An Act

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in terms and courses of study, providing for program of accelerated learning following COVID-19 pandemic.

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

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

Section 1507. Program of Accelerated Learning Following COVID-19 Pandemic.—(a) Each school entity shall offer to all students enrolled in the school entity a program of accelerated learning, beginning on June 15, 2021, in the 2021-2022 school year, and pursuant to a school entity's application to the Department for Elementary and Secondary School Emergency Relief Funding under the American Rescue Plan Act of 2021 (Public Law...
and continuing through September 1, 2023, AT MINIMUM, SEPTEMBER 30, 2023. The program of accelerated learning established under this subsection AND APPROVED BY THE DEPARTMENT AS PART OF THE SCHOOL ENTITY'S APPLICATION FOR ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUNDING UNDER SECTION 2001(D) OF THE AMERICAN RESCUE PLAN ACT OF 2021 shall, at a minimum, be funded by twenty percent of the Federal funding under CONSISTENT WITH section 2001(e)(1) 2001 of the American Rescue Plan Act of 2021 (Public Law No. 117-2, 135 Stat. 4) for learning loss. THE PROGRAM SHALL BE ESTABLISHED ACCORDING TO THE GUIDELINES AND RESOURCES PROVIDED BY THE DEPARTMENT FOR ACCELERATED LEARNING. Other Federal or State money may be used for a program of accelerated learning in school entities and nothing in this subsection shall be construed to limit funding for the program of accelerated learning. The following shall apply:

(1) Students shall be offered the option of an in-person program of accelerated learning.

(2) The program of accelerated learning shall be offered to students at no cost.

(3) School entities must develop a plan for the program of accelerated learning in consultation with the SCHOOL ENTITY'S APPLICATION TO THE DEPARTMENT FOR FUNDING UNDER SECTION 2001(D) OF THE AMERICAN RESCUE PLAN ACT OF 2021. A PLAN SHALL REFLECT CONSULTATION WITH STUDENTS, FAMILIES, SCHOOL AND DISTRICT ADMINISTRATORS, INCLUDING SPECIAL EDUCATION ADMINISTRATORS, TEACHERS, PRINCIPALS, SCHOOL LEADERS, OTHER EDUCATORS, SCHOOL STAFF, existing employee organizations and other appropriate entities, as needed, for the services to be provided, including local agencies, county health agencies, mental health agencies and community-based organizations. The
plan for the program of accelerated learning shall be tailored to the social, emotional, behavioral and academic needs of students enrolled in the school entity, utilizing, as appropriate, formative, diagnostic and benchmark assessments selected by the school entity. The plan shall be posted on the school entity's publicly accessible Internet website.

(4) The program of accelerated learning shall be staffed as follows: IF THE PROGRAM OF ACCELERATED LEARNING REQUIRES DEDICATED STAFFING, ASSIGNMENTS SHALL BE MADE AS FOLLOWS:

(i) Current employes of the school entity shall be given priority to fill assignments necessitated by the offering of the program of accelerated learning SUBJECT TO QUALIFICATIONS FOR THE ASSIGNMENTS. Current employes of the school entity who accept or are transferred to an assignment in the program of accelerated learning shall have the right to return to the same position in the same school or schools upon cessation of the services provided by that assignment.

(ii) School entities may also hire any of the following additional school employes to fill assignments necessitated by the offering of the program of accelerated learning not otherwise filled by current employes:

(A) Certified professional employes, temporary professional employs or substitute employes as defined in section 1101, including, but not limited to, certified school nurses, certified school psychologists and other certified school staff who provide students with mental health support as part of the program of accelerated learning.

(B) Noncertified licensed professionals, including, but not limited to, behavior analysts, occupational therapists and social workers.
(C) Education support professionals who provide services to school entities and students as part of the program of accelerated learning.

(III) SCHOOL ENTITIES MAY CONTRACT WITH AN INTERMEDIATE UNIT TO USE EMPLOYEES OF THE INTERMEDIATE UNIT TO PROVIDE SERVICES NECESSITATED BY A SCHOOL ENTITY'S PROGRAM OF ACCELERATED LEARNING.

(5) Upon exhaustion of Federal ARP ESSER funding under the American Rescue Plan Act of 2021, DEDICATED TO LEARNING LOSS, a school entity may suspend individuals hired under paragraph (4)(ii) based on an alteration or curtailment of the program under section 1124. Notwithstanding section 1125.1, suspended employees shall not have realignment or recall rights. School entities may determine to continue a program of accelerated learning beyond the exhaustion of Federal funding, in which case employees assigned to the program of accelerated learning shall have all rights afforded under this act, including the rights of professional employees related to suspension.

