

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1606 Session of 2015

Act file

INTRODUCED BY CHRISTIANA, STEPHENS, MALONEY, BARRAR, KAUFFMAN, A. HARRIS, SAYLOR, GROVE, B. MILLER, TOPPER, BLOOM, KORTZ, BARBIN, ROAE, DAVIS, VEREB AND ORTITAY, OCTOBER 8, 2015

SENATOR BROWNE, APPROPRIATIONS, IN SENATE, RE-REPORTED AS AMENDED, JULY 13, 2016

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 PRELIMINARY PROVISIONS, PROVIDING <--
6 FOR DUTIES OF PUBLIC SCHOOL BUILDING CONSTRUCTION AND
7 RECONSTRUCTION ADVISORY COMMITTEE; IN SCHOOL DISTRICTS,
8 PROVIDING FOR DATA COLLECTION REDUCTION; IN DUTIES AND POWERS
9 OF BOARDS OF SCHOOL DIRECTORS, PROVIDING FOR PUBLICATION OF
10 RULES, REGULATIONS AND POLICIES; IN SCHOOL FINANCES,
11 PROVIDING FOR PAYROLL TAX; IN SCHOOL DISTRICT FINANCIAL
12 RECOVERY, PROVIDING FOR ADDITIONAL CRITERIA; providing for
13 the posting of annual financial information for public school
14 entities--; IN PROFESSIONAL EMPLOYEES, FURTHER PROVIDING FOR <--
15 PAYMENT OF SALARIES IN CASES OF SICKNESS, INJURY OR DEATH; IN
16 CERTIFICATION OF TEACHERS, PROVIDING FOR SUBSTITUTE TEACHING
17 PERMIT FOR PROSPECTIVE TEACHERS, FURTHER PROVIDING FOR
18 GRANTING PROVISIONAL COLLEGE CERTIFICATES, PROVIDING FOR
19 PROVISIONAL VOCATIONAL EDUCATION CERTIFICATE AND FURTHER
20 PROVIDING FOR PROGRAM OF CONTINUING PROFESSIONAL EDUCATION;
21 IN PUPILS AND ATTENDANCE, PROVIDING FOR ASSIGNMENT OF
22 STUDENTS TO SCHOOL DISTRICTS OF THE FIRST CLASS A AND FURTHER
23 PROVIDING FOR EXCEPTIONAL CHILDREN AND EDUCATION AND TRAINING
24 AND FOR COST OF TUITION AND MAINTENANCE OF CERTAIN
25 EXCEPTIONAL CHILDREN IN APPROVED INSTITUTIONS; IN SCHOOL
26 HEALTH SERVICES, FURTHER PROVIDING FOR DEFINITIONS AND
27 PROVIDING FOR EDUCATION OF SCHOOL EMPLOYEES IN DIABETES CARE
28 AND MANAGEMENT, FOR DIABETES CARE IN SCHOOLS, FOR POSSESSION
29 AND USE OF DIABETES MEDICATION AND MONITORING EQUIPMENT, FOR
30 LIABILITY, FOR COORDINATING, SUPERVISING OR EDUCATING NOT
31 CONSIDERED DELEGATION AND FOR DIABETES CARE IN NONPUBLIC
32 SCHOOLS; PROVIDING FOR DRUG AND ALCOHOL RECOVERY HIGH SCHOOL

