~

~~"Making progress." The status of a school or school district designated for warning, improvement I, improvement II, corrective action I or corrective action II in a school year and that makes adequate yearly progress in the subsequent and most recent school year.~~

~~"Restructuring plan." A school level or school district's plan designed to improve the academic performance of a school or a school district placed under the control of a school reform commission under section 1706-C(f).~~

~~"School." A public school in this Commonwealth including a charter school and a comprehensive area vocational technical school.~~

~~"School year." The period of time elapsing between the~~

~~opening of the public schools in the fall of one year and the closing of the public schools in the spring of the following year.~~

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

~~"State plan." The plan for the implementation of the No Child Left Behind Act of 2001 (Public Law 107 110, 115 Stat. 1425) approved by the United States Department of Education.~~

~~"Student subgroup." One of the specific groups of students designated in the definition of "adequate yearly progress" under section 1111(b) (2) (C) (v) (II) of the No Child Left Behind Act of 2001 (Public Law 107 110, 115 Stat. 1425) for which adequate yearly progress is measured separately.~~

~~Section 1702-C. Annual report.~~

~~By August 15 of each school year, the department shall issue electronically an annual report that shall do the following:~~

~~(1) Identify the schools and school districts that have made adequate yearly progress for all students and for each student subgroup for the immediately preceding school year.~~

~~(2) Identify the schools and school districts that have failed to make adequate yearly progress based upon failure to meet academic performance targets for all students and for each student subgroup for the immediately preceding school year.~~

~~(3) Designate the schools and school districts referenced in paragraph (2) for classification in one of the following categories:~~

~~(i) Warning.~~

~~(ii) Improvement I.~~

~~(iii) Improvement II.~~

~~(iv) Corrective action I.~~

~~(v) Corrective action II.~~

~~(vi) Making progress.~~

~~Section 1703 C. School districts and schools designated for  
warning.~~

~~(a) School districts. Each school district designated for  
warning shall appoint an improvement team within 30 days of  
publication of the annual report required under section 1702 C.  
Appointments to the improvement team for a school district shall  
be made by the board of school directors in consultation with  
the superintendent of the school district.~~

~~(b) Schools. The following shall apply to schools  
designated for warning:~~

~~(1) The board of school directors of a school district  
in which a school is designated for warning shall ensure that  
the school designated for warning has appointed an  
improvement team within 30 days of publication of the annual  
report required under section 1702 C. Appointments to the  
improvement team shall be made by the board of school  
directors in consultation with the school principal and the  
superintendent of the school district.~~

~~(2) In the case of a charter school, the improvement  
team shall be appointed by the board of trustees of the  
school within 30 days of publication of the annual report  
required under section 1702 C. The improvement team shall  
include a representative from the governing body or  
administration of the chartering entity.~~

~~(3) In the case of a vocational technical school, the  
improvement team shall be appointed by the joint operating  
committee of the vocational technical school within 30 days  
of publication of the annual report required under section~~

1 ~~1702-C.~~

2 ~~(4) A school district not designated for warning which~~  
3 ~~includes a school designated for warning may assign an~~  
4 ~~advisory team to evaluate the academic and fiscal needs of~~  
5 ~~the school and present recommendations designed to improve~~  
6 ~~academic performance to the improvement team. The advisory~~  
7 ~~team may also assist the improvement team with the~~  
8 ~~development of the improvement plan.~~

9 ~~(c) Duties of improvement team. An improvement team shall~~  
10 ~~have the following powers and duties:~~

11 ~~(1) To design an improvement plan under this section and~~  
12 ~~to submit the plan to the board of school directors of the~~  
13 ~~school district within 90 days of publication of the annual~~  
14 ~~report required under section 1702-C.~~

15 ~~(2) To begin implementing the improvement plan~~  
16 ~~immediately upon approval of the board of school directors.~~

17 ~~(3) To provide periodic reports on the implementation of~~  
18 ~~the improvement plan to the board of school directors.~~

19 ~~(4) To meet periodically to review implementation of the~~  
20 ~~improvement plan.~~

21 ~~(5) To seek technical assistance from the department or,~~  
22 ~~in the case of a school, from the school district in the~~  
23 ~~design and implementation of the plan.~~

24 ~~(d) Improvement plan. Within 90 days of publication of the~~  
25 ~~annual report required under section 1702-C, the improvement~~  
26 ~~team for each school and school district designated for warning~~  
27 ~~shall present an improvement plan to its board of school~~  
28 ~~directors. The board of school directors shall review and~~  
29 ~~approve, approve with modifications or disapprove the~~  
30 ~~improvement plan within 30 days of its submission.~~

~~(e) Contents. The improvement plan shall provide an analysis of the effectiveness of the current practices of the school or school district in the areas of curriculum, teaching techniques, school climate, school leadership, staffing and the use of time, technology and resources. The plan shall do the following:~~

~~(1) Include specific references to supporting data about student achievement.~~

~~(2) Address the academic achievement problem or problems that caused the warning designation, including the student subgroups that failed to make adequate yearly progress.~~

~~(3) Include measurable annual objectives for continuous and substantial progress for each subgroup identified in paragraph (2).~~

~~(f) Improvement program. Based on an analysis of the data provided under subsection (e), the improvement team shall set forth its improvement program for each of the areas listed in subsection (e)(2). The improvement program shall set forth academic performance objectives for each area.~~

~~(g) Improvement strategies. The plan shall include research based strategies for achieving the academic performance objectives identified in subsection (f). Strategies may include the following:~~

~~(1) The school district or school may publish a performance data report and distribute the report to the parents of students attending the school or school district.~~

~~(2) The school district may design and implement a program that would allow a student attending a school designated for warning to transfer to another school that is not designated for warning within the school district upon~~

the request of a parent.

(3) The school district or school may appoint a person or organization not affiliated with the school district or school to review the programs of the school district or school and make recommendations for improvement.

(4) The school district or school may work with a curriculum committee appointed by the department from the intermediate unit serving the school district or school. The curriculum committee may:

(i) Assist the school district or school with curriculum development.

(ii) Assist principals and teachers in presenting the curriculum.

(iii) Meet with principals to review progress monthly.

(5) The school district or school may plan and make available to its principals and teachers continuing professional education options that shall be specific to the academic performance objectives of the school district or school.

(6) The school district or school may establish a parent advisory committee.

(7) The school district or school may evaluate whether the school district or school has the resources to reduce class sizes in classrooms that fail to meet performance targets. To the extent resources are available, the school district or school may undertake class size reductions.

(8) The school district or school may evaluate whether a school that fails to meet performance targets should be converted to a charter school and may undertake the



~~conversion of the school. A conversion to a charter school under this article shall be subject to the provisions of section 1711 C.~~

~~(9) The school district or school may offer tutoring programs to students whose most recent results on the Pennsylvania System of School Assessment test, the Keystone Exam, an equivalent local assessment or another test established by the State Board of Education to meet the requirements of section 2603-B(d)(10)(i) were below proficient.~~

~~(10) The improvement plan may include additional elements that the board of school directors deems necessary to improve the academic performance of the school district or school.~~

~~(h) Evidence of effectiveness. The improvement plan shall set forth evidence of the effectiveness of the strategies that shall be implemented.~~

~~(i) Duties of the school board. The board of school directors of a school district designated for warning or of a school district in which a school is designated for warning shall have the following powers and duties:~~

~~(1) Review and approve, approve with modifications or disapprove the improvement plan required under this section within 30 days of the submission of the improvement plan to the board of school directors.~~

~~(2) Ensure that parents are notified of the warning designation.~~

~~(3) Take actions necessary to implement the approved improvement plan.~~

~~(j) Technical assistance. For school districts and schools~~

~~designated for warning, the department shall provide technical assistance directly or through the intermediate unit and in accordance with the provisions of section 1707 C.~~

~~(k) Effect of making adequate yearly progress.~~

~~(1) A school district or school designated for warning that makes adequate yearly progress in the same academic subject in the school year following the warning designation shall be designated as making progress. The improvement team and the improvement plan established under this section shall remain in place for the school year following the making progress designation.~~

~~(2) A school district or school designated as making progress under paragraph (1) that fails to make adequate yearly progress in the same academic subject for the school year following the making progress designation shall be designated for improvement I.~~

~~(3) The improvement team may disband when the school district or school has made adequate yearly progress in the same academic subject for two consecutive school years.~~

~~Section 1704 C. School districts and schools designated for improvement I or improvement II.~~

~~(a) School districts. The following shall apply to school districts that have been designated for improvement I or improvement II:~~

~~(1) The board of school directors of each school district designated for improvement I or improvement II shall appoint an improvement team consisting of at least eight members within 30 days of publication of the annual report required under section 1702 C. Appointments to the improvement team for a school district shall be made by the~~

~~board of school directors in consultation with the  
superintendent of the school district.~~

~~(2) Members of the improvement team shall be subject to  
approval by the department and include the following:~~

~~(i) A teacher employed by the school district  
selected by all teachers in the district.~~

~~(ii) An administrator employed by the school  
district.~~

~~(iii) A member of the board of school directors of  
the school district.~~

~~(iv) No fewer than two parents of students enrolled  
in the school district.~~

~~(v) A member of the school district's pupil services  
staff.~~

~~(3) Additional members of the improvement team may  
include:~~

~~(i) Staff members from the intermediate unit serving  
the school district.~~

~~(ii) Teachers employed by other school districts.~~

~~(iii) Administrators employed by other school  
districts.~~

~~(iv) School board members from other school  
districts.~~

~~(v) Faculty members from colleges and universities  
in this Commonwealth with particular expertise in school  
improvement.~~

~~(vi) Local business representatives.~~

~~(vii) Community leaders.~~

~~(4) The board of school directors shall select one of  
the members as chairperson of the improvement team.~~

~~(b) Schools.—The following shall apply to schools designated for improvement I or improvement II:~~

~~(1) The board of school directors of a school district in which a school is designated for improvement I or improvement II shall ensure that the school designated for improvement has appointed an improvement team comprised of no fewer than six and no more than ten members within 30 days of the publication of the annual report required under section 1702 C. Appointments to the improvement team shall be made by the board of school directors in consultation with the school principal and the superintendent of the school district or the chief school administrator of the school.~~

~~(2) Members of the improvement team shall include:~~

~~(i) A teacher from the school selected by all teachers in the school district.~~

~~(ii) An administrator from the school.~~

~~(iii) A local business representative.~~

~~(iv) A community leader.~~

~~(v) No fewer than two parents of students enrolled in the school.~~

~~(vi) Outside experts who have knowledge and experience to address specific needs of the school or school district.~~

~~(3) In the case of a charter school, the improvement team shall be appointed by the board of trustees of the school within 30 days of the publication of the annual report required under section 1702 C. The improvement team shall include a representative from the governing body or administration of the chartering entity.~~

~~(4) In the case of a vocational technical school, the~~

~~improvement team shall be appointed by the joint operating committee of the vocational technical school within 30 days of the publication of the annual report required under section 1702-C.~~

~~(5) A school district not designated for improvement containing a school designated for improvement may assign an advisory team to evaluate the academic and fiscal needs of the school and present recommendations designed to improve academic performance to the improvement team. The advisory team may also assist the improvement team with the development of the improvement plan.~~

~~(c) Powers and duties of improvement team. An improvement team shall have the following powers and duties:~~

~~(1) To design an improvement plan under this section.~~

~~(2) To begin implementing the improvement plan immediately upon receiving the approval of the board of school directors.~~

~~(3) To provide periodic reports on the implementation of the improvement plan to the board of school directors and the intermediate unit serving the school district.~~

~~(4) To meet periodically to review implementation of the improvement plan.~~

~~(5) To seek technical assistance from the department or, in the case of a school, from the school district in the design and implementation of the plan.~~

~~(d) Improvement plan. Within 90 days of publication of the annual report required under section 1702-C, the improvement team for each school district and school designated for improvement I or improvement II shall present an improvement plan to the department, the executive director of the~~

~~intermediate unit serving the school district and the board of school directors of the school district. The department and the intermediate unit shall review the plan and provide recommendations to the board of school directors within 30 days of receiving the plan for review. The board of school directors shall approve, approve with modifications or disapprove the improvement plan within 30 days following the receipt of the approval of the department and the intermediate unit.~~

~~(e) Contents. The improvement plan shall provide an analysis of the effectiveness of the current practices of the school district or school in the areas of curriculum, teaching techniques, school climate, school leadership, staffing and the use of time, technology and resources. The plan shall do all of the following:~~

~~(1) Include specific references to supporting data about student achievement.~~

~~(2) Address the academic achievement problem or problems that caused the improvement I or improvement II designation, including the student subgroups that failed to make adequate yearly progress.~~

~~(3) Include measurable annual objectives for continuous and substantial progress for each subgroup identified in paragraph (2).~~

~~(f) Improvement program. Based on an analysis of the data provided under subsection (e), the improvement team shall set forth its improvement program for each of the areas listed under subsection (e) (2). The improvement program shall set forth academic performance objectives for each area.~~

~~(g) Improvement strategies. The plan shall include research based strategies for achieving the academic performance~~

~~objectives identified under subsection (f). Strategies shall include all of the following:~~

~~(1) The school district or school shall publish a performance data report and distribute the report to all parents of students attending the school district or school.~~

~~(2) The school district shall design and implement a program that will allow a student attending a school designated for improvement I or improvement II to transfer to another school that is not designated for improvement I or improvement II within the school district, upon the request of a parent.~~

~~(3) The school district or school shall appoint a person or organization not affiliated with the school district or school to review the programs of the school district or school and make recommendations for improvement.~~

~~(4) The school district or school shall work with a curriculum committee appointed by the department from the intermediate unit serving the school district or school. The curriculum committee shall assist the school district or school with curriculum development, assist principals and teachers in presenting the curriculum and meet with principals monthly to review progress.~~

~~(5) The school district or school shall plan and make available to principals and teachers continuing professional education options that shall be specific to the academic performance objectives of the school district or school.~~

~~(6) The school district or school shall establish a parent advisory committee.~~

~~(7) The school district or school shall evaluate whether the school district or school has the resources to reduce~~

~~class sizes in classrooms that fail to meet performance targets. If resources are available, the school district or school may undertake class size reductions.~~

~~(8) The school district or school shall offer tutoring programs to students whose most recent results on the Pennsylvania System of School Assessment test, the Keystone Exam, an equivalent local assessment or any other test established by the State Board of Education to meet the requirements of section 2603-B(d)(10)(i) were below proficient.~~

~~(h) Optional strategies. In addition to the strategies required under subsection (g), the plan may include any of the following:~~

~~(1) The school district may convert a school to a charter school. A conversion to a charter school under this article shall be subject to the provisions of section 1711 C.~~

~~(2) The school district may contract with an education management organization to manage the school district or a school.~~

~~(3) The school district may negotiate a memorandum of understanding under the current collective bargaining agreement with the teachers of the school district regarding terms of employment, including:~~

~~(i) School building assignment.~~

~~(ii) Length of work day.~~

~~(iii) Salary.~~

~~(iv) Class assignments.~~

~~(v) Academic calendar.~~

~~(vi) Teaching preparation time.~~

~~(vii) Daily schedule.~~



1           ~~(viii) Method of performance evaluation.~~

2           ~~(4) The school district may dismiss or demote school~~  
3 ~~principals and teachers who fail to meet performance~~  
4 ~~expectations pursuant to the procedures under Article XI.~~

5           ~~(5) Notwithstanding any other provision of this act, the~~  
6 ~~school district may:~~

7           ~~(i) Implement a system of performance based~~  
8 ~~compensation for chief administrative officers of the~~  
9 ~~school district.~~

10          ~~(ii) Implement a system of performance based~~  
11 ~~compensation for school principals.~~

12          ~~(iii) Implement a system of performance based~~  
13 ~~compensation for teachers.~~

14          ~~(iv) Offer financial incentives to teachers~~  
15 ~~certified in areas of shortage as determined by the board~~  
16 ~~of school directors.~~

17          ~~(v) Offer financial incentives to teachers who~~  
18 ~~accept high need assignments as determined by the board~~  
19 ~~of school directors.~~

20          ~~(vi) Reassign principals and teachers to meet the~~  
21 ~~needs of the school district or school.~~

22          ~~(vii) Assign a teacher to a school or class based on~~  
23 ~~the needs of the school district or school and the~~  
24 ~~competencies of the teacher as determined by the board of~~  
25 ~~school directors.~~

26          ~~(viii) Design and implement a new performance~~  
27 ~~evaluation process for principals.~~

28          ~~(ix) Design and implement a new performance~~  
29 ~~evaluation process for teachers.~~

30          ~~(x) Award tenure on the basis of teacher performance~~

~~evaluations notwithstanding the teacher's number of years of classroom teaching experience.~~

~~(xi) Petition the department for a certificate that would allow a presently uncertified individual meeting education and work experience requirements established by the department to teach in a shortage area.~~

~~(xii) Establish and implement an intensive training program for new principals.~~

~~(xiii) Establish and implement a teacher mentoring program.~~

~~(xiv) Establish and implement an intensive induction program for new teachers.~~

~~(6) The school district or school may negotiate a new collective bargaining agreement with its teachers.~~

~~(7) The school district or school may assist a student in locating external agencies that provide social services needed by the student.~~

~~(8) The school district or school may award scholarships for higher education to students who meet academic requirements established by the board of school directors. The school district may solicit and accept contributions from the public for this purpose.~~

~~(9) The school district or school may contract with a college or university teacher preparation program to review the school district's programs, make recommendations for improvement and assist the school district in implementing changes in practices.~~

~~(10) The school district or school may reallocate school district or school resources.~~

~~(11) The school district or school may amend school~~

~~district or school procedures.~~

~~(12) The school district may restructure.~~

~~(13) The school district may close schools.~~

~~(14) Notwithstanding any other provision of this act, the school district or school may:~~

~~(i) Focus its curriculum on reading, mathematics and science and offer other courses on a discretionary basis.~~

