
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1148 Session of
2011

INTRODUCED BY WILLIAMS, RAFFERTY AND FOLMER, JUNE 14, 2011

REFERRED TO EDUCATION, JUNE 14, 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," providing for a parent trigger.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

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

11 ARTICLE XVII-C

12 PARENT TRIGGER

13 Section 1701-C. Definitions.

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

17 "Appendix C." Appendix C of the Notice of Final Priorities,
18 Requirements, Definitions, Selection Criteria for the Race to
19 the Top Program published under volume 74 of Number 22 of the
20 Federal Register on November 18, 2009.

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

4 "Department." The Department of Education of the
5 Commonwealth.

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

9 "Persistently lowest-achieving school." A public elementary
10 or secondary school placed on the list of persistently lowest-
11 achieving schools under section 1706-C.

12 "Race to the Top program." The program established under
13 sections 14005 and 14006 of Title XIV of the American Recovery
14 and Reinvestment Act of 2009 (Public Law 111-5, 123 Stat. 115).

15 "Restart model." A school district model in which:

16 (1) A school district converts a school or closes and
17 reopens a school under a charter school operator, a charter
18 management organization or an education management
19 organization that has been selected through a rigorous review
20 process.

21 (2) The school district must enroll, within the grades
22 it serves, any former student who wishes to attend the
23 school.

24 "School." A public elementary or secondary school in this
25 Commonwealth. The term shall not include charter schools, cyber
26 charter schools, area vocational-technical schools, schools that
27 do not draw their student body from a particular attendance
28 boundary and schools with specialized academic programs with
29 specific admissions criteria.

30 "School closure." The closure of a school by a school

1 district in which the students who attended the school are
2 enrolled in other schools located in the school district, in
3 another school district, a charter school or a cyber charter
4 school and the students have achieved higher academic
5 performance. The term includes situations in which students of
6 the closed school are enrolled in a private school that accepts
7 tuition from the school district.

8 "Title I." Title I of the Elementary and Secondary Education
9 Act of 1965 (Public Law 89-10, 20 U.S.C. Ch. 63, et seq.).

10 "Transformational model." A school district model in which a
11 school district implements all of the following strategies:

12 (1) Developing and increasing teacher and school leader
13 effectiveness.

14 (i) A school district must do all of the following:

15 (A) Replace the principal who led the school
16 prior to commencement of the transformational model.

17 (B) Use rigorous, transparent and equitable
18 evaluation systems for teachers and principals that
19 do all of the following:

20 (I) Take into account data on student growth
21 as a significant factor as well as other factors,
22 such as multiple observation-based assessments of
23 performance and ongoing collections of
24 professional practice reflective of student
25 achievement and increased high school graduation
26 rates.

27 (II) Are designed and developed with teacher
28 and principal involvement.

29 (C) Identify and reward school leaders, teachers
30 and other staff who, in implementing this model, have

1 increased student achievement and high school
2 graduation rates and identify and remove those who,
3 after ample opportunities have been provided to
4 improve their professional practice, have not done
5 so.

6 (D) Provide staff with ongoing, high-quality,
7 job-embedded professional development that is aligned
8 with the school's comprehensive instructional program
9 and designed with school staff to ensure that the
10 staff are equipped to facilitate effective teaching
11 and learning and have the capacity to successfully
12 implement school reform strategies.

13 (E) Implement such strategies as financial
14 incentives, increased opportunities for promotion and
15 career growth and more flexible work conditions that
16 are designed to recruit, place and retain staff with
17 the skills necessary to meet the needs of the
18 students in a transformation model school.

19 (ii) In addition to the strategies contained under
20 subparagraph (i), a school district may implement other
21 strategies to develop the effectiveness of teachers and
22 school leaders, including the following:

23 (A) Providing additional compensation to attract
24 and retain staff with the skills necessary to meet
25 the needs of the students in a transformational model
26 school.

27 (B) Instituting a system for measuring changes
28 in instructional practices resulting from
29 professional development.

30 (C) Ensuring that the school is not required to

1 accept a teacher without the mutual consent of the
2 teacher and principal, regardless of the seniority of
3 the teacher.

4 (2) Comprehensive instructional reform strategies.

5 (i) A school district must do all of the following:

6 (A) Use data to identify and implement an
7 instructional program that is research-based and
8 vertically aligned from one grade to the next grade
9 and aligned with State academic standards.

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

14 (ii) In addition to the strategies implemented under
15 subparagraph (i), a school district may implement
16 comprehensive instructional reform strategies, such as
17 the following:

18 (A) Conducting periodic reviews to ensure that
19 the curriculum is being implemented with fidelity, is
20 having the intended impact on student achievement and
21 is modified to achieve these goals if determined to
22 be ineffective.

23 (B) Implementing a schoolwide response to
24 intervention model.

