

Proposed Reauthorization of the PA Education Empowerment Act

Analysis of Senate Bill 1192

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Summary of ELC's Analysis

Senate Bill 1192 reflects an understandable impatience with the pace of education reform in Pennsylvania. It is frustrating for thousands of students, families, and communities when they seem to be stuck with inferior schools.

But SB 1192 takes the wrong approach in addressing this difficult situation. The bill would impose empowerment status on dozens of school districts and hundreds of individual schools in additional communities. And the bill puts the state in charge of managing school-level reforms in all of these places. That won't work. In addition, the proposed changes to the Empowerment Act would incorrectly function as if nothing good is happening in struggling schools and districts. The bill wrongly assumes that the only hope is to use drastic solutions such as turning school operations over to charter school companies. The bill also ignores the fact that most of the failing schools in Pennsylvania are under-funded and face complicated social and economic community-based challenges.

SB 1192 should not be adopted. Instead, the state should take a different approach. First, give struggling and under-funded schools an adequate level of funding. Second, encourage, empower, and support schools and districts to take the things that are working well and replicate them throughout their systems. Third, provide the Department of Education with the staff and the budget needed to better measure and report on school performance, to intervene with support and technical assistance for failing schools, to share effective reform strategies, and to truly hold local school officials accountable under current laws for achieving results for all students. Fourth, wait to see how the U.S. Congress amends the No Child Left Behind Act in 2010 or 2011 before creating a new set of state rules that may conflict with federal mandates. Fifth, fix the property tax system that places arbitrary and unfair burdens on the poorest communities in the state, making it impossible for local schools and communities to succeed.

Background

Pennsylvania first adopted the Education Empowerment Act in 2000.

The original Act applied only to a few school districts.

The Act expires on June 30, 2010, unless a new law is passed to reauthorize it.

Strengths of SB 1192

The bill attempts to deal with the schools and districts that are struggling the most.

The bill includes charter schools and vocational-technical schools in the reform system.

The bill contains long lists of education reforms that could help many schools and districts.

The bill addresses options for parent and community involvement in improving public education.

The bill allows districts to form their own charter schools rather than using outside companies.

Problems with SB 1192

1. The bill does not provide any additional funding or resources to pay for and sustain reforms and does not fix the unfair property tax system. Most failing schools are in districts that have been under-funded for decades and have very high property taxes that drive away businesses. The state must reform the system and provide adequate school funding.

2. The bill would lower the standards and make it easier to place school districts under the Empowerment Act.
 - Currently, the Act uses a two-year average of both reading and math test scores and targets districts with more than 50% of all students failing both tests (scoring “below basic”).
 - SB 1192 would incorporate most of No Child Left Behind’s adequate yearly progress system of measuring school and district performance. The NCLB system looks at whether different subgroups of students – not just all students averaged together – score below state targets. A school would fall under the Empowerment Act in 2010-11 if too many students failed the test – 44% failing in math or 37% failing in reading – by scoring at either “basic” or “below basic” levels.
 - The U.S. Congress is expected to make major changes to NCLB in 2010 or 2011 that will impact these standards and requirements.
3. The bill would place hundreds of schools and dozens of school districts under the Empowerment Act. Currently, the Act only applies to whole districts, not individual schools.
4. The bill would look back in time and apply reform mandates based on past failures over many years. Schools and districts would be graded based on the number of years currently in school improvement and corrective action status under No Child Left Behind.
5. The bill would give the Pennsylvania Department of Education control over all of the schools and districts coming under the Act, even schools and districts failing for just two years.
 - The Department would have legal authority to order the reforms it wanted at every school and district under the Act. Local officials could not override the decisions of the Department.
 - The improvement plans for schools and districts could be amended by the Department, without the consent of local officials.
 - State-appointed commissions would replace locally elected school boards in districts failing for eight or more years (beyond the third year of “Corrective Action II”). The time period would start running based on NCLB status from 2001 to date.
 - This means that the governor, who appoints the Secretary of Education and other Department officials, would essentially run all of the schools and districts subject to the Act.
6. The bill would treat Philadelphia differently than the rest of the state. No changes would occur to the current governance structure or reform systems. (Note that at this time SB 1192 includes a drafting error that would result in Philadelphia being treated the same as all other districts. The bill sponsors state that they intend to correct this error.)
7. The bill would strongly encourage the operations of failing schools and districts to be turned over to charter school companies or to private education management organizations. The Pennsylvania Department of Education would have the power to impose these changes or to close the school or district, when the state appoints a commission over a district.
8. The bill allows local school officials to hand-pick parents to participate on school improvement teams and does not allow parent elections. In contrast, teachers would be elected by their peers to the improvement teams.
9. The bill does not give students a voice or a role in the school reform process.
10. The bill prohibits teacher strikes in school districts designated as failing for two or more years.

