
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 654 Session of
2017

INTRODUCED BY CRUZ, YOUNGBLOOD, KINSEY, O'BRIEN AND V. BROWN,
FEBRUARY 28, 2017

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 28, 2017

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 directors, further
6 providing for number and appointment in districts of first
7 class and first class A; and, in school finances, further
8 providing for distress in school districts of the first
9 class.

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

12 Section 1. Sections 302 and 696 of the act of March 10, 1949
13 (P.L.30, No.14), known as the Public School Code of 1949, are
14 amended to read:

15 Section 302. Number and [Appointment in] Election of School
16 Directors in Districts of First Class and First Class A;

17 Reorganized District of First Class A Containing Former
18 Districts of Second, Third or Fourth Class: Terms of Office.--

19 (a) In each school district of the first class or of the first
20 class A, the board shall be known as the "Board of Public
21 Education," and shall consist of [fifteen (15) school directors,

1 whose term of office shall be six (6) years. The terms of five
2 of the members shall expire on the second Monday of November of
3 each odd numbered year, as now provided by law. The judges of
4 the courts of common pleas of the county in which such school
5 district is situated shall, in October of every odd numbered
6 year, appoint five (5) members for terms of six (6) years. Their
7 term of office shall begin on the second Monday of November next
8 following their appointment.] nine (9) school directors, who
9 shall be elected by the qualified electors of the school
10 district by specified districts, as provided for in this
11 section. Each candidate shall be nominated only for the
12 specified district where the candidate resides and each elected
13 member shall represent only a specified district where the
14 elected member resides.

15 (b) When a school district or districts of the second, third
16 or fourth class is merged into and becomes part of a district of
17 the first class A as a reorganized district under the provisions
18 of Article II, subdivision (i) of this act, the terms of office
19 of all directors of such district or districts of the second,
20 third or fourth class shall terminate on the date of
21 establishment of such reorganized district of the first class A.

22 As soon as a vacancy occurs in the office of Director of the
23 Board of Public Education, a resident of the area comprising the
24 district of the second, third or fourth class merged into and
25 becoming a part of the school district of the first class A
26 shall be [appointed] elected to the Board of Public Education of
27 the reorganized district [and following the expiration of the
28 term of the director so appointed, the appointment of directors
29 shall be without regard to this limitation].

30 (c) All elected members shall serve for a term of four (4)

1 years, except the members elected at the initial election in
2 even-numbered school director districts, who shall serve for two
3 (2) years. In the event the first election occurs in an even-
4 numbered year, the terms of the initial members shall be
5 increased by one (1) year, so that future elections can be held
6 in odd-numbered years. In the case of death or resignation of
7 elected members, the president of the school board, elected
8 under section 403, shall appoint a member to fill the vacancy
9 from the same school director district where the vacancy
10 occurred until the first Monday in December following the next
11 municipal primary occurring one hundred twenty (120) days after
12 the vacancy occurred.

13 (d) (1) In each school district of the first class, the
14 court of common pleas of the county where the district is
15 located shall select nine (9) districts which best provide for
16 proportional representation of all segments of the population at
17 the time of the apportionment. The school director districts
18 shall be compact, contiguous and as nearly equal in population
19 as practicable.

20 (2) The president judge or an associate judge of the court
21 of common pleas of the county where the district is located
22 shall preside over apportionment meetings. After the appointment
23 meetings are completed, an apportionment plan shall be prepared.
24 A majority of the judges of the court of common pleas shall be
25 required to prepare the apportionment plan.

26 (3) No later than forty-five (45) days after convening, the
27 court of common pleas shall file an apportionment plan with the
28 county board of elections to be submitted to the voters of the
29 district at the next primary election occurring not less than
30 ninety-one (91) days after the plan is filed with the county

1 board and at which primary election the candidates for members
2 of the school board shall be nominated.

3 (4) No later than September 1 in the second year following
4 the year that Federal decennial census data is officially
5 gathered, the court of common pleas of the county where the
6 school district is situated shall reconvene. The duties of the
7 court of common pleas shall be, from the official data of the
8 United States Census Bureau, to define the lines that divide the
9 existing school director districts, to make any new school
10 director districts as nearly equal in population as practicable,
11 and as compact and contiguous as possible, and to best provide
12 for racial balance on the board of school directors of the
13 school district. The number of school directors or school
14 director districts shall not be increased or decreased. In
15 addition, the court of common pleas shall make every effort to
16 maintain neighborhood boundary lines of communities of like
17 interest whenever practicable. The court of common pleas shall
18 file its plan no later than ninety (90) days after the specified
19 population data for the school district of the first class, as
20 determined by the Federal decennial census, is available.

