

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 725 Session of 2017

INTRODUCED BY EICHELBERGER, DINNIMAN, GORDNER, YUDICHAK, BROOKS, SABATINA, MARTIN, RESCHENTHALER, BLAKE, MENSCH, BOSCOLA, VOGEL, WAGNER, BREWSTER, VULAKOVICH, FOLMER, SCAVELLO, AUMENT AND STEFANO, MAY 19, 2017

REFERRED TO EDUCATION, MAY 19, 2017

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 Every Student Succeeds Act State plan review.

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

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

12 Section 126. Every Student Succeeds Act State Plan Review.--

13 (a) The General Assembly find and declares as follows:

14 (1) Article III, section 14 of the Constitution of  
15 Pennsylvania confers numerous express duties upon the General  
16 Assembly, including providing a system of public education.  
17 Specifically, the provision provides that "The General Assembly  
18 shall provide for the maintenance and support of a thorough and  
19 efficient system of public education to serve the needs of the

1 Commonwealth."

2 (2) The Elementary and Secondary Education Act of 1965  
3 (Public Law 89-10, 20 U.S.C. § 6301 et seq.) was recently  
4 reauthorized by the ESSA which reduces and redefines the more  
5 prescriptive Federal role in elementary and secondary education  
6 under the scheme of the No Child Left Behind Act of 2001 and  
7 restores flexibility to states to design a state education  
8 system that "provides all children the opportunity to receive a  
9 fair, equitable, and high-quality education."

10 (3) The ESSA further requires that a state plan shall be  
11 developed with timely and meaningful consultation with a state  
12 legislature.

13 (4) A new State plan developed under the ESSA is a  
14 significant opportunity to establish new education policies that  
15 ensure all students of this Commonwealth, regardless of their  
16 individual circumstances, can succeed in the global economy.

17 (5) It is the intent of the General Assembly to exercise its  
18 authority regarding the maintenance and support of a thorough  
19 and efficient system of public education in this Commonwealth  
20 through the following:

21 (i) Timely and meaningful consultation with the department  
22 in its development and revision of the State plan as provided in  
23 the ESSA or its regulations.

24 (ii) A review of the proposed State plan by the General  
25 Assembly, through the Education Committee of the Senate and the  
26 Education Committee of the House of Representatives, prior to  
27 the State plan's submission to the United States Secretary of  
28 Education.

29 (iii) Limiting the implementation of a new State plan until  
30 the General Assembly shall have expressly approved or

appropriated funds for the State plan's implementation.

(b) The State plan shall be developed and submitted as follows:

(1) The department shall develop the State plan with timely and meaningful consultation with the chair and minority chair of the Education committee of the Senate and the chair and minority chair of the Education committee of the House of Representatives, with opportunity for input into the plan's formation. Consultation shall occur with regard to the initiatives that are newly created or that retain or modify existing law, regulation or department policy or directive with regard to the following:

(i) The use and format of student academic assessments, adjustments or alternatives to existing student academic assessments.

(ii) Ongoing parental involvement in assessment and accountability measures.

(iii) Teacher evaluation and accountability.

(iv) Low-performing school assessment and improvement.

(v) Vocational and career education academic assessments, pathways and standards.

(vi) Comparability and fairness in assessments of public and private charter schools.

(vii) School district or school building performance measures.

(viii) Contracting standards with regard to a third-party provision of the assessments or evaluations provided for in the State plan.

(2) The department shall not submit a proposed State plan to the United States Secretary of Education until the Education

Committee of the Senate and the Education committee of the House of Representatives have been provided at least sixty (60) days to review and comment on the proposed State plan.

(c) No State plan shall be implemented by the department until the General Assembly has approved the State plan or has appropriated funds for the State plan's implementation.

(d) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

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

"ESSA." The Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802).

"State plan." The State plan prepared by the department for the Commonwealth to implement the ESSA and submitted to the United States Secretary of Education for approval, as provided in section 1005 of the ESSA. The term includes:

(1) A provision within the State plan that is an election by the department to retain and modify an existing law or regulation or department policy and a provision that will necessitate the enactment of laws or the promulgation of regulations.

(2) A revision of the State plan, regardless of whether the revision is:

(i) required by the United States Secretary of Education for approval or by amendment to the ESSA or its regulations;

(ii) pursued under a waiver process authorized under the ESSA; or

(iii) required by a Federal reauthorization.

Section 2. This act shall take effect immediately.