Web Links

SB 1192 –

<http://www.legis.state.pa.us/cfdocs/billinfo/BillInfo.cfm?year=2009&sind=0&body=S&type=B&bn=1192>

Annual Reports –

http://www.education.state.pa.us/portal/server.pt/community/education_empowerment_act/7403/education_empowerment_annual_report/510189

Current Empowerment Law for Philadelphia – (will be posted soon at www.elc-pa.org)

Current Empowerment Law for Other Districts – (will be posted soon at www.elc-pa.org)

Compare to No Child Left Behind Act – <http://www2.ed.gov/policy/elsec/leg/esea02/index.html>

Districts Currently with Empowerment Status

Chester Upland School District (subject to the Education Empowerment Act)

Duquesne City School District (subject to the Education Empowerment Act)

Harrisburg City School District (subject to the Education Empowerment Act)

Philadelphia City School District (subject to the Distressed Schools Act)

Pittsburgh School District (special status as a Commonwealth Partnership School District)

Reading School District (subject to the Education Empowerment Act)

Status of Pending Legislation

- SB 1192 was introduced by Senator Piccola on February 1, 2010.
- There are currently 9 Senators cosponsoring SB 1192 – Piccola (Harrisburg), Dinniman (West Chester), Browne (Allentown), Earll (Erie), Rafferty (Collegeville), Washington (Philadelphia), Williams (Philadelphia), Boscola (Bethlehem), and Alloway (Chambersburg).
- The Senate Education Committee has started to hold hearings on the bill. No other action has been scheduled. See <http://senaterepublicannews.com/reform/education.htm>.
- Advocates are encouraged to submit statements or ideas for amendments to be considered as soon as possible.
- Representative Roebuck and the House Education Committee could also take action.

What will happen if the legislation does not pass?

Two things are possible, if SB 1192 or another bill reauthorizing the Empowerment Act does not become law by the end of June:

1. The Governor and General Assembly could agree to extend the current Empowerment Act for 12 months or longer. Everything would stay the same until at least next year;
OR
2. The Empowerment Act could expire on June 30, 2010, as provided by current state law. This would probably return control of all Empowerment Districts, except for Philadelphia, back to their locally elected school boards.

How does SB 1192 relate to Senator Piccola's charter school reform bill, SB 1156?

Senate Bill 1192 (Empowerment Act Reauthorization) follows some of the provisions in Senator Piccola's charter school reform bill, Senate Bill 1156. The charter bill is also pending in the Senate Education Committee and is expected to receive a vote in March.

SB 1156 --

<http://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2009&sind=0&body=S&type=B&BN=1156>,

NOTE: The following two tables show the number of schools and school districts in Pennsylvania identified as failing under the No Child Left Behind Act. Many of these same schools and districts could come under the control of the Education Empowerment Act, if Senate Bill 1192 is adopted. This would add up to dozens of school districts and hundreds of individual schools in additional communities.

For more information about failing schools under NCLB rules, see <http://paayp.emetric.net/StateReport>.

TABLE #1 – NUMBER OF SCHOOLS AND DISTRICTS AT EACH ACCOUNTABILITY LEVEL

NCLB AYP Status Level 2009	Number of Schools	Number of Districts
Made Adequate Yearly Progress for two consecutive years	2291 *	468
Making One-Year Progress after failing to make AYP	152	6
Warning given for failing to make AYP in one year	259	12
School Improvement I (failing to make AYP for two years)	121	1
School Improvement II (three years not making AYP)	70	1
Corrective Action I (four years)	53	1
Corrective Action II 1 st Year (five years)	29	3
Corrective Action II 2 nd Year (six years)	28	4
Corrective Action II 3 rd Year (seven years)	52	1
Corrective Action II 4 th Year (eight years)	18	0
Corrective Action II 5 th Year (nine years)	13	0
Corrective Action II 6 th Year (ten years)	13	0
Corrective Action II 7 th Year (eleven years)	16	3

TABLE #2 – ACCOUNTABILITY LEVEL FOR EACH FAILING DISTRICT

County	District Name	NCLB Calculation of AYP Overall Level 2009
Allegheny	DUQUESNE CITY SD	Making Progress in Corrective Action 2 (second year)
Allegheny	MCKEESPORT AREA SD	Corrective Action 1
Allegheny	PITTSBURGH SD	Making Progress in Corrective Action 2 (second year)
Allegheny	STO-ROX SD	Warning
Allegheny	WILKINSBURG BOROUGH SD	Warning
Allegheny	WOODLAND HILLS SD	Making Progress in Corrective Action 2 (first year)
Berks	READING SD	Corrective Action 2 (third year)
Blair	ALTOONA AREA SD	Making Progress in School Improvement 1
Bradford	ATHENS AREA SD	Warning
Clarion	UNION SD	Warning
Dauphin	HARRISBURG CITY SD	Corrective Action 2 (seventh year)
Dauphin	STEELTON-HIGHSPIRE SD	School Improvement 1
Delaware	CHESTER-UPLAND SD	Corrective Action 2 (seventh year)
Delaware	SOUTHEAST DELCO SD	School Improvement 2
Delaware	WILLIAM PENN SD	Corrective Action 2 (first year)
Fayette	CONNELLSVILLE AREA SD	Warning
Huntingdon	MOUNT UNION AREA SD	Warning
Lancaster	COLUMBIA BOROUGH SD	Warning
Lancaster	LANCASTER SD	Corrective Action 2 (first year)
Lebanon	LEBANON SD	Corrective Action 2 (first year)
Lehigh	ALLENTOWN CITY SD	Corrective Action 2 (second year)
Luzerne	HAZLETON AREA SD	Making Progress in Corrective Action 2 (first year)
Luzerne	NORTHWEST AREA SD	Warning
Monroe	POCONO MOUNTAIN SD	Corrective Action 2 (second year)
Montgomery	NORRISTOWN SD	Corrective Action 2 (second year)
Northumberland	SHIKELLAMY SD	Warning
Philadelphia	PHILADELPHIA CITY SD	Corrective Action 2 (seventh year)
Potter	GALETON AREA SD	Warning
Somerset	SOMERSET AREA SD	Warning
Warren	WARREN COUNTY SD	Making Progress in School Improvement 1
Westmoreland	MONESSEN CITY SD	Warning
York	YORK CITY SD	Corrective Action 2 (second year)