1 PILOT PROGRAM; PROVIDING FOR ADMINISTRATIVE PARTNERSHIPS
2 BETWEEN SCHOOL ENTITIES AND FOR THE E-CHIEVEMENT PROGRAM; IN
3 HIGH SCHOOLS, FURTHER PROVIDING FOR COURSES OF STUDY; IN
4 CHARTER SCHOOLS, FURTHER PROVIDING FOR DEFINITIONS, FOR
5 SCHOOL STAFF AND FOR FUNDING FOR CHARTER SCHOOLS; IN
6 VOCATIONAL EDUCATION, FURTHER PROVIDING FOR VOCATIONAL
7 EDUCATION EQUIPMENT GRANTS; IN COMMUNITY COLLEGES, FURTHER
8 PROVIDING FOR ELECTION OR APPOINTMENT AND TERM AND
9 ORGANIZATION OF BOARD OF TRUSTEES AND FOR FINANCIAL PROGRAM
10 AND REIMBURSEMENT OF PAYMENTS; IN DISRUPTIVE STUDENT
11 PROGRAMS, FURTHER PROVIDING FOR APPLICATIONS AND ESTABLISHING
12 THE ALTERNATIVE EDUCATION PROGRAM ACCOUNT; IN PRIVATE
13 ALTERNATIVE EDUCATION INSTITUTIONS FOR DISRUPTIVE STUDENTS,
14 FURTHER PROVIDING FOR CONTRACTS WITH PRIVATE ALTERNATIVE
15 EDUCATION INSTITUTIONS; PROVIDING FOR RURAL REGIONAL COLLEGE
16 FOR UNDERSERVED COUNTIES AND FOR EDUCATIONAL TAX CREDITS; IN
17 FUNDING FOR PUBLIC LIBRARIES, PROVIDING FOR STATE AID FOR
18 FISCAL YEAR 2016-2017; IN REIMBURSEMENTS BY COMMONWEALTH AND
19 BETWEEN SCHOOL DISTRICTS, FURTHER PROVIDING FOR PAYMENTS TO
20 INTERMEDIATE UNITS, FOR SPECIAL EDUCATION PAYMENTS TO SCHOOL
21 DISTRICTS, FOR EXTRAORDINARY SPECIAL EDUCATION PROGRAM
22 EXPENSES AND FOR ASSISTANCE TO SCHOOL DISTRICTS DECLARED TO
23 BE IN FINANCIAL RECOVERY STATUS OR IDENTIFIED FOR FINANCIAL
24 WATCH STATUS AND PROVIDING FOR READY-TO-LEARN BLOCK GRANT AND
25 FOR PAYMENT OF REQUIRED CONTRIBUTION FOR PUBLIC SCHOOL
26 EMPLOYEES' SOCIAL SECURITY; SAVING AN APPROPRIATION FROM
27 LAPSING; ALLOCATING AN APPROPRIATION; MAKING RELATED REPEALS;
28 AND MAKING EDITORIAL CHANGES.

29 The General Assembly of the Commonwealth of Pennsylvania
30 hereby enacts as follows:

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

34 SECTION 1. THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN <--
35 AS THE PUBLIC SCHOOL CODE OF 1949, IS AMENDED BY ADDING SECTIONS
36 TO READ:

37 SECTION 125. DUTIES OF PUBLIC SCHOOL BUILDING CONSTRUCTION
38 AND RECONSTRUCTION ADVISORY COMMITTEE.--(A) THE PUBLIC SCHOOL
39 BUILDING CONSTRUCTION AND RECONSTRUCTION ADVISORY COMMITTEE
40 ESTABLISHED UNDER SECTION 1708-E.2 OF THE ACT OF APRIL 9, 1929
41 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE, AS PART OF ITS
42 DUTIES SHALL REVIEW AND REPORT ON WHETHER THE COMMONWEALTH
43 SHOULD IMPLEMENT A COMPREHENSIVE PUBLIC SCHOOL BUILDING SAFETY
44 PROGRAM, WHICH MAY INCLUDE:

1 (1) REGULAR SAFETY INSPECTIONS.

2 (2) BUILDING AND BUILDING COMPONENT INSPECTIONS.

3 (3) A SYSTEM OF RATING SCHOOL BUILDING SAFETY.

4 (4) PERIODIC SURVEYS OF THE INVENTORY AND CONDITION OF
5 SCHOOL BUILDINGS.

6 (5) ANY OTHER INFORMATION RELATED TO SCHOOL BUILDING SAFETY
7 IN AND OF THIS COMMONWEALTH'S PUBLIC SCHOOL BUILDINGS, AS THE
8 COMMITTEE DEEMS APPROPRIATE.

9 SECTION 221.2. DATA COLLECTION REDUCTION.--(A) THE STATE
10 BOARD, IN CONSULTATION WITH THE ADVISORY COMMITTEE, SHALL:

11 (1) REVIEW DATA COLLECTION REQUIREMENTS EXISTING AS OF THE
12 EFFECTIVE DATE OF THIS SECTION THAT ARE IMPOSED ON PUBLIC SCHOOL
13 ENTITIES IN THE AREAS OF FINANCE, HUMAN RESOURCES, FOOD
14 SERVICES, TRANSPORTATION, CHILD ACCOUNTING, ATHLETICS, HEALTH
15 AND SPECIAL EDUCATION. IN THE REVIEW, THE ADVISORY COMMITTEE
16 SHALL ALSO CONSIDER WHETHER THE DATA HAS A VALUABLE PURPOSE TO
17 INFORM POLICYMAKERS AND THE PUBLIC ABOUT THE OPERATION OF PUBLIC
18 SCHOOL ENTITIES.