~~(ii) Design a core curriculum for use in all schools in the school district.~~

~~(15) The school district may establish an accelerated learning academy for any student who scored below proficient on the student's most recent Pennsylvania System of School Assessment test, Keystone Exam, equivalent local assessment or any other test established by the State Board of Education to meet the requirements of section 2603-B(d)(10)(i).~~

~~(16) The school district or school may monitor a student's progress at intervals throughout the student's elementary and secondary school years that are determined based on research to be critical to a student's academic success.~~

~~(17) The school district or school may assign one teacher or a group of teachers to a group of students over multiple years.~~

~~(18) The school district or school may enter into a memorandum of understanding with the police department having jurisdiction over the school district or the school to address school safety.~~

~~(19) The school district or school may engage an external person or organization to conduct a safety audit of the school district or school. The school district or school~~

~~may take actions that the board of school directors deems necessary to improve school safety.~~

~~(20) The school district or school may establish or amend a code of conduct which may include the following:~~

~~(i) Increased sanctions for student misconduct.~~

~~(ii) Increased principal and teacher authority to enforce rules of conduct.~~

~~(iii) Examples of appropriate conduct.~~

~~(iv) Examples of inappropriate conduct.~~

~~(v) Specific negative consequences for inappropriate conduct.~~

~~(21) The school district may design and implement an interdistrict school choice program in cooperation with one or more other school districts served by the intermediate unit serving the school district.~~

~~(i) Additional elements. The following shall apply:~~

~~(1) The plan may include additional elements that the board of school directors deems necessary to improve the academic performance of the school district or school.~~

~~(2) The plan shall include additional elements that the department deems necessary to satisfy the requirements of section 1116(b)(3) of the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) as it applies to a school or section 1116(c)(7)(A) of the No Child Left Behind Act of 2001 as it applies to a school district.~~

~~(j) Evidence of effectiveness. The plan shall set forth evidence of the effectiveness of the strategies that shall be implemented.~~

~~(k) Duties of the school board. The board of school directors of a school district designated for improvement I or~~

~~improvement II or of a school district in which a school is designated for improvement I or improvement II shall have the following powers and duties:~~

~~(1) Review and approve, approve with modifications or disapprove the improvement plan required under this section within 30 days following the receipt of the approval of the department and the intermediate unit.~~

~~(2) Take actions necessary to implement the improvement plan.~~

~~(3) Ensure that parents are notified of the school improvement designation to the extent and in the manner required under section 1116(b) and (c) of the No Child Left Behind Act of 2001.~~

~~(4) Establish an intradistrict school choice program for students in any school in the school district that has been designated for improvement I or improvement II. The program must satisfy the requirements of the No Child Left Behind Act of 2001.~~

~~(5) Establish a tutoring program for students in a school that is designated for improvement II status. For schools designated as Title I schools, tutoring programs shall include supplemental educational services under section 1116(e) of the No Child Left Behind Act of 2001. Schools that do not receive funds under Title I of the Elementary and Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C. Ch. 63 et seq.) shall provide parents with information on the availability of other tutoring programs offered by the school district.~~

~~(1) Technical assistance. For school districts and schools designated for improvement I or improvement II, the department~~

~~shall provide technical assistance directly or through the intermediate unit and in accordance with section 1707 C.~~

~~(m) Effect of making adequate yearly progress.~~

~~(1) A school district or school designated for improvement I or improvement II that makes adequate yearly progress in the same academic subject in the school year following the designation shall be designated as making progress. The improvement team and the improvement plan established under this section shall remain in place for the school year following the making progress designation.~~

~~(2) A school district or school designated as making progress under paragraph (1) that fails to make adequate yearly progress in the same academic subject for the school year following the making progress designation shall be designated for improvement II.~~

~~(3) The improvement team may disband when the school district or school has made adequate yearly progress in the same academic subject for two consecutive school years.~~

~~Section 1705 C. School districts and schools designated for corrective action I.~~

~~(a) Improvement team.~~

~~(1) The improvement team appointed under section 1704 C shall remain in place during the time period a school district or school is designated for corrective action I. The board of school directors may replace members of the improvement team in its discretion, subject to section 1704 C and with the approval of the department. An improvement team shall have the following powers and duties:~~

~~(i) To design a corrective action plan under this section.~~

~~(ii) To begin implementing the corrective action plan immediately following the receipt of the approval of the department and the intermediate unit.~~

~~(iii) To provide periodic reports on the implementation of the corrective action plan to the board of school directors and the intermediate unit serving the school district.~~

~~(iv) To meet periodically to review implementation of the corrective action plan.~~

~~(v) To seek technical assistance from the department or, in the case of a school, from the school district in the design and implementation of the plan.~~

~~(b) Corrective action plan. If a school district or school has been designated for corrective action I, the improvement team shall present a revised improvement plan to the board of school directors for approval no later than 30 days after publication of the annual report required under section 1702-C. The board of school directors shall approve or modify the plan and submit it to the department and the intermediate unit serving the school district within 60 days of the publication of the annual report required under section 1702 C. The department and the intermediate unit shall review the plan and approve, approve with modifications or disapprove the plan within 30 days after receiving it for review. The revised improvement plan approved by the department and the intermediate unit shall constitute the corrective action plan.~~

~~(c) Contents. The corrective action plan shall provide an analysis of the effectiveness of the current practices of the school district or school in the areas of curriculum, teaching techniques, school climate, school leadership, staffing and the~~

~~use of time, technology and resources. The corrective action plan shall do all of the following:~~

~~(1) Include specific references to supporting data relating to student achievement.~~

~~(2) Address the academic achievement problem or problems that caused the corrective action designation, including the student subgroups that failed to make adequate yearly progress.~~

~~(3) Include measurable annual objectives for continuous and substantial progress for each subgroup identified in paragraph (2).~~

~~(d) Improvement program. Based on an analysis of the data provided under subsection (c), the improvement team shall set forth its improvement program for each of the areas set forth in subsection (c) (2). The improvement program shall set forth academic performance objectives for each area.~~

~~(e) Improvement strategies. The plan shall include research based strategies for achieving the academic performance objectives identified in subsection (d).~~

~~(1) For a school district identified for corrective action I, the school district shall take at least one of the following actions:~~

~~(i) Implement a new curriculum aligned with State academic standards and provide staff development that will enhance the effectiveness of the new curriculum.~~

~~(ii) Terminate or demote the principals and teachers that are relevant to the school district's failure to make adequate yearly progress pursuant to the procedures required by Article XI.~~

~~(2) For a school identified for corrective action I, the~~



~~school district or school shall take at least one of the corrective actions listed in section 1116(b)(7)(C)(iv) of the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425). The school district or school may terminate or demote a principal or teacher who is relevant to the school's failure to make adequate yearly progress, provided that the action is undertaken pursuant to the procedures required by Article XI.~~

~~(3) The plan shall include the strategies set forth in section 1704 C(g).~~

~~(4) The plan may include the strategies permitted under section 1704 C(h).~~

~~(f) Duties of the school board. The board of school directors of a school district designated for corrective action I or of a school district in which a school is designated for corrective action I shall have the following powers and duties:~~

~~(1) Review and modify, approve or disapprove the corrective action plan required under this section and submit the plan to the department and the intermediate unit serving the school district within 60 days of the publication of the annual report required under section 1702 C.~~

~~(2) Take actions necessary to implement the corrective action plan following receipt of approval from the department and the intermediate unit.~~

~~(3) Ensure that parents are notified of the corrective action I designation.~~

~~(4) Establish an intradistrict school choice program for students in any school in the school district that has been designated for corrective action, provided that the program satisfies the requirements of the No Child Left Behind Act of~~

2001.

~~(5) Establish a tutoring program for students. For schools designated as Title I schools, tutoring programs shall include supplemental educational services pursuant to section 1116(e) of the No Child Left Behind Act of 2001. Schools that do not receive funds under Title I of the Elementary and Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C. Ch. 63 et seq.) shall provide parents with information on the availability of other tutoring programs offered by the school district.~~

~~(g) Technical assistance. For school districts and schools designated for corrective action I, the department shall provide technical assistance directly or through the intermediate unit and in accordance with the provisions of section 1707-C.~~

~~(h) Effect of making adequate yearly progress. The following shall apply:~~

~~(1) A school district or school designated for corrective action I that makes adequate yearly progress in the same academic subject in the school year following the corrective action I designation shall be designated as making progress. The improvement team and the improvement plan in place under this section shall remain in place for the school year following the making progress designation.~~

~~(2) A school district or school designated as making progress under paragraph (1) that fails to make adequate yearly progress in the same academic subject for the school year following the making progress designation shall be designated for corrective action II.~~

~~(3) The improvement team may disband when the school district or school has made adequate yearly progress in the~~

~~same academic subject for two consecutive school years.~~

~~Section 1706 C. School districts and schools designated for  
corrective action II.~~

~~(a) Improvement team. The improvement team in place under  
section 1705 C shall remain in place during the first three  
years in which a school district or school is designated for  
corrective action II. The board of school directors may replace  
members of the improvement team, subject to the provisions of  
section 1704 C and with the approval of the department.~~

~~(b) Revision of corrective action plan. If a school  
district or school has been designated for corrective action II,  
the improvement team shall present a revised corrective action  
plan to the board of school directors for approval within 30  
days after the publication of the annual report required under  
section 1702 C. The board of school directors shall approve or  
revise the plan and submit the plan to the department and the  
intermediate unit serving the school district within 60 days of  
the publication of the annual report required under section  
1702 C. The revised corrective action plan shall comply with  
section 1705 C(c), (d) and (e). The department and intermediate  
unit shall review and approve, approve with modifications or  
disapprove the plan within 30 days after receiving the plan for  
review.~~

~~(c) Duties of the school board. The board of school  
directors shall have the duties required under section 1705 C(f)  
for school districts or schools designated for corrective action  
I.~~

~~(d) Effect of making adequate yearly progress. The  
following shall apply:~~

~~(1) A school district or school designated for~~

~~corrective action II that makes adequate yearly progress in the same academic subject during one of the three school years following the corrective action II designation shall be designated as making progress. The improvement team and corrective action plan in place under this section shall remain in place for the school year following the making progress designation.~~

~~(2) A school district or school designated as making progress under paragraph (1) that fails to make adequate yearly progress in the same academic subject for the school year following the making progress designation shall be designated for corrective action II, year one.~~

~~(3) The improvement team may disband when the school district or school has made adequate yearly progress in the same academic subject for two consecutive school years.~~

~~(c) Parental petition. The following shall apply:~~

~~(1) The parents of 51% of students in a school district designated for corrective action II or a school designated for corrective action II may petition the board of school directors to take one of the following actions:~~

~~(i) Contract with an education management organization to manage the school district or the school.~~

~~(ii) Convert the school to a charter school.~~

~~(iii) Close the school.~~

~~(2) A board of school directors that receives a petition under paragraph (1) shall submit it to the department within five days of receipt. The department shall review and approve, approve with modifications or disapprove the petition within 30 days of receipt of the petition. The board of school directors shall immediately implement the action~~

~~requested in a petition approved by the department.~~

~~(3) The department shall:~~

~~(i) Develop a form for the petition permitted under paragraph (1) and instructions for filing the petition.~~

~~The form and the instructions shall be made available on the department's publicly accessible Internet website.~~

~~(ii) Review and approve, approve with modifications or disapprove the petition within 30 days following the receipt of the petition.~~

~~(iii) Oversee the school district's implementation of the action requested in an approved petition.~~

~~(f) School reform commission. A school district designated for a fourth year of corrective action II shall be placed under the governance of a school reform commission that shall report to the secretary.~~

~~(1) (i) In a school district located in and serving one municipality, the school reform commission shall have three members appointed as follows:~~

~~(A) Two members shall be appointed by the Governor, subject to confirmation by the Senate.~~

~~(B) One member shall be appointed by the mayor subject to confirmation by the elected school board. The member appointed by the mayor shall reside in the county or counties in which the school district is located.~~

~~(ii) In a school district located in and serving more than one municipality, the school reform commission shall have three members appointed as follows:~~

~~(A) One member shall be appointed by the Governor, subject to confirmation by the Senate.~~

~~(B) In a school district that serves a city of the third class, one member shall be appointed by the mayor of the city of the third class and one member shall be appointed by the elected school board. The member appointed by the mayor and the member appointed by the elected school board shall reside in the county or counties in which the school district is located.~~

~~(C) In a school district that does not serve a city of the third class, two members shall be appointed by the elected school board. The members appointed by the elected school board shall reside in the county or counties in which the school district is located.~~

~~(iii) Appointees to a school reform commission shall not include the following:~~

~~(A) A person holding elected governmental office provided that members of the elected school board may be appointed.~~

~~(B) A person employed by the Commonwealth.~~

~~(C) A person who has served on a previous school reform commission or board of control.~~

~~(2) If a school reform commission is appointed, all powers and duties of the board of school directors shall be removed from the board of school directors and vested in the school reform commission, provided that all taxes required by the school district shall be levied by the board of school directors pursuant to Article VI. The school reform commission shall establish a restructuring plan which shall comply with section 1705 C(c), (d) and (e).~~

~~(3) The following shall apply:~~

~~(i) The parents of 51% of students in a school district under the governance of a school reform commission may petition the school reform commission to take one of the following actions:~~

~~(A) Contract with an education management organization to manage the school district or a school.~~

~~(B) Convert a school to a charter school.~~

~~(C) Close a school.~~

~~(ii) A school reform commission that receives a petition under subparagraph (i) shall submit the petition to the secretary for review within five days of receipt. The secretary shall review and approve, approve with modifications or disapprove the petition within 30 days after receipt of the petition. The school reform commission shall immediately implement the action requested in a petition approved by the secretary.~~

~~(iii) The school reform commission shall develop a form for the petition permitted under subparagraph (i) and instructions for filing the form with the school reform commission. The form and the instructions shall be made available on the school district's publicly accessible Internet website.~~

~~(4) The secretary may direct the school reform commission to do any of the following:~~

~~(i) Restructure the school district or one or more schools.~~

~~(ii) Convert one or more schools to charter schools.~~

~~(iii) Place the school district or one or more~~

~~schools under the management of an education management organization.~~

~~(iv) Close one or more schools.~~

~~(v) Dissolve the school district.~~

~~(5) Once appointed, the school reform commission shall remain in place for at least five years. After the school reform commission has been in place for at least five years, the secretary may terminate the school reform commission when the school district has made adequate yearly progress in the same subject for at least two consecutive years. Upon termination of the school reform commission, the powers and duties of the school reform commission shall be vested in the board of school directors.~~

~~(g) Appeals to secretary. The following shall apply to an appeal of an action by a school reform commission to terminate or demote a professional employee, notwithstanding provisions of section 1131:~~

~~(1) The professional employee shall file the appeal with the secretary within 15 days after receipt by registered mail of the written notice of the decision of the school reform commission to terminate or demote the professional employee.~~

~~(2) The secretary shall fix a day and time for a hearing which shall not be more than 20 days after the appeal is filed with the secretary.~~

~~(3) The secretary shall render an opinion on the appeal within 20 days after the hearing.~~

~~(h) Technical assistance. For school districts and schools designated for corrective action II, the department shall provide technical assistance directly or through the intermediate unit and in accordance with section 1707-C.~~



~~Section 1707-C. Technical assistance.~~

~~(a) General rule. A school district or school that has been designated for warning, improvement or corrective action shall be eligible for technical assistance from the department or from an intermediate unit in coordination with the department.~~

~~Technical assistance may include:~~

~~(1) Tools to analyze data from the Pennsylvania System of School Assessment test, the Keystone Exam, an equivalent local assessment or any other test established by the State Board of Education to meet the requirements of section 2603-B(d)(10)(i).~~

~~(2) A framework for and assistance in developing an improvement plan, a corrective action plan or a restructuring plan.~~

~~(3) A framework for and assistance in developing a strategic plan.~~

~~(4) Identification of professional development and instructional strategies and methods to improve the academic performance of students in subject areas for which an academic performance target has been established and has not been met.~~

~~(5) Assistance in identifying regional partners, which may include intermediate units, consultants or institutions of higher education that the school district or school may contract with at its expense for assistance in implementing the professional development and instructional strategies and methods identified in paragraph (4).~~

~~(6) Tools to analyze the budget of a school district or school or parts of the budget of a school district or school to enable the school district or school to effectively~~

~~allocate its resources as provided for in Article XXV A.~~

~~(7) Information concerning best practices and resources aimed at improving academic performance.~~

~~(8) The assignment of a distinguished educator to work with a school district.~~

~~(9) Assistance through the quality review process.~~

~~(10) Assistance in establishing and utilizing school support teams in accordance with section 1117(a)(5) of the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425).~~

~~(b) Criteria. Schools and school districts described in subsection (a) shall be eligible for technical assistance based on criteria established by the department in order to ensure that the lowest performing school districts and schools receive priority consideration with respect to the distribution of resources. The department shall establish the criteria and publish guidelines no later than 30 days from the effective date of this section.~~

~~(c) Clearinghouse. The department shall establish a clearinghouse of information related to specific strategies for improving the academic performance of students in school districts or schools that have been designated for warning, improvement or corrective action. The clearinghouse shall include best practices, methods and instructional strategies based on scientific research, including:~~

~~(1) Methods of improving the academic performance of students in any subject area for which an academic performance target has been established and has not been met.~~

~~(2) Methods of improving the academic performance of students identified having disabilities or limited English~~

1 proficiency.