(6) If, after a good faith effort, a school entity is unable to fill accelerated learning assignments arising between two school years under paragraph (4)(i) or (ii), the school entity may contract with outside providers to provide tutoring services or to address the academic, social, behavioral and emotional needs of students. A school entity may require that an outside provider utilize appropriately certified staff. All contracts with outside providers shall expire upon the exhaustion of Federal funding under the American Rescue Plan Act of 2021.

(b) Each school entity that receives money under subsection (a) shall report to the department contracts the school entity.
enters with an outside provider that will be paid through money received by the school entity under subsection (a). The following shall apply:

(1) The report shall contain, at a minimum, the following with respect to each contract:

(i) The name of the outside provider.

(ii) The term of the contract, including beginning and ending dates.

(iii) A description of the services to be provided by the provider under the contract, including performance measures by which the school entity will determine whether the outside provider has satisfactorily performed under the contract.

(iv) A description of the selection process used in selecting the outside provider.

(v) The amounts paid to the outside provider under the contract, including an itemized description of the funding allocated to each service being provided under the contract and the dates of payment.

(2) The school entity shall submit its report to the department within ten (10) business days of entering into the contract. The report shall be submitted electronically using a form and reporting instructions developed by the department and shall be posted on the school entity's publicly accessible Internet website.

(3) The department shall publish the form and reporting instructions on its publicly accessible Internet website within thirty (30) days of the effective date of this paragraph.

(4) The department shall compile the information required to be reported under paragraph (1) and publish the information on the department's publicly accessible Internet website on a
searchable database. The department shall update the information in the database at least monthly. The department shall submit the compiled and updated information to the Education Committee of the Senate and the Education Committee of the House of Representatives.

(5) Each school entity shall provide the department, upon request, additional reports and information concerning the contract and the provider as the department may require.

(6) Within sixty (60) days of the end of the contract term, the school entity shall supplement the report required under this subsection with an assessment of the benefits derived by the school entity under the contract.

(B) (1) ALL CONTRACTS AND EXPENDITURES OF FUNDS SHALL COMPLY WITH THE REQUIREMENTS OF FEDERAL AND STATE LAW, INCLUDING, BUT NOT LIMITED TO, UNIFORM GRANTS GUIDANCE AT 2 C.F.R. PT. 200 (RELATING TO UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS).

(2) SCHOOL ENTITY REPORTING TO THE DEPARTMENT ON THE PROGRAM OF ACCELERATED LEARNING SHALL BE PURSUANT TO FEDERAL LAW, ARP ESSER GUIDANCE AND DATA ELEMENTS ENCOMPASSED IN A SCHOOL ENTITY'S APPLICATION TO THE DEPARTMENT FOR ARP ESSER FUNDING.


(c) Nothing in this section shall supersede or preempt any
provision of a collective bargaining agreement between a school
entity and an employe organization. All, OR ANY rights of an
employe organization under the provisions of the act of July 23,
1970 (P.L.563, No.195), known as the Public Employe Relations
Act, including, but not limited to, the right of an employe
organization to exclusive representation of employees hired to
provide accelerated learning. Employe organizations shall not
lose the exclusive right to bargaining unit work by virtue of a
school entity's operation of a program of accelerated learning
under this section.

(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:

"ARP ESSER." SECTION 2001 OF THE AMERICAN RESCUE PLAN ACT OF 2021 (PUBLIC LAW 117-2, 135 STAT. 4).

"COVID-19 pandemic." The global pandemic declared by the

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

"Employe organization." A public school employe organization
or an agency or employe representation committee or plan in
which membership is limited to public school employees, and which
exists for the purpose, in whole or in part, of dealing with
public school employers concerning grievances, public school
employe-public school employer disputes, wages, rates of pay,
hours of employment or conditions of work. The term shall not
include an organization which practices discrimination in
membership because of race, color, creed, national origin or
political affiliation.

"Program of accelerated learning." A student-centered
program designed by a school entity based in part on data-driven assessments, including formative, diagnostic and benchmark assessments, as well as direct input from educators, that is evidence-based and may include evidence-based supports recognized by the department within its Consolidated State Plan required under section 1111 of the Elementary and Secondary Education Act of 1965 (Public Law 89-110, 20 U.S.C. § 6311 et seq.), for the social, emotional, behavioral and academic needs of students and that addresses the disproportionate impact of the COVID-19 pandemic on the student subgroups described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 or in section 1111(c)(2) of the Every Student Succeeds Act, (Public Law 114-95, 129 Stat. 1802), students experiencing homelessness and children and youth in foster care.


"School entity." A school district, area career and technical school, intermediate unit, charter school, regional charter school or cyber charter school. A LOCAL EDUCATIONAL AGENCY RECEIVING A SUBGRANT UNDER SECTION 2001(D) OF THE AMERICAN RESCUE PLAN ACT OF 2021.
"School year." The period of time elapsing between the
opening of the public schools in the fall of one calendar year
and the closing of the public schools in the spring of the
following calendar year.

Section 2. This act shall take effect immediately.