25 (C) Providing additional supports and
26 professional development to teachers and principals
27 in order to implement effective strategies to support
28 students with disabilities in the least restrictive
29 environment and to ensure that limited English
30 proficient students acquire language skills to master

1 academic content.

2 (D) Using and integrating technology-based
3 supports and interventions as part of the
4 instructional program.

5 (E) In secondary schools:

6 (I) Increasing rigor by offering
7 opportunities for students to enroll in advanced
8 coursework, early-college high schools, dual
9 enrollment programs or thematic learning
10 academies that prepare students for college and
11 careers, including by providing appropriate
12 supports designed to ensure that low-achieving
13 students can take advantage of these programs and
14 coursework.

15 (II) Improving student transition from
16 middle school to high school through summer
17 transition programs or freshman academies.

18 (III) Increasing graduation rates through
19 strategies, such as credit-recovery programs,
20 reengagement strategies, smaller learning
21 communities, competency-based instruction and
22 performance-based assessments and acceleration of
23 basic reading and mathematics skills.

24 (IV) Establishing early-warning systems to
25 identify students who may be at risk of failing
26 to achieve to high standards or graduate.

27 (3) Increasing learning time and creating community-
28 oriented schools.

29 (i) A school district must do all of the following:

30 (A) Establish schedules and implement strategies

1 that provide increased learning time.

2 (B) Provide ongoing mechanisms for family and
3 community engagement.

4 (ii) In addition to the strategies implemented under
5 subparagraph (i), a school district may implement
6 strategies that extend learning time and create
7 community-oriented schools, such as the following:

8 (A) Partnering with parents and parent
9 organizations, faith-based organizations and
10 community-based organizations, health clinics, other
11 State or local agencies and others to create safe
12 school environments that meet the social, emotional
13 and health needs of the students.

14 (B) Extending or restructuring the school day so
15 as to add time for the strategies as advisory periods
16 that build relationships between students, faculty
17 and other school staff.

18 (C) Implementing approaches to improve school
19 climate and discipline, such as implementing a system
20 of positive behavioral supports or taking steps to
21 eliminate bullying and student harassment.

22 (D) Expanding the school program to offer full-
23 day kindergarten or prekindergarten.

24 (4) Providing operational flexibility and sustained
25 support. The following shall apply:

26 (i) A school district must do all of the following:

27 (A) Give the school sufficient operational
28 flexibility, such as staffing, calendars, time and
29 budgeting, to fully implement a comprehensive
30 approach to substantially improve student achievement

1 outcomes and increase high school graduation rates.

2 (B) Ensure that the school receives ongoing,
3 intensive technical assistance and related support
4 from the school district or a designated external
5 lead partner organization, such as a school
6 turnaround organization or an education management
7 organization.

8 (ii) In addition to the strategies implemented under
9 subparagraph (i), a school district may implement other
10 operational flexibility and intensive support strategies,
11 such as the following:

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

14 (B) implementing a per-pupil, school-based
15 budget formula that is weighted based on student
16 needs.

17 "Turnaround model." As follows:

18 (1) A school district model in which a school district
19 implements all of the following strategies:

20 (i) Replacing the principal and granting the
21 principal sufficient operational flexibility, including
22 in staffing, calendars, time and budgeting, to implement
23 fully a comprehensive approach in order to substantially
24 improve student achievement outcomes and increase high
25 school graduation rates.

26 (ii) Using locally adopted competencies to measure
27 the effectiveness of staff who can work within the
28 turnaround environment to meet the needs of the students
29 by:

30 (A) Screening all existing staff and rehiring no

1 more than 50% of the existing staff.

2 (B) Selecting new staff.

3 (iii) Implementing such strategies as financial
4 incentives, increased opportunities for promotion and
5 career growth and more flexible work conditions that are
6 designed to recruit, place and retain staff with the
7 skills necessary to meet the needs of the students in the
8 turnaround school.

9 (iv) Providing staff with ongoing, high-quality,
10 job-embedded professional development that is aligned
11 with the school's comprehensive instructional program and
12 designed with school staff to ensure that staff are
13 equipped to facilitate effective teaching and learning
14 and have the capacity to successfully implement school
15 reform strategies.

16 (v) Adopting a new governance structure, which may
17 include requiring the school to report to a new
18 turnaround office in the school district, hiring a
19 turnaround leader who reports directly to the
20 superintendent or chief academic officer or entering into
21 a multiyear contract with the school district to obtain
22 added flexibility in exchange for greater accountability.

23 (vi) Using data to identify and implement an
24 instructional program that is research-based and
25 vertically aligned from one grade to the next as well as
26 aligned with State academic standards.

27 (vii) Promoting the continuous use of student data
28 from assessments to inform and differentiate instruction
29 in order to meet the academic needs of individual
30 students.