2 ~~(3) Parental involvement programs and policies.~~

3 ~~(4) Classroom instructional strategies.~~

4 ~~(5) Curriculum redesign.~~

5 ~~(6) School safety.~~

6 ~~(7) Tutoring programs.~~

7 Section 1708 C. Responsibilities of department.

8 The department shall:

9 ~~(1) Provide written notification to a school district or~~  
10 ~~school that has been designated for warning, improvement or~~  
11 ~~corrective action and to any school district in which a~~  
12 ~~school has been designated.~~

13 ~~(2) Publish the annual report on the department's~~  
14 ~~Internet website by August 15 of each year and notify~~  
15 ~~intermediate units, school districts and schools of the~~  
16 ~~publication.~~

17 ~~(3) Establish guidelines for the provision of technical~~  
18 ~~assistance to school districts and schools. The guidelines~~  
19 ~~shall include provisions to ensure that the lowest performing~~  
20 ~~school districts and schools receive first priority.~~

21 ~~(4) Establish guidelines explaining how requisite~~  
22 ~~achievement on English language proficiency testing will be~~  
23 ~~measured.~~

24 ~~(5) Establish and provide professional education~~  
25 ~~courses, programs, activities or learning experiences under~~  
26 ~~section 1205.2(f) specific to classroom strategies to improve~~  
27 ~~the academic performance of students in content areas subject~~  
28 ~~to the Pennsylvania System of School Assessment test, the~~  
29 ~~Keystone Exam, an equivalent local assessment or any other~~  
30 ~~test established by the State Board of Education to meet the~~

~~requirements of section 2603-B(d)(10)(i).~~

~~(6) Provide academic assistance, including strategic interventions and technical assistance, when a school district or school is designated for corrective action in accordance with provisions of the State plan.~~

~~(7) Annually review improvement plans required under section 1704-C.~~

~~(8) Annually review and approve, approve with modifications or disapprove corrective action plans required under sections 1705-C and 1706-C.~~

~~(9) Design the parental petition permitted under section 1706-C(e), establish instructions for filing the petition and make the petition and instructions available on the department's publicly accessible Internet website.~~

~~(10) Review and approve, approve with modifications or disapprove the parental petition permitted under section 1706-C(e) or (f)(3) and oversee the implementation of an approved petition.~~

~~(11) Publish standards necessary to implement this article.~~

~~Section 1709-C. Continuing professional development.~~

~~(a) Amendment of plan.~~

~~(1) A school district or school that failed to meet one or more of the proficiency targets in the prior school year shall convene the committee established under section 1205.1(b) for the purpose of amending its professional education plan. The amended professional education plan shall specify continuing professional education options designed to assist in the achievement of academic performance objectives. The options may include:~~

~~(i) Methods of improving the academic performance of students in any subject area in which a school or schools have failed to meet the proficiency target.~~

~~(ii) Methods of improving the academic performance of any student subgroup that has failed to meet a proficiency target.~~

~~(2) The amended plan shall be approved by the applicable improvement team and the board of school directors. If the school district is operated by an alternative governing body, the alternative governing body, rather than the board of school directors, shall approve the plan.~~

~~(b) Approval of credits or hours. In the case of a school district or school that failed to meet one or more of the proficiency targets in the prior school year:~~

~~(1) The plan required under section 1205.1(c) shall specify the content of any credits or hours to be obtained through the in service program of the school district or school.~~

~~(2) Credits or hours earned under section 1205.2(c) (1), (2), (3) and (4) must be approved by the superintendent, executive director or chief executive officer of the school district or school as fulfilling the goal of the approved professional education plan of the school district or school.~~

~~(c) Applicability. For the purposes of this section, "proficiency target" shall be defined as the percentage of students who score proficient or advanced on the Pennsylvania System of School Assessment test, the Keystone Exam, an equivalent local assessment or any other test established by the State Board of Education to meet the requirements of section 2603(d)(10)(i) in the particular school year.~~

~~Section 1710 C. Prohibition of strikes.~~

~~Notwithstanding the provisions of Article XI A, strikes shall be prohibited in any school district designated for improvement I, improvement II, corrective action I or corrective action II. The prohibition shall remain effective until the school district has made adequate yearly progress for two consecutive years or, in the case of a school district governed by a school reform commission, until the school reform commission is disbanded pursuant to section 1706 C(f)(5).~~

~~Section 1711 C. Conversion to charter school.~~

~~Notwithstanding the provisions of Article XVII A, the following shall apply to a school district designated for warning, improvement I, improvement II, corrective action I or corrective action II under this article that elects to convert one or more existing schools to a charter school:~~

~~(1) A school district may establish a nonprofit corporation for the purpose of converting an existing school to a charter school.~~

~~(2) The school district shall publish notice of its intention to convert an existing school to a charter school. The notice shall be published one time in a newspaper of general circulation in the school district. A 30 day public comment period shall follow publication of the notice.~~

~~(3) The board of school directors of the school district may determine to convert an existing school to a charter school at its next public meeting following the close of the public comment period required under paragraph (2). Upon the affirmative vote of a majority of the members of the board of school directors present at the public meeting, the school district may grant a charter to a nonprofit corporation~~

~~established by the school district under paragraph (1) or to  
any individual, group of individuals or entity permitted to  
establish a charter school under section 1717 A(a).~~

~~(4) An individual authorized to establish a charter  
school or the board of directors of an entity authorized to  
establish a charter school shall establish a board of  
trustees to govern the charter school.~~

~~(5) The charter school may enter contracts with the  
local school district for the procurement of services,  
equipment and supplies.~~

~~(6) Notwithstanding provisions of section 1714 A(c) to  
the contrary, any indebtedness incurred by a charter school  
formed under this section in the exercise of the powers  
specified in section 1714 A may be guaranteed by the school  
district, subject to the limitations of 53 Pa.C.S. Chs. 81  
(relating to incurring debt and issuing bonds and notes) and  
82 (relating to miscellaneous provisions).~~

~~(7) The following provisions shall not apply to a  
charter school established under this section:~~

~~(i) Section 751(c) which requires compliance with  
the act of March 3, 1978 (P.L.6, No.3), known as the  
Steel Products Procurement Act.~~

~~(ii) The Steel Products Procurement Act.~~

~~(iii) The act of August 15, 1961 (P.L.987, No.442),  
known as the Pennsylvania Prevailing Wage Act.~~

~~(iv) Section 1 of the act of May 1, 1913 (P.L.155,  
No.104), referred to as the Separations Act.~~

~~Section 1712 C. Nonrenewal or termination of a charter.~~

~~(a) Closure. Notwithstanding the provisions of section  
1729 A, a school district in which a charter school is~~

~~designated for corrective action I or corrective action II may  
close the charter school immediately following the designation.  
In these circumstances, the school district shall provide the  
charter school with immediate notice of the decision of the  
board of school directors to close the charter school.~~

~~(b) Notice and public hearing. Immediately following  
closure of the charter school under this section, the school  
district shall provide the charter school with the notice and  
public hearing required under section 1729 A(c).~~

~~(c) Students. When a charter is revoked under subsection  
(a), a student who attended the charter school shall apply to  
another public school in the student's school district of  
residence. Normal application deadlines will be disregarded  
under these circumstances.~~

#### ~~Section 1713 C. Regulations.~~

~~The State Board of Education may issue regulations to  
implement this article.~~

#### ~~Section 1714 C. Construction.~~

~~Nothing in this article shall be construed to supersede the  
following:~~

~~(1) A requirement of the No Child Left Behind Act of  
2001 (Public Law 107 110, 115 Stat. 1425).~~

~~(2) A provision of a collective bargaining agreement in  
effect on the effective date of this article, except that:~~

~~(i) No collective bargaining agreement entered into  
after the effective date of this article shall supersede  
or preempt the powers of the department or a school  
district under the No Child Left Behind Act of 2001 or  
under this article.~~

~~(ii) A school district or school designated for~~



~~warning, improvement or corrective action and subject to  
a collective bargaining agreement may renegotiate its  
collective bargaining agreement or enter into a  
memorandum of understanding under the collective  
bargaining agreement.~~

~~Section 3. This act shall take effect immediately.~~

SECTION 1. THE DEFINITIONS OF "ACADEMIC PERFORMANCE TARGET"  
AND "WARNING" IN SECTION 102 OF THE ACT OF MARCH 10, 1949  
(P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,  
AMENDED DECEMBER 23, 2003 (P.L.304, NO.48), ARE AMENDED TO READ:

SECTION 102. DEFINITIONS.--WHEN USED IN THIS ACT THE  
FOLLOWING WORDS AND PHRASES SHALL HAVE THE FOLLOWING MEANINGS:

"ACADEMIC PERFORMANCE TARGET." A PERCENTAGE OF STUDENTS IN A  
SCHOOL OR SCHOOL DISTRICT REQUIRED TO [SCORE AT A LEVEL EQUAL TO  
OR ABOVE PROFICIENT] ACHIEVE A MINIMUM SCORE DETERMINED BY THE  
DEPARTMENT IN THOSE SUBJECT AREAS ASSESSED THROUGH A PSSA TEST,  
THE KEYSTONE EXAM, AN EQUIVALENT LOCAL ASSESSMENT OR ANOTHER  
TEST ESTABLISHED BY THE STATE BOARD OF EDUCATION TO MEET THE  
REQUIREMENTS OF SECTION 2603-B(D)(10)(I) AND REQUIRED UNDER THE  
NO CHILD LEFT BEHIND ACT OF 2001 (PUBLIC LAW 107-110, 115 STAT.  
1425) [IN ORDER TO ACHIEVE ADEQUATE YEARLY PROGRESS PURSUANT TO]  
OR ITS SUCCESSOR FEDERAL STATUTE OR REQUIRED TO ACHIEVE OTHER  
STANDARDS ESTABLISHED BY THE DEPARTMENT FOR THE SCHOOL OR SCHOOL  
DISTRICT UNDER 22 PA. CODE § 403.3 (RELATING TO SINGLE  
ACCOUNTABILITY SYSTEM).

\* \* \*

"WARNING." CLASSIFICATION AS PROVIDED IN 22 PA. CODE § 403.3  
(RELATING TO SINGLE ACCOUNTABILITY SYSTEM) OR SUCCESSOR  
STANDARDS PROMULGATED BY THE DEPARTMENT INDICATING THAT A SCHOOL  
OR SCHOOL DISTRICT HAS FAILED TO [MAKE] MEET ITS ACADEMIC

PERFORMANCE TARGETS ESTABLISHED BY THE DEPARTMENT FOR ONE YEAR.

SECTION 2. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

ARTICLE XVII-C

2010 EDUCATION EMPOWERMENT ACT

SECTION 1701-C. DEFINITIONS.

THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE  
SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
CONTEXT CLEARLY INDICATES OTHERWISE:

"ACCOUNTABILITY LEVEL 1." CLASSIFICATION AS PROVIDED IN 22  
PA. CODE § 403.3 (RELATING TO SINGLE ACCOUNTABILITY SYSTEM), OR  
SUCCESSOR STANDARDS PROMULGATED BY THE DEPARTMENT, INDICATING  
THAT A SCHOOL OR SCHOOL DISTRICT FAILED TO MEET THE ACADEMIC  
PERFORMANCE TARGETS ESTABLISHED BY THE DEPARTMENT FOR TWO  
CONSECUTIVE YEARS OR FOR THREE CONSECUTIVE YEARS IN THE SAME  
ACADEMIC SUBJECT AND FOR THE SAME STUDENT SUBGROUP.

"ACCOUNTABILITY LEVEL 2." CLASSIFICATION AS PROVIDED IN 22  
PA. CODE § 403.3 (RELATING TO SINGLE ACCOUNTABILITY SYSTEM), OR  
SUCCESSOR STANDARDS PROMULGATED BY THE DEPARTMENT, INDICATING  
THAT A SCHOOL OR SCHOOL DISTRICT FAILED TO MEET THE ACADEMIC  
PERFORMANCE TARGETS ESTABLISHED BY THE DEPARTMENT FOR FOUR,  
FIVE, SIX, SEVEN OR EIGHT CONSECUTIVE YEARS IN THE SAME ACADEMIC  
SUBJECT AND FOR THE SAME STUDENT SUBGROUP.

"ACCOUNTABILITY LEVEL 3." CLASSIFICATION AS PROVIDED IN 22  
PA. CODE § 403.3 (RELATING TO SINGLE ACCOUNTABILITY SYSTEM), OR  
SUCCESSOR STANDARDS PROMULGATED BY THE DEPARTMENT, INDICATING  
THAT A SCHOOL OR SCHOOL DISTRICT FAILED TO MEET THE ACADEMIC  
PERFORMANCE TARGETS ESTABLISHED BY THE DEPARTMENT FOR AT LEAST  
NINE CONSECUTIVE YEARS IN THE SAME ACADEMIC SUBJECT AND FOR THE  
SAME STUDENT SUBGROUP.

"DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE

1 COMMONWEALTH.

2 "EDUCATION EMPOWERMENT LIST." THOSE SCHOOL DISTRICTS THAT,  
3 ON THE DAY PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE, WERE  
4 DESIGNATED BY THE SECRETARY AS HAVING A HISTORY OF LOW TEST  
5 PERFORMANCE OR A HISTORY OF FINANCIAL DISTRESS OR AS A  
6 COMMONWEALTH PARTNERSHIP SCHOOL DISTRICT UNDER SECTION 1703-B.

7 "GOVERNING BODY." THE TERM SHALL INCLUDE THE FOLLOWING:

8 (1) THE BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT.

9 (2) THE BOARD OF TRUSTEES OF A CHARTER SCHOOL.

10 (3) THE JOINT OPERATING COMMITTEE OF A COMPREHENSIVE  
11 VOCATIONAL-TECHNICAL SCHOOL.

12 "HISTORY OF LOW TEST PERFORMANCE." A COMBINED AVERAGE OF 50%  
13 OR MORE OF STUDENTS SCORING IN THE BOTTOM MEASURED GROUP OF 25%  
14 IN MATH AND READING ON THE PENNSYLVANIA SYSTEM OF SCHOOL  
15 ASSESSMENT TEST, AN EQUIVALENT LOCAL ASSESSMENT OR ANY OTHER  
16 TEST ESTABLISHED BY THE STATE BOARD OF EDUCATION TO MEET THE  
17 REQUIREMENTS OF SECTION 2603-B(D)(10)(I), IN THE MOST RECENT TWO  
18 SCHOOL YEARS FOR WHICH SCORES ARE AVAILABLE.

19 "IMPROVEMENT PLAN." A SCHOOL-LEVEL OR SCHOOL DISTRICT'S PLAN  
20 ESTABLISHED IN ACCORDANCE WITH SECTION 1704-C DESIGNED TO  
21 IMPROVE THE ACADEMIC PERFORMANCE OF A SCHOOL OR A SCHOOL  
22 DISTRICT DESIGNATED FOR ACCOUNTABILITY LEVEL 1, 2 OR 3.

23 "MAKING PROGRESS." THE STATUS OF A SCHOOL OR SCHOOL DISTRICT  
24 DESIGNATED FOR ACCOUNTABILITY LEVEL 1, 2 OR 3 IN A SCHOOL YEAR  
25 THAT MEETS THE ACADEMIC PERFORMANCE TARGETS ESTABLISHED BY THE  
26 DEPARTMENT IN THE SUBSEQUENT AND MOST RECENT SCHOOL YEAR.

27 "SCHOOL." A PUBLIC SCHOOL IN THIS COMMONWEALTH, INCLUDING A  
28 CHARTER SCHOOL, A CYBER CHARTER SCHOOL AND A COMPREHENSIVE AREA  
29 VOCATIONAL-TECHNICAL SCHOOL.

30 "SCHOOL YEAR." THE PERIOD OF TIME ELAPSING BETWEEN THE

1 OPENING OF THE PUBLIC SCHOOLS IN THE FALL OF ONE YEAR AND THE  
2 CLOSING OF THE PUBLIC SCHOOLS IN THE SPRING OF THE FOLLOWING  
3 YEAR.

4 "SECRETARY." THE SECRETARY OF EDUCATION OF THE COMMONWEALTH.

5 "STANDARDS ALIGNED SYSTEM." A COMPREHENSIVE APPROACH TO  
6 SUPPORTING STUDENT ACHIEVEMENT AS DESIGNED AND APPROVED BY THE  
7 DEPARTMENT OF EDUCATION THAT INCLUDES STANDARDS, ASSESSMENTS, A  
8 CURRICULUM FRAMEWORK, INSTRUCTION, RESOURCES AND MATERIALS AND  
9 INTERVENTIONS.

10 "STATE PLAN." THE PLAN FOR THE IMPLEMENTATION OF THE NO  
11 CHILD LEFT BEHIND ACT OF 2001 (PUBLIC LAW 107-110, 115 STAT.  
12 1425) OR ITS SUCCESSOR FEDERAL STATUTE APPROVED BY THE UNITED  
13 STATES DEPARTMENT OF EDUCATION.

14 "STATE TEST." THE PENNSYLVANIA SYSTEM OF SCHOOL ASSESSMENT  
15 TEST, THE KEYSTONE EXAM, AN EQUIVALENT LOCAL ASSESSMENT OR ANY  
16 OTHER TEST ESTABLISHED BY THE STATE BOARD OF EDUCATION TO MEET  
17 THE REQUIREMENTS OF SECTION 2603-B(D) (10) (I) AND REQUIRED UNDER  
18 THE NO CHILD LEFT BEHIND ACT OF 2001 (PUBLIC LAW 107-110, 115  
19 STAT. 1425), OR ITS SUCCESSOR FEDERAL STATUTE, OR REQUIRED TO  
20 ACHIEVE OTHER STANDARDS ESTABLISHED BY THE DEPARTMENT FOR THE  
21 SCHOOL OR SCHOOL DISTRICT PURSUANT TO 22 PA. CODE § 403.3  
22 (RELATING TO SINGLE ACCOUNTABILITY SYSTEM).

23 "STUDENT SUBGROUP." ONE OF THE SPECIFIC GROUPS OF STUDENTS  
24 FOR WHICH ACADEMIC PERFORMANCE IS MEASURED SEPARATELY UNDER  
25 SECTION 1111(B) (2) (C) (V) (II) OF THE NO CHILD LEFT BEHIND ACT OF  
26 2001 (PUBLIC LAW 107-110, 115 STAT. 1425), OR ITS SUCCESSOR  
27 FEDERAL STATUTE.

