

## AMENDMENTS TO SENATE BILL NO. 751

Sponsor: REPRESENTATIVE TOPPER

Printer's No. 1055

1 Amend Bill, page 1, line 7, by inserting after "system"  
2 ; and, in terms and courses of study, providing for pandemic of  
3 2020

4 Amend Bill, page 28, by inserting between lines 12 and 13

5 Section 4. The act is amended by adding a section to read:  
6 Section 1501.8. Pandemic of 2020.--(a) This section applies  
7 only to the school year 2019-2020 as a result of the global  
8 pandemic declared by the World Health Organization on March 11,  
9 2020.

10 (b) Notwithstanding any provision of law to the contrary,  
11 the following shall apply:

12 (1) The requirement under section 1501 requiring all school  
13 entities to be kept open each school year for at least one  
14 hundred eighty (180) instructional days is waived immediately.

15 (2) The secretary may do any or all of the following:

16 (i) Order the closure of all school entities until the  
17 threat to health and safety caused by the pandemic of 2020 has  
18 ended.

19 (ii) Increase the number of flexible instructional days that  
20 school entities may institute under section 1506 to a number of  
21 flexible instructional days determined by the secretary during  
22 the 2019-2020 school year and waive the application deadline  
23 under section 1506(c)(1).

24 (iii) Waive the minimum total number of hours required for a  
25 career and technical education program under 22 Pa. Code §  
26 339.22(9)(i) (relating to program content).

27 (iv) Waive the requirement to include performance data  
28 otherwise required under section 1123(b)(1)(ii) in a  
29 professional employee's performance rating under section 1123.

30 (v) Waive the minimum number of days of prekindergarten  
31 instruction required under 22 Pa. Code § 405.41 (relating to  
32 school term).

33 (vi) Waive the twelve-week student teacher requirement under  
34 22 Pa. Code § 354.25(f) (relating to preparation program  
35 curriculum) for educator preparation programs that are unable to  
36 meet the regulatory requirement due to the pandemic of 2020.

37 (vii) Waive the NIMS assessment and the NOCTI exam.

1 (c) Notwithstanding the provisions under subsection (b), the  
2 following shall apply:

3 (1) No employe of any school entity who was employed as of  
4 March 13, 2020, shall receive more or less compensation than the  
5 employe would otherwise have been entitled to receive from the  
6 school entity had the pandemic of 2020 not occurred, had the  
7 minimum instructional day requirement not been waived under  
8 subsection (b)(1) or had the secretary not taken action under  
9 subsection (b)(2).

10 (2) No employe of any school entity who was employed as of  
11 March 13, 2020, shall receive more or less credit or contribute  
12 more or less than the employe would otherwise have contributed  
13 pursuant to the Public School Employees' Retirement Code under  
14 24 Pa.C.S. Pt. IV (relating to retirement for school employees)  
15 had the pandemic of 2020 not occurred, had the minimum  
16 instructional day requirement not been waived under subsection  
17 (b)(1) or had the secretary not taken action under subsection  
18 (b)(2).

19 (3) Each school entity shall provide any employe who is  
20 responsible for cleaning school facilities as a result of, or  
21 during the threat to health and safety caused by, the pandemic  
22 of 2020, with appropriate cleaning materials and protective  
23 clothing and gear as recommended by the Centers for Disease  
24 Control and Prevention.

25 (4) Each school entity shall provide written notice to the  
26 parent or guardian of each student who receives services under  
27 an Individualized Education Program under the Individuals with  
28 Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400  
29 et seq.) (IDEA) of the school entity's plans for ensuring the  
30 student receives a free and appropriate public education as  
31 required under IDEA.

32 (5) Each school entity shall make a good faith effort to  
33 plan to offer continuity of education to students using  
34 alternative means during the period of closure. The Department  
35 of Education shall provide guidance to school entities and  
36 intermediate units may provide technical assistance. A school  
37 entity shall submit the plan to the Department of Education. The  
38 school entity shall post the plan on its publicly accessible  
39 Internet website.

40 (d) A school entity which was closed as a result of the  
41 pandemic of 2020 may not receive less subsidy payments,  
42 reimbursements, allocations, tuition or other payments from the  
43 Department of Education or another school entity than the school  
44 entity would otherwise be entitled to receive for the school  
45 year 2019-2020 had the pandemic of 2020 not occurred, had the  
46 minimum instructional day requirement not been waived under  
47 subsection (b)(1) or had the secretary not taken action under  
48 subsection (b)(2). For the time period a charter school,  
49 regional charter school or cyber charter school is closed due to  
50 the 2020 pandemic, the charter school, regional charter school  
51 or cyber charter school shall receive tuition payments based

1 upon the enrollment as of March 13, 2020.