21 (5) Any apportionment or reapportionment plan prepared by
22 the court of common pleas of the county where the district is
23 located shall be published by the county board of elections once
24 in at least one (1) newspaper of general circulation in the most
25 populous municipality of the school district, and the
26 publication shall contain a map of the school district showing
27 the complete apportionment or reapportionment of the school
28 director districts. The publication shall also state the
29 population of the school director districts having the smallest
30 and largest population and the percentage variation of the

1 districts from the average population for the districts.

2 (e) (1) Except as provided in paragraph (2), school
3 directors shall be nominated and elected under the act of June
4 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election
5 Code."

6 (2) Notwithstanding section 951 of the "Pennsylvania
7 Election Code," nomination papers for the office of school
8 director shall be filed in the same manner as nominations of
9 candidates of political bodies or independent candidates, as
10 provided by the "Pennsylvania Election Code," without regard to
11 political party membership. Nomination papers for the office of
12 school director must include the signatures of at least two
13 hundred fifty (250) qualified electors from the district in
14 which the candidate resides, without regard to political party
15 affiliation.

16 (f) (1) After the election of school directors from
17 specified districts, the Board of Public Education shall be
18 governed by the provisions of this act and other provisions of
19 general law relating to school districts of the first class
20 which are not inconsistent with the provisions of this section.

21 (2) The provisions of this section shall supersede all other
22 parts of this act and all other acts affecting the organization
23 of school districts of the first class to the extent that they
24 are inconsistent or in conflict with this section.

25 (3) All existing acts or parts of acts and resolutions
26 affecting the organization of school districts of the first
27 class not inconsistent or in conflict with the provisions of
28 this section shall remain in full force until modified or
29 repealed as provided by law.

30 (g) No superintendent, assistant superintendent, supervising

1 principal, teacher or other employe shall serve either
2 temporarily or permanently as a member of the school board.

3 (h) Within thirty (30) days of the election of all school
4 directors of the Board of Public Education, the Department of
5 Education shall publish notice of the election of the Board of
6 Public Education in the Pennsylvania Bulletin.

7 Section 696. Distress in School Districts of the First
8 Class.--(a) Within thirty (30) days of a declaration by the
9 Secretary of Education that a school district of the first class
10 is distressed under section 691(c), a School Reform Commission
11 shall be established consisting of four members initially
12 appointed by the Governor and one member initially appointed by
13 the mayor of the city coterminous with the school district. The
14 School Reform Commission shall be an instrumentality of a school
15 district of the first class, exercising the powers of the board
16 of school directors. The Governor shall appoint a chairman of
17 the School Reform Commission. At least three of the commission
18 members, including the member appointed by the mayor, must be
19 residents of the school district.

20 (b) Membership of the School Reform Commission shall be as
21 follows:

22 (1) Members appointed pursuant to this section shall serve
23 terms as follows:

24 (i) Two of the members appointed by the Governor shall serve
25 initial terms of seven (7) years.

26 (ii) One of the members appointed by the Governor shall
27 serve an initial term of five (5) years.

28 (iii) One of the members appointed by the Governor shall
29 serve an initial term of three (3) years. Upon the expiration of
30 the initial term of this member, the mayor shall appoint an

1 individual to fill this position.

2 (iv) The member appointed by the mayor shall serve an
3 initial term of three (3) years.

4 (v) After the expiration of each initial term:

5 (A) Members appointed by the Governor under subclauses (i)
6 and (ii) shall be appointed for a term of five (5) years.

7 (B) Members appointed by the mayor under subclauses (iii)
8 and (iv) shall be appointed for a term of four (4) years.

9 (2) Except as authorized in this subsection, no commission
10 member may be removed from office during a term. The Governor
11 may, upon proof by clear and convincing evidence of malfeasance
12 or misfeasance in office, remove a commission member prior to
13 the expiration of the term. Before a commission member is
14 removed, that member must be provided with a written statement
15 of the reasons for removal and an opportunity for a hearing in
16 accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to practice
17 and procedure of Commonwealth agencies) and Ch. 7 Subch. A
18 (relating to judicial review of Commonwealth agency action).