28 "VALUE ADDED ASSESSMENT SYSTEM." A STATISTICAL ANALYSIS OF  
29 RESULTS ON THE PENNSYLVANIA SYSTEM OF SCHOOL ASSESSMENT TEST,  
30 THE KEYSTONE EXAM, AN EQUIVALENT LOCAL ASSESSMENT OR ANY OTHER

1 TEST ESTABLISHED BY THE STATE BOARD OF EDUCATION TO MEET THE  
2 REQUIREMENTS OF SECTION 2603-B(D)(10)(I) PURSUANT TO 22 PA. CODE  
3 § 403.3 (RELATING TO SINGLE ACCOUNTABILITY SYSTEM).

4 SECTION 1702-C. DESIGNATION OF SCHOOL DISTRICTS AND SCHOOLS.

5 (A) ANNUAL REPORT.--BY JULY 1 OF EACH SCHOOL YEAR, THE  
6 DEPARTMENT SHALL ISSUE ELECTRONICALLY AN ANNUAL REPORT THAT  
7 SHALL DO THE FOLLOWING:

8 (1) IDENTIFY THE SCHOOLS AND SCHOOL DISTRICTS THAT HAVE  
9 MET ACADEMIC PERFORMANCE TARGETS FOR ALL STUDENTS AND FOR  
10 EACH STUDENT SUBGROUP FOR THE IMMEDIATELY PRECEDING SCHOOL  
11 YEAR. A SCHOOL OR SCHOOL DISTRICT SHALL BE DEEMED TO HAVE MET  
12 ACADEMIC PERFORMANCE TARGETS WHERE THE MINIMUM PERCENTAGE OF  
13 STUDENTS IN A SCHOOL OR SCHOOL DISTRICT ACHIEVES A MINIMUM  
14 SCORE ON THE STATE TEST. A SCHOOL OR SCHOOL DISTRICT MAY ALSO  
15 BE DEEMED TO HAVE MET ACADEMIC PERFORMANCE TARGETS WHERE THE  
16 SCHOOL OR SCHOOL DISTRICT HAS DEMONSTRATED SIGNIFICANT GROWTH  
17 IN STUDENT ACHIEVEMENT AS SET FORTH IN THE STATE PLAN OVER  
18 THE PREVIOUS SCHOOL YEAR BASED ON VALUE ADDED ASSESSMENT  
19 SYSTEM DATA.

20 (2) IDENTIFY THE SCHOOLS AND SCHOOL DISTRICTS THAT HAVE  
21 AND HAVE NOT MET ACADEMIC PERFORMANCE TARGETS FOR ALL  
22 STUDENTS AND FOR EACH STUDENT SUBGROUP FOR THE IMMEDIATELY  
23 PRECEDING SCHOOL YEAR.

24 (3) DESIGNATE THE SCHOOLS AND SCHOOL DISTRICTS  
25 REFERENCED IN PARAGRAPH (2) FOR CLASSIFICATION IN ONE OF THE  
26 FOLLOWING CATEGORIES:

27 (I) ACHIEVING.

28 (II) WARNING.

29 (III) ACCOUNTABILITY LEVEL 1.

30 (IV) ACCOUNTABILITY LEVEL 2.

1           (V) ACCOUNTABILITY LEVEL 3.

2           (VI) MAKING PROGRESS.

3       (B) REQUIREMENTS.--EXCEPT AS OTHERWISE PROVIDED IN THIS  
4 ARTICLE, EACH SCHOOL DISTRICT, CHARTER SCHOOL, CYBER CHARTER  
5 SCHOOL OR COMPREHENSIVE AREA VOCATIONAL-TECHNICAL SCHOOL  
6 DESIGNATED FOR WARNING OR ACCOUNTABILITY LEVEL 1, 2 OR 3 AND  
7 EACH SCHOOL DISTRICT IN WHICH A SCHOOL IS DESIGNATED FOR WARNING  
8 OR ACCOUNTABILITY LEVEL 1, 2 OR 3 SHALL:

9           (1) PUBLISH A PERFORMANCE DATA REPORT AND DISTRIBUTE THE  
10 REPORT TO PARENTS OF STUDENTS ATTENDING THE SCHOOL DISTRICT  
11 OR SCHOOL.

12          (2) ESTABLISH A PARENTAL ADVISORY COMMITTEE IF ONE DOES  
13 NOT CURRENTLY EXIST.

14          (3) REQUIRE EACH MEMBER OF THE GOVERNING BODY TO  
15 COMPLETE AN INSTRUCTIONAL COURSE DESIGNED OR APPROVED BY THE  
16 DEPARTMENT. THE MEMBER SHALL COMPLETE THE COURSE WITHIN NINE  
17 MONTHS FOLLOWING THE DESIGNATION OR, FOR A MEMBER ELECTED TO  
18 THE GOVERNING BODY FOLLOWING THE DESIGNATION, WITHIN NINE  
19 MONTHS AFTER ELECTION. THE INSTRUCTIONAL COURSE SHALL:

20           (I) PROVIDE INSTRUCTION IN DEVELOPMENT AND  
21 IMPLEMENTATION OF A SCHOOL IMPROVEMENT PLAN, DATA-DRIVEN  
22 DECISION MAKING, SCHOOL IMPROVEMENT MODELS, SCHOOL  
23 BUDGETING PROCEDURES, SCHOOL FINANCE, COLLECTIVE  
24 BARGAINING, THE ACADEMIC STANDARDS REQUIRED BY 22 PA.  
25 CODE CH. 4 (RELATING TO ACADEMIC STANDARDS AND  
26 ASSESSMENT), THE REQUIREMENTS OF THE NO CHILD LEFT BEHIND  
27 ACT OR ITS SUCCESSOR FEDERAL STATUTE, METHODS OF  
28 ASSESSMENT AND ACCOUNTABILITY AND OTHER SUBJECTS THE  
29 DEPARTMENT MAY REQUIRE.

30          (II) PROVIDE INFORMATION ON THE VARIOUS EDUCATIONAL

1 AND COMMUNITY PROGRAMS AVAILABLE WITHIN THE SCHOOL  
2 DISTRICT OR SCHOOL THAT ARE NOT SPONSORED OR OPERATED BY  
3 THE SCHOOL DISTRICT OR SCHOOL.

4 (III) CONSIST OF NO FEWER THAN 30 HOURS OF  
5 INSTRUCTION.

6 (4) CONDUCT A DATA-DRIVEN EXAMINATION OF DEFICIENCIES IN  
7 ACADEMIC PERFORMANCE, SCHOOL CLIMATE AND SCHOOL SAFETY.

8 (C) MAKING PROGRESS DESIGNATION.--A SCHOOL DISTRICT OR  
9 SCHOOL DESIGNATED FOR WARNING OR ACCOUNTABILITY LEVEL 1, 2 OR 3  
10 THAT MEETS ITS ACADEMIC PERFORMANCE TARGETS IN THE SAME ACADEMIC  
11 SUBJECT AND FOR THE SAME STUDENT SUBGROUP IN THE SCHOOL YEAR  
12 FOLLOWING THE DESIGNATION SHALL BE DESIGNATED AS MAKING  
13 PROGRESS. THE IMPROVEMENT TEAM AND IMPROVEMENT PLAN ESTABLISHED  
14 UNDER THIS ARTICLE SHALL REMAIN IN PLACE FOR THE SCHOOL YEAR  
15 FOLLOWING THIS DESIGNATION.

16 (D) REVERSION.--A SCHOOL DISTRICT OR SCHOOL DESIGNATED AS  
17 MAKING PROGRESS UNDER SUBSECTION (C) THAT FAILS TO MEET ITS  
18 ACADEMIC PERFORMANCE TARGETS IN THE SAME ACADEMIC SUBJECT AND  
19 FOR THE SAME STUDENT SUBGROUP FOR THE SCHOOL YEAR FOLLOWING THE  
20 MAKING PROGRESS DESIGNATION SHALL REVERT TO ITS PRIOR YEAR'S  
21 DESIGNATION.

22 SECTION 1703-C. IMPROVEMENT TEAMS.

23 (A) ESTABLISHMENT.--SCHOOL DISTRICTS AND SCHOOLS DESIGNATED  
24 FOR ACCOUNTABILITY LEVEL 1 OR 2 SHALL ESTABLISH AN IMPROVEMENT  
25 TEAM IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

26 (B) SCHOOL DISTRICTS.--THE BOARD OF SCHOOL DIRECTORS, IN  
27 CONSULTATION WITH THE SUPERINTENDENT OF THE SCHOOL DISTRICT AND  
28 SUBJECT TO THE APPROVAL OF THE DEPARTMENT, SHALL APPOINT A  
29 SCHOOL DISTRICT IMPROVEMENT TEAM COMPRISED OF AT LEAST EIGHT  
30 MEMBERS AS FOLLOWS:

1       (1) A TEACHER EMPLOYED BY THE SCHOOL DISTRICT SELECTED  
2       BY A MAJORITY OF THE TEACHERS IN THE DISTRICT.

3       (2) AN ADMINISTRATOR EMPLOYED BY THE SCHOOL DISTRICT.

4       (3) A MEMBER OF THE BOARD OF SCHOOL DIRECTORS OF THE  
5       SCHOOL DISTRICT.

6       (4) NO FEWER THAN TWO PARENTS OF STUDENTS ENROLLED IN  
7       THE SCHOOL DISTRICT.

8       (5) A MEMBER OF THE SCHOOL DISTRICT'S PUPIL SERVICES  
9       STAFF.

10       (6) ADDITIONAL MEMBERS OF THE IMPROVEMENT TEAM MAY  
11       INCLUDE:

12               (I) STAFF MEMBERS FROM THE INTERMEDIATE UNIT OF  
13               WHICH THE SCHOOL DISTRICT IS A MEMBER.

14               (II) TEACHERS EMPLOYED BY OTHER SCHOOL DISTRICTS.

15               (III) ADMINISTRATORS EMPLOYED BY OTHER SCHOOL  
16               DISTRICTS.

17               (IV) SCHOOL BOARD MEMBERS FROM OTHER SCHOOL  
18               DISTRICTS.

19               (V) FACULTY MEMBERS FROM COLLEGES AND UNIVERSITIES  
20               IN THIS COMMONWEALTH WITH PARTICULAR EXPERTISE IN SCHOOL  
21               IMPROVEMENT.

22               (VI) LOCAL BUSINESS REPRESENTATIVES.

23               (VII) COMMUNITY LEADERS.

24       THE BOARD OF SCHOOL DIRECTORS SHALL SELECT ONE OF THE MEMBERS AS  
25       CHAIRPERSON OF THE IMPROVEMENT TEAM.

26       (C) COMPOSITION.--A SCHOOL IMPROVEMENT TEAM FOR A CHARTER  
27       SCHOOL, CYBER CHARTER SCHOOL, COMPREHENSIVE VOCATIONAL-TECHNICAL  
28       SCHOOL OR INDIVIDUAL SCHOOL WITHIN A SCHOOL DISTRICT SHALL BE  
29       COMPRISED OF AT LEAST SIX AND NO MORE THAN TEN MEMBERS.  
30       APPOINTMENTS TO THE IMPROVEMENT TEAM SHALL BE MADE BY THE



1 GOVERNING BODY IN CONSULTATION WITH THE SCHOOL PRINCIPAL AND THE  
2 SUPERINTENDENT OF THE SCHOOL DISTRICT OR THE CHIEF SCHOOL  
3 ADMINISTRATOR OF THE SCHOOL. MEMBERS OF THE IMPROVEMENT TEAM  
4 SHALL INCLUDE:

5 (1) A TEACHER FROM THE SCHOOL SELECTED BY A MAJORITY OF  
6 ALL TEACHERS IN THE SCHOOL.

7 (2) AN ADMINISTRATOR FROM THE SCHOOL.

8 (3) A LOCAL BUSINESS REPRESENTATIVE.

9 (4) A COMMUNITY LEADER.

10 (5) NO FEWER THAN TWO PARENTS OF STUDENTS ENROLLED IN  
11 THE SCHOOL.

12 (6) OUTSIDE EXPERTS WHO HAVE KNOWLEDGE AND EXPERIENCE TO  
13 ADDRESS SPECIFIC NEEDS OF THE SCHOOL.

14 (7) IN THE CASE OF A CHARTER SCHOOL OR CYBER CHARTER  
15 SCHOOL, THE IMPROVEMENT TEAM SHALL INCLUDE A REPRESENTATIVE  
16 FROM THE GOVERNING BODY OR ADMINISTRATION OF THE CHARTERING  
17 ENTITY.

18 (D) POWERS AND DUTIES OF IMPROVEMENT TEAM.--AN IMPROVEMENT  
19 TEAM FOR A SCHOOL DISTRICT OR SCHOOL SHALL HAVE THE FOLLOWING  
20 POWERS AND DUTIES:

21 (1) TO DESIGN, REVISE OR MODIFY AN IMPROVEMENT PLAN IN  
22 ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

23 (2) TO BEGIN IMPLEMENTING THE IMPROVEMENT PLAN IN  
24 ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

25 (3) TO PROVIDE PERIODIC REPORTS ON THE IMPLEMENTATION OF  
26 THE IMPROVEMENT PLAN TO THE GOVERNING BODY AND THE  
27 INTERMEDIATE UNIT SERVING THE SCHOOL DISTRICT OR SCHOOL.

28 (4) TO MEET PERIODICALLY TO REVIEW IMPLEMENTATION OF THE  
29 IMPROVEMENT PLAN.

30 (5) TO SEEK TECHNICAL ASSISTANCE FROM THE DEPARTMENT OR,

1 IN THE CASE OF A SCHOOL, FROM THE SCHOOL DISTRICT IN THE  
2 DESIGN AND IMPLEMENTATION OF THE PLAN.

3 (6) TO RECOGNIZE AND ENCOURAGE CONTINUED ACHIEVEMENT OF  
4 THOSE SCHOOLS AND STUDENTS MEETING ACADEMIC PERFORMANCE  
5 TARGETS.

6 (E) RETENTION OF THE IMPROVEMENT TEAM.--THE FOLLOWING SHALL  
7 APPLY:

8 (1) THE IMPROVEMENT TEAM SHALL REMAIN IN PLACE DURING  
9 THE TIME PERIOD A SCHOOL DISTRICT OR SCHOOL IS DESIGNATED FOR  
10 ACCOUNTABILITY LEVEL 1 OR 2. THE GOVERNING BODY MAY REPLACE  
11 MEMBERS OF THE IMPROVEMENT TEAM AT ITS DISCRETION, SUBJECT TO  
12 THE PROVISIONS OF THIS SECTION AND WITH THE APPROVAL OF THE  
13 DEPARTMENT.

14 (2) THE IMPROVEMENT TEAM MAY DISBAND WHEN THE SCHOOL  
15 DISTRICT OR SCHOOL HAS MET ITS ACADEMIC PERFORMANCE TARGETS  
16 IN THE SAME ACADEMIC SUBJECT AND FOR THE SAME STUDENT  
17 SUBGROUP FOR TWO CONSECUTIVE SCHOOL YEARS. THE SCHOOL  
18 DISTRICT OR SCHOOL MAY ELECT TO KEEP THE IMPROVEMENT TEAM IN  
19 PLACE FOR AS LONG AS THE SCHOOL DISTRICT OR SCHOOL DEEMS  
20 NECESSARY TO CONTINUE TO MEET ACADEMIC PERFORMANCE TARGETS.

21 SECTION 1704-C. IMPROVEMENT PLANS.

22 (A) OPTIONS.--WHEN A SCHOOL DISTRICT OR SCHOOL IS DESIGNATED  
23 FOR ACCOUNTABILITY LEVEL 1 OR 2, THE IMPROVEMENT TEAM SHALL  
24 DEVELOP, REVISE OR MODIFY AN IMPROVEMENT PLAN IN ACCORDANCE WITH  
25 THE PROVISIONS OF THIS ARTICLE. A SCHOOL DISTRICT OR SCHOOL  
26 DESIGNATED FOR WARNING MAY DEVELOP AND IMPLEMENT AN IMPROVEMENT  
27 PLAN, WHICH INCLUDES IMPROVEMENT STRATEGIES THAT THE GOVERNING  
28 BODY DEEMS NECESSARY TO IMPROVE THE ACADEMIC PERFORMANCE, SCHOOL  
29 CLIMATE OR SAFETY OF THE SCHOOL DISTRICT OR SCHOOL.

30 (B) REQUIREMENTS.--THE IMPROVEMENT PLAN FOR A SCHOOL

DISTRICT OR SCHOOL DESIGNATED FOR ACCOUNTABILITY LEVEL 1, 2 OR 3  
SHALL DO ALL OF THE FOLLOWING:

(1) DESCRIBE THE ACADEMIC ACHIEVEMENT PROBLEM OR  
PROBLEMS THAT CAUSED THE ACCOUNTABILITY DESIGNATION,  
INCLUDING, BUT NOT LIMITED TO, THE STUDENT SUBGROUPS THAT  
FAILED TO MEET AN ACADEMIC PERFORMANCE TARGET. THE PLAN SHALL  
ANALYZE THE UNDERLYING REASON, EXPLANATION OR CAUSE FOR THE  
DESIGNATION AND SHALL INCLUDE SPECIFIC REFERENCES TO  
SUPPORTING STUDENT ACHIEVEMENT DATA.

(2) ANALYZE THE EFFECTIVENESS OF THE CURRENT PRACTICES  
OF THE SCHOOL DISTRICT OR SCHOOL IN THE AREAS OF CURRICULUM,  
TEACHING TECHNIQUES, SCHOOL CLIMATE, SCHOOL LEADERSHIP,  
STAFFING AND THE USE OF TIME, TECHNOLOGY AND RESOURCES.

(3) STATE MEASURABLE ANNUAL OBJECTIVES FOR CONTINUOUS  
AND SUBSTANTIAL PROGRESS FOR EACH SUBGROUP IDENTIFIED IN  
PARAGRAPH (1).

(4) FOR EACH OF THE AREAS IDENTIFIED IN PARAGRAPH (1),  
DESCRIBE AN IMPROVEMENT PROGRAM THAT COMPLIES WITH  
SUBSECTIONS (C), (D), (E) AND (F).

