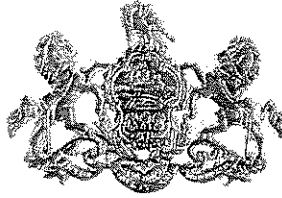


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MEMORANDUM

TO: All Senators

FROM: Senator Jeffrey E. Piccola

DATE: December 9, 2009

RE: MEMO #38: Education Empowerment

In the near future I will be introducing legislation to amend the Public School Code to provide for a new education empowerment law.

The current law, known as the Education Empowerment Act, will expire on June 30, 2010. To comply with the federal No Child Left Behind Act (NCLB), the Commonwealth must have an education accountability law in place. The proposed legislation is intended to strengthen the options, incentives and penalties applicable to school districts and schools that fail to make adequate yearly progress (AYP) under NCLB. Under my proposal, districts and schools that persistently fail to make AYP will face increasingly serious consequences. Those districts and schools failing to make AYP for five or more years will fall under the control of a three-member school reform commission (SRC) reporting to the Secretary of Education. Ultimately, the Secretary may order the SRC to close a school or dissolve the district. A bullet-point summary of the proposed legislation is attached.

The legislation I will be introducing will apply to all school districts in Pennsylvania other than the Philadelphia School District, which will continue to be governed under school improvement provisions of the Public School Code that apply only to first class school districts.

Should you or your staff have any further questions on this proposed legislation, please contact Dave Transue or Karen Seivard of the Senate Education Committee at (717) 787-6801. If you are interested in co-sponsoring this legislation, please contact Jessica Toomey at 787-6801 or by email to jtoomey@pasen.gov no later than **December 18, 2009**. Thank you for your consideration.

SUMMARY OF PROPOSED 2009 EDUCATION EMPOWERMENT ACT PROVISIONS

- I. Districts and schools in "Warning" status under NCLB (*i.e.*, failure to make AYP for one year)
 - A. The elected school board appoints a school improvement committee to develop and implement an improvement plan
 - B. The improvement plan *may* include any of the following:
 1. Professional development targeted to the district's or school's areas of weakness
 2. Report cards to inform parents of a school's progress
 3. The ability of a parent to transfer a child to another school within the same district
 4. Appointment of outside persons or organizations to review the district's or school's programs and make recommendations
 5. Assistance from the local intermediate unit (IU) in developing a curriculum, working with teachers and principals to present the curriculum and monitoring progress
 6. Establishment of a parent advisory committee and other parent involvement opportunities
 7. Reduction in class sizes, if possible
 8. Streamlined process for converting schools to charters, coupled with mandate relief
 9. Tutoring services for students scoring below "proficient"
 - C. The school district or school would be eligible for technical assistance from the Department
 - D. Making AYP in the same subject for two consecutive years would remove district or school from Warning status
 - E. After one year of making AYP, failure again to do so would place the district or school in Improvement status

- II. Districts and schools in "Improvement I" status (*i.e.*, failure to make AYP for two years in the same subject), "Improvement II" status (*i.e.*, failure to make AYP for three years in the same subject) or "Corrective Action I" status (*i.e.*, failure to make AYP for four years in the same subject) under NCLB
- A. The elected school board remains in control and appoints a school improvement committee that is overseen by the IU
 - B. The school improvement plan *may* include any of the following:
 - 1. School Management:
 - a. Streamlined process for converting schools to charters, coupled with mandate relief
 - b. Ability to contract with an education management organization to manage the district or an individual school
 - 2. Staffing/Compensation:
 - a. Negotiation of a memorandum of understanding with the local teacher's union under the collective bargaining agreement regarding such employment issues as building placement, length of school day, salary, assignment, academic calendar, teacher preparation time and non-traditional scheduling
 - b. Merit pay for superintendents, principals and teachers (based in part on making AYP, increasing scores or closing achievement gaps between student groups)
 - c. Financial incentives for teachers in subject areas of shortage or who accept challenging assignments
 - d. Issuance of "residency certificates" to allow individuals with content knowledge and experience to teach while completing an intensive teacher training program
 - e. Dismissal, suspension or reassignment of teachers and administrators notwithstanding School Code provisions regarding seniority and bumping rights
 - f. Negotiation of a new collective bargaining agreement
 - g. Prohibition on teacher strikes while in "Improvement" status
 - h. Assignment of teachers based on analysis of competencies for specific positions (rather than seniority and bumping)
 - i. More detailed teacher evaluation process

