

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 250 Session of 2011

INTRODUCED BY PICCOLA, DINNIMAN, EARLL, EICHELBERGER, WAUGH,  
RAFFERTY AND M. WHITE, JANUARY 24, 2011

REFERRED TO EDUCATION, JANUARY 24, 2011

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," in school districts, further  
6 providing for State Report Card; and providing for parent  
7 petition.

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

10 Section 1. Section 220(a)(2) of the act of March 10, 1949  
11 (P.L.30, No.14), known as the Public School Code of 1949,  
12 amended July 7, 2006 (P.L.611, No.94), is amended to read:

13 Section 220. State Report Card.--(a) The department shall  
14 create a State Report Card based on the information collected  
15 pursuant to this section. The department:

16 \* \* \*

17 (2) Shall publish on its World Wide Web site the State  
18 Report Card, providing information at the State, local education  
19 agency and school levels. The State Report Card shall include  
20 all of the following:

(i) Information regarding the number of schools and school districts that have achieved adequate yearly progress and the number of schools and school districts that have not achieved adequate yearly progress.

(ii) Information regarding the number of schools and school districts that have achieved each academic performance target and the number of schools and school districts that have not achieved each academic performance target.

(iii) Information regarding the number of schools and school districts in which more than five percent (5%) of the students to whom the PSSA test was administered were enrolled in the school district for less than two (2) school years as of the day on which the PSSA test was administered.

(iv) Information regarding the number of schools and school districts identified under subparagraph (iii) that have achieved each academic performance target and the number of schools and school districts that have not achieved each academic performance target. For the purposes of this subparagraph, achievement of the academic performance target shall be calculated by excluding the PSSA test score of any student who was enrolled in the school district for less than two (2) school years as of the day on which the PSSA test was administered.

(v) Information regarding the number of schools and school districts in which more than five percent (5%) of the students to whom the PSSA test was administered were classified as limited English proficient as of the day on which the PSSA test was administered.

(vi) Information regarding the number of schools and school districts identified under subparagraph (v) that have achieved each academic performance target and the number of schools and

1 school districts that have not achieved each academic  
2 performance target. For the purposes of this subparagraph,  
3 achievement of the academic performance target shall be  
4 calculated by excluding the PSSA test score of any student who  
5 was classified as limited English proficient as of the day on  
6 which the PSSA test was administered.

7 (vii) Information regarding the number of schools and school  
8 districts in which more than sixteen percent (16%) of the  
9 students to whom the PSSA test was administered were classified  
10 as students with a disability as of the day on which the PSSA  
11 test was administered.

12 (viii) Information regarding the number of schools and  
13 school districts identified under subparagraph (vii) that have  
14 achieved each academic performance target and the number of  
15 schools and school districts that have not achieved each  
16 academic performance target. For the purposes of this  
17 subparagraph, achievement of the academic performance target  
18 shall be calculated by excluding the PSSA test score of any  
19 student who was classified as a student with a disability as of  
20 the day on which the PSSA test was administered.

21 (ix) A list of the schools designated by the department as  
22 persistently lowest-achieving schools. For purposes of this  
23 subparagraph, "persistently lowest-achieving school" shall mean  
24 a public elementary or secondary school in this Commonwealth  
25 that is achieving within the lowest measured group of five  
26 percent (5%) on the most recent assessment for which data is  
27 posted on the Department of Education's public Internet website.  
28 A "persistently lowest-achieving school" shall not include a  
29 charter school, cyber charter school or vocational-technical  
30 school. For purposes of this definition, "assessment" shall mean

1 the PSSA test, the Keystone Exam, an equivalent local assessment  
2 or another test:

3 (A) established by the State Board of Education to meet the  
4 requirements of section 2603-B(d)(10)(i) and the No Child Left  
5 Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425), or its  
6 successor Federal statute; or

7 (B) required to achieve other standards established by the  
8 Department of Education for the public school or school district  
9 under 22 Pa. Code § 403.3 (relating to single accountability  
10 system).