(C) IMPROVEMENT STRATEGIES.--THE PLAN SHALL DESCRIBE  
STRATEGIES FOR ACHIEVING THE ACADEMIC PERFORMANCE OBJECTIVES  
IDENTIFIED UNDER SUBSECTION (B) (3), AS WELL AS STRATEGIES FOR  
ENCOURAGING AND ADDRESSING THE NEEDS OF THOSE STUDENTS WHO ARE  
CURRENTLY MEETING ACADEMIC PERFORMANCE TARGETS. THE PLAN SHALL  
REQUIRE THE SCHOOL DISTRICT OR SCHOOL TO DO ALL OF THE  
FOLLOWING:

(1) PUBLISH A PERFORMANCE DATA REPORT AND DISTRIBUTE THE  
REPORT TO ALL PARENTS OF STUDENTS ATTENDING THE SCHOOL  
DISTRICT OR SCHOOL.

(2) IN A SCHOOL DISTRICT, DESIGN AND IMPLEMENT A PROGRAM

1 THAT WILL ALLOW A STUDENT ATTENDING A SCHOOL DESIGNATED FOR  
2 ACCOUNTABILITY LEVEL 1, 2 OR 3 TO TRANSFER TO ANOTHER SCHOOL  
3 THAT IS NOT DESIGNATED FOR ACCOUNTABILITY LEVEL 1, 2 OR 3  
4 WITHIN THE SAME SCHOOL DISTRICT, UPON THE REQUEST OF A  
5 PARENT. THE PROGRAM MUST BE CONSISTENT WITH THE NO CHILD LEFT  
6 BEHIND ACT OF 2001 OR ITS SUCCESSOR FEDERAL STATUTE.

7 (3) PARTICIPATE IN AN ON-SITE REVIEW BY A TEAM APPOINTED  
8 BY THE DEPARTMENT TO IDENTIFY SPECIFIC STRATEGIES DIRECTLY  
9 TARGETED TO THE IMPROVEMENT OF THE SCHOOL DISTRICT OR SCHOOL.

10 (4) WORK WITH A CURRICULUM COMMITTEE APPOINTED BY THE  
11 DEPARTMENT FROM THE INTERMEDIATE UNIT OF WHICH THE SCHOOL  
12 DISTRICT OR SCHOOL IS A MEMBER. THE CURRICULUM COMMITTEE  
13 SHALL ASSIST THE SCHOOL DISTRICT OR SCHOOL WITH CURRICULUM  
14 DEVELOPMENT, ASSIST PRINCIPALS AND TEACHERS IN PRESENTING THE  
15 CURRICULUM AND MEET WITH PRINCIPALS MONTHLY TO REVIEW  
16 PROGRESS.

17 (5) DESIGN AND IMPLEMENT A PROGRAM TO RECOGNIZE AND  
18 REWARD PARENTS FOR THEIR EFFORTS IN HELPING TO EDUCATE THEIR  
19 CHILDREN.

20 (6) AMEND ITS PROFESSIONAL EDUCATION PLAN REQUIRED UNDER  
21 SECTION 1205.1 AS FOLLOWS:

22 (I) TO SPECIFY AND REQUIRE COMPLETION OF CONTINUING  
23 PROFESSIONAL EDUCATION PROGRAMS OR MENTORING ON  
24 INSTRUCTIONAL PRACTICES FOR PRINCIPALS AND TEACHERS THAT  
25 SHALL ADDRESS THE ACADEMIC PERFORMANCE OBJECTIVES OF THE  
26 SCHOOL DISTRICT OR SCHOOL AND THE DEFICIENCIES IDENTIFIED  
27 BY STUDENT PERFORMANCE DATA OR TEACHER EVALUATIONS.

28 (II) TO ADDRESS COLLABORATIVE PROFESSIONAL  
29 DEVELOPMENT FOR ALL PROFESSIONAL EDUCATORS EMPLOYED BY  
30 THE SCHOOL DISTRICT OR SCHOOL TO BE INCLUDED IN EACH

SCHOOL DAY.

(III) TO TRAIN AND SUPPORT PROFESSIONAL EDUCATORS IN  
THE USE OF REAL TIME DATA TO DEVELOP SPECIFIC  
INSTRUCTIONAL PRACTICES.

(IV) TO TRAIN AND SUPPORT PROFESSIONAL EDUCATORS IN  
THE USE AND IMPLEMENTATION OF A STANDARDS ALIGNED SYSTEM.

(7) EVALUATE WHETHER THE SCHOOL DISTRICT OR SCHOOL HAS  
THE RESOURCES TO REDUCE CLASS SIZES IN CLASSROOMS THAT FAIL  
TO MEET PERFORMANCE TARGETS. IF RESOURCES ARE AVAILABLE, THE  
SCHOOL DISTRICT OR SCHOOL MAY UNDERTAKE CLASS-SIZE  
REDUCTIONS.

(8) OFFER TUTORING PROGRAMS TO STUDENTS WHOSE MOST  
RECENT RESULTS ON THE PENNSYLVANIA SYSTEM OF SCHOOL  
ASSESSMENT TEST, THE KEYSTONE EXAM, AN EQUIVALENT LOCAL  
ASSESSMENT OR ANY OTHER TEST ESTABLISHED BY THE STATE BOARD  
OF EDUCATION TO MEET THE REQUIREMENTS OF SECTION 2603-B(D)  
(10) (I) WERE BELOW PROFICIENT.

(9) RECOGNIZING EACH CHILD'S NEED FOR A SAFE LEARNING  
ENVIRONMENT, ENGAGE AN EXTERNAL PERSON OR ORGANIZATION TO  
CONDUCT A SCHOOL CLIMATE AND SCHOOL SAFETY AUDIT OF THE  
SCHOOL DISTRICT OR SCHOOL AND TAKE ACTIONS THAT THE GOVERNING  
BODY DEEMS NECESSARY TO IMPROVE SCHOOL SAFETY.

(10) IN A SCHOOL DISTRICT OR SCHOOL DESIGNATED FOR  
ACCOUNTABILITY LEVEL 2 OR 3, REQUIRE PRINCIPALS TO  
PARTICIPATE IN TRAINING IN INSTRUCTIONAL LEADERSHIP APPROVED  
BY THE DEPARTMENT WITHIN SIX MONTHS FOLLOWING THE  
DESIGNATION. A PRINCIPAL THAT IS HIRED FOLLOWING THE  
DESIGNATION SHALL PARTICIPATE IN THE TRAINING WITHIN SIX  
MONTHS FOLLOWING THE DATE OF HIRE.

(D) OPTIONAL STRATEGIES.--IN ADDITION TO THE STRATEGIES

1 REQUIRED UNDER SUBSECTION (C), THE PLAN MAY REQUIRE THE SCHOOL  
2 DISTRICT OR SCHOOL TO DO ANY OF THE FOLLOWING:

3 (1) CONVERT A SCHOOL TO A CHARTER SCHOOL SUBJECT TO THE  
4 PROVISIONS OF THIS ARTICLE.

5 (2) CONTRACT WITH AN EDUCATION MANAGEMENT ORGANIZATION  
6 TO MANAGE THE SCHOOL DISTRICT OR A SCHOOL.

7 (3) NEGOTIATE A MEMORANDUM OF UNDERSTANDING UNDER THE  
8 CURRENT COLLECTIVE BARGAINING AGREEMENT REGARDING TERMS OF  
9 EMPLOYMENT.

10 (4) DISMISS OR DEMOTE SCHOOL PRINCIPALS AND TEACHERS WHO  
11 FAIL TO MEET PERFORMANCE EXPECTATIONS PURSUANT TO THE  
12 PROCEDURES UNDER ARTICLE XI.

13 (5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, ANY  
14 OR ALL OF THE FOLLOWING:

15 (I) IMPLEMENT SYSTEMS OF PERFORMANCE-BASED  
16 COMPENSATION FOR ANY OR ALL OF THE FOLLOWING:

17 (A) CHIEF SCHOOL ADMINISTRATORS.

18 (B) SCHOOL PRINCIPALS.

19 (C) TEACHERS.

20 (II) OFFER FINANCIAL INCENTIVES TO EITHER OR BOTH OF  
21 THE FOLLOWING:

22 (A) TEACHERS CERTIFIED IN AREAS OF SHORTAGE AS  
23 DETERMINED BY THE GOVERNING BODY.

24 (B) TEACHERS WHO ACCEPT HIGH-NEED ASSIGNMENTS AS  
25 DETERMINED BY THE GOVERNING BODY.

26 (III) REASSIGN PRINCIPALS AND TEACHERS TO MEET THE  
27 NEEDS OF THE SCHOOL DISTRICT OR SCHOOL.

28 (IV) ASSIGN A TEACHER TO A SCHOOL OR CLASS BASED ON  
29 THE NEEDS OF THE SCHOOL DISTRICT OR SCHOOL AND THE  
30 COMPETENCIES OF THE TEACHER AS DETERMINED BY THE

1 GOVERNING BODY.

2 (V) DESIGN AND IMPLEMENT MULTIMEASURE PERFORMANCE  
3 EVALUATION PROCESSES FOR EITHER OR BOTH OF THE FOLLOWING:

4 (A) PRINCIPALS.

5 (B) TEACHERS.

6 (VI) DESIGN AND IMPLEMENT A SYSTEM TO AWARD TENURE  
7 ON THE BASIS OF TEACHER PERFORMANCE EVALUATIONS  
8 NOTWITHSTANDING THE TEACHER'S NUMBER OF YEARS OF  
9 CLASSROOM TEACHING EXPERIENCE.

10 (VII) PETITION THE DEPARTMENT FOR A CERTIFICATE THAT  
11 WOULD ALLOW A PRESENTLY UNCERTIFIED INDIVIDUAL MEETING  
12 EDUCATION AND WORK EXPERIENCE REQUIREMENTS ESTABLISHED BY  
13 THE DEPARTMENT TO TEACH IN A SHORTAGE AREA.

14 (VIII) ESTABLISH AND IMPLEMENT INTENSIVE TRAINING,  
15 INDUCTION OR MENTORING PROGRAMS FOR EITHER OR BOTH OF THE  
16 FOLLOWING:

17 (A) PRINCIPALS.

18 (B) TEACHERS.

19 (IX) CONTRACT WITH A NATIONAL NONPROFIT ORGANIZATION  
20 THAT RECRUITS, SELECTS, TRAINS AND SUPPORTS NEW TEACHERS  
21 AND HAS A PROVEN, RESEARCH-BASED RECORD OF EFFECTIVENESS  
22 IN RAISING THE ACHIEVEMENT LEVELS OF LOW-INCOME STUDENTS  
23 USING A DATA-DRIVEN APPROACH TO TEACHING AND LEARNING.

24 (6) NEGOTIATE A NEW COLLECTIVE BARGAINING AGREEMENT.

25 (7) ASSIST A STUDENT IN LOCATING EXTERNAL AGENCIES THAT  
26 PROVIDE SOCIAL SERVICES NEEDED BY THE STUDENT.

27 (8) AWARD SCHOLARSHIPS FOR HIGHER EDUCATION TO STUDENTS  
28 WHO MEET ACADEMIC REQUIREMENTS ESTABLISHED BY THE SCHOOL  
29 DISTRICT OR SCHOOL. THE SCHOOL DISTRICT OR SCHOOL MAY SOLICIT  
30 AND ACCEPT CONTRIBUTIONS FROM THE PUBLIC FOR THIS PURPOSE.

1 THIS PROVISION SHALL NOT BE CONSTRUED TO CREATE A SCHOLARSHIP  
2 FUNDED BY THE COMMONWEALTH.

3 (9) CONTRACT WITH A COLLEGE OR UNIVERSITY TEACHER  
4 PREPARATION PROGRAM TO REVIEW THE PROGRAMS OF THE SCHOOL  
5 DISTRICT OR SCHOOL, MAKE RECOMMENDATIONS FOR IMPROVEMENT AND  
6 ASSIST THE SCHOOL DISTRICT OR SCHOOL IN IMPLEMENTING CHANGES  
7 IN PRACTICES.

8 (10) REALLOCATE RESOURCES.

9 (11) AMEND PROCEDURES.

10 (12) RESTRUCTURE BUILDINGS, STAFFING PLANS AND  
11 EDUCATIONAL PROGRAMS.

12 (13) CLOSE ONE OR MORE SCHOOLS.

13 (14) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT,  
14 EITHER OR BOTH OF THE FOLLOWING:

15 (I) FOCUS ITS INSTRUCTIONAL STRATEGIES ON READING,  
16 MATHEMATICS AND SCIENCE.

17 (II) DESIGN A CORE CURRICULUM FOR USE IN ALL SCHOOLS  
18 IN A SCHOOL DISTRICT.

19 (15) ESTABLISH AN ACCELERATED LEARNING ACADEMY OR SUMMER  
20 ACADEMY FOR ANY STUDENT WHO SCORED BELOW PROFICIENT OR DID  
21 NOT MEET A PERFORMANCE OBJECTIVE ESTABLISHED OR APPROVED BY  
22 THE DEPARTMENT ON THE STUDENT'S MOST RECENT PENNSYLVANIA  
23 SYSTEM OF SCHOOL ASSESSMENT TEST, KEYSTONE EXAM, EQUIVALENT  
24 LOCAL ASSESSMENT OR ANY OTHER TEST ESTABLISHED BY THE STATE  
25 BOARD OF EDUCATION TO MEET THE REQUIREMENTS OF SECTION 2603-  
26 B(D) (10) (I).

27 (16) MONITOR AND SUPPORT THE PROGRESS OF STUDENTS  
28 TRANSITIONING FROM ONE GRADE LEVEL TO ANOTHER.

29 (17) ASSIGN ONE TEACHER OR A GROUP OF TEACHERS TO A  
30 GROUP OF STUDENTS OVER MULTIPLE YEARS.



1        (18) ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE  
2 POLICE DEPARTMENT HAVING JURISDICTION OVER THE SCHOOL  
3 DISTRICT OR THE SCHOOL TO ADDRESS SCHOOL SAFETY.

4        (19) ESTABLISH OR AMEND A CODE OF CONDUCT WHICH MAY  
5 INCLUDE THE FOLLOWING:

6            (I) INCREASED SANCTIONS FOR STUDENT MISCONDUCT.

7            (II) INCREASED PRINCIPAL AND TEACHER AUTHORITY TO  
8 ENFORCE RULES OF CONDUCT.

9            (III) EXAMPLES OF APPROPRIATE AND INAPPROPRIATE  
10 CONDUCT.

11           (IV) SPECIFIC NEGATIVE CONSEQUENCES FOR  
12 INAPPROPRIATE CONDUCT.

13        (20) IMPLEMENT RESTORATIVE PRACTICES AS A MEANS OF  
14 REDUCING VIOLENCE, BULLYING AND MISBEHAVIOR AND TRANSFORMING  
15 SCHOOL CLIMATE TO CREATE A MORE POSITIVE EDUCATIONAL  
16 ENVIRONMENT.

17        (21) IN A SCHOOL DISTRICT, DESIGN AND IMPLEMENT AN  
18 INTERDISTRICT SCHOOL CHOICE PROGRAM FOR ALL STUDENTS IN  
19 COOPERATION WITH ONE OR MORE OTHER SCHOOL DISTRICTS SERVED BY  
20 THE INTERMEDIATE UNIT OF WHICH THE SCHOOL DISTRICT IS A  
21 MEMBER OR WITH A CONTIGUOUS SCHOOL DISTRICT.

22        (22) IMPLEMENT AN INSTRUCTIONAL AND INTERVENTION MODEL  
23 TO IDENTIFY AND SUPPORT STRUGGLING STUDENTS.

24        (23) APPOINT A CHIEF TURNAROUND OFFICER TO ASSIST SCHOOL  
25 PRINCIPALS IN IMPLEMENTING IMPROVEMENT STRATEGIES.

26        (E) ADDITIONAL ELEMENTS.--THE FOLLOWING SHALL APPLY:

27           (1) THE PLAN MAY INCLUDE ADDITIONAL ELEMENTS THAT THE  
28 GOVERNING BODY DEEMS NECESSARY TO IMPROVE THE ACADEMIC  
29 PERFORMANCE OF THE SCHOOL DISTRICT OR SCHOOL, INCLUDING  
30 PROGRAMS OR STRATEGIES THAT ENCOURAGE CONTINUED STUDENT

1 ACHIEVEMENT AND COMMUNITY SERVICE PROGRAMS.

2 (2) THE PLAN SHALL INCLUDE ADDITIONAL ELEMENTS THAT THE  
3 DEPARTMENT DEEMS NECESSARY TO SATISFY THE REQUIREMENTS OF  
4 SECTION 1116(B) (3) OF THE NO CHILD LEFT BEHIND ACT OF 2001 OR  
5 ITS SUCCESSOR FEDERAL STATUTE AS IT APPLIES TO A SCHOOL OR  
6 SECTION 1116(C) (7) (A) OF THE NO CHILD LEFT BEHIND ACT OF 2001  
7 OR ITS SUCCESSOR FEDERAL STATUTE AS IT APPLIES TO A SCHOOL  
8 DISTRICT.

9 SECTION 1705-C. GOVERNING BODY.

10 THE GOVERNING BODY OF A SCHOOL DISTRICT OR SCHOOL DESIGNATED  
11 FOR ACCOUNTABILITY LEVEL 1, 2 OR 3 SHALL:

12 (1) WITH THE EXCEPTION OF SCHOOL DISTRICTS OR SCHOOLS  
13 DESIGNATED FOR ACCOUNTABILITY LEVEL 3, REVIEW AND APPROVE,  
14 APPROVE WITH MODIFICATIONS OR DISAPPROVE THE IMPROVEMENT PLAN  
15 IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

16 (2) TAKE ACTIONS NECESSARY TO IMPLEMENT THE IMPROVEMENT  
17 PLAN IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

18 (3) ENSURE THAT PARENTS ARE NOTIFIED OF THE SCHOOL  
19 DISTRICT OR SCHOOL DESIGNATION TO THE EXTENT AND IN THE  
20 MANNER REQUIRED UNDER SECTION 1116(B) AND (C) OF THE NO CHILD  
21 LEFT BEHIND ACT OF 2001 OR ITS SUCCESSOR FEDERAL STATUTE.