1 (viii) Establishing schedules and implementing
2 strategies that provide increased learning time.

3 (ix) Providing appropriate social-emotional and
4 community-oriented services and supports for students.

5 (2) A turnaround model may include the implementation of
6 other strategies, including any of the required and
7 permissible strategies under the transformational model, or a
8 new school model based on a single theme.

9 Section 1702-C. Implementation of intervention.

10 (a) Implementation.--Except as provided under subsection
11 (b), the board of school directors of one or more persistently
12 lowest-achieving schools shall implement for each persistently
13 lowest-achieving school one of the following interventions for
14 turning around a persistently lowest-achieving school:

15 (1) The turnaround model.

16 (2) The restart model.

17 (3) School closure.

18 (4) The transformation model.

19 (b) Approval of prior-implemented intervention.--The board
20 of school directors of a district that has one or more
21 persistently lowest-achieving schools shall apply to the
22 department for review and approval of any intervention that was
23 implemented within the two prior school years that conforms to
24 the requirements for interventions under subsection (a) if the
25 school shows growth under the value-added assessment system as
26 defined in section 221 for the prior school year.

27 (c) Public hearings.--The board of school directors shall,
28 prior to meeting to select one of the four interventions under
29 subsection (a), hold at least two public hearings to notify
30 staff, parents and the community of the designation and to seek

1 input regarding the option most suitable for the applicable
2 school in its jurisdiction. At least one of the public hearings
3 shall be held at a regularly scheduled meeting of the board of
4 school directors and at least one of the public hearings shall
5 be held on the site of a persistently lowest-achieving school.
6 All public hearings required under this subsection shall be
7 advertised and conducted under 65 Pa.C.S. Ch. 7 (relating to
8 open meetings).

9 Section 1703-C. Implementation by parental petition.

10 (a) Duty to implement.--Except as provided under subsection
11 (e), the board of school directors shall implement for the next
12 school year in the following school year the option requested by
13 the parents in a petition submitted under subsection (b) for any
14 school not identified and placed on the list of persistently
15 lowest-achieving schools and which meets all of the following:

16 (1) After one full school year following the date of the
17 receipt of the petition by the board of school directors, a
18 school subject to corrective action under section 1116(b)(7)
19 of the Elementary and Secondary Education Act of 1965 (Public
20 Law 89-10, 20 U.S.C. § 6316(b)(7)).

21 (2) After one full school year of corrective action, a
22 school subject to corrective action under section 1116(b)(7)
23 of the Elementary and Secondary Education Act of 1965 which
24 continues to fail to make adequate yearly progress for three
25 consecutive years.

26 (b) Petition for intervention.--A petition requesting the
27 board of school directors to implement one or more of the four
28 interventions identified under section 1702-C(a) or the
29 alternative governance arrangements under section 1116(b)(8)(B)
30 of the Elementary and Secondary Education Act of 1965 must be

1 signed by one of the following:

2 (1) At least 51% of the parents or legal guardians of
3 pupils attending the school.

4 (2) A combination of at least 51% of the parents or
5 legal guardians of pupils attending the school and the
6 elementary or middle schools that normally matriculate into a
7 middle or high school.

8 (c) Notification of receipt.--The board of school directors
9 shall notify the department upon receipt of a petition under
10 this section and upon its final disposition of that petition.

11 (d) Limitations.--

12 (1) No more than 75 schools in this Commonwealth shall
13 be subject to a petition authorized under this article.

14 (2) A petition shall be counted toward the limit under
15 paragraph (1) upon the department's receiving notice from the
16 board of school directors of its final disposition of the
17 petition.

18 (e) Implementation not required.--A board of school
19 directors shall not be required to implement the option
20 requested by the parent petition if the request is for reasons
21 other than improving academic achievement or pupil safety.

22 Section 1704-C. School-to-school partnership program.

23 (a) Establishment.--

24 (1) The department shall establish a school-to-school
25 partnership program and shall provide technical assistance to
26 the participating persistently lowest-achieving schools and
27 mentor schools. The department shall perform the following:

28 (i) Identify and notify schools that qualify as a
29 mentor school.

30 (ii) Create and maintain a Statewide list of schools

1 that have elected to be in the program as a mentor
2 school.

3 (iii) Place the Statewide list established under
4 subparagraph (i) on the department's publicly accessible
5 Internet website.

6 (2) For purposes of this subsection, a mentor school is
7 a school that meets either of the following:

8 (i) The school has exited school improvement under
9 the No Child Left Behind Act of 2001 (Public Law 107-110,
10 115 Stat. 1425) or its successor statute.

11 (ii) The school has increased, in the Statewide
12 rankings based on the Pennsylvania System of School
13 Assessment scores, by two or more deciles over the last
14 five years, using the most recent data available.

