

§693.1 Additional Powers of Special Board of Control.

(a) This section shall apply to any public school district of the second, third, or fourth class that meets any of the following criteria:

(1) a school district that is under a declaration of fiscal distress pursuant to section 691(a) and has been under that declaration of fiscal distress for a period of at least five (5) consecutive years; or

(2) a school district which, within the past five (5) years, had been governed by a special board of control appointed pursuant to section 692, and which is again declared to be in a state of fiscal distress pursuant to section 691(a).

(b) The special board of control shall have the following powers:

- (1) To exercise all the rights, powers, privileges, prerogatives and duties imposed or conferred by law on the board of school directors of the school district.
- (2) To initiate the conversion of an existing public school or a portion of an existing public school to a charter school in accordance with subsection (e).
- (3) To reassign, suspend or dismiss professional and temporary professional employees of the school district.
- (4) To enter into an agreement with any school district that agrees to accept resident students on a tuition basis.
- (5) To establish the per-pupil tuition rate that each charter school and each receiving school district shall be paid for each resident student attending such schools. In calculating the per-pupil tuition rate, the special board of control shall adhere to the formula set forth in subsection (f).
- (6) If cancellation or renegotiation of any contract or agreement will effect needed economies in the operation of the district's schools, to cancel or renegotiate any contract, including but not limited to:
 - i. collective bargaining agreements to which the board or the school district is a party and, without regard to the Public Employee Labor Relations Act; and
 - ii. the contracts or employment agreements of other school district employees including administrative employees.
- (7) All powers granted to a School Reform Commission pursuant to sections 696(i)(1), 696(i)(2), 696(i)(4), 696(i)(5), 696(i)(6), 696(i)(7), 696(i)(8), 696(i)(9), 696(i)(10), 696(i)(13), 696(i)(14), of this Act.

(c) In addition to its powers concerning collective bargaining agreements under subsection (b)(6), a special board of control shall have the powers of a school reform commission pursuant to section 696(k).

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

(e) Establishment of a charter school by conversion.

- (1) Under this section, there shall be no limit on the number of public schools or portions of public school that can be converted into charter schools.
- (2) The special board of control shall accept applications to operate a converted charter school from any of the following persons or entities described in Section 1717-A(a).
- (3) No member of the special board of control shall serve as a member of the board of trustees of a charter school converted under this subsection.
- (4) This Act shall apply to an existing public school converted to a charter school.

(f) Notwithstanding any provision of law to the contrary, in calculating the tuition rate as required by subsection (b)(5), the special board of control shall begin by determining total state and local projected revenues, including any funds raised through the imposition of an increase in local tax rates. The special board of control next shall reduce total state and local projected revenues by the following projected expenditures:

- (1) payment of debt service;
- (2) payment for any contracted financial services necessary to assist the board;
- (3) payment for the cost of homeless students, students in institutions pursuant to sections 1306 and 1306.2 of this Act, and students in the following educational placements:
 - i. approved private schools;
 - ii. chartered schools for the deaf and blind;
 - iii. private residential rehabilitative institutions; and
 - iv. residential treatment facilities;

The resulting figure shall be total state and local revenue available for tuition.

(g) The amount of total state and local revenue available for tuition shall:

(1) Be reduced by the total special education supplement payments as determined pursuant to paragraph (h) of this section multiplied by the number of students identified within each category of disability as of July 1 of the upcoming fiscal year as reported by the district and any other school that enrolls resident students of the district.

(2) The amount as calculated in subparagraph (1) shall be divided by the total projected enrollment of all resident students in order to arrive at the base state and local tuition revenue per student.

(h) In addition to the base tuition revenue per student calculated pursuant to paragraph (g) of this section, for each student to whom the school provides special education and related services the school shall receive an amount equal to the base tuition revenue per student plus a special education supplement. The special education supplement shall be determined depending on the category into which the student falls as defined in

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paragraph (l), at the amount determined by the Special Board of Control with the approval of the Department of Education.

(i) The special board of control shall certify its calculations pursuant to subsections (g) and (h) above to the Department no later than August 1 of each school year.

(j) The Department shall review and either amend or certify as correct the special board of control's calculations no later than August 20 of each school year. The Department's determination shall be final and unappealable.

(k) Notwithstanding any other provision of law to the contrary, any school receiving students from the resident district shall be required to accept the tuition rate certified by the Department pursuant to this section or any lower mutually agreed upon tuition rate. The tuition rate shall be recalculated each school year to account for changes in projected state and local revenues from all sources.

(l) The following words and phrases when used in this section shall have the following meanings given to them in this section unless the context clearly indicates otherwise:

 "Category 1." This term includes those students that have been identified as having their primary category of disability in the following disabilities: Autism, Deaf-blind, Deaf, Emotional Disturbance, Hearing Impaired, Mental Retardation, Multiple Disabilities, Orthopedic Impairment, Traumatic Brain Injury and Visual Impairment.

 "Category 2." This term includes those students that have been identified as having their primary category of disability in the following disabilities: Specific Learning Disability and Other Health Impairment.

 "Category 3." This term includes those students that have been identified as having their primary category of disability in the following disabilities: Speech or Language Impairment.

(m) Nothing in this section shall interfere with the calculation of tuition rates provided for pursuant to Sections 1306 or 1306.2.

(n) When this section applies to a school district, the school district shall not be subject to sections 501, 511(a), 524, 701, 780, 801-810, 1071, 1075-1082, 1106, 1122, 1133, 1166-1171, 1177-1182, 1303a, 1310, 1312, 1313, 1315, 1316, 1331, 1339, 1341, 1303-A, 1504, 1511.1, 1512, 1725-A, 1726-A, and of this Act or Chapters 4, 14, 15, 16, 21, 23, 161, 171 and 349 and sections 11.1-11.3, 11.7-11.12, 11.14-11.26, 11.28-11.30, 11.34-11.51, 12.41 and 12.42 of Title 22 of the Pennsylvania Code.