22 (4) ESTABLISH AN INTRADISTRICT SCHOOL CHOICE PROGRAM FOR  
23 STUDENTS IN ANY SCHOOL IN THE SCHOOL DISTRICT THAT HAS BEEN  
24 DESIGNATED FOR ACCOUNTABILITY LEVEL 1, 2 OR 3. THE PROGRAM  
25 MUST SATISFY THE REQUIREMENTS OF THE NO CHILD LEFT BEHIND ACT  
26 OF 2001 OR ITS SUCCESSOR FEDERAL STATUTE.

27 (5) ESTABLISH A TUTORING PROGRAM FOR STUDENTS IN A  
28 SCHOOL THAT IS DESIGNATED FOR A SECOND YEAR OF ACCOUNTABILITY  
29 LEVEL 1 OR FOR ACCOUNTABILITY LEVEL 2 OR 3. FOR SCHOOLS  
30 DESIGNATED AS TITLE I SCHOOLS, TUTORING PROGRAMS SHALL

1 INCLUDE SUPPLEMENTAL EDUCATIONAL SERVICES UNDER SECTION  
2 1116(E) OF THE NO CHILD LEFT BEHIND ACT OF 2001 OR ITS  
3 SUCCESSOR FEDERAL STATUTE. SCHOOLS THAT DO NOT RECEIVE  
4 FUNDING UNDER TITLE I OF THE ELEMENTARY AND SECONDARY  
5 EDUCATION ACT OF 1965 (PUBLIC LAW 89-10, 20 U.S.C. CH. 63, ET  
6 SEQ.) SHALL PROVIDE PARENTS WITH INFORMATION ON THE  
7 AVAILABILITY OF OTHER TUTORING PROGRAMS OFFERED BY THE SCHOOL  
8 DISTRICT.

9 SECTION 1706-C. ACCOUNTABILITY LEVEL 1.

10 (A) APPOINTMENT.--WITHIN 30 DAYS OF BEING IDENTIFIED UNDER  
11 SECTION 1702-C FOR ACCOUNTABILITY LEVEL 1, THE GOVERNING BODY  
12 SHALL APPOINT AN IMPROVEMENT TEAM IN ACCORDANCE WITH SECTION  
13 1703-C.

14 (B) PLAN.--WITHIN 75 DAYS OF BEING IDENTIFIED UNDER SECTION  
15 1702-C, THE IMPROVEMENT TEAM FOR EACH SCHOOL DISTRICT OR SCHOOL  
16 SHALL PRESENT AN IMPROVEMENT PLAN TO THE GOVERNING BODY. THE  
17 GOVERNING BODY SHALL APPROVE, APPROVE WITH MODIFICATIONS OR  
18 DISAPPROVE THE IMPROVEMENT PLAN WITHIN 15 DAYS OF RECEIVING THE  
19 PLAN. ON THE FIRST BUSINESS DAY FOLLOWING APPROVAL OF THE PLAN,  
20 THE GOVERNING BODY SHALL PRESENT THE PLAN TO THE DEPARTMENT AND  
21 TO THE INTERMEDIATE UNIT ASSIGNED BY THE DEPARTMENT TO CONDUCT  
22 AN ANONYMOUS REVIEW OF THE PLAN. THE DEPARTMENT AND THE  
23 INTERMEDIATE UNIT SHALL APPROVE, APPROVE WITH MODIFICATIONS OR  
24 DISAPPROVE THE IMPROVEMENT PLAN WITHIN 30 DAYS FOLLOWING RECEIPT  
25 OF THE PLAN FOR REVIEW. THE GOVERNING BODY SHALL MODIFY AND  
26 RESUBMIT THE PLAN TO THE DEPARTMENT AND THE INTERMEDIATE UNIT  
27 UNTIL THE PLAN IS APPROVED WITHOUT MODIFICATIONS BY THE  
28 DEPARTMENT AND THE INTERMEDIATE UNIT.

29 (C) IMPLEMENTATION.--THE IMPROVEMENT TEAM SHALL BEGIN  
30 IMPLEMENTING THE IMPROVEMENT PLAN WITHIN THREE BUSINESS DAYS

FOLLOWING RECEIPT OF THE APPROVAL OF THE DEPARTMENT AND  
INTERMEDIATE UNIT ASSIGNED BY THE DEPARTMENT TO REVIEW THE PLAN.  
SECTION 1707-C. ACCOUNTABILITY LEVEL 2.

(A) IMPROVEMENT PLAN.--WITHIN 30 DAYS OF BEING IDENTIFIED  
UNDER SECTION 1702-C FOR ACCOUNTABILITY LEVEL 2, THE IMPROVEMENT  
TEAM SHALL PRESENT A REVISED IMPROVEMENT PLAN TO THE GOVERNING  
BODY FOR APPROVAL.

(B) OBJECTIVES.--BASED ON AN ANALYSIS OF THE DATA PROVIDED  
UNDER SECTION 1704-C(B)(1) AND (2), THE IMPROVEMENT TEAM SHALL  
SET FORTH ITS IMPROVEMENT PROGRAM FOR EACH OF THE AREAS SET  
FORTH IN SECTION 1704-C(B)(1). THE IMPROVEMENT PROGRAM SHALL SET  
FORTH ACADEMIC PERFORMANCE OBJECTIVES FOR EACH AREA.

(C) STRATEGIES.--THE REVISED PLAN FOR A SCHOOL DISTRICT OR  
SCHOOL SHALL INCLUDE SPECIFIC STRATEGIES FOR ACHIEVING THE  
ACADEMIC PERFORMANCE OBJECTIVES IDENTIFIED IN THE IMPROVEMENT  
PLAN AS FOLLOWS:

(1) A SCHOOL DISTRICT DESIGNATED FOR ACCOUNTABILITY  
LEVEL 2 SHALL TAKE AT LEAST ONE OF THE FOLLOWING ACTIONS:

(I) IMPLEMENT A NEW CURRICULUM ALIGNED WITH STATE  
ACADEMIC STANDARDS AND PROVIDE STAFF DEVELOPMENT THAT  
WILL ENHANCE THE EFFECTIVENESS OF THE NEW CURRICULUM.

(II) TERMINATE OR DEMOTE THE PRINCIPALS AND TEACHERS  
WHO HAVE FAILED TO MEET THEIR PERFORMANCE TARGETS  
PURSUANT TO THE PROCEDURES REQUIRED BY ARTICLE XI.

(2) A CHARTER SCHOOL, CYBER CHARTER SCHOOL OR  
COMPREHENSIVE VOCATIONAL-TECHNICAL SCHOOL DESIGNATED FOR  
ACCOUNTABILITY LEVEL 2 OR A SCHOOL DISTRICT IN WHICH AN  
INDIVIDUAL SCHOOL IS DESIGNATED FOR ACCOUNTABILITY LEVEL 2  
SHALL TAKE AT LEAST ONE OF THE ACTIONS LISTED IN SECTION  
1116-A(B)(7)(C)(IV) OR ITS SUCCESSOR FEDERAL STATUTE. THE

1 SCHOOL DISTRICT OR SCHOOL MAY TERMINATE OR DEMOTE THE  
2 PRINCIPALS AND TEACHERS WHO HAVE FAILED TO MEET THEIR  
3 PERFORMANCE TARGETS, PROVIDED THAT THE ACTION IS UNDERTAKEN  
4 PURSUANT TO THE PROCEDURES REQUIRED BY ARTICLE XI.

5 (3) THE PLAN SHALL INCLUDE THE STRATEGIES REQUIRED UNDER  
6 SECTION 1704-C(C).

7 (4) THE PLAN MAY INCLUDE THE STRATEGIES PERMITTED UNDER  
8 SECTION 1704-C(D).

9 (D) DUTIES OF THE GOVERNING BODY.--THE GOVERNING BODY SHALL  
10 REVIEW AND APPROVE, APPROVE WITH MODIFICATIONS OR DISAPPROVE THE  
11 REVISED IMPROVEMENT PLAN REQUIRED UNDER THIS SECTION AND SUBMIT  
12 THE PLAN TO THE DEPARTMENT AND THE INTERMEDIATE UNIT APPOINTED  
13 BY THE DEPARTMENT TO REVIEW THE IMPROVEMENT PLAN WITHIN 60 DAYS  
14 OF THE PUBLICATION OF THE ANNUAL REPORT REQUIRED UNDER SECTION  
15 1702-C. THE DEPARTMENT AND THE INTERMEDIATE UNIT SHALL REVIEW  
16 THE PLAN AND APPROVE, APPROVE WITH MODIFICATIONS OR DISAPPROVE  
17 THE PLAN WITHIN 30 DAYS AFTER RECEIVING IT FOR REVIEW. THE  
18 REVISED IMPROVEMENT PLAN APPROVED BY THE DEPARTMENT AND THE  
19 INTERMEDIATE UNIT SHALL CONSTITUTE THE REVISED ACCOUNTABILITY  
20 LEVEL 2 IMPROVEMENT PLAN.

21 SECTION 1708-C. ACCOUNTABILITY LEVEL 3.

22 (A) BOARD.--A SCHOOL DISTRICT, A CHARTER SCHOOL, CYBER  
23 CHARTER SCHOOL OR COMPREHENSIVE VOCATIONAL-TECHNICAL SCHOOL  
24 DESIGNATED FOR ACCOUNTABILITY LEVEL 3 SHALL BE PLACED UNDER THE  
25 OVERSIGHT OF A STATEWIDE ACADEMIC ACCOUNTABILITY BOARD APPOINTED  
26 AND SERVING IN ACCORDANCE WITH THE FOLLOWING PROVISIONS:

27 (1) THE STATEWIDE ACADEMIC ACCOUNTABILITY BOARD SHALL  
28 HAVE THREE MEMBERS APPOINTED AS FOLLOWS:

29 (I) ONE MEMBER APPOINTED BY THE GOVERNOR WITH THE  
30 ADVICE AND CONSENT OF THE SENATE.

1           (II) TWO MEMBERS APPOINTED BY THE PRESIDENT PRO  
2           TEMPORE OF THE SENATE.

3           (2) MEMBERS APPOINTED PURSUANT TO PARAGRAPH (1)(I) AND  
4           (II) SHALL SERVE TERMS AS FOLLOWS:

5           (I) THE MEMBER APPOINTED BY THE GOVERNOR SHALL SERVE  
6           FOR AN INITIAL TERM OF ONE YEAR. AFTER THE EXPIRATION OF  
7           THE INITIAL TERM, THE MEMBER APPOINTED BY THE GOVERNOR  
8           SHALL SERVE FOR A TERM OF THREE YEARS.

9           (II) EACH OF THE MEMBERS APPOINTED BY THE PRESIDENT  
10           PRO TEMPORE OF THE SENATE SHALL SERVE FOR A TERM OF THREE  
11           YEARS.

12           (3) EXCEPT AS AUTHORIZED IN THIS SUBSECTION AND EXCEPT  
13           FOR THE GOVERNOR'S APPOINTEE WHO SHALL SERVE AT THE  
14           GOVERNOR'S PLEASURE, NO BOARD MEMBER MAY BE REMOVED FROM  
15           OFFICE DURING A TERM. THE APPOINTING AUTHORITY MAY, UPON  
16           PROOF BY CLEAR AND CONVINCING EVIDENCE OF MALFEASANCE OR  
17           MISFEASANCE IN OFFICE OR NEGLECT OF DUTY, REMOVE A BOARD  
18           MEMBER PRIOR TO THE EXPIRATION OF THE TERM. BEFORE A BOARD  
19           MEMBER IS REMOVED, THAT MEMBER MUST BE PROVIDED WITH A  
20           WRITTEN STATEMENT OF THE REASONS FOR REMOVAL AND AN  
21           OPPORTUNITY FOR A HEARING IN ACCORDANCE WITH 2 PA.C.S. CHS. 5  
22           SUBCH. A (RELATING TO PRACTICE AND PROCEDURE OF COMMONWEALTH  
23           AGENCIES) AND 7 SUBCH. A (RELATING TO JUDICIAL REVIEW OF  
24           COMMONWEALTH AGENCY ACTION).

25           (4) AN APPOINTMENT TO FILL A VACANCY FOR THE REMAINDER  
26           OF AN UNEXPIRED TERM SHALL BE MADE IN THE SAME MANNER AS SET  
27           FORTH IN THIS SUBSECTION.

28           (5) EXCEPT FOR THE GOVERNOR'S APPOINTMENT AND EXCEPT AS  
29           SET FORTH IN PARAGRAPH (3), A BOARD MEMBER SHALL HOLD OFFICE  
30           UNTIL A SUCCESSOR HAS BEEN APPOINTED AND QUALIFIED. UPON

1 EXPIRATION OF THE TERM OF THE GOVERNOR'S APPOINTMENT, THE  
2 POSITION SHALL REMAIN VACANT UNTIL THE GOVERNOR APPOINTS A  
3 SUCCESSOR WITH THE ADVICE AND CONSENT OF THE SENATE.

4 (6) A BOARD MEMBER MAY SERVE SUCCESSIVE TERMS.

5 (7) TO THE EXTENT FUNDS ARE APPROPRIATED FOR THE  
6 PURPOSE, BOARD MEMBERS SHALL BE REIMBURSED FOR REASONABLE AND  
7 NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR  
8 OFFICIAL DUTIES.

9 (8) THE BOARD SHALL ELECT A CHAIRPERSON FROM THE MEMBERS  
10 APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE SENATE, WHO  
11 SHALL SERVE FOR A TERM OF THREE YEARS AND UNTIL A SUCCESSOR  
12 IS ELECTED. THE CHAIRPERSON SHALL PRESIDE AT MEETINGS OF THE  
13 BOARD AND SHALL EXECUTE DOCUMENTS RELATING TO THE FORMAL  
14 ACTIONS OF THE BOARD.

15 (9) THE BOARD SHALL MEET TWICE EACH MONTH AND AT OTHER  
16 TIMES AS NECESSARY TO TRANSACT THE BUSINESS OF THE BOARD.  
17 MEETINGS SHALL BE HELD AT TIMES AND PLACES SET BY THE  
18 CHAIRPERSON. A MEETING MAY BE SCHEDULED BY THE CHAIRPERSON  
19 UPON THE PROVISION OF AT LEAST FIVE DAYS' NOTICE TO ALL  
20 MEMBERS. A MEMBER WHO DOES NOT ATTEND THREE CONSECUTIVE  
21 MEETINGS WITHOUT CAUSE MAY BE REMOVED AS A MEMBER BY THE  
22 AUTHORITY APPOINTING THE MEMBER.

23 (10) ACTIONS OF THE STATEWIDE ACADEMIC ACCOUNTABILITY  
24 BOARD SHALL BE BY A MAJORITY VOTE. A MAJORITY OF THE BOARD  
25 MEMBERS APPOINTED SHALL CONSTITUTE A QUORUM.

26 (11) APPOINTEES TO THE STATEWIDE ACADEMIC ACCOUNTABILITY  
27 BOARD SHALL NOT INCLUDE THE FOLLOWING:

28 (I) A PERSON HOLDING ELECTED GOVERNMENTAL OFFICE  
29 PROVIDED THAT MEMBERS OF AN ELECTED SCHOOL BOARD MAY BE  
30 APPOINTED.

1           (II) A PERSON EMPLOYED BY THE COMMONWEALTH.

2           (III) A PERSON WHO HAS SERVED ON A PREVIOUS SCHOOL  
3           REFORM COMMISSION OR BOARD OF CONTROL.

4       (B) POWERS OF BOARD.--THE STATEWIDE ACADEMIC ACCOUNTABILITY  
5       BOARD SHALL HAVE THE FOLLOWING POWERS:

6           (1) WITH THE ASSISTANCE OF AN INTERMEDIATE UNIT  
7           APPOINTED BY THE DEPARTMENT, DEVELOPMENT OF THE IMPROVEMENT  
8           PLAN FOR EACH SCHOOL DISTRICT, CHARTER SCHOOL, CYBER CHARTER  
9           SCHOOL OR COMPREHENSIVE VOCATIONAL-TECHNICAL SCHOOL  
10          DESIGNATED FOR ACCOUNTABILITY LEVEL 3. THE STATEWIDE ACADEMIC  
11          ACCOUNTABILITY BOARD SHALL PRESENT THE IMPROVEMENT PLAN TO  
12          THE GOVERNING BODY WITHIN 60 DAYS FOLLOWING THE DESIGNATION  
13          OF THE SCHOOL DISTRICT OR SCHOOL FOR ACCOUNTABILITY LEVEL 3.  
14          THE GOVERNING BODY SHALL BEGIN TO IMPLEMENT THE IMPROVEMENT  
15          PLAN WITHIN THREE BUSINESS DAYS FOLLOWING RECEIPT OF THE PLAN  
16          FROM THE STATEWIDE ACADEMIC ACCOUNTABILITY BOARD.

17          (2) APPROVAL, APPROVAL WITH MODIFICATIONS OR DISAPPROVAL  
18          OF THE FOLLOWING ACTIONS OF THE GOVERNING BODY:

19               (I) ADOPTION OF THE ANNUAL BUDGET FOR THE SCHOOL  
20               DISTRICT, CHARTER SCHOOL, CYBER CHARTER SCHOOL OR  
21               COMPREHENSIVE VOCATIONAL-TECHNICAL SCHOOL.

22               (II) EMPLOYMENT OR TERMINATION OF A SUPERINTENDENT,  
23               ASSISTANT SUPERINTENDENT, PRINCIPAL OR ASSISTANT  
24               PRINCIPAL OR THE EXECUTIVE DIRECTOR OR CHIEF SCHOOL  
25               ADMINISTRATOR OF A CHARTER SCHOOL, CYBER CHARTER SCHOOL  
26               OR COMPREHENSIVE VOCATIONAL-TECHNICAL SCHOOL.

27               (III) NEGOTIATION AND EXECUTION OF A NEW COLLECTIVE  
28               BARGAINING AGREEMENT.

