
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1122 Session of
2015

INTRODUCED BY KINSEY, D. COSTA, BISHOP, V. BROWN, McNEILL,
ACOSTA, C. PARKER, THOMAS, SCHWEYER, KIRKLAND, COHEN,
MAHONEY, SCHREIBER, BROWNLEE AND PASHINSKI, MAY 6, 2015

REFERRED TO COMMITTEE ON EDUCATION, MAY 6, 2015

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. Section 696(i)(6) of the act of March 10, 1949
13 (P.L.30, No.14), known as the Public School Code of 1949,
14 amended October 30, 2001 (P.L.828, No.83), is 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 employes[.], 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 2. Section 780 of the act, added April 4, 1984
8 (P.L.190, No.38), is amended to read:

9 Section 780. Public Hearing Prior to Closing School.--In the
10 event of a permanent closing of a public school or substantially
11 all of a school's facilities, the board of school directors
12 shall hold a public hearing on the question not less than three
13 (3) months prior to the decision of the board relating to the
14 closing of the school. Notwithstanding any provision of this act
15 or regulation, the board of school directors or a special board
16 of control in a school district of the first class shall hold a
17 separate hearing for each school that is proposed to be
18 permanently closed in the school district and for each school
19 designated to receive an increase of thirty per centum (30%) or
20 more in student enrollment as the result of a school being
21 permanently closed. Notice of the hearing shall be given in a
22 newspaper of general circulation in the school district at least
23 fifteen (15) days prior to the date of such hearings. The board
24 of school directors or a special board of control in a school
25 district of the first class shall conspicuously post notice of
26 the hearing on the school district's Internet website, if a
27 website is maintained. The published and posted notice must
28 contain the date, time, place and purpose of the hearing and
29 must be in English and Spanish.

30 Section 3. The act is amended by adding a section to read:

1 Section 1311.1. Conditions for Closing Schools.--(a) In
2 determining whether a school is permanently closed under section
3 1311 and the students transferred to another school in the
4 school district, the board of school directors of a school
5 district or a special board of control exercising the authority
6 of a board of school directors in a school district of the first
7 class under section 696 shall:

8 (1) Prepare, or cause to be prepared, a thorough study of
9 each school proposed to be permanently closed. The study shall
10 focus primarily on the welfare of the students to be affected by
11 the proposed closure at both the school to be permanently closed
12 and the school to which the students will be transferred and
13 shall include, but may not be limited to, an evaluation of the
14 following:

15 (i) Enrollments, including any anticipated increase or
16 decrease in student enrollment based on both historical and
17 current projections, and the capacity of the school to which the
18 students from the school proposed to be closed will be
19 transferred to accommodate additional students.

20 (ii) A summary of any known or anticipated inconvenience or
21 hardship, including safety concerns, walking hazards or
22 transportation factors, which may affect the transfer of
23 students enrolled in the school proposed to be permanently
24 closed to another school in the school district.

25 (iii) Any known or projected cost of providing additional
26 school facilities.

27 (iv) Information on school closure counseling services
28 available to students enrolled in each school proposed to be
29 permanently closed.

30 (v) Information on student enrollment or population

1 characteristics such as ethnicity, special needs, free and
2 reduced lunch and English language learners.

3 (vi) Description and comparison of the learning climate,
4 academic performance and special and innovative programming of
5 both the school proposed to be permanently closed and the school
6 to which the students will be transferred in the school
7 district.

8 (vii) The physical condition of the school facility of both
9 the school proposed to be permanently closed and the school to
10 which the students will be transferred in the school district,
11 including technological capacity or other educationally
12 innovative features.

13 (viii) The actual operating costs of the school proposed to
14 be permanently closed.

15 (ix) A summary of the anticipated financial impact that
16 would result from permanently closing the school.

17 (x) Information on the proximity of the school proposed to
18 be closed to other schools in the school district.

19 (xi) A summary of all procedures developed and implemented
20 to ensure community involvement and actual community input
21 regarding the criteria to be considered in the decision-making
22 process by community members representing parents, students,
23 social services, civic organizations, neighborhood businesses
24 and State and local government officials.

25 (xii) A summary of the anticipated disposition of the school
26 building, including any plans for the sale or lease of the
27 school building, and plans for the ongoing maintenance and
28 security of the closed school building.

29 (xiii) Any other information or factors the board of school
30 directors or special board of control deems relevant.

1 (2) Conduct public hearings in accordance with section 780
2 for each school which is proposed to be closed in the school
3 district as well as for each school designated to receive an
4 increase of thirty per centum (30%) or more in student
5 enrollment as the result of school closures.

6 (b) When a board of school directors or a special board of
7 control in a school district of the first class finally
8 determines that a school will be permanently closed in a school
9 district, the following shall apply:

10 (1) School closure counseling services shall be provided to
11 students enrolled in a school proposed to be permanently closed
12 in the school district and may be provided to such students on a
13 temporary or as-needed basis and shall be provided in accordance
14 with the school district's policies and procedures governing
15 counseling services.

16 (2) School closure counseling services required under this
17 subsection shall be made available to all students enrolled in a
18 school subject to closure within thirty (30) days of the final
19 decision to permanently close the school.

20 (3) For the purposes of this subsection, the term "school
21 closure counseling services" shall mean group or individual
22 counseling provided to students enrolled in a school proposed to
23 be permanently closed in order to help such students transition
24 emotionally and physically to a new school in the school
25 district.

26 (c) A board of school directors or a special board of
27 control in a school district of the first class may authorize
28 the use of school guidance counselors employed by the school
29 district or professional counselors licensed in accordance with
30 the provisions of the act of July 9, 1987 (P.L.220, No.39),

1 known as the "Social Workers, Marriage and Family Therapists and
2 Professional Counselors Act," to provide school closing
3 counseling services authorized under this subsection.

4 Section 4. This act shall take effect in 60 days.