19 (3) Upon the expiration of term or the occurrence of a
20 vacancy in the office of a commission member appointed by the
21 Governor, the Governor shall appoint, with the consent of a
22 majority of the members elected to the Senate, the successor
23 member. Upon the expiration of term or the occurrence of a
24 vacancy in the office of a commission member appointed by the
25 mayor, the mayor shall appoint the successor member. An
26 appointment to fill a vacancy shall be for the balance of the
27 unexpired term.

28 (4) A commission member shall hold office until a successor
29 has been appointed and qualified.

30 (5) A commission member may serve successive terms.

1 (6) No commission member may, while in the service of the
2 School Reform Commission, seek or hold a position as any other
3 public official within this Commonwealth or as an officer of a
4 political party.

5 (7) Commission members shall be reimbursed for reasonable
6 and necessary expenses incurred in the performance of their
7 official duties from funds of the school district.

8 (b.1) Actions of the School Reform Commission shall be by a
9 majority vote. A majority of the commission members appointed
10 shall constitute a quorum.

11 (b.2) Upon the issuance of a declaration by the Secretary of
12 Education that a school district of the first class is
13 distressed under section 691(c), the Governor shall appoint an
14 interim chairman of the School Reform Commission, who shall have
15 the full power and authority of the School Reform Commission.
16 The interim chairman shall serve for a term not to exceed thirty
17 (30) days. The interim chairman may be appointed to the School
18 Reform Commission pursuant to this section.]

19 (c) The [School Reform Commission] Board of Public Education
20 may suspend or dismiss the superintendent or any person acting
21 in an equivalent capacity.

22 (e) The following shall apply:

23 (1) The [School Reform Commission] Board of Public Education
24 shall be responsible for the operation, management and
25 educational program of the school district of the first class.
26 The powers and duties of the board of school directors of a
27 school district of the first class shall be suspended. All
28 powers and duties granted heretofore to the board of school
29 directors of a school district of the first class under this act
30 or any other law, including its authority to levy taxes and

1 incur debt, shall be vested in the [School Reform Commission
2 until the Secretary of Education issues a declaration under
3 subsection (n)] Board of Public Education.

4 (2) The [School Reform Commission] Board of Public Education
5 may enter into agreements necessary to provide for the
6 operation, management and educational programs of the school
7 district of the first class. The agreements shall include
8 appropriate fiscal and academic accountability measures.
9 Academic accountability measures shall include:

10 (i) Strategic goals and objectives for improving academic
11 performance.

12 (ii) Methods setting forth how the strategic goals and
13 objectives are to be achieved and the specific methodology for
14 evaluating results.

15 (h) The [School Reform Commission] Board of Public Education
16 shall be responsible for financial matters related to the
17 distressed school district of the first class and:

18 (1) All taxes authorized to be levied by a school district
19 of the first class or for a school district of the first class
20 by a city or county of the first class on the date of the
21 declaration of distress shall continue to be authorized and
22 levied in accordance with this act and shall be transmitted to
23 the school district. For the first fiscal year or part thereof
24 and every fiscal year thereafter in which the school district is
25 declared to be distressed, the amount appropriated or paid by
26 the city or county to the school district and the tax authorized
27 by the city or county to be levied for the school district or
28 dedicated to the school district shall be an amount or tax not
29 less than the highest amount paid by the city or county to the
30 school district or authorized by the city or county to be levied

1 for the school district or dedicated to the school district
2 during any of the three full preceding fiscal years. In
3 addition, the city of the first class shall provide to the
4 school district of the first class all other available local
5 non-tax revenue, including grants, subsidies or payments made
6 during the prior year.

7 (2) In addition to the moneys collected under paragraph (1),
8 the city of the first class shall remit to the school district
9 of the first class for each year that the school district is
10 declared distressed that portion of all other local tax revenue
11 levied for a full fiscal year by a city or county of the first
12 class coterminous with a school district of the first class that
13 was allocated to the school district prior to the school
14 district being declared distressed in accordance with section
15 691(c).

16 (3) All taxes collected on behalf of a school district of
17 the first class by any person or entity, including a city or
18 county of the first class, shall be promptly paid following
19 collection to the [School Reform Commission] Board of Public
20 Education for the benefit of the school district.

21 (4) In the event the city or county of the first class does
22 not meet the financial obligations prescribed in this
23 subsection, the Commonwealth may apply to that obligation any
24 amounts otherwise due from the Commonwealth to the city or
25 county of the first class, including, but not limited to,
26 grants, awards and moneys collected by the Commonwealth on
27 behalf of the city or county of the first class. Funds withheld
28 shall be maintained in a separate account by the State Treasurer
29 to be disbursed as determined by the Secretary of Education in
30 consultation with the State Treasurer.