19 (2) IDENTIFY THOSE DATA COLLECTION REQUIREMENTS THAT ARE
20 REDUNDANT, OVERLY BURDENSOME OR NO LONGER NECESSARY.

21 (3) WITHIN ONE HUNDRED EIGHTY (180) DAYS OF THE EFFECTIVE
22 DATE OF THIS SECTION, ISSUE A REPORT OF ITS FINDINGS AND
23 RECOMMENDATIONS BASED ON THE DATA COLLECTION REQUIREMENTS
24 IDENTIFIED UNDER PARAGRAPH (2) TO THE CHAIRMAN AND MINORITY
25 CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE AND THE
26 CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE
27 HOUSE OF REPRESENTATIVES AND POST THE REPORT ON THE DEPARTMENT'S
28 PUBLICLY ACCESSIBLE INTERNET WEBSITE.

29 (B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, BY THE
30 CONCLUSION OF THE SCHOOL YEAR FOLLOWING THE ISSUANCE OF THE

1 REPORT REQUIRED UNDER SUBSECTION (A) (3), THE DEPARTMENT SHALL
2 TERMINATE ALL DATA COLLECTION REQUIREMENTS IMPOSED ON PUBLIC
3 SCHOOL ENTITIES IDENTIFIED UNDER SUBSECTION (A) (2) THAT ARE NOT
4 REQUIRED BY STATUTE OR REGULATION.

5 (2) ONCE A DATA COLLECTION REQUIREMENT HAS BEEN TERMINATED
6 UNDER THIS SECTION, THE DEPARTMENT MAY NOT RESUME THE COLLECTION
7 OF ANY DATA SUBJECT TO THE TERMINATED DATA COLLECTION
8 REQUIREMENT.

9 (C) (1) WITHIN THIRTY (30) DAYS OF THE EFFECTIVE DATE OF
10 THIS SECTION, THE STATE BOARD SHALL ESTABLISH AN ADVISORY
11 COMMITTEE CONSISTING OF:

12 (I) THE SECRETARY OF EDUCATION OR A DESIGNEE.

13 (II) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION
14 COMMITTEE OF THE SENATE OR THEIR DESIGNEES.

15 (III) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION
16 COMMITTEE OF THE HOUSE OF REPRESENTATIVES OR THEIR DESIGNEES.

17 (IV) THE FOLLOWING MEMBERS, TO BE APPOINTED BY THE STATE
18 BOARD IN CONSULTATION WITH EDUCATION ASSOCIATIONS REPRESENTING
19 SCHOOL DISTRICTS, INTERMEDIATE UNITS, PUBLIC SCHOOL EMPLOYES,
20 CHARTER SCHOOL ENTITIES AND AREA VOCATIONAL-TECHNICAL SCHOOLS:

21 (A) TWO SCHOOL DISTRICT BUSINESS MANAGERS.

22 (B) TWO INTERMEDIATE UNIT BUSINESS MANAGERS.

23 (C) TWO CHARTER SCHOOL ENTITY BUSINESS MANAGERS.

24 (D) TWO AREA VOCATIONAL-TECHNICAL SCHOOL BUSINESS MANAGERS.

25 (E) ONE REPRESENTATIVE FROM A SCHOOL DISTRICT BOARD OF
26 SCHOOL DIRECTORS.

27 (F) ONE REPRESENTATIVE FROM AN INTERMEDIATE UNIT BOARD OF
28 DIRECTORS.

29 (G) ONE REPRESENTATIVE FROM A CHARTER SCHOOL ENTITY BOARD OF
30 TRUSTEES.

1 (H) ONE REPRESENTATIVE FROM AN AREA VOCATIONAL-TECHNICAL
2 SCHOOL JOINT OPERATING COMMITTEE.

3 (I) ONE MEMBER OF A STATEWIDE ASSOCIATION REPRESENTING
4 PUBLIC SCHOOL ENTITY EMPLOYEES THAT HAS A MEMBERSHIP ON THE
5 EFFECTIVE DATE OF THIS SECTION OF GREATER THAN 140,000 PUBLIC
6 SCHOOL ENTITY EMPLOYEES.