15 (b) Participation.--

16 (1) A persistently lowest-achieving school implementing
17 the turnaround or transformation model may participate in the
18 school-to-school partnership program by working with a mentor
19 school that has successfully transitioned from a persistently
20 lowest-achieving school to a higher-achieving school. The
21 following shall apply:

22 (2) The principal and, at the discretion of the
23 principal, the staff of a mentor school shall provide:

24 (i) Guidance to a persistently lowest-achieving
25 school to develop a reform plan for the school using the
26 required elements of the turnaround or transformation
27 model.

28 (ii) Guidance and advice on how the mentor school
29 was able to transform the culture of the persistently
30 lowest-achieving school from lowest-achieving school to

1 higher-achieving school and how that transformation could
2 be replicated at the school implementing a turnaround or
3 transformation model.

4 (c) Funding.--

5 (1) To the extent that Federal funds are made available
6 for this purpose, the department shall provide funding to a
7 school district for each public school located in the school
8 district that serves as a mentor school that is proportionate
9 to the degree of school staff participation in the school-to-
10 school partnership program. A school district that receives
11 funding under this paragraph shall expend the funding for the
12 support of each mentor school.

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

18 Section 1705-C. Department duties.

19 The department shall have the following duties:

20 (1) To establish a list of persistently lowest-achieving
21 schools under section 1706-C.

22 (2) To notify the board of school directors of the
23 school district regarding placement of the school district's
24 school on the list of persistently lowest-achieving schools
25 under section 1707-C.

26 (3) To provide for a review process for approval of an
27 intervention that was implemented by a school district with
28 one or more persistently lowest-achieving schools prior to
29 the effective date of this section under section 1702-C(b).

30 (4) To provide technical assistance to school districts

1 with one or more persistently lowest-achieving schools under
2 section 1708-C.

3 (5) To establish the school-to-school partnership
4 program and provide technical assistance under section
5 1704-C.

6 (6) To establish and implement a program to provide
7 financial assistance to a mentor school in accordance with
8 section 1704-C(c).

9 (7) To monitor and limit the number of schools subject
10 to an intervention by parental petition under section
11 1703-C(d).

12 Section 1706-C. List.

13 (a) Establishment.--The department shall establish a list of
14 persistently lowest-achieving schools in accordance with the
15 following:

16 (1) Under subsection (c), identify the 5% of the lowest-
17 performing public elementary and secondary schools and place
18 those schools on the list.

19 (2) Identify and place on the list any secondary school
20 that experienced a student graduation rate, as defined in 34
21 C.F.R. § 200.19(b) (relating to other academic indicators),
22 that is less than 60% in each of the previous three years.

23 (b) Exclusion.--

24 (1) The department shall exclude from the list of
25 persistently lowest-achieving schools, the schools identified
26 under subsection (a) and all schools that have met adequate
27 yearly progress under No Child Left Behind Act of 2001
28 (Public Law 107-110, 115 Stat. 1425) or its successor
29 statute.

30 (2) To the extent allowable under Federal law, exclude

1 from the schools identified under subsection (a) a school
2 that meets any of the following:

3 (i) The school consists of an alternative education
4 program established under Article XIX-C.

5 (ii) The school provides educational services
6 exclusively to individuals with exceptional needs.

7 (c) Methodology.--For the purposes of identifying the
8 lowest-performing 5% of the schools under subsection (a)(1) and
9 (2), the department shall use a methodology consistent with the
10 methodology used to calculate the adequate yearly progress in
11 order to create composite results across content areas and grade
12 levels in reading and mathematics.

13 Section 1707-C. Notification.

14 The department shall notify the board of school directors
15 that one or more of the schools in its jurisdiction have been
16 identified as a persistently lowest-achieving school.

17 Section 1708-C. Department.

18 (a) Technical assistance.--The department shall provide
19 technical assistance to school districts with one or more
20 persistently lowest-achieving schools to assist with the
21 implementation of the duties specified for any of the four
22 interventions for persistently lowest-achieving schools and to
23 mentor schools to assist with their duties.

24 (b) Areas.--The areas of technical assistance under this
25 section shall comply with the definition of the following school
26 models:

27 (1) The turnaround model.

28 (2) The restart model.

29 (3) The transformation model.

30 (4) School closure.

1 Section 1709-C. School district duties.

2 A school district with one or more persistently lowest-
3 achieving schools shall have the following duties:

4 (1) To select, provide public notice and implement an
5 intervention for improving the persistently lowest-achieving
6 school or schools under section 1703-C.

7 (2) To notify the department of a petition that has been
8 received under section 1703-C(c).

9 (3) To implement the intervention requested by petition
10 under section 1703-C(a).

11 Section 1710-C. Guidelines.

12 The department may establish guidelines as necessary for the
13 administration of this article.

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