1 (5) The [School Reform Commission] Board of Public Education
2 shall adopt a budget. Beginning with the first budget adopted by
3 the Board of Public Education, the budget shall contain a five
4 (5) year budget plan. The five (5) year budget plan shall be
5 adopted annually and shall be submitted to the Pennsylvania
6 Intergovernmental Cooperation Authority of the city of the first
7 class for review and approval by June 30 of each year.

8 (i) In addition to all powers granted to [the superintendent
9 by law and] a special board of control under section 693 and
10 notwithstanding any other law to the contrary, the [School
11 Reform Commission] Board of Public Education shall have the
12 following powers:

13 (1) (i) To appoint such persons and other entities as
14 needed to conduct fiscal and performance audits and other
15 necessary analyses.

16 (ii) Notwithstanding the provisions of subclause (i), the
17 Department of the Auditor General or the city controller of a
18 city of the first class may conduct fiscal audits and
19 performance audits, as necessary and as determined by the
20 Department of the Auditor General and the city controller. The
21 Department of the Auditor General and the city controller shall
22 coordinate the audits so as not to disrupt the operations of the
23 school district of the first class or to duplicate efforts.

24 (2) To enter into agreements with persons or for-profit or
25 nonprofit organizations to operate one or more schools. A school
26 operated under this clause shall be funded in accordance with
27 the terms of the agreement. This clause shall be subject to the
28 following provisions:

29 (i) All applications to operate a charter school in a school
30 year after a declaration of distress is issued and all charter

1 schools established after a declaration of distress is issued
2 shall not be subject to sections 1717-A(b), (c), (d), (e), (f),
3 (g), (h) and (i), 1722-A(c) and 1724-A.

4 (ii) The [School Reform Commission] Board of Public
5 Education may suspend or revoke a charter pursuant to section
6 1729-A.

7 [(3) To suspend the requirements of this act and regulations
8 of the State Board of Education except that the school district
9 shall remain subject to those provisions of this act set forth
10 in sections 1073, 1073.1, 1076, 1077, 1078, 1080, 1732-A(a), (b)
11 and (c), 1714-B and 2104 and regulations under those sections.]

12 (4) To employ professional and senior management employes
13 who do not hold State certification if the [School Reform
14 Commission] Board of Public Education has approved the
15 qualifications of the person at a salary established by the
16 [commission] board.

17 (5) To enter into agreements with persons or for-profit or
18 nonprofit organizations providing educational or other services
19 to or for the school district. Services provided under this
20 clause shall be funded in accordance with the terms of the
21 agreement.

22 (6) Notwithstanding any other provisions of this act, to
23 close or reconstitute a school, including the reassignment,
24 suspension or dismissal of professional employes.

25 (7) To suspend professional employes without regard to the
26 provisions of section 1125.1.

27 (8) To appoint managers, administrators or for-profit or
28 nonprofit organizations to oversee the operations of a school or
29 group of schools within the school district.

30 (9) To reallocate resources, amend school procedures,

1 develop achievement plans and implement testing or other
2 evaluation procedures for educational purposes.

3 (10) To supervise and direct principals, teachers and
4 administrators.

5 (11) To negotiate any memoranda of understanding under the
6 collective bargaining agreement in existence on the effective
7 date of this section.

8 (12) To negotiate a new collective bargaining agreement.

9 (13) To delegate to a person, including an employe of the
10 school district or a for-profit or nonprofit organization,
11 powers it deems necessary to carry out the purposes of this
12 article, subject to the supervision and direction of the [School
13 Reform Commission] Board of Public Education.

14 (14) To employ, contract with or assign persons or for-
15 profit or nonprofit organizations to review the financial and
16 educational programs of school buildings and make
17 recommendations to the [School Reform Commission] Board of
18 Public Education regarding improvements to the financial or
19 educational programs of school buildings.

20 [(j) The board of school directors of the distressed school
21 district of the first class shall continue in office for the
22 remainder of their terms during the time the district is
23 operated by the commission unless removed for neglect of duty
24 under section 318 by the court of common pleas or unless the
25 director is elected to another position not compatible with the
26 position of school director or is appointed to a position for
27 which there is a requirement that the appointee shall hold no
28 elective office. The board of school directors shall perform any
29 duties delegated to it by the commission. The establishment of
30 the School Reform Commission shall not interfere with the

1 regular selection of school directors for the school district of
2 the first class.]

