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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1225 Session of  
2015

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INTRODUCED BY TAYLOR, KILLION, THOMAS, MURT, KOTIK, GODSHALL,  
MILLARD, HARPER, ELLIS, GROVE, WHITE, A. HARRIS, J. HARRIS,  
SAYLOR, CUTLER, TRUITT, WHEATLEY, QUIGLEY, SANKEY, BLOOM,  
TOPPER, HICKERNELL, W. KELLER, FEE AND CHRISTIANA,  
JUNE 1, 2015

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REFERRED TO COMMITTEE ON EDUCATION, JUNE 1, 2015

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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," providing for the establishment of  
6 the Achievement School District and for its powers and  
7 duties.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
11 as the Public School Code of 1949, is amended by adding an  
12 article to read:

13 ARTICLE VI-B

14 ACHIEVEMENT SCHOOL DISTRICT

15 Section 601-B. Scope.

16 This article relates to establishment of the Achievement  
17 School District.

18 Section 602-B. Legislative intent.

19 It is the intent of the General Assembly in enacting this

1 article to:

2 (1) Further meet its obligation to provide for a  
3 thorough and efficient system of public education.

4 (2) Provide for the transformation of chronically  
5 underperforming schools in order to ensure the delivery of  
6 effective education to all students.

7 Section 603-B. Definitions.

8 The following words and phrases when used in this article  
9 shall have the meanings given to them in this section unless the  
10 context clearly indicates otherwise:

11 "Achievement School District." The Achievement School  
12 District established in section 604-B.

13 "ASD." The Achievement School District.

14 "ASD board." The Board of Directors of the ASD.

15 "ASD school." An eligible school that is transferred to the  
16 ASD in accordance with this article.

17 "Board of directors." A board of directors of a school  
18 district.

19 "Department." The Department of Education of the  
20 Commonwealth.

21 "Education management service provider." A for-profit or  
22 nonprofit management organization, nonprofit charter management  
23 organization, school design provider, business manager or any  
24 other partner entity with which a school district contracts to  
25 provide educational design, business services, comprehensive  
26 management or personnel functions. The term does not include a  
27 charter school foundation.

28 "Elementary school." Any school that is not a secondary  
29 school.

30 "Eligible school." One school or one building within a

1 school district, a charter school or a cyber charter school  
2 determined to be an eligible school under section 608-B.

3 "Executive director." The executive director of the ASD.

4 "Intervention school." An intervention school designated  
5 under section 607-B.

6 "Secondary school." Any school with an eleventh grade.

7 "Secretary." The Secretary of Education of the Commonwealth.  
8 Section 604-B. Achievement School District.

9 The Achievement School District is established. The ASD shall  
10 function as a Statewide school district.

11 Section 605-B. ASD board.

12 (a) Appointment.--Within 60 days of the effective date of  
13 this article, a board of directors of the ASD shall be appointed  
14 as follows:

15 (1) The Governor shall appoint one member of the ASD  
16 board.

17 (2) The President pro tempore of the Senate and the  
18 Speaker of the House of Representatives shall each appoint  
19 two members.

20 (3) The Minority Leader of the Senate and the Minority  
21 Leader of the House of Representatives shall each appoint one  
22 member.

23 (b) Term.--An ASD board member's term of office shall be  
24 coterminous with the term of the appointing authority of the  
25 member, except that a member shall continue to hold office until  
26 a successor has been appointed and qualified. An ASD board  
27 member may serve successive terms.

28 (c) Chairman.--The ASD board shall elect a chairman from its  
29 membership.

30 (d) Meetings.--The ASD board shall meet twice a year.

1 (e) Removal from office.--No ASD board member shall be  
2 removed from office during the member's term of office except in  
3 accordance with the Constitution of Pennsylvania and as  
4 authorized in this subsection. The Governor may, upon proof by  
5 clear and convincing evidence of malfeasance or misfeasance in  
6 office, remove an ASD board member prior to the expiration of  
7 the term. Before an ASD board member is removed, the member  
8 shall be provided with a written statement of the reasons for  
9 removal and an opportunity for a hearing in accordance with 2  
10 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of  
11 Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial  
12 review of Commonwealth agency action).

