

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1410 Session of 2012

INTRODUCED BY FERLO, COSTA, FONTANA, SOLOBAY AND FARNESE,
FEBRUARY 2, 2012

REFERRED TO EDUCATION, FEBRUARY 2, 2012

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," reenacting and amending provisions
6 relating to school boards and educational empowerment.

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

9 Section 1. Section 1704-B(c) of the act of March 10, 1949
10 (P.L.30, No.14), known as the Public School Code of 1949,
11 amended or added July 11, 2006 (P.L.1092, No.114) and July 9,
12 2008 (P.L.846, No.61), is reenacted and amended to read:

13 Section 1704-B. Board of School Directors.--* * *

14 (c) (1) In addition to all current rights, powers,
15 privileges, prerogatives and duties, a board of school directors
16 of a school district that has been placed on the empowerment
17 list due to the designation by the secretary as a Commonwealth
18 partnership school district shall have the power to cancel or
19 renegotiate any contract, other than collective bargaining
20 agreements, for the purpose of making necessary economies in the

1 operation of the schools within the school district; eliminate
2 nonprofessional positions for services nonessential for the
3 operation of the school district; or enter into agreements with
4 individuals, for-profit or nonprofit organizations for the
5 operation of school buildings or groups of school buildings or
6 for the provision of educational or other types of services to
7 or for the school district.

8 (2) The superintendent shall be responsible for the
9 implementation of a system of performance review of school
10 administrators, as approved by the board of school directors.
11 Administrator performance shall be evaluated on the basis of
12 abilities and effectiveness to manage the operation of the
13 school facilities and staff, manage resources, provide
14 instructional leadership, implement and administer the school
15 budget and promote and maintain a positive educational learning
16 environment.

17 (3) Based upon an unsatisfactory review and evaluation of a
18 school administrator arising from the implementation of the
19 program established in paragraph (2), a board of school
20 directors may reassign, transfer or suspend the school
21 administrator without regard to section 1125.1 or 1151.

22 (4) Based upon an unsatisfactory review and evaluation of a
23 school administrator arising from the implementation of the
24 program established in paragraph (2), a board of school
25 directors may dismiss the school administrator pursuant to the
26 procedure contained in section 1127, provided that the board of
27 school directors shall afford the school administrator notice
28 and an opportunity to be heard pursuant to 2 Pa.C.S. Ch. 5
29 Subch. B (relating to practice and procedure of local agencies).

30 (4.1) In addition to powers enumerated in this act, a school

1 district designated as a Commonwealth partnership school
2 district may dispose of unused and unnecessary lands and
3 buildings, if such buildings are in excess of twenty-five (25)
4 years of age, in the following manner, notwithstanding the
5 provisions of section 707 of this act:

6 (i) By negotiated sale, provided the district has an
7 affidavit of at least three (3) persons who are familiar with
8 the value of real estate in the locality in which the lands and
9 buildings proposed to be sold are located, who have examined the
10 property and set forth a value for the property and who opine
11 that the consideration for the property is equal to or better
12 than that which could be received by sealed bid. The sale price
13 shall not be less than the highest value set forth in the three
14 (3) affidavits.

15 (ii) By entering into agreements with an urban redevelopment
16 authority organized under the act of May 24, 1945 (P.L.991,
17 No.385), known as the Urban Redevelopment Law, under which the
18 district may convey property to the authority for the purpose of
19 the authority facilitating the conveyance of the property
20 consistent with the goals of the school district and the
21 authority.

22 (5) [As used in] For purposes of this subsection, ["school
23 administrator" shall have the same meaning given to it under
24 section 1164] the following terms shall have the following
25 meanings:

26 "Commonwealth partnership school district." A school
27 district for which within sixty (60) days of July 11, 2006, the
28 secretary has determined all of the following:

29 (i) The school district has experienced a decline of fifteen
30 per centum (15%) or more in student enrollment during the

1 immediately preceding five-year period.

2 (ii) The school district has experienced a loss of revenue
3 during the immediately preceding three-year period due to the
4 statutory removal of one or more of the sources of revenue made
5 available pursuant to section 652.1.

6 (iii) The school district has an equalized millage for the
7 2004-2005 fiscal year of greater than twenty-seven (27).

8 "Department." The Department of Education of the
9 Commonwealth.

10 "Education empowerment list." A list prepared annually by
11 the department containing school districts that fall below
12 certain academic assessments as provided in section 1703-B.

13 "School administrator." As defined in section 1164.

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

15 [(6) This subsection shall expire June 30, 2012.]

16 Section 2. This act shall take effect immediately.