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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1734 Session of  
2017

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INTRODUCED BY KINSEY, VAZQUEZ, THOMAS, V. BROWN, McNEILL,  
D. COSTA, ROEBUCK AND DONATUCCI, AUGUST 18, 2017

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REFERRED TO COMMITTEE ON EDUCATION, AUGUST 18, 2017

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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 finances, further providing  
6 for distress in school districts of the first class; in  
7 grounds and buildings, further providing for public hearing  
8 prior to closing school; and, in pupils and attendance,  
9 providing for conditions for closing schools.

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

12 Section 1. Sections 696(i)(6) and 780 of the act of March  
13 10, 1949 (P.L.30, No.14), known as the Public School Code of  
14 1949, are amended to read:

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

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

21 \* \* \*

1 (6) Notwithstanding any other provisions of this act, to  
2 close or reconstitute a school, including the reassignment,  
3 suspension or dismissal of professional employes[.], except that  
4 a school in a school district of the first class may not be  
5 closed except as provided in sections 780, 1311 and 1311.1.

6 \* \* \*

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

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

29 Section 1311.1. Conditions for Closing Schools.--(a) In  
30 determining whether a school is permanently closed under section

1 1311 and the students transferred to another school in the  
2 school district, the board of school directors of a school  
3 district or a special board of control exercising the authority  
4 of a board of school directors in a school district of the first  
5 class under section 696 shall:

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

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

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

23 (iii) Any known or projected cost of providing additional  
24 school facilities.

25 (iv) Information on school closure counseling services  
26 available to students enrolled in each school proposed to be  
27 permanently closed.

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

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

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

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

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

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

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

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

27 (xiii) Any other information or factors the board of school  
28 directors or special board of control deems relevant.

29 (2) Conduct public hearings in accordance with section 780  
30 for each school which is proposed to be closed in the school

1 district as well as for each school designated to receive an  
2 increase of thirty per centum (30%) or more in student  
3 enrollment as the result of school closures.

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

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

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

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

24 (c) A board of school directors or a special board of  
25 control in a school district of the first class may authorize  
26 the use of school guidance counselors employed by the school  
27 district or professional counselors licensed in accordance with  
28 the provisions of the act of July 9, 1987 (P.L.220, No.39),  
29 known as the "Social Workers, Marriage and Family Therapists and  
30 Professional Counselors Act," to provide school closing

1 counseling services authorized under this section.

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