13 (f) Expiration of term of Governor's appointee.--Upon  
14 expiration of the term of an ASD board member appointed by the  
15 Governor, or the occurrence of a vacancy in the office of an ASD  
16 board member appointed by the Governor, the Governor shall  
17 appoint a successor member. An appointment to fill a vacancy  
18 shall be for the balance of the unexpired term.

19 (g) Expiration of term of legislative appointee.--Upon  
20 expiration of the term of an ASD board member who is a  
21 legislative appointee, or the occurrence of a vacancy in the  
22 office of an ASD board member who is a legislative appointee,  
23 the appropriate legislative appointing authority shall appoint a  
24 successor member. An appointment to fill a vacancy shall be for  
25 the balance of the unexpired term.

26 (h) Prohibition.--No ASD board member may, while in the  
27 service of the ASD, seek or hold a position as any other public  
28 official within this Commonwealth or as an officer of a  
29 political party.

30 (i) Compensation.--Members of the ASD board shall be

1 reimbursed for reasonable and necessary expenses incurred in the  
2 performance of their official duties from the funds of the ASD.

3 (j) Executive director and other employees.--The ASD board  
4 shall:

5 (1) Appoint an executive director and may suspend or  
6 dismiss the executive director or any person acting in an  
7 equivalent capacity.

8 (2) Bargain with employees of the ASD pursuant to  
9 section 613-B(d).

10 (k) Executive director.--The executive director shall have  
11 all remaining powers of the ASD, including the following:

12 (1) The authority to decide on the transfer of eligible  
13 schools to the jurisdiction of the ASD.

14 (2) The power to authorize charter schools in accordance  
15 with section 606-B(b).

16 (l) Budget.--The ASD board shall adopt an annual balanced  
17 budget.

18 Section 606-B. Powers and duties of Achievement School  
19 District.

20 (a) General rule.--Except as otherwise specifically provided  
21 in this article, the ASD shall have the powers and duties of a  
22 school district under this act.

23 (b) Charter schools.--The authority of the ASD to authorize  
24 the grant of a charter to an applicant for a charter school and  
25 the authority to convert a charter school shall be limited as  
26 set forth in this section.

27 (c) Criteria for conversion.--Notwithstanding the provisions  
28 of Article XVII-A, the ASD may convert a school under its  
29 jurisdiction to a charter school.

30 (d) Required action.--The ASD shall take one or more of the

1 following actions in eligible schools within its jurisdiction:

2 (1) Replace the principal and at least 50% of the  
3 professional staff.

4 (2) Contract with an education management service  
5 provider to operate the school.

6 (3) Convert the school to a charter school.

7 (4) Close the school and facilitate the transfer of  
8 students to higher performing schools.

9 (5) Authorize a new charter school and, notwithstanding  
10 the provisions of Article XVII-A, provide admission  
11 preference to students who reside in the area being served by  
12 the eligible school. The ASD shall adopt criteria for the  
13 authorization of charter schools that is consistent with the  
14 criteria set forth by the National Association of Charter  
15 School Authorizers.

16 (e) Limitations.--For the school year 2016-2017, the ASD  
17 shall take one or more of the actions under subsection (d) in up  
18 to five eligible schools. For the school year 2017-2018, and  
19 each school year thereafter, the ASD shall take one or more of  
20 the actions under subsection (d) in at least five, but no more  
21 than 15, eligible schools. Notwithstanding subsection (d), the  
22 number of schools under the jurisdiction of the ASD may not  
23 exceed 75 at any one time.

24 (f) Charter schools.--Notwithstanding any provision of law  
25 to the contrary, in accordance with section 1720-A, the ASD may  
26 revoke or opt not to renew a charter school within its  
27 jurisdiction. The nonrenewal or revocation may not be appealed  
28 to the State Charter School Appeal Board. Any appeal of the  
29 nonrenewal or revocation shall be to Commonwealth Court. For  
30 appeal purposes only, the ASD shall be deemed a Commonwealth

1 agency.