11 \* \* \*

12 Section 2. The act is amended by adding a section to read:

13 Section 223. Parent Petition.--(a) The parents of at least  
14 fifty-one percent (51%) of students in a school identified by  
15 the Department of Education under section 220(a)(2)(ix) as  
16 persistently lowest-achieving may petition the governing body of  
17 the school to take one of the following actions:

18 (1) Close the school and reassign students currently  
19 attending the school to another school of the appropriate grade  
20 level within the same school district that is not a persistently  
21 lowest-achieving school.

22 (2) Close the school and reopen the school as a charter  
23 school pursuant to subsection (b)(2).

24 (3) Enter into an agreement with a person or a for-profit or  
25 nonprofit organization providing educational or other services  
26 or with another school district for alternative management of a  
27 school.

28 (b) (1) Where the governing body receives a petition to  
29 close a school and reassign students under subsection (a)(1):

30 (i) The governing body shall begin implementation of the

action requested in the petition not more than three (3) business days after receipt of the petition.

(ii) Students attending the school being closed shall be reassigned no later than thirty (30) days after receipt of the petition.

(2) Where the governing body receives a petition to close the school and reopen the school as a charter school under subsection (a) (2) or a petition for alternative management of a school under subsection (a) (3) the following shall apply, notwithstanding the provisions of section 1717-A:

(i) The intermediate unit of which the school is a member shall appoint a committee that shall develop and issue a request for proposals from persons, organizations or school districts to form a charter school or provide alternative management of the school.

(ii) The committee shall have five (5) members consisting of the following:

(A) One (1) representative of the intermediate unit who shall serve as chairperson. The intermediate unit representative may not be an employe of the school subject to the petition or the school district in which the school is located.

(B) Two (2) parents of students attending the school.

(C) Two (2) teachers employed by the school and selected by a majority of the teachers employed by the school.

(iii) The request for proposals shall require that any proposal submitted include a proposed implementation schedule.

(iv) Within ninety (90) days following the school's receipt of the petition, a majority of the committee shall select the winning proposal from the proposals received.

(v) A copy of the proposal selected by the committee shall

be delivered to the governing body on the first business day after selection of the proposal. Within five (5) business days after receipt of the proposal, the governing body shall formally approve the selection and begin implementing the proposal in consultation with the individual or organization that submitted the accepted proposal.

(3) (i) The Department of Education shall monitor the governing body's implementation of the petition or an approved proposal to ensure the implementation occurs in a timely manner.

(ii) If the department determines that the implementation has been subject to unreasonable delay, the department shall order the governing body or the individual or organization that submitted the accepted proposal to adhere to an implementation schedule established by the department.

(c) (1) A governing body that receives a petition under this section shall implement the petition unless:

(i) the petition was filed for reasons other than improving academic achievement or student safety; or

(ii) the petition was not signed by the parents of fifty-one percent (51%) of students in the school that is the subject of the petition.

(2) No petition shall be rejected for failure to comply with procedural requirements developed by the Department of Education under subsection (d) (1).

(3) (i) The department shall order a forfeiture of five thousand dollars (\$5,000) per day against a school district that does not implement the petition or an approved proposal in a timely manner as required under this section or does not comply with the schedule imposed by the department under subsection (b) (3).

1     (ii) The department shall deduct the forfeiture from any and  
2 all State payments made to the school district.

3     (d) (1) The Department of Education shall develop a form  
4 for the petition permitted under subsection (a) and instructions  
5 for filing the petition with the governing body. The form and  
6 instructions shall be written in understandable language which  
7 is not confusing or misleading to a person of average  
8 intelligence. The form and instructions shall contain a  
9 definition or explanation of terminology that would not be  
10 ordinarily understood by a person of average intelligence.

11     (2) The instructions shall be made available on the  
12 department's publicly accessible Internet website.

13     (e) Nothing in this section shall be construed to supersede  
14 the following:

15     (1) A requirement of the No Child Left Behind Act of 2001 or  
16 any successor Federal statute.

17     (2) A provision of a collective bargaining agreement in  
18 effect on the effective date of this section.

19     Section 3. This act shall take effect in 60 days.