2 (e) The secretary shall apply to the United States  
3 Department of Education for a waiver of the testing and  
4 accountability requirements of the Elementary and Secondary  
5 Education Act of 1965 (Public Law 89-10, 20 U.S.C. § 6301 et  
6 seq.), as amended by the Every Student Succeeds Act (Public Law  
7 114-95, 129 Stat. 1802), to allow the cancellation of testing  
8 for the 2019-2020 school year.

9 (f) The governing body of a school entity may apply to the  
10 secretary for a waiver, in the form and manner prescribed by the  
11 secretary, of any provision of this act, the regulation of the  
12 State Board of Education or the standards of the Department of  
13 Education, excluding sections 528, 1124 and 1125.1, if the  
14 waiver is directly related to the school entity's staffing needs  
15 or impacts the school entity's instructional program or  
16 operations as a result of the pandemic of 2020. The secretary  
17 shall have 30 days from the receipt of the application to  
18 approve or disapprove the request. The secretary's determination  
19 related to a waiver request under this subsection shall not be  
20 appealable under 2 Pa.C.S. (relating to administrative law and  
21 procedure).

22 (g) Beginning on the effective date of this subsection and  
23 notwithstanding any other provision of law to the contrary, each  
24 professional educator's current continuing professional  
25 education compliance period under section 1205.2 or 1205.5 shall  
26 be extended by one year. This subsection shall apply only to  
27 professional educators with an active certification as of the  
28 effective date of this subsection and shall expire one year from  
29 the effective date of this subsection.

30 (h) Any waiver of Federal requirements sought as a result of  
31 the pandemic of 2020 shall not be subject to the requirements of  
32 section 126.

33 (i) The following shall apply to nonpublic schools for the  
34 2019-2020 school year:

35 (1) The governing body of a nonpublic school may close the  
36 nonpublic school due to the threat to health and safety caused  
37 by the pandemic of 2020.

38 (2) The minimum instructional time requirements of section  
39 1327(b) shall not apply.

40 (j) The following shall apply:

41 (1) The minimum instructional time requirements of section  
42 1327.1 shall not apply.

43 (2) The requirements to administer a nationally normed  
44 standardized achievement test or Statewide test under section  
45 1327.1(e) (1) and conduct the annual evaluations under section  
46 1327.1(e) (2) and (h.1) shall not apply.

47 (k) A private or nonpublic school which was closed because  
48 of the 2020 pandemic may not receive more or less payment from  
49 school entities for any student placed by a school entity and  
50 enrolled as of March 13, 2020, as long as the private or  
51 nonpublic school is offering continuity of education during the

1 period of closure.

2 (1) The following shall apply:

3 (1) Each school entity may renegotiate a contract for  
4 school bus transportation services to ensure contracted  
5 personnel and fixed costs, including administrative and  
6 equipment, are maintained during the period of school  
7 closure. During the period of school closure, the school bus  
8 transportation contractor shall submit weekly documentation  
9 to the school entity that its complement levels remain at or  
10 above the level on March 13, 2020, in order to continue being  
11 paid.

12 (2) Notwithstanding any other provision of this act, if  
13 a school entity continues to pay a school bus transportation  
14 contractor or operates its own school bus transportation, the  
15 school entity shall be eligible for reimbursement from the  
16 Department of Education at a rate the school entity would  
17 have received had the pandemic of 2020 not occurred, had the  
18 minimum instruction days requirement not been waived under  
19 subsection (b)(1) or had the secretary not taken action under  
20 subsection (b)(2).

21 (m) A private residential rehabilitative institution that  
22 was closed because of the 2020 pandemic may not receive less  
23 payment from school entities or the Commonwealth for any student  
24 enrolled as of March 13, 2020.

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

28 "NIMS assessment." An assessment based on the National  
29 Institute for Metalworking Skills standards.

30 "NOCTI exam." A National Occupational Competency Testing  
31 Institute exam.

32 "School entity." Any school district, intermediate unit,  
33 area career and technical school, charter school, cyber charter  
34 school or regional charter school a child attends in order to  
35 fulfill the compulsory attendance requirements of this act.

36 Amend Bill, page 28, line 13, by striking out "4" and  
37 inserting

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39 Amend Bill, page 28, line 15, by striking out "5" and  
40 inserting

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