2 (g) Authority to operate.--The ASD may directly operate a  
3 school transferred to the ASD or contract with individuals or  
4 education management service providers to manage the day-to-day  
5 operations of a school transferred to the ASD, including, but  
6 not limited to, providing direct services to students.

7 (h) Intermediate unit services.--The ASD may require an  
8 intermediate unit to provide school support or student support  
9 services for a school transferred from the intermediate unit's  
10 jurisdiction, including, but not limited to, student  
11 transportation, school food service, alternative schools and  
12 special education services, in compliance with laws and  
13 regulations governing such services. The ASD shall reimburse  
14 actual costs incurred by the intermediate unit in providing the  
15 services.

16 (i) Procurement.--Notwithstanding any law to the contrary,  
17 the ASD has the same authority and autonomy afforded to a school  
18 district under State law regarding the procurement of property,  
19 goods and services, including, but not limited to, personal,  
20 professional, consulting and social services.

21 (j) Waiver.--The ASD, or any entity the ASD contracts with  
22 to operate or manage a school under the jurisdiction of the ASD,  
23 may apply to the secretary for a waiver of any regulation or  
24 statutory provision that inhibits the ability of the school to  
25 increase student achievement. Notwithstanding this subsection,  
26 the secretary may not waive rules related to the following:

- 27 (1) Federal and State civil rights.  
28 (2) Federal, State and local health and safety.  
29 (3) Federal and State public records.  
30 (5) Possession of weapons on school grounds.

1           (6) Background checks and fingerprints of personnel.

2           (7) Federal and State special education requirements.

3           (8) Student due process.

4           (9) Parental rights.

5           (10) Federal and State student assessment and  
6           accountability.

7           (11) Open meetings.

8           (k) Funding.--The ASD may seek, manage and expend Federal  
9           money and grants and other funding with the same authority as a  
10           school district.

11           (l) Taxing power.--The ASD has no authority to levy any tax.  
12           Section 607-B. Intervention schools.

13           (a) Intervention school.--By December 29, 2015, and by  
14           October 30 of each year thereafter, the department shall publish  
15           a list of intervention schools. An elementary school or  
16           secondary school whose academic performance is ranked in the  
17           lowest 5% of its classification as an elementary school or  
18           secondary school not under the jurisdiction of the ASD, as  
19           measured by the Pennsylvania School Performance Profile, is  
20           designated as an intervention school.

21           (b) Cyber charter school.--The charter for a cyber charter  
22           school that is an intervention school is subject to nonrenewal  
23           or revocation. The nonrenewal or revocation may not be appealed  
24           to the State Charter School Appeal Board. Any appeal of the  
25           nonrenewal or revocation shall be to Commonwealth Court.

26           (c) Powers of school board and School Reform Commission.--In  
27           addition to the powers granted by law to school districts, and  
28           notwithstanding any other law to the contrary, a board of  
29           directors and the School Reform Commission under section 696  
30           shall have the following powers as to intervention schools

1 within their respective school districts:

2 (1) To enter into agreements with persons or education  
3 management service providers to operate an intervention  
4 school. A school operated under this paragraph shall be  
5 funded in accordance with the terms of the agreement.

6 (2) To employ professional and senior management  
7 employees who do not hold State certification if the board of  
8 directors has approved the qualifications of the person at a  
9 salary established by the board of directors.

10 (3) To enter into agreements with persons or education  
11 management service providers providing educational or other  
12 services to an intervention school. Services provided under  
13 this paragraph shall be funded in accordance with the terms  
14 of the agreement.

15 (4) Notwithstanding any other provision of this article,  
16 to close or reconstitute an intervention school, including  
17 the reassignment, suspension or dismissal of professional  
18 employees.

19 (5) To suspend professional employees without regard to  
20 the provisions of seniority.

21 (6) To appoint managers, administrators or education  
22 management service providers to oversee the operations of an  
23 intervention school.

