

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 857** Session of
2011

INTRODUCED BY SMUCKER, PICCOLA, BAKER, FOLMER, SCARNATI,
RAFFERTY, ORIE, D. WHITE, ALLOWAY, BROWNE, WILLIAMS, WAUGH,
BRUBAKER, PILEGGI AND MENSCH, MARCH 22, 2011

REFERRED TO EDUCATION, MARCH 22, 2011

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in reimbursements by Commonwealth and between school districts, further providing for accountability to Commonwealth taxpayers.

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

Section 1. Section 2502.49 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, added July 9, 2008 (P.L.846, No.61), is repealed:

[Section 2502.49. Accountability to Commonwealth Taxpayers.--(a) In any school district where the amount of basic education funding allocated pursuant to section 2502.48 exceeds the amount of basic education funding allocated to the school district in the prior fiscal year by more than the index, the board of school directors shall use one hundred percent (100%) of the portion of the increase that exceeds the index as follows:

(1) At least eighty percent (80%) of such funds shall be used to offer any of the following for the first time or to expand any of the following:

(i) Programs that increase the amount of student instructional time, which may include tutoring, an extension of the school day or school calendar or intensive support for students who have limited English proficiency.

(ii) Implementation of new curricula or course offerings that increase the number of students who graduate from high school prepared for college and high-skill careers.

(iii) Training of professional employees in the delivery of a curriculum that increases the number of students who graduate from high school prepared for college and high-skill careers, in strategies for addressing the learning needs of students at risk of academic failure or needing remediation or in strategies to ensure that students stay in school until graduation and successfully transition to postsecondary education or the work force.

(iv) Reduction of class size.

(v) Prekindergarten or full-day kindergarten.

(vi) Incentives for the most effective highly qualified teachers and principals to work in a school identified for improvement or corrective action.

(vii) School library services, which may include the employment of school librarians or additional school library staff or the purchase of printed or electronic materials or other resources for the school library collection.

(2) No more than ten percent (10%) of such funds may be used to maintain existing programs that meet the criteria of paragraph (1) or for one-time costs necessary to the delivery of

instruction that shall include books, materials or other supplies.

(3) No more than ten percent (10%) of such funds may be used for other programs or activities that are essential to achieving or maintaining academic performance targets and that are based on sound research or for one-time costs necessary to the delivery of instruction that shall include books, materials or other supplies.

(b) The following shall apply:

(1) A school district subject to this section shall submit a plan to the Department of Education no later than August 1, 2008, and no later than April 15 of each year thereafter, detailing its intended use of funds subject to this section in the subsequent fiscal year. If a general appropriation bill that includes basic education funding for the applicable fiscal year has not been enacted prior to the deadline, a school district shall base its plan on the amount of basic education funding proposed in an executive budget and posted on the department's Internet website.

(2) The department shall review all plans and may provide recommendations to school districts within forty-five (45) days of receipt of the plan.

(3) Within ninety (90) days of receipt of a plan submitted by a school district identified for warning, improvement or corrective action or a school district with one or more schools identified for improvement or corrective action, the department shall approve or disapprove the plan. The department shall provide a written explanation to the board of school directors of any school district whose plan is disapproved.

(4) A school district whose plan has been disapproved shall

amend and resubmit its plan as necessary until approved by the department.

(c) The department shall approve any school district achievement plan that:

(1) meets the requirements of this section;

(2) addresses the academic challenges identified in the school district's most recent student achievement results, with specific focus on individual schools, grade levels and populations of students that demonstrate inadequate levels of student achievement; and

(3) in the determination of the department, describes programs and strategies that are most likely to improve student achievement in the school district.

(d) For any school district where approval of a plan is required pursuant to subsection (b), and notwithstanding any other provision of law to the contrary, the department shall withhold the portion of the increase in basic education funding which exceeds the index until such a time as a plan is approved.

(e) The Department of Education shall:

(1) Provide technical assistance to any school district upon request for the development of a plan pursuant to this section.

(2) Determine the form and manner in which school districts shall submit a plan pursuant to this section.

(3) Review all plans submitted to the department and approve or disapprove plans as required pursuant to this section.

(f) Nothing in this section shall supersede or preempt any provisions of a collective bargaining agreement between a school entity and an employe organization in effect on the effective date of this section.]

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