

## **Analysis of the Annual School Code Bill for 2011-12 Adopted by the General Assembly – June 30, 2011**

**Education Law Center**  
www.elc-pa.org

### **Summary**

In most years, the General Assembly passes an “omnibus school code bill” along with the state education budget. The basic role of the school code bill is to adopt new rules for spending money being appropriated for education programs in the annual budget. But legislators also often insert other “reforms” into the school code bill, ensuring their passage into law and allowing a shortcut through the normal legislative process for such reforms.

The school code bill adopted for 2011-12 is House Bill 1352 – <http://www.legis.state.pa.us/cfdocs/billinfo/BillInfo.cfm?year=2011&sind=0&body=H&type=B&bn=1352>.

In general, the items included in this year’s school code bill do not address the needs of disadvantaged students and their families. For example, some of the items relate to teacher quality but do not ensure either a more equitable distribution of excellent teachers or parent involvement in this issue.

The school code bill does include several items that have not been introduced as legislation and have not been independently approved this year by either the House or Senate. Passing such brand new items in the school code bill is a bad practice, since the public has no opportunity to receive notice of the proposals and provide feedback to their elected officials. Such items should not have been approved.

Below are more specific comments about a few of the more contentious items adopted as part of the school code bill.

And here are some examples of other items included the school code bill:

- Background checks for school employees.
- Administration of the concurrent enrollment program.
- Streamlining state approval of construction projects.
- Transfer of credits between community colleges and 4-year universities.

### **DETAILED ANALYSIS OF SELECTED SCHOOL CODE ITEMS**

#### **ADMISSION OF BEGINNERS (NOT INTRODUCED IN BILL FORM) –**

Clarifies that school districts must admit first-graders during at least the first two weeks of the school year (or during the first two weeks of each semester for a district operating on a semi-annual promotion basis).

- This is a language change requested by PDE to prevent school districts from refusing to enroll students who have not attended school before, so long as the student enrolls during at least the first two weeks of the term.
- ISSUE: There is no reason to ever exclude children from school, especially not for the convenience of bureaucratic paperwork. Children are harmed when they are excluded and fall academically behind their peers. Children should not be punished when their parents are unable to enroll them in a timely manner. This situation is especially problematic for children in foster care and who are homeless.

### **STATE MONITORING OF PROGRAMS (HB 1411) –**

Imposes a two-year moratorium on collection of data through the Pennsylvania Information Management System (PIMS) for K-12 and Pennsylvania's Enterprise to Link Information for Children Across Network (PELICAN) system, except in certain enumerated circumstances.

- The section has been improved to allow for additional exceptions necessary for effective implementation of important educational programs for purposes of federal funding.
- ISSUE: The exceptions in the bill should go farther in order to protect the interests of disadvantaged children, including English language learners, students with disabilities, children in foster care or who are homeless, and students assigned to disciplinary alternative schools. Because many of the programs serving these students are monitored by PDE according to state, and not federal standards, additional data collection should continue through PIMS and PELICAN to ensure effective program implementation and compliance with state standards.

### **SUSPEND TEACHER TRAINING (HB 1363) –**

Suspends professional development for teachers for two years, until June 30, 2013.

- ISSUE: This will harm teaching and learning, especially in schools with large achievement gaps and in under-funded schools that have trouble attracting effective teachers and that will not be able to afford to continue locally-supported professional development. Wealthy districts will still provide training for their teachers.

### **ALTERNATIVE TEACHER CERTIFICATION (SB 202) –**

Establishes new alternative certification programs for teachers and administrators. "Residency certificates" will be issued for shortage areas of instruction to experienced non-education professionals who participate in an approved residency program, to be developed under PDE guidelines. "Postbaccalaureate intern certificates" will be issued to individuals enrolled in state-approved postbaccalaureate instructional programs, to be operated by colleges pursuant to standards in the bill. The bill also updates and revises the criteria for certifying teachers and administrators moving into PA from other states.

- ISSUE: The assignment of alternatively certified teachers may exacerbate problems with equitable teacher distribution in struggling schools. The measure could decrease opportunities to learn for disadvantaged students.
- ISSUE: The residency certificate program should be developed through regulation (subject to the regulatory review process) and not merely by PDE guidelines.

### **SUPERINTENDENT CERTIFICATION (SB 858) –**

Provides an exception to the normal rules for certification of superintendents or assistant superintendents, allowing individuals to hold these positions if they have a graduate degree in business or finance.

- ISSUE: Could adversely affect teaching and learning if a district would fill all of its administrative positions in this way.

### **REPEAL SPENDING ACCOUNTABILITY (SB 857) –**

Repeals the entire section for Accountability to Commonwealth Taxpayers, adopted in 2008 to require PDE approval of district plans for spending basic education funding increases exceeding the inflation index.

- ISSUE: Although this section would have been inoperative due to budget cuts in 2011-12, the provisions for accountability would be beneficial in future years and repeal is unnecessary.