

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1889 Session of
2007

INTRODUCED BY KESSLER, MACKERETH, SEIP, SAYLOR, SCAVELLO, BOYD,
CALTAGIRONE, CLYMER, GIBBONS, GOODMAN, HERSHEY, HORNAMAN,
KOTIK, LEVDANSKY, MOYER, REICHLEY, SURRA, ARGALL, BRENNAN,
CUTLER, GRUCELA, HARKINS, KING, KORTZ, McILVAINE SMITH,
PASHINSKI, SANTONI, SCHRODER AND SWANGER, OCTOBER 4, 2007

AS REPORTED FROM COMMITTEE ON FINANCE, HOUSE OF REPRESENTATIVES,
AS AMENDED, NOVEMBER 1, 2007

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 prototypical school
6 facility plan clearinghouse.

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 732.1. Prototypical School Facility Plan
13 Clearinghouse.--(a) (1) The Department of Education shall
14 establish a central clearinghouse of prototypical school
15 facility plans for use by school entities in the design and
16 construction of school facilities.

17 (2) School entities shall utilize a prototypical school
18 facility plan from the central clearinghouse of school facility

plans maintained by the Department of Education pursuant to this section, unless exempted by the Department of Education pursuant to this section.

(b) (1) The Department of Education shall from time to time seek submissions of school facility plans from design professionals licensed by this Commonwealth.

(2) Design submissions shall include such information the Department of Education determines to be necessary and appropriate to facilitate implementation of this section.

(3) The Department of Education shall establish a grading system to review and evaluate design submissions pursuant to standards which promote the following:

(i) The use of design principles which achieve the highest standards of health, safety, accessibility, environmental protection and energy efficiency.

(ii) The academic and technological needs of students.

(iii) The use of cost-effective design and construction techniques, including the use of straight-line, right angle design or principles which avoid the use of curved and nonsymmetrical design.

(iv) The use of design principles that allow for expansion of school facilities to accommodate future growth in student population.

(v) The use of durable materials in construction.

(vi) The preservation of open space.

(4) The Department of Education may purchase designs which it determines to satisfy the standards set forth in subsection (b)(3). The designs shall be maintained in both hard copy and digital form so as to be available for review and use by school entities and their contractors.

1 (c) (1) Subject to paragraph (3), ownership of all rights,
2 including copyright, in and to the designs set out in the plans
3 submitted to and approved for inclusion in the central
4 clearinghouse by the Department of Education shall remain with
5 the design professional, unless otherwise indicated in the
6 submittal.

7 (2) The fee for use of a plan selected for the clearinghouse
8 shall be paid by the Department of Education.

9 (3) The right to use the plan conveyed with payment of the
10 fee shall inure to the benefit of each school district within
11 the Commonwealth.

12 (4) The design professional shall not be responsible for
13 management or administration of the construction of the
14 prototypical plan, unless the school entity enters into a
15 separate agreement with the design professional for such
16 purpose. Compensation for management or administration of
17 construction shall be pursuant to rules established by the
18 Department of Education pursuant to subsection (e).

19 (d) The Department of Education may exempt a school entity
20 from compliance with the requirements of this section if the ANY <—
21 OF THE FOLLOWING APPLIES:

22 (1) THE school entity can provide satisfactory proof that
23 geographical, topographical, or other limitations of the
24 building site make the use of any prototypical plans on file
25 with the clearinghouse impracticable.

26 (2) THE SCHOOL ENTITY IS ADAPTING, CONVERTING OR <—
27 REHABILITATING AN EXISTING BUILDING, WHETHER OR NOT SUCH
28 EXISTING BUILDING IS CURRENTLY UTILIZED OR OWNED BY THE SCHOOL
29 ENTITY.

30 (3) THE MATERIALS, SITE OR BUILDING HAS BEEN DONATED OR

1 CONTRIBUTED TO THE SCHOOL ENTITY WITHOUT COST.

2 (e) The Department of Education shall adopt rules necessary
3 to implement this section.

4 (f) The Legislative Budget and Finance Committee shall
5 conduct a study of the Department of Education's clearinghouse
6 and determine the savings incurred by school entities that have
7 utilized prototypical plans. The study shall be conducted at the
8 conclusion of the fifth year the clearinghouse is available to
9 school entities, shall identify the school entities
10 participating since inception of the program as well as the
11 plans utilized and shall be presented within six months of the
12 period studied to the Chairman of the Education Committee of the
13 Senate and the Chairman of the Education Committee of the House
14 of Representatives.

15 (g) As used in this section.--

16 (1) "Prototypical school facility plans" means architectural
17 and engineering drawings and specification to be utilized for
18 the construction of a building for educational purposes.

19 (2) "School entity" ~~mean~~ MEANS a school district, <—
20 intermediary unit, area vocational-technical school or charter
21 school operating within this Commonwealth under THE provisions <—
22 of this act.

23 Section 2. The Department of Education shall use only funds
24 appropriated by the General Assembly to implement this act.

25 Section 3. This act shall take effect in 180 days.