

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 545 Session of
1999

INTRODUCED BY CORMAN, PICCOLA, BRIGHTBILL, WENGER, MOWERY,
ARMSTRONG, GERLACH, SLOCUM, TOMLINSON, THOMPSON, EARLL AND
WAUGH, MARCH 10, 1999

REFERRED TO EDUCATION, MARCH 10, 1999

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 request for waivers.

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

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

11 Section 528. Request for Waivers.--(a) The board of
12 directors of a school entity is authorized to apply to the
13 Secretary of Education for a waiver of the provisions of this
14 act, the regulations of the State Board of Education and the
15 standards of the Secretary of Education in order to stimulate
16 innovation, improve student performance, improve the
17 instructional program or to operate in a more effective,
18 efficient or economical manner. The application for a waiver
19 shall be in a manner and in