3. Student Services:
 - a. Placing students in contact with agencies to provide services such as meals, clothing or counseling
 - b. Tutoring for students who score below “proficient” (*required under NCLB* for districts or schools in their second year of Improvement status)
 - c. Partnering with charitable foundations and private businesses to offer college scholarship money to students
4. Improved Instructional Methods:
 - a. Experienced teachers serving as “coaches” to less experienced teachers
 - b. Intensive induction academy for new teachers
 - c. Training program for new principals
 - d. Partnership with local college teacher education program
5. School Structure:
 - a. Reallocation of resources and amendment of policies
 - b. Reconstitution of schools and reassignment of professional employees
 - c. Closure of schools or revocation of a charter
6. School Choice:
 - a. Allowing a parent to transfer a child from a school in “Improvement” status to another school in the same or a different district (*intra-district school choice is required under NCLB* for districts or schools in their first year of Improvement status)
 - b. Allowing a parent to transfer a child from a “persistently dangerous” school to another school in the same district (*required under NCLB*)
7. Curriculum Changes:
 - a. Focus coursework on reading, math and science
 - b. Establish a core curriculum across all buildings in a district
 - c. Accelerated learning academies with a more rigorous curriculum, longer school day and longer school year, staffed by experienced educators receiving additional compensation
 - d. Monitoring student progress at key points during the K-12 years, to help a struggling student get back on track quickly

- e. "Looping," *i.e.*, assigning the same teacher or group of teachers to a group of students over multiple years
8. School Safety Improvements:
- a. Enter a memorandum of understanding with local police
 - b. Conduct school safety audits
 - c. Increase sanctions for misbehavior and give teachers power to enforce rules of conduct
 - d. Establish a short and clear code of conduct setting forth examples of positive and negative conduct and providing consequences
 - e. Implementation of other safety measures appropriate to the district or school
- C. The school district or school would be eligible for technical assistance from the Department
- D. Making AYP in the same subject for two consecutive years would remove district or school from Improvement, Improvement II or Corrective Action I status
- E. After one year of making AYP, failure again to do so would place the district or school one level below its prior status (*e.g.*, a school district that had been in Improvement II status would drop to Corrective Action I status)
- III. Districts and schools in "Corrective Action II" status (*i.e.*, failure to make AYP for five or more years) under NCLB
- A. Control of the school district is placed in a School Reform Commission (SRC)
- 1. Membership:
 - a. Two members (including the chairman) appointed by the Governor from the county in which the school district is located
 - b. One member appointed by the Mayor, subject to confirmation by a local government entity
 - 2. SRC reports to the Secretary
- B. During years 1 through 3 of Corrective Action II:
- 1. SRC develops a corrective action plan for Secretary approval
 - 2. SRC may use the options available to a school district in Improvement or Corrective Action I status

3. The district or school would be eligible for technical assistance from the Department
 4. Parental Trigger: 51% of the parents of children in a school district or school (or in schools feeding into that school) may petition the SRC to do one of the following:
 - a. Engage an EMO to manage the district or school
 - b. Convert a school to a charter school
 - c. Close the school
- C. Beginning in year 4 of Corrective Action II:
1. Control remains in the SRC
 2. SRC continues to have the options available to a school district in Improvement or Corrective Action I status
 3. Secretary may order the SRC to:
 - a. Reconstitute the district or schools
 - b. Convert schools to charter schools
 - c. Place the district or schools under the management of an education management organization
 - d. Close schools
 - e. Dissolve the school district
- D. Termination of State Control:
1. Once established, SRC must be in place for at least five years
 2. After five years of SRC control, the Secretary may terminate state control if the school district has made AYP for at least two consecutive years