
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2123 Session of
2021

INTRODUCED BY KINSEY, KRAJEWSKI, BURGOS, KENYATTA, PARKER,
SANCHEZ, NEILSON, MADDEN AND SIMS, DECEMBER 2, 2021

REFERRED TO COMMITTEE ON EDUCATION, DECEMBER 2, 2021

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 employees[.], 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.