24 (7) To delegate to a person, including an employee of  
25 the school district or an education management service  
26 provider, powers it deems necessary to carry out the purposes  
27 of this article, subject to the supervision and direction of  
28 the board of directors.

29 (8) To transfer a school within the school district  
30 meeting the standard of subsection (a) to the ASD.

1           (9) To transfer a charter school authorized by the  
2           school district to the ASD if the charter school meets the  
3           standards of subsection (a).

4 Section 608-B. Eligible schools.

5           (a) Publication.--By December 29, 2015, and by October 31 of  
6           each year thereafter, the department shall publish a list of  
7           eligible schools pursuant to subsection (b)(1).

8           (b) Standards.--Except as set forth in subsection (c), a  
9           school not under the jurisdiction of the ASD meeting any one of  
10           the following standards is an eligible school for transfer to  
11           the ASD:

12           (1) An elementary or secondary school whose academic  
13           performance as measured by the Pennsylvania School  
14           Performance Profile for two consecutive years beginning in  
15           school year 2013-2014 is ranked in the lowest 1% of its  
16           classification as an elementary school or a secondary school.

17           (2) A school which would qualify as an intervention  
18           school for three consecutive years beginning in school year  
19           2013-2014.

20           (3) An intervention school for which more than 50% of  
21           the parents or guardians of students attending the school  
22           have signed a petition in support of the school being  
23           transferred to the ASD.

24           (c) Limitations.--No school shall be eligible for transfer  
25           to the ASD if:

26           (1) The school is located in a school district governed  
27           by an appointed receiver.

28           (2) The school has been converted to a charter school  
29           within the past three years.

30           (3) The school initially opened within the past three

1 years.

2 (4) The school exclusively serves a historically  
3 underserved population, including, but not limited to,  
4 returning truants, homeless students, students with  
5 disabilities or adjudicated minors.

6 (5) The school has a college matriculation rate that  
7 meets or exceeds the local school district average.

8 (6) The school is a charter school whose academic  
9 performance as measured by the Pennsylvania School  
10 Performance Profile exceeds the average Pennsylvania School  
11 Performance Profile for schools in the authorizing school  
12 district.

13 Section 609-B. Transfer to ASD.

14 (a) General rule.--The executive director may transfer an  
15 eligible school to the jurisdiction of the ASD after providing  
16 notice to the transferring district or transferring charter  
17 school.

18 (b) Objection by school district.--The school district of  
19 the eligible school subject to transfer may object to a transfer  
20 based on the criteria set forth in section 608-B. An objection  
21 and reasons for the objection must be filed with the ASD within  
22 30 days of the notice in subsection (a).

23 (c) Objection by charter school.--If the eligible school  
24 subject to transfer is a charter school, the charter school may  
25 object to the transfer based on the criteria set forth in  
26 section 608-B. An objection and reasons for the objection must  
27 be filed with the ASD within 30 days of the notice in subsection  
28 (a).

29 (d) Public hearing.--Within 30 days of receipt of an  
30 objection by a school district or charter school, the ASD shall

1 hold a public hearing on the objection and shall receive public  
2 testimony during the hearing.

3 (e) Decision by ASD.--Within 60 days of the public hearing,  
4 the ASD shall make a final decision in accordance with the  
5 criteria set forth in section 608-B.

6 (f) Appeal.--An objecting party under this section shall  
7 have a right of appeal to Commonwealth Court.

8 (g) Decision final.--If no objection under this section is  
9 filed within the required period, the decision to transfer under  
10 this section shall be final.

11 Section 610-B. Transfer from ASD.

12 (a) Length of transfer.--An ASD school shall remain under  
13 the jurisdiction of the ASD for a minimum of five years.

14 (b) Return to jurisdiction of school district.--After the  
15 minimum time set forth in subsection (a), the ASD may transfer  
16 an ASD school to the jurisdiction of its school district of  
17 origin if, for two consecutive years, the ASD school does not  
18 meet the criteria necessary to be deemed an intervention school.