7 (2) THE ADVISORY COMMITTEE SHALL HOLD ITS FIRST MEETING
8 WITHIN FORTY-FIVE (45) DAYS OF THE EFFECTIVE DATE OF THIS
9 SECTION.

10 (3) THE STATE BOARD SHALL PROVIDE ADMINISTRATIVE SUPPORT,
11 MEETING SPACE AND ANY OTHER ASSISTANCE REQUIRED BY THE ADVISORY
12 COMMITTEE TO CARRY OUT ITS DUTIES UNDER THIS SECTION.

13 (D) FOR ALL NEW PUBLIC SCHOOL ENTITY DATA COLLECTION
14 REQUIREMENTS INSTITUTED AFTER THE EFFECTIVE DATE OF THIS SECTION
15 THAT ARE NOT THE RESULT OF LEGISLATION ENACTED BY THE GENERAL
16 ASSEMBLY, THE DEPARTMENT SHALL PROVIDE THE FOLLOWING INFORMATION
17 TO ALL PUBLIC SCHOOL ENTITIES AND TO THE GENERAL ASSEMBLY SIXTY
18 (60) DAYS PRIOR TO THE FIRST DEADLINE FOR ANY NEW DATA
19 COLLECTION REQUIREMENT:

20 (1) A JUSTIFICATION FOR THE DATA COLLECTION, INCLUDING A
21 STATEMENT INDICATING WHY THE DATA COLLECTION IS NECESSARY FOR
22 THE PROPER PERFORMANCE OF THE DEPARTMENT'S FUNCTIONS;

23 (2) AN EXPLANATION OF HOW THE DEPARTMENT WILL USE THE DATA
24 COLLECTED;

25 (3) AN EXPLANATION OF HOW THE DEPARTMENT WILL SHARE THE DATA
26 WITH PUBLIC SCHOOL ENTITIES;

27 (4) A STATEMENT AFFIRMING THAT THE DATA COLLECTION WILL NOT
28 IMPOSE ANY UNJUSTIFIED COSTS ON PUBLIC SCHOOL ENTITIES OR
29 REQUIRE DUPLICATION OF EXISTING DATA COLLECTION REQUIREMENTS;

30 AND

1 (E) ANY DATA COLLECTION REQUIREMENT IMPOSED BY THE FEDERAL
2 GOVERNMENT SHALL NOT BE SUBJECT TO THIS SECTION.

3 (F) FOR PURPOSES OF THIS SECTION:

4 (1) "ADVISORY COMMITTEE" SHALL MEAN THE ADVISORY COMMITTEE
5 ESTABLISHED UNDER SUBSECTION (C).

6 (2) "CHARTER SCHOOL ENTITY" SHALL MEAN A CHARTER SCHOOL,
7 REGIONAL CHARTER SCHOOL OR CYBER CHARTER SCHOOL AS DEFINED IN
8 SECTION 1703-A.

9 (3) "DEPARTMENT" SHALL MEAN THE DEPARTMENT OF EDUCATION OF
10 THE COMMONWEALTH.

11 (4) "PUBLIC SCHOOL ENTITY" SHALL MEAN ANY OF THE FOLLOWING:

12 (I) AN AREA VOCATIONAL-TECHNICAL SCHOOL.

13 (II) A SCHOOL DISTRICT.

14 (III) A CHARTER SCHOOL ENTITY.

15 (IV) AN INTERMEDIATE UNIT.

16 (5) "STATE BOARD" SHALL MEAN THE STATE BOARD OF EDUCATION.

17 SECTION 510.2. PUBLICATION OF RULES, REGULATIONS AND
18 POLICIES.--THE BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT
19 SHALL POST ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE THE
20 FOLLOWING RULES, REGULATIONS AND POLICIES TO THE EXTENT THAT
21 THEY ARE REQUIRED TO BE ADOPTED BY THE SCHOOL DISTRICT UNDER
22 FEDERAL OR STATE LAW:

23 (1) THE FOLLOWING RELATING TO STUDENTS:

24 (I) ADMISSION OF BEGINNERS.

25 (II) ATTENDANCE, EXCUSALS AND TRUANCY.

26 (III) WITHDRAWAL FROM SCHOOL.

27 (IV) STUDENT DISCIPLINE.

28 (V) SUSPENSION AND EXPULSION OF STUDENTS.

29 (VI) SEARCHES.

30 (VII) AUDIO INTERCEPTION ON SCHOOL BUSES OR SCHOOL VEHICLES