29               (IV) THE ISSUANCE OR REFINANCING OF DEBT.  
30          THE GOVERNING BODY SHALL SUBMIT A WRITTEN REQUEST FOR



1 APPROVAL OF THE ACTION TO THE STATEWIDE ACADEMIC  
2 ACCOUNTABILITY BOARD PRIOR TO TAKING FINAL ACTION. THE  
3 GOVERNING BODY MAY NOT TAKE FINAL ACTION UNTIL THE STATEWIDE  
4 ACADEMIC ACCOUNTABILITY BOARD HAS APPROVED THE ACTION UNDER  
5 THIS SECTION. THE GOVERNING BODY SHALL PROVIDE THE STATEWIDE  
6 ACADEMIC ACCOUNTABILITY BOARD WITH ALL DOCUMENTATION AND  
7 OTHER INFORMATION REASONABLY REQUESTED BY THE STATEWIDE  
8 ACADEMIC ACCOUNTABILITY BOARD WITHIN THREE BUSINESS DAYS OF  
9 RECEIPT OF THE REQUEST. IF THE STATEWIDE ACADEMIC  
10 ACCOUNTABILITY BOARD DOES NOT APPROVE THE PROPOSED ACTION  
11 WITHIN 15 DAYS AFTER THE REQUEST BY THE GOVERNING BODY OR  
12 WITHIN 15 DAYS AFTER THE STATEWIDE ACADEMIC ACCOUNTABILITY  
13 BOARD RECEIVES SUPPLEMENTAL INFORMATION OR DOCUMENTATION  
14 REASONABLY REQUESTED FROM THE GOVERNING BODY, THE PROPOSED  
15 ACTION OF THE GOVERNING BODY SHALL BE DEEMED APPROVED.

16 (3) CONVERSION OF A SCHOOL TO A CHARTER SCHOOL UNDER  
17 SECTION 1713-C.

18 (4) NONRENEWAL OR TERMINATION OF A CHARTER UNDER SECTION  
19 1714-C.

20 (C) ABILITY TO DIRECT.--THE STATEWIDE ACADEMIC  
21 ACCOUNTABILITY BOARD MAY DIRECT THE GOVERNING BODY OF A SCHOOL  
22 DISTRICT, CHARTER SCHOOL, CYBER CHARTER SCHOOL OR COMPREHENSIVE  
23 VOCATIONAL-TECHNICAL SCHOOL DESIGNATED FOR ACCOUNTABILITY LEVEL  
24 3 TO DO ANY OF THE FOLLOWING:

25 (1) RESTRUCTURE THE SCHOOL DISTRICT OR ONE OR MORE  
26 SCHOOLS.

27 (2) CONVERT ONE OR MORE SCHOOLS TO CHARTER SCHOOLS.

28 (3) PLACE THE SCHOOL DISTRICT OR ONE OR MORE SCHOOLS  
29 UNDER THE MANAGEMENT OF AN EDUCATION MANAGEMENT ORGANIZATION.

30 (4) CLOSE ONE OR MORE SCHOOLS.

1       (5) DISSOLVE THE SCHOOL DISTRICT OR SCHOOL.  
2 THE GOVERNING BODY SHALL BEGIN IMPLEMENTATION OF ANY ACTION  
3 DIRECTED BY THE STATEWIDE ACADEMIC ACCOUNTABILITY BOARD WITHIN  
4 THREE BUSINESS DAYS FOLLOWING DIRECTION BY THE BOARD.

5       (D) FORFEITURES.--THE DEPARTMENT SHALL ORDER THE FOLLOWING  
6 FORFEITURES AGAINST A SCHOOL DISTRICT, CHARTER SCHOOL, CYBER  
7 CHARTER SCHOOL OR COMPREHENSIVE VOCATIONAL-TECHNICAL SCHOOL THAT  
8 FAILS TO COMPLY WITH SUBSECTION (B) OR FAILS TO TAKE THE ACTION  
9 ORDERED BY THE STATEWIDE ACADEMIC ACCOUNTABILITY BOARD UNDER  
10 SUBSECTION (C):

11       (1) \$5,000 PER DAY FOR THE FIRST VIOLATION.

12       (2) \$10,000 PER DAY FOR THE SECOND OR SUBSEQUENT  
13 VIOLATION.

14 THE FORFEITURE SHALL CONTINUE UNTIL THE GOVERNING BODY HAS  
15 COMPLIED WITH SUBSECTION (B) OR HAS TAKEN ACTION DIRECTED BY THE  
16 STATEWIDE ACADEMIC ACCOUNTABILITY BOARD UNDER SUBSECTION (C).  
17 THE DEPARTMENT SHALL DEDUCT THE AMOUNT OF THE FORFEITURE FROM  
18 ANY AND ALL STATE PAYMENTS MADE TO THE SCHOOL DISTRICT, CHARTER  
19 SCHOOL, CYBER CHARTER SCHOOL OR COMPREHENSIVE VOCATIONAL-  
20 TECHNICAL SCHOOL.

21       (E) REQUIREMENTS.--THE DEPARTMENT AND THE STATEWIDE ACADEMIC  
22 ACCOUNTABILITY BOARD EACH SHALL FURNISH TO THE OTHER ENTITY,  
23 UPON REQUEST, SUCH DATA AND INFORMATION AS THE OTHER ENTITY MAY,  
24 FROM TIME TO TIME, REQUIRE. TO THE EXTENT FUNDS ARE APPROPRIATED  
25 FOR THE PURPOSE, THE DEPARTMENT SHALL PROVIDE THE STATEWIDE  
26 ACADEMIC ACCOUNTABILITY BOARD WITH THE FOLLOWING:

27       (1) PROFESSIONAL, ADMINISTRATIVE AND CLERICAL PERSONNEL  
28 AS MAY BE NECESSARY TO CARRY OUT THE DUTIES AND  
29 RESPONSIBILITIES OF THE STATEWIDE ACADEMIC ACCOUNTABILITY  
30 BOARD.

1       (2) ADEQUATE SPACE AND EQUIPMENT TO FACILITATE THE  
2       ACTIVITIES OF THE STATEWIDE ACADEMIC ACCOUNTABILITY BOARD.

3       (F) TERMINATION OR DEMOTION.--THE FOLLOWING SHALL APPLY TO  
4       AN APPEAL OF AN ACTION BY THE GOVERNING BODY OF A SCHOOL  
5       DISTRICT, CHARTER SCHOOL OR AREA VOCATIONAL-TECHNICAL SCHOOL  
6       DESIGNATED FOR ACCOUNTABILITY LEVEL 3 TO TERMINATE OR DEMOTE A  
7       PROFESSIONAL EMPLOYEE, NOTWITHSTANDING PROVISIONS OF SECTION  
8       1131:

9       (1) THE PROFESSIONAL EMPLOYEE SHALL FILE THE APPEAL WITH  
10       THE SECRETARY WITHIN 15 DAYS AFTER RECEIPT BY REGISTERED MAIL  
11       OF THE WRITTEN NOTICE OF THE DECISION OF THE GOVERNING BODY  
12       TO TERMINATE OR DEMOTE THE PROFESSIONAL EMPLOYEE.

13       (2) THE SECRETARY SHALL FIX A DAY AND TIME FOR A HEARING  
14       WHICH SHALL NOT BE MORE THAN 20 DAYS AFTER THE APPEAL IS  
15       FILED WITH THE SECRETARY.

16       (3) THE SECRETARY SHALL RENDER AN OPINION ON THE APPEAL  
17       WITHIN 20 DAYS AFTER THE HEARING.

18       (G) PETITION.--THE PARENTS OF 51% OF STUDENTS IN A SCHOOL  
19       DISTRICT OR SCHOOL DESIGNATED FOR ACCOUNTABILITY LEVEL 3 OR A  
20       SCHOOL DISTRICT IN WHICH A SCHOOL IS DESIGNATED FOR  
21       ACCOUNTABILITY LEVEL 3 MAY PETITION THE GOVERNING BODY TO TAKE  
22       ONE OF THE FOLLOWING ACTIONS:

23       (1) CONTRACT WITH AN EDUCATION MANAGEMENT ORGANIZATION  
24       TO MANAGE THE SCHOOL DISTRICT OR A SCHOOL.

25       (2) CONVERT A SCHOOL TO A CHARTER SCHOOL.

26       (3) CLOSE A SCHOOL.

27       (4) ENTER INTO AGREEMENTS WITH PERSONS OR FOR-PROFIT OR  
28       NONPROFIT ORGANIZATIONS PROVIDING EDUCATIONAL OR OTHER  
29       SERVICES TO OR FOR THE SCHOOL DISTRICT OR SCHOOL.

30       (H) PROCEDURE.--A GOVERNING BODY THAT RECEIVES A PETITION

1 UNDER SUBSECTION (G) SHALL SUBMIT A COPY OF THE PETITION TO THE  
2 STATEWIDE ACADEMIC ACCOUNTABILITY BOARD ON THE NEXT BUSINESS DAY  
3 FOLLOWING RECEIPT OF THE PETITION. THE GOVERNING BODY SHALL  
4 BEGIN IMPLEMENTATION OF THE ACTION REQUESTED IN A PROPERLY FILED  
5 PETITION NOT MORE THAN THREE BUSINESS DAYS AFTER RECEIPT OF THE  
6 PETITION.

7 (I) FORM.--THE DEPARTMENT SHALL DEVELOP A FORM FOR THE  
8 PETITION PERMITTED UNDER SUBSECTION (G) AND INSTRUCTIONS FOR  
9 FILING THE PETITION WITH THE GOVERNING BODY. THE FORM AND THE  
10 INSTRUCTIONS SHALL BE MADE AVAILABLE ON THE DEPARTMENT'S  
11 PUBLICLY ACCESSIBLE INTERNET WEBSITE.

12 (J) TECHNICAL ASSISTANCE.--FOR SCHOOL DISTRICTS AND SCHOOLS  
13 DESIGNATED FOR ACCOUNTABILITY LEVEL 3, THE DEPARTMENT SHALL  
14 PROVIDE TECHNICAL ASSISTANCE DIRECTLY OR THROUGH THE  
15 INTERMEDIATE UNIT OF WHICH THE SCHOOL DISTRICT OR SCHOOL IS A  
16 MEMBER AND IN ACCORDANCE WITH SECTION 1709-C.  
17 SECTION 1709-C. TECHNICAL ASSISTANCE.

18 (A) GENERAL RULE.--TO THE EXTENT FUNDS ARE APPROPRIATED FOR  
19 THE PURPOSE, A SCHOOL DISTRICT OR SCHOOL THAT HAS BEEN  
20 DESIGNATED FOR ACCOUNTABILITY LEVEL 1, 2 OR 3 SHALL BE ELIGIBLE  
21 FOR TECHNICAL ASSISTANCE FROM THE DEPARTMENT OR FROM AN  
22 INTERMEDIATE UNIT APPOINTED BY AND IN COORDINATION WITH THE  
23 DEPARTMENT. TECHNICAL ASSISTANCE MAY INCLUDE:

24 (1) TOOLS TO ANALYZE DATA FROM THE PENNSYLVANIA SYSTEM  
25 OF SCHOOL ASSESSMENT TEST, THE KEYSTONE EXAM, AN EQUIVALENT  
26 LOCAL ASSESSMENT OR ANY OTHER TEST ESTABLISHED BY THE STATE  
27 BOARD OF EDUCATION TO MEET THE REQUIREMENTS OF SECTION 2603-  
28 B(D)(10)(I).

29 (2) A FRAMEWORK FOR AND ASSISTANCE IN DEVELOPING AN  
30 IMPROVEMENT PLAN.

1       (3) A FRAMEWORK FOR AND ASSISTANCE IN DEVELOPING A  
2       STRATEGIC PLAN.

3       (4) IDENTIFICATION OF PROFESSIONAL DEVELOPMENT AND  
4       INSTRUCTIONAL STRATEGIES AND METHODS TO IMPROVE THE ACADEMIC  
5       PERFORMANCE OF STUDENTS IN SUBJECT AREAS FOR WHICH AN  
6       ACADEMIC PERFORMANCE TARGET HAS BEEN ESTABLISHED AND HAS NOT  
7       BEEN MET.

8       (5) ASSISTANCE IN IDENTIFYING REGIONAL PARTNERS, WHICH  
9       MAY INCLUDE INTERMEDIATE UNITS, NONPROFIT EDUCATIONAL  
10       INSTITUTIONS, CONSULTANTS OR INSTITUTIONS OF HIGHER EDUCATION  
11       THAT THE SCHOOL DISTRICT OR SCHOOL MAY CONTRACT WITH AT ITS  
12       EXPENSE FOR ASSISTANCE IN IMPLEMENTING THE PROFESSIONAL  
13       DEVELOPMENT AND INSTRUCTIONAL STRATEGIES AND METHODS  
14       IDENTIFIED IN PARAGRAPH (4).

15       (6) INFORMATION CONCERNING BEST PRACTICES AND RESOURCES  
16       AIMED AT IMPROVING ACADEMIC PERFORMANCE.

17       (7) THE ASSIGNMENT OF A DISTINGUISHED EDUCATOR TO WORK  
18       WITH A SCHOOL DISTRICT.

19       (8) ASSISTANCE THROUGH THE QUALITY REVIEW PROCESS.

20       (9) ASSISTANCE IN ESTABLISHING AND UTILIZING SCHOOL  
21       SUPPORT TEAMS IN ACCORDANCE WITH SECTION 1117(A) (5) OF THE NO  
22       CHILD LEFT BEHIND ACT OF 2001 OR ITS SUCCESSOR FEDERAL  
23       STATUTE.

24       (B) CRITERIA.--TO THE EXTENT FUNDS ARE APPROPRIATED FOR THE  
25       PURPOSE, SCHOOLS AND SCHOOL DISTRICTS DESCRIBED IN SUBSECTION  
26       (A) SHALL BE ELIGIBLE FOR TECHNICAL ASSISTANCE BASED ON CRITERIA  
27       ESTABLISHED BY THE DEPARTMENT IN ORDER TO ENSURE THAT THE LOWEST  
28       PERFORMING SCHOOL DISTRICTS AND SCHOOLS RECEIVE PRIORITY  
29       CONSIDERATION WITH RESPECT TO THE DISTRIBUTION OF RESOURCES. THE  
30       DEPARTMENT SHALL ESTABLISH THE CRITERIA AND PUBLISH GUIDELINES

1 NO LATER THAN 30 DAYS FROM THE EFFECTIVE DATE OF THIS SECTION.

2 (C) CLEARINGHOUSE.--TO THE EXTENT FUNDS ARE APPROPRIATED FOR  
3 THE PURPOSE, THE DEPARTMENT SHALL ESTABLISH A CLEARINGHOUSE OF  
4 INFORMATION RELATED TO SPECIFIC STRATEGIES FOR IMPROVING THE  
5 ACADEMIC PERFORMANCE OF STUDENTS IN SCHOOL DISTRICTS OR SCHOOLS  
6 THAT HAVE BEEN DESIGNATED FOR ACCOUNTABILITY LEVEL 1, 2 OR 3.  
7 THE CLEARINGHOUSE SHALL INCLUDE BEST PRACTICES, METHODS AND  
8 INSTRUCTIONAL STRATEGIES BASED ON SCIENTIFIC RESEARCH,  
9 INCLUDING:

10 (1) METHODS OF IMPROVING THE ACADEMIC PERFORMANCE OF  
11 STUDENTS IN ANY SUBJECT AREA FOR WHICH AN ACADEMIC  
12 PERFORMANCE TARGET HAS BEEN ESTABLISHED AND HAS NOT BEEN MET.

13 (2) METHODS OF IMPROVING THE ACADEMIC PERFORMANCE OF  
14 STUDENTS IDENTIFIED AS HAVING DISABILITIES OR LIMITED ENGLISH  
15 PROFICIENCY.

16 (3) PARENTAL INVOLVEMENT PROGRAMS AND POLICIES.

17 (4) CLASSROOM INSTRUCTIONAL STRATEGIES.

18 (5) CURRICULUM REDESIGN.

19 (6) SCHOOL SAFETY.

20 (7) TUTORING PROGRAMS.

21 SECTION 1710-C. RESPONSIBILITIES OF DEPARTMENT.

22 THE DEPARTMENT SHALL:

23 (1) PROVIDE WRITTEN NOTIFICATION TO A SCHOOL DISTRICT OR  
24 SCHOOL OF ITS DESIGNATION UNDER SECTION 1702-C.

25 (2) PUBLISH THE ANNUAL REPORT ON THE DEPARTMENT'S  
26 INTERNET WEBSITE BY JULY 1 OF EACH YEAR AND NOTIFY  
27 INTERMEDIATE UNITS, SCHOOL DISTRICTS AND SCHOOLS OF THE  
28 PUBLICATION.

29 (3) ESTABLISH GUIDELINES FOR THE PROVISION OF TECHNICAL  
30 ASSISTANCE TO SCHOOL DISTRICTS AND SCHOOLS. THE GUIDELINES

1 SHALL INCLUDE PROVISIONS TO ENSURE THAT THE LOWEST PERFORMING  
2 SCHOOL DISTRICTS AND SCHOOLS RECEIVE FIRST PRIORITY.

3 (4) ESTABLISH GUIDELINES EXPLAINING HOW REQUISITE  
4 ACHIEVEMENT ON ENGLISH LANGUAGE PROFICIENCY TESTING WILL BE  
5 MEASURED.

6 (5) TO THE EXTENT FUNDS ARE APPROPRIATED FOR THE  
7 PURPOSE, ESTABLISH AND PROVIDE PROFESSIONAL EDUCATION  
8 COURSES, PROGRAMS, ACTIVITIES OR LEARNING EXPERIENCES UNDER  
9 SECTION 1205.2(F) SPECIFIC TO CLASSROOM STRATEGIES TO IMPROVE  
10 THE ACADEMIC PERFORMANCE OF STUDENTS IN CONTENT AREAS SUBJECT  
11 TO THE PENNSYLVANIA SYSTEM OF SCHOOL ASSESSMENT TEST, THE  
12 KEYSTONE EXAM, AN EQUIVALENT LOCAL ASSESSMENT OR ANY OTHER  
13 TEST ESTABLISHED BY THE STATE BOARD OF EDUCATION TO MEET THE  
14 REQUIREMENTS OF SECTION 2603-B(D)(10)(I).