19 (c) Restrictions.--The ASD may not transfer an ASD school to  
20 the jurisdiction of its school district of origin if the school  
21 district has been declared in distress in accordance with  
22 Article VI or VI-A, or if 51% of the parents or guardians of the  
23 students enrolled in the ASD school sign a petition requesting  
24 that the school remain under the jurisdiction of the ASD.

25 (d) Charter schools.--Upon approval of the executive  
26 director, a charter school under the jurisdiction of the ASD may  
27 retain the ASD as its authorizer under Article XVII-A.

28 Section 611-B. Payments and funding.

29 (a) Tuition.--Tuition may not be charged for a resident or  
30 nonresident student attending an ASD school.

1 (b) Funding.--Funding for the ASD shall be provided as  
2 follows:

3 (1) For nonspecial education students, the ASD shall  
4 receive for each student enrolled no less than the budgeted  
5 total expenditure per average daily membership of the prior  
6 school year, as defined in section 2501(20), minus the  
7 budgeted expenditures of the district of residence for  
8 nonpublic school programs; adult education programs;  
9 community/junior college programs; student transportation  
10 services; special education programs; facilities acquisition,  
11 construction and improvement services; and other financing  
12 uses, including debt service and fund transfers as provided  
13 in the Manual of Accounting and Related Financial Procedures  
14 for Pennsylvania School Systems established by the  
15 department. This amount shall be paid by the district of  
16 residence of each student.

17 (2) For special education students, the ASD shall  
18 receive for each student enrolled the same funding as for  
19 each nonspecial education student as provided in paragraph  
20 (1), plus an additional amount determined by dividing the  
21 district of residence's total special education expenditure  
22 by the product of multiplying the combined percentage of  
23 section 2509.5(k) times the district of residence's total  
24 average daily membership for the prior school year. This  
25 amount shall be paid by the district of residence of each  
26 student.

27 (3) The ASD may request the intermediate unit in which  
28 the ASD school is located to provide services to assist the  
29 ASD to address the specific needs of exceptional students.  
30 The intermediate unit shall assist the ASD and bill the ASD

1 for the services. The intermediate unit may not charge the  
2 ASD more for any service than it charges the constituent  
3 districts of the intermediate unit.

4 (4) Payments shall be made to the ASD in 12 equal  
5 monthly payments, by the fifth day of each month, within the  
6 operating school year. A student enrolled in an ASD school  
7 shall be included in the average daily membership of the  
8 student's district of residence for the purpose of providing  
9 basic education funding payments and special education  
10 funding under Article XXV. If a school district fails to make  
11 a payment to the ASD as prescribed in this paragraph, the  
12 secretary shall deduct the estimated amount, as documented by  
13 the ASD, from any and all State payments made to the district  
14 after receipt of documentation from the ASD.

15 (5) Within 30 days after the secretary makes the  
16 deduction described in paragraph (4), a school district may  
17 notify the secretary that the deduction made from State  
18 payments to the district under this subsection is inaccurate.  
19 The secretary shall provide the school district with an  
20 opportunity to be heard concerning:

21 (i) whether the ASD documented that its students  
22 were enrolled in the ASD;

23 (ii) the period of time during which each student  
24 was enrolled;

25 (iii) the school district of residence of each  
26 student; and

27 (iv) whether the amounts deducted from the school  
28 district were accurate.

29 (c) Donations.--The ASD may accept donations of money,  
30 property or securities from any source for the benefit of the

1 ASD and ASD schools. A donation shall, in good faith, be  
2 disbursed in accordance with the conditions of the donation.

3 (d) Appropriations.--The General Assembly shall appropriate  
4 funds as it deems necessary to pay the costs for the  
5 implementation and ongoing operation of the ASD.

6 (e) Administrative fee.--Each ASD school shall be assessed  
7 an annual administrative fee of no more than 3% of its basic  
8 education funding allocation. Fees collected shall be used for  
9 administrative costs incurred by the ASD.