3 (k) Collective bargaining between employes and the school
4 district of the first class shall be conducted in accordance
5 with this subsection. For purposes of collective bargaining, as
6 used in section 693 and this section: "professional employe"
7 shall have the meaning given in section 1101(1), and "teacher"
8 shall have the meaning given in section 1202-A.

9 (2) No distressed school district of the first class shall
10 be required to engage in collective bargaining negotiations or
11 enter into memoranda of understanding or other agreements
12 regarding any of the following issues:

13 (i) Contracts with third parties for the provision of goods
14 or services, including educational services or the potential
15 impact of such contracts on employes.

16 (ii) Decisions related to reductions in force.

17 (iii) Staffing patterns and assignments, class schedules,
18 academic calendar, places of instruction, pupil assessment and
19 teacher preparation time.

20 (iv) The use, continuation or expansion of programs
21 designated by the [School Reform Commission] Board of Public
22 Education as pilot or experimental programs.

23 (v) The approval or designation of a school as a charter or
24 magnet school.

25 (vi) The use of technology to provide instructional or other
26 services.

27 (3) A collective bargaining agreement for professional
28 employes entered into after the expiration of the agreement in
29 effect on the date of the declaration of distress shall provide
30 for the following:

1 (i) A school day for professional employes that is equal to
2 or exceeds the State average as determined by the department. An
3 extension of the school day resulting from this requirement
4 shall be used exclusively for instructional time for students.

5 (ii) The number of instructional days shall be equal to or
6 exceed the State average number of instructional days.

7 (iii) The [School Reform Commission] Board of Public
8 Education shall not increase compensation for employes solely to
9 fulfill the requirements under subparagraphs (i) and (ii).

10 (4) A provision in any contract in effect on the date of the
11 declaration of distress under this subsection that is in
12 conflict with this subsection shall be discontinued in any new
13 or renewed contract.

14 (5) Except as specifically provided in section 693, nothing
15 in this subsection shall eliminate, supersede or preempt any
16 provision of an existing collective bargaining agreement until
17 the expiration of the agreement unless otherwise authorized by
18 law.

19 (6) If upon the termination of a collective bargaining
20 agreement in effect on the date of the declaration of distress
21 under this section a new collective bargaining agreement has not
22 been ratified, the [School Reform Commission] Board of Public
23 Education shall establish a personnel salary schedule to be used
24 until a new agreement is ratified.

25 (1) During the time the school district of the first class
26 is under the direction of the [School Reform Commission] Board
27 of Public Education, all school employes shall be prohibited
28 from engaging in any strike as defined in Article XI-A and
29 section 301 of the act of July 23, 1970 (P.L.563, No.195), known
30 as the "Public Employe Relations Act." The Secretary of

1 Education may suspend the certificate of an employe who violates
2 this subsection.

3 [(n) The Secretary of Education, only upon the
4 recommendation of a majority of the School Reform Commission,
5 may issue a declaration to dissolve the School Reform
6 Commission. The dissolution declaration shall be issued at least
7 one hundred eighty (180) days prior to the end of the current
8 school year and shall be effective at the end of that school
9 year. Except as otherwise provided in this section, after
10 dissolution the board of school directors shall have the powers
11 and duties of the School Reform Commission.]

12 (n.1) When a declaration has been issued by the Secretary of
13 Education under section 691(c) [and a School Reform Commission
14 has been appointed under this section], section 1705-B shall be
15 suspended for school districts of the first class.

16 (n.2) Beginning [in 2003] after the publication notice
17 provided for in section 302(h), by August 31 of each year, the
18 [School Reform Commission] Board of Public Education shall
19 provide a report for the preceding school year regarding
20 progress made toward improvements in fiscal and academic
21 performance in a school district of the first class. The report
22 shall be filed with the Governor's Office and with the chairman
23 and minority chairman of the Education Committee of the Senate
24 and the chairman and minority chairman of the Education
25 Committee of the House of Representatives.

26 (o) The provisions of this section are severable. If any
27 provision of this section or its application to any person or
28 circumstance is held invalid, the invalidity shall not affect
29 the remaining provisions or applications.

30 (p) For the purposes of this section, "Board of Public

1 Education" shall mean the elected board of school directors of
2 the first class as provided in section 302.

3 Section 2. This act shall take effect as follows:

4 (1) The amendment of section 302 of the act shall take
5 effect in 60 days.

6 (2) The remainder of this act shall take effect
7 following the publication of notice in the Pennsylvania
8 Bulletin of the election of the Board of Public Education.