15 (6) TO THE EXTENT FUNDS ARE APPROPRIATED FOR THE  
16 PURPOSE, PROVIDE ACADEMIC ASSISTANCE, INCLUDING STRATEGIC  
17 INTERVENTIONS AND TECHNICAL ASSISTANCE, WHEN A SCHOOL  
18 DISTRICT OR SCHOOL IS DESIGNATED FOR ACCOUNTABILITY LEVEL 1,  
19 2 OR 3 IN ACCORDANCE WITH PROVISIONS OF THE STATE PLAN.

20 (7) ANNUALLY REVIEW AND APPROVE, APPROVE WITH  
21 MODIFICATIONS OR DISAPPROVE IMPROVEMENT PLANS REQUIRED UNDER  
22 THIS ARTICLE.

23 (8) DESIGN THE PARENTAL PETITION PERMITTED UNDER SECTION  
24 1708-C(C), ESTABLISH INSTRUCTIONS FOR FILING THE PETITION AND  
25 MAKE THE PETITION AND INSTRUCTIONS AVAILABLE ON THE  
26 DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.  
27 SECTION 1711-C. CONTINUING PROFESSIONAL DEVELOPMENT.

28 (A) AMENDMENT OF PLAN.--

29 (1) A SCHOOL DISTRICT OR SCHOOL THAT FAILED TO MEET ONE  
30 OR MORE OF ITS ACADEMIC PERFORMANCE TARGETS IN THE PRIOR

1 SCHOOL YEAR SHALL CONVENE THE COMMITTEE ESTABLISHED UNDER  
2 SECTION 1205.1(B) FOR THE PURPOSE OF AMENDING ITS  
3 PROFESSIONAL EDUCATION PLAN. THE AMENDED PROFESSIONAL  
4 EDUCATION PLAN SHALL SPECIFY CONTINUING PROFESSIONAL  
5 EDUCATION OPTIONS DESIGNED TO ASSIST IN THE ACHIEVEMENT OF  
6 ACADEMIC PERFORMANCE TARGETS. THE OPTIONS MAY INCLUDE:

7 (I) METHODS OF IMPROVING THE ACADEMIC PERFORMANCE OF  
8 STUDENTS IN ANY SUBJECT AREA IN WHICH A SCHOOL OR SCHOOLS  
9 HAVE FAILED TO MEET THE PERFORMANCE TARGET.

10 (II) METHODS OF IMPROVING THE ACADEMIC PERFORMANCE  
11 OF ANY STUDENT SUBGROUP THAT HAS FAILED TO MEET A  
12 PERFORMANCE TARGET.

13 (2) THE AMENDED PLAN SHALL BE APPROVED BY THE  
14 IMPROVEMENT TEAM AND THE GOVERNING BODY.

15 (B) APPROVAL OF CREDITS OR HOURS.--IN THE CASE OF A SCHOOL  
16 DISTRICT OR SCHOOL THAT FAILED TO MEET ONE OR MORE OF ITS  
17 ACADEMIC PERFORMANCE TARGETS IN THE PRIOR SCHOOL YEAR:

18 (1) THE PLAN REQUIRED UNDER SECTION 1205.1(C) SHALL  
19 SPECIFY THE CONTENT OF ANY CREDITS OR HOURS TO BE OBTAINED  
20 THROUGH THE IN-SERVICE PROGRAM OF THE SCHOOL DISTRICT OR  
21 SCHOOL.

22 (2) CREDITS OR HOURS EARNED UNDER SECTION 1205.2(C) (1),  
23 (2), (3) AND (4) MUST BE APPROVED BY THE SUPERINTENDENT,  
24 EXECUTIVE DIRECTOR OR CHIEF SCHOOL ADMINISTRATOR OF THE  
25 SCHOOL DISTRICT OR SCHOOL AS FULFILLING THE GOAL OF THE  
26 APPROVED PROFESSIONAL EDUCATION PLAN OF THE SCHOOL DISTRICT  
27 OR SCHOOL.

28 SECTION 1712-C. PROHIBITION OF STRIKES.

29 NOTWITHSTANDING THE PROVISIONS OF ARTICLE XI-A, STRIKES SHALL  
30 BE PROHIBITED IN ANY SCHOOL DISTRICT DESIGNATED FOR



1 ACCOUNTABILITY LEVEL 3. THE PROHIBITION SHALL REMAIN EFFECTIVE  
2 UNTIL THE SCHOOL DISTRICT HAS MET ITS ACADEMIC PERFORMANCE FOR  
3 TWO CONSECUTIVE SCHOOL YEARS.

4 SECTION 1713-C. CONVERSION TO CHARTER SCHOOL.

5 NOTWITHSTANDING THE PROVISIONS OF ARTICLE XVII-A, THE  
6 FOLLOWING SHALL APPLY TO A SCHOOL DISTRICT DESIGNATED FOR  
7 ACCOUNTABILITY LEVEL 1, 2 OR 3 UNDER THIS ARTICLE THAT ELECTS OR  
8 IS DIRECTED TO CONVERT ONE OR MORE EXISTING SCHOOLS TO A CHARTER  
9 SCHOOL:

10 (1) A SCHOOL DISTRICT MAY ESTABLISH A NONPROFIT  
11 CORPORATION FOR THE PURPOSE OF CONVERTING AN EXISTING SCHOOL  
12 TO A CHARTER SCHOOL.

13 (2) THE SCHOOL DISTRICT SHALL PUBLISH NOTICE OF ITS  
14 INTENTION TO CONVERT AN EXISTING SCHOOL TO A CHARTER SCHOOL.  
15 THE NOTICE SHALL BE PUBLISHED ONE TIME IN A NEWSPAPER OF  
16 GENERAL CIRCULATION IN THE SCHOOL DISTRICT. A 30-DAY PUBLIC  
17 COMMENT PERIOD SHALL FOLLOW PUBLICATION OF THE NOTICE.

18 (3) THE BOARD OF SCHOOL DIRECTORS OF THE SCHOOL DISTRICT  
19 MAY DETERMINE TO CONVERT AN EXISTING SCHOOL TO A CHARTER  
20 SCHOOL AT ITS NEXT PUBLIC MEETING FOLLOWING THE CLOSE OF THE  
21 PUBLIC COMMENT PERIOD REQUIRED UNDER PARAGRAPH (2). UPON THE  
22 AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS OF THE BOARD OF  
23 SCHOOL DIRECTORS PRESENT AT THE PUBLIC MEETING, THE SCHOOL  
24 DISTRICT MAY GRANT A CHARTER TO A NONPROFIT CORPORATION  
25 ESTABLISHED BY THE SCHOOL DISTRICT UNDER PARAGRAPH (1) OR TO  
26 ANY INDIVIDUAL, GROUP OF INDIVIDUALS OR ENTITY PERMITTED TO  
27 ESTABLISH A CHARTER SCHOOL UNDER SECTION 1717-A(A).

28 (4) AN INDIVIDUAL AUTHORIZED TO ESTABLISH A CHARTER  
29 SCHOOL OR THE BOARD OF DIRECTORS OF AN ENTITY AUTHORIZED TO  
30 ESTABLISH A CHARTER SCHOOL SHALL ESTABLISH A BOARD OF

1 TRUSTEES TO GOVERN THE CHARTER SCHOOL.

2 (5) THE CHARTER SCHOOL MAY ENTER CONTRACTS WITH THE  
3 LOCAL SCHOOL DISTRICT FOR THE PROCUREMENT OF SERVICES,  
4 EQUIPMENT AND SUPPLIES.

5 (6) NOTWITHSTANDING PROVISIONS OF SECTION 1714-A(C) TO  
6 THE CONTRARY, ANY INDEBTEDNESS INCURRED BY A CHARTER SCHOOL  
7 FORMED UNDER THIS SECTION IN THE EXERCISE OF THE POWERS  
8 SPECIFIED IN SECTION 1714-A MAY BE GUARANTEED BY THE SCHOOL  
9 DISTRICT, SUBJECT TO THE LIMITATIONS OF 53 PA.C.S. CHS. 81  
10 (RELATING TO INCURRING DEBT AND ISSUING BONDS AND NOTES) AND  
11 82 (RELATING TO MISCELLANEOUS PROVISIONS).

12 SECTION 1714-C. NONRENEWAL OR TERMINATION OF A CHARTER.

13 (A) CLOSURE.--NOTWITHSTANDING THE PROVISIONS OF SECTION  
14 1729-A, A SCHOOL DISTRICT IN WHICH A CHARTER SCHOOL IS  
15 DESIGNATED FOR ACCOUNTABILITY LEVEL 3 MAY CLOSE THE CHARTER  
16 SCHOOL IMMEDIATELY FOLLOWING THE DESIGNATION OF THE CHARTER  
17 SCHOOL FOR ACCOUNTABILITY LEVEL 3. IN THESE CIRCUMSTANCES, THE  
18 SCHOOL DISTRICT SHALL PROVIDE THE CHARTER SCHOOL WITH IMMEDIATE  
19 NOTICE OF THE DECISION OF THE BOARD OF SCHOOL DIRECTORS TO CLOSE  
20 THE CHARTER SCHOOL.

21 (B) STUDENTS.--WHEN A CHARTER IS REVOKED UNDER SUBSECTION  
22 (A), A STUDENT WHO ATTENDED THE CHARTER SCHOOL SHALL APPLY TO  
23 ANOTHER PUBLIC SCHOOL IN THE STUDENT'S SCHOOL DISTRICT OF  
24 RESIDENCE. NORMAL APPLICATION DEADLINES WILL BE DISREGARDED  
25 UNDER THESE CIRCUMSTANCES.

26 SECTION 1715-C. CONTRACTS WITH EDUCATION MANAGEMENT  
27 ORGANIZATIONS.

28 ANY CONTRACT BETWEEN A SCHOOL DISTRICT OR SCHOOL AND AN  
29 EDUCATION MANAGEMENT ORGANIZATION THAT IS ENTERED INTO AFTER THE  
30 EFFECTIVE DATE OF THIS ARTICLE SHALL PROVIDE THAT, UPON

1 DESIGNATION FOR ACCOUNTABILITY LEVEL 3, A SCHOOL DISTRICT OR  
2 SCHOOL SO DESIGNATED SHALL IMMEDIATELY RETURN TO THE MANAGEMENT  
3 AND CONTROL OF THE GOVERNING BODY AND THE CONTRACT BETWEEN THE  
4 SCHOOL DISTRICT OR SCHOOL AND THE EDUCATION MANAGEMENT  
5 ORGANIZATION SHALL TERMINATE.

6 SECTION 1716-C. VALUE ADDED ASSESSMENT SYSTEM.

7 BEGINNING ON THE EFFECTIVE DATE OF THIS ARTICLE, THE  
8 DEPARTMENT SHALL MAKE AVAILABLE ON ITS PUBLICLY ACCESSIBLE  
9 INTERNET WEBSITE ALL VALUE ADDED ASSESSMENT SYSTEM DATA  
10 GENERATED FOR THE SCHOOL DISTRICT LEVEL, THE SCHOOL LEVEL, THE  
11 GRADE LEVEL AND THE CLASSROOM LEVEL, SUBJECT TO THE FAMILY  
12 EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (PUBLIC LAW 90-247,  
13 20 U.S.C. § 1232) OR A SUCCESSOR FEDERAL STATUTE.

14 SECTION 1717-C. SCHOOL EMPOWERMENT GRANTS.

15 (A) PROGRAM.--THE DEPARTMENT SHALL ESTABLISH A PROGRAM OF  
16 ANNUAL SCHOOL EMPOWERMENT GRANTS FOR SCHOOL DISTRICTS ON THE  
17 EDUCATION EMPOWERMENT LIST UNDER SECTION 1703-B ON THE DAY PRIOR  
18 TO THE EFFECTIVE DATE OF THIS ARTICLE TO ASSIST IN THE  
19 IMPLEMENTATION OF THEIR IMPROVEMENT PLANS.

20 (B) LIMITATION.--GRANTS SHALL BE LIMITED TO THE AMOUNT  
21 APPROPRIATED FOR THAT PURPOSE.

22 (C) GRANTS.--GRANTS SHALL BE PROVIDED ANNUALLY TO THE SCHOOL  
23 DISTRICT FOR USE AS DIRECTED BY THE IMPROVEMENT TEAM IN  
24 IMPLEMENTING THE IMPROVEMENT PLAN DEVELOPED IN ACCORDANCE WITH  
25 THIS ARTICLE.

26 (D) BASE ANNUAL GRANT.--SUBJECT TO THE REQUIREMENTS OF THIS  
27 SECTION, AND TO THE EXTENT FUNDS ARE APPROPRIATED FOR THE  
28 PURPOSE, EACH QUALIFYING SCHOOL DISTRICT SHALL RECEIVE A BASE  
29 ANNUAL GRANT OF \$450,000 AND AN ADDITIONAL GRANT OF UP TO \$75  
30 PER AVERAGE DAILY MEMBERSHIP FOR THE PRIOR SCHOOL YEAR OF THE

1 SCHOOL DISTRICT. THE SCHOOL DISTRICT OR THE STATEWIDE ACADEMIC  
2 ACCOUNTABILITY BOARD SHALL GIVE PRIORITY IN ALLOCATING THE GRANT  
3 FUNDING RECEIVED UNDER THIS SECTION TO THE INDIVIDUAL SCHOOLS  
4 IDENTIFIED AS HAVING A HISTORY OF LOW TEST PERFORMANCE.

5 (E) SPECIFIC ALLOWABLE USES.--THE DEPARTMENT SHALL SET FORTH  
6 THE SPECIFIC ALLOWABLE USES FOR GRANT FUNDS AND PLACE  
7 CONDITIONS, AS NECESSARY, ON THE USE OF GRANT FUNDS. THE  
8 DEPARTMENT SHALL ESTABLISH ACCOUNTABILITY PROCEDURES AND  
9 AUDITING GUIDELINES TO ENSURE THAT GRANT FUNDS ARE UTILIZED IN  
10 ACCORDANCE WITH THE ALLOWABLE USES AND CONDITIONS.

11 (F) SEPARATE ACCOUNTS.--A SCHOOL DISTRICT RECEIVING A GRANT  
12 UNDER THIS SECTION SHALL BE REQUIRED TO MAINTAIN SEPARATE  
13 ACCOUNTS IN THAT SCHOOL DISTRICT'S BUDGET TO FACILITATE  
14 MONITORING THE USE OF THESE GRANT FUNDS. IN NO CASE SHALL A  
15 SCHOOL DISTRICT USE MORE THAN 5% OF THE GRANT FUNDS FOR  
16 ADMINISTRATIVE COSTS.

17 (G) REDUCTION.--THE DEPARTMENT SHALL REDUCE THE AMOUNT OF A  
18 STATE SUBSIDY PAYMENT TO A SCHOOL DISTRICT OR SCHOOL BY THE  
19 AMOUNT OF ANY GRANT FUNDS PROVIDED UNDER THIS SECTION IF THE  
20 SCHOOL DISTRICT DOES NOT USE THE GRANT FUNDS IN ACCORDANCE WITH  
21 THE ALLOWABLE USES AND CONDITIONS SET FORTH BY THE DEPARTMENT.  
22 SECTION 1718-C. REGULATIONS.

23 THE STATE BOARD OF EDUCATION MAY ISSUE REGULATIONS TO  
24 IMPLEMENT THIS ARTICLE.

25 SECTION 1719-C. CONSTRUCTION.

26 (A) PROHIBITION.--NOTHING IN THIS ARTICLE SHALL BE CONSTRUED  
27 TO SUPERSEDE THE FOLLOWING:

28 (1) A REQUIREMENT OF THE NO CHILD LEFT BEHIND ACT OF  
29 2001 OR ITS SUCCESSOR FEDERAL STATUTE.

30 (2) A PROVISION OF A COLLECTIVE BARGAINING AGREEMENT IN

1 EFFECT ON THE EFFECTIVE DATE OF THIS ARTICLE, EXCEPT THAT:

2 (I) NO COLLECTIVE BARGAINING AGREEMENT ENTERED INTO  
3 AFTER THE EFFECTIVE DATE OF THIS ARTICLE SHALL SUPERSEDE  
4 OR PREEMPT THE POWERS OF THE DEPARTMENT, A SCHOOL  
5 DISTRICT, A SCHOOL OR THE STATEWIDE ACADEMIC  
6 ACCOUNTABILITY BOARD UNDER THE NO CHILD LEFT BEHIND ACT  
7 OF 2001 OR ITS SUCCESSOR FEDERAL STATUTE OR UNDER THIS  
8 ARTICLE.

9 (II) A SCHOOL DISTRICT OR SCHOOL DESIGNATED FOR  
10 ACCOUNTABILITY LEVEL 1, 2 OR 3 AND SUBJECT TO A  
11 COLLECTIVE BARGAINING AGREEMENT MAY RENEGOTIATE ITS  
12 COLLECTIVE BARGAINING AGREEMENT OR ENTER INTO A  
13 MEMORANDUM OF UNDERSTANDING UNDER THE COLLECTIVE  
14 BARGAINING AGREEMENT.

15 (3) A PROVISION OF SECTION 696. THIS ARTICLE SHALL NOT  
16 APPLY TO A SCHOOL DISTRICT OF THE FIRST CLASS, PROVIDED THAT  
17 SECTION 1717-C SHALL APPLY TO A SCHOOL DISTRICT OF THE FIRST  
18 CLASS.

19 (B) NO EXPANSION OF POWERS.--SECTION 1704-C(E) SHALL NOT BE  
20 CONSTRUED TO EXPAND THE POWERS OF THE GOVERNING BODY OF A SCHOOL  
21 DISTRICT OR SCHOOL.

22 Section 3. This act shall take effect immediately.