10 Section 612-B. Facilities.

11 Subject to a lease or license at no more than fair market  
12 rates, the ASD shall have the right to use any school building  
13 and all facilities and property otherwise part of the ASD school  
14 and recognized as part of the facilities or assets of the school  
15 prior to its transfer to the ASD and shall have access to  
16 additional facilities as were typically available to the school,  
17 its students, faculty and staff prior to its transfer to the  
18 ASD. Extensive repairs to buildings or facilities considered  
19 capital expenses shall be the responsibility of the transferring  
20 school district and not the ASD. Any fixtures, improvements or  
21 tangible assets added to a school building or facility by the  
22 ASD shall remain at the school building or facility upon the  
23 school being returned to the jurisdiction of the transferring  
24 school district.

25 Section 613-B. Employees.

26 (a) Direct operation by ASD.--An employee hired to work in  
27 an ASD school directly operated by the ASD shall be deemed an  
28 employee of the ASD, and the employees shall be under the  
29 exclusive control of the ASD. The ASD shall develop written  
30 procedures for employment and management of personnel as well as

1 the development of compensation and benefit plans. Within the  
2 limits of the budget, staffing needs of any ASD school shall be  
3 exclusively determined by the ASD.

4 (b) Employee transfers.--The ASD, or an entity under  
5 contract to operate an ASD school, may determine whether an  
6 employee who is assigned to a school prior to the school's  
7 transfer to the ASD may opt to continue as an employee of the  
8 ASD or the operating entity. If an employee is not provided the  
9 option, the employee shall be retained as an employee of the  
10 transferring school district. If an employee accepts the option,  
11 the employee may, at the discretion of the transferring school  
12 district, return to the employ of the school district, if the  
13 ASD or operating entity later determines not to continue  
14 employment.

15 (c) Certification.--At least 75% of the professional staff  
16 members of an ASD school shall hold appropriate State  
17 certification.

18 (d) Collective bargaining.--Employees of an ASD school may  
19 organize under the act of July 23, 1970 (P.L.563, No.195), known  
20 as the Public Employe Relations Act. The ASD board shall be  
21 considered an employer for the purposes of Article XI-A. Upon  
22 formation of one or more collective bargaining units at the  
23 school, the ASD board shall bargain with the employees based on  
24 the provisions of this article, Article XI-A and the Public  
25 Employe Relations Act. Collective bargaining units at an ASD  
26 school shall be separate from any collective bargaining unit of  
27 the transferring school district.

28 (e) Retirement.--All employees of the ASD shall be enrolled  
29 in the Public School Employees' Retirement System in the same  
30 manner as set forth in 24 Pa.C.S. § 8301(a) (relating to

1 mandatory and optional membership) unless the ASD provides for a  
2 federally qualified retirement plan. The Commonwealth shall make  
3 contributions on behalf of the ASD employees enrolled in the  
4 Public School Employees' Retirement System. The ASD shall be  
5 considered a school district and shall make payments by  
6 employers to the Public School Employees' Retirement System and  
7 payments on account of Social Security as established under 24  
8 Pa.C.S. Pt. IV (relating to retirement for school employees).  
9 The market value/income aid ratio used in calculating payments  
10 as prescribed in this subsection shall be the market  
11 value/income aid ratio for the school district from which the  
12 school is transferred to the ASD. Except as otherwise provided,  
13 employees of the ASD shall make regular member contributions as  
14 required for active members under 24 Pa.C.S. Pt. IV. If the  
15 employees of the ASD participate in another retirement plan,  
16 then those employees shall have no concurrent claim on the  
17 benefits provided to public school employees under 24 Pa.C.S.  
18 Pt. IV. For purposes of this subsection, the ASD shall be deemed  
19 to be a public school as defined in 24 Pa.C.S. § 8102 (relating  
20 to definitions).

21 (f) Health care benefits.--Every employee of the ASD shall  
22 be provided the same or comparable health care benefits as the  
23 employee would be provided if he were an employee of the  
24 transferring district.

25 (g) Sick leave.--Any employee of a public school who is  
26 given and accepts the offer of employment with the ASD shall  
27 retain any accumulated sick leave in the position with the ASD.

28 (h) Leave of absence.--A public school employee of a school  
29 entity may request a leave of absence for up to five years in  
30 order to work at the ASD. Approval of a leave of absence shall

1 not be unreasonably withheld.

2 (i) Tenure.--A temporary professional employee on leave from  
3 a school district may accrue tenure in the transferring school  
4 system at the discretion of the transferring school district in  
5 the same manner as the employee would under Article XI if the  
6 employee had continued to be employed by the school district. A  
7 professional employee on leave from a school district shall  
8 retain tenure rights, as defined in Article XI, in the school  
9 entity from which the employee transferred. No temporary  
10 professional employee or professional employee shall have tenure  
11 rights as against the ASD. A temporary professional employee and  
12 professional employee shall continue to accrue seniority in the  
13 school district from which the employee transferred if the  
14 employee returns to the school district upon termination of the  
15 leave.

16 (j) Service requirements for certificates.--Professional  
17 employees who hold a first level teaching or administrative  
18 certificate may, at their option, have the time completed in  
19 satisfactory service in the ASD applied to the length of service  
20 requirements for the next level of certification.

21 (k) Return to school district.--A temporary professional  
22 employee or professional employee who leaves the employ of the  
23 ASD shall have the right to return to a comparable position for  
24 which the person is properly certified in the school district  
25 which granted the leave of absence. In the case where a teacher  
26 has been dismissed by the ASD, the ASD shall provide to the  
27 school district which granted the leave of absence the following  
28 information:

29 (1) The reason for the dismissal at the time it  
30 occurred.

1           (2) A list of any witnesses who were relied upon by the  
2 ASD in moving for dismissal.

3           (3) A description of and access to any physical evidence  
4 used by the ASD in moving for dismissal.

5           (4) A copy of any record developed at any dismissal  
6 proceeding conducted by the ASD. The record of any hearing  
7 may be admissible in a hearing before the school district  
8 which granted the leave of absence.

9           (l) Authority of school directors.--Nothing in this section  
10 shall affect the authority of a board of directors to initiate  
11 proceedings under Article XI if the board of directors  
12 determines that occurrences at the ASD leading to dismissal of a  
13 professional employee constitute adequate and independent  
14 grounds for discipline under section 1122.

15           (m) Criminal history record and child abuse clearance.--No  
16 temporary employee or professional employee who leaves the  
17 employ of the ASD shall be returned to a position in the school  
18 district which granted his leave of absence until the school  
19 district is in receipt of a current criminal history record  
20 under section 111 and the official statement regarding child  
21 injury or abuse from the Department of Human Services as  
22 required by 23 Pa.C.S. Ch. 63 (relating to child protective  
23 services).

24           (n) Criminal history record information.--Prior to beginning  
25 employment with the ASD, an individual who has direct contact  
26 with children shall be required to submit a report of criminal  
27 history record information as provided for in section 111. This  
28 subsection shall also apply to an individual who volunteers to  
29 work on a full-time or part-time basis at the ASD.

30           (o) Child abuse clearance.--An applicant for a position as

1 an ASD school employee shall be required to submit the official  
2 statement regarding child injury or abuse from the Department of  
3 Human Services as provided in 23 Pa.C.S. Ch. 63. This subsection  
4 shall also apply to any individual who volunteers to work on a  
5 full-time or part-time basis at the ASD.

6 Section 614-B. Student enrollment.

7 Any student eligible under this section has the right to  
8 attend the ASD school for which the student is eligible,  
9 notwithstanding any other provision of law to the contrary.

10 Section 615-B. Oversight.

11 Annually, the ASD shall submit a written report to the  
12 secretary and the presiding officers of the Senate and the House  
13 of Representatives. The report shall include:

14 (1) A listing and description of the status, including  
15 academic performance, of each school whose jurisdiction has  
16 been transferred to the ASD since the submittal of the  
17 preceding report.

18 (2) A justification for each school determined to be an  
19 eligible school that is not transferred to the ASD.

20 Section 2. This act shall take effect immediately.