



Senate Education Committee

Senator Lloyd Smucker
Chairman

Kelly Phenicie
Executive Director/Counsel
kphenicie@pasen.gov

Tabitha Hummer
Deputy Executive Director
thummer@pasen.gov

Diane M. McNaughton
Communications Specialist
dmmcnaughton@pasen.gov

Room 351, Main Capitol Building • Harrisburg, Pennsylvania 17120-3013 • 717-787-6535

SENATE BILL 6-SENATOR SMUCKER

SYNOPSIS:

Provides additional tools to lead turnaround efforts in schools with a consistent track record of poor academic achievement.

SUMMARY:

Amends the School Code to create a new article providing for the establishment of an Achievement School District.

Provides that the Achievement School District, known as the "ASD", shall operate as a statewide school district.

Establishes a board of directors for the ASD consisting of seven members, one appointed by the Governor, two by the President Pro Tempore and two by the Speaker of the House, one by the Minority Leader of the Senate and one by the Minority Leader of the House.

Requires the ASD board to appoint a chairman and provides for the removal of a board member for clear and convincing evidence of malfeasance or misfeasance in office. Requires that a board member may hold no other public office or be an officer of a political party while in the service of the ASD

Requires the ASD to appoint an executive director.

Provides the executive director with the following powers:

- Authorization to transfer an eligible school to the jurisdiction of the ASD.
- Ability to authorize charter schools in accordance with the provisions of this act.

Provides for the powers and duties of the ASD. Limits the district's powers to those imposed on any school district.

Permits the ASD to convert a school under its jurisdiction to a charter school. Requires the ASD to adopt criteria for converting a school to a charter school consistent with national standards. Requires the ASD, each year, to take one or more of the following actions with, at least five, but not more than, 15 schools within its jurisdiction:

- Replace the principal and at least 50% of the professional staff;
- Contract with a nonprofit or for-profit management entity to operate the school;
- Convert the school to a charter school;
- Close the school and facilitate the transfer of students to higher performing schools; or
- Authorize a new charter school and provide admission preference to students who reside in the area being served by the eligible school.

Limits the number of schools under the ASD's jurisdiction to not more than 75 at any one time.

Permits the ASD to revoke or opt not to renew a charter school in its jurisdiction. Permits appeal directly to the Commonwealth Court.

Permits the ASD to directly operate a school or contract with for-profit or nonprofit entities to manage the day-to-day operations of a school, including providing direct services

Permits IU support if the ASD requires it. Requires the ASD to reimburse the IU for actual costs.

Permits the ASD to apply to the Secretary of Education for a waiver of any regulation or statutory provision that inhibits the ability of the school to increase student achievement. However, rules relating to:

Federal and state civil rights, open records, background checks, special education, due process and assessment may not be waived.

Permits the ASD to seek funding from Federal sources and grants. States that the ASD has no authority to levy taxes.

Establishes intervention schools which are defined as those whose academic performance is in the lowest 5% of elementary schools and lowest five percent of secondary schools and is not under the jurisdiction of the ASD as measured by the School Performance Profile. States that a cyber-charter school that is an intervention school is subject to nonrenewal or revocation.

Grants school boards with jurisdiction over intervention schools the following powers:

Enter into agreements with management organizations to operate or provide services to an intervention school

Employ professional staff and senior management employees who do not hold State certification if the person's qualifications have been approved by the board.

Close or reconstitute an intervention school, including reassignment, suspend or dismiss professional employees, including suspension without regard to seniority.

Transfer a school to the ASD.

The following schools would be eligible for transfer to the ASD:

A school whose academic performance as measured by the SPP for two consecutive years beginning in school year 2013-2014 is in the lowest 1% of elementary schools and the lowest 1% of secondary schools.

A school which qualifies as an intervention schools for three consecutive years beginning in school year 2013-2014.

An intervention school for which more than 50% of the parents or guardians of students attending the school have signed a petition in support of transfer to the ASD.

The following schools would be ineligible for transfer to the ASD:

A school governed by a receiver;

A school that has been converted to a charter school within the last three years;

A school initially opened in the last three years;

A school that exclusively serves a historically underserved population, such as truants, homeless students, students with disabilities or adjudicated minors;

A school that has a college matriculation rate that meets or exceeds the local school district average; or

A school that is a charter school whose academic performance measured by the SPP exceeds the average SPP for schools in the authorizing district.

Permits the ASD board to meet twice a year to identify eligible schools to transfer and permits the school district of the eligible school to object. Permits a charter school to object to its transfer. Requires a public hearing within 60 days and requires the ASD to make a final determination within 60 days of the hearing. Permits appeal of the decision to Commonwealth Court.

Requires an ASD school to remain under the jurisdiction of the ASD for a minimum of five years. Permits the ASD to transfer a school back to its school district of origin, if, for two consecutive years, it does not meet the criteria as an intervention school.

Provides for funding and establishes a formula based on the charter funding formula.

Requires the General Assembly to appropriate funds to pay the costs of implementation and ongoing operation of the ASD.

Permits the ASD to use any school building and all facilities of the ASD school prior to its transfer and permits access to additional facilities as were typically available to the school prior to its transfer. Provides that extensive repairs to a school are capital expenses and shall be the responsibility of the transferring school district.

States that employees hired to work for the ASD shall be deemed employees of the ASD and shall be under the exclusive control of the ASD. Permits the ASD to determine if current employees of the school may remain as employees of the ASD. Requires that employees who do not remain with the ASD shall be retained as employees of the transferring school district.

Permits a teacher who accepts a position with the ASD, at the discretion of the transferring school district, to return to the district

Requires 75% of the professional staff to hold appropriate state certification.

Permits employees of the ASD to organize under the Public Employee Relations Act and permits collective bargaining which shall be separate from the transferring schools district. Provides for retirement, health care benefits and sick leave. Permits a public school employee of a school entity to request a leave of absence for up to five years to work at the ASD. Maintains tenure at the discretion of the transferring school district and permits seniority to accrue.

Permits professional employees of the ASD to be dismissed and establishes a process for dismissal.

Requires an annual report to the General Assembly.

Effective in 60 days.