

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2072 Session of
2003

INTRODUCED BY DENLINGER, ARMSTRONG, BALDWIN, BARRAR, BOYD, BUNT,
CAPPELLI, CLYMER, COLEMAN, CREIGHTON, DAILEY, EGOLF,
FAIRCHILD, GEIST, GINGRICH, HARRIS, HERSHEY, HORSEY, LEH,
MARSICO, MELIO, MUSTIO, NAILOR, REED, ROBERTS, SAINATO,
SAYLOR, SCAVELLO, B. SMITH, R. STEVENSON, TRUE, TURZAI, WILT
AND HENNESSEY, OCTOBER 7, 2003

REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 7, 2003

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 mandate waiver due to
6 lack of State payment or reimbursement.

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 507.1. Mandate Waiver Due to Lack of State Payment
13 or Reimbursement.--(a) (1) Notwithstanding any other provision
14 of this act, a school district board of directors by a majority
15 vote may adopt a resolution to waive a mandate imposed upon the
16 school district as a result of State statutory or regulatory
17 law, during such period of time as the district fails to receive
18 payment or reimbursement for that mandate under pertinent

provisions of Article XXV prior to September 1 of the fiscal year for which such payment or reimbursement is appropriated by the General Assembly.

(2) The district must notify the Department of Education in writing within seven (7) days of the adoption of any resolution implementing such waiver.

(3) The waiver shall terminate following receipt of payment or reimbursement by the school district, but may be reinstated to an extent proportionate to the percent the payment or reimbursement bears to the previous fiscal year's reimbursement or payment.

(4) The superintendent shall notify the school district board of directors of the date when the payment or reimbursement is received and the board of directors shall adopt a resolution to acknowledge termination of the waiver under this section at the meeting of the board immediately following such date.

(b) This section shall not include waivers for mandates affecting student health or safety, or provisions of the following sections of this act:

Sections 108, 110, 111, 321, 322, 323, 324, 325, 326, 327, 431, 436, 437, 440.1, 443, , 513, 518, 527, 701.1, 708, 736, 737, 738, 739, 740, 741, 752, 771, 776, 777, 808, 809, 810, 1303(a), 1310, 1317, 1317.1, 1317.2, 1318, 1327, 1327.1, 1330, 1332, 1361, 1366, 1501, 1502, 1512, 1517, 1518, 1521, 1523, 1546, 1547, this section, provisions prohibiting discrimination, Articles VI, XIII-A, XIV and XVII-A.

(c) The following provisions of 22 Pa. Code (relating to education) shall not be subject to waiver under this section:

Chapter 4 (relating to academic standards and assessment).

Chapter 11 (relating to pupil attendance).

1 Chapter 12 (relating to students).

2 Chapter 14 (relating to special education services and
3 programs).

4 Section 32.2 (relating to applicability).

5 Section 121.3 (relating to discrimination prohibited).

6 Section 235.4 (relating to practices).

7 Section 235.8 (relating to civil rights).

8 (d) The board of school directors may not waive any Federal
9 law applicable to a public school.

10 (e) Terms of a collective bargaining agreement in effect on
11 the effective date of this section or in effect prior to the
12 implementation of any waiver under this section shall supersede
13 the provisions of this section during the term of the agreement.

14 Section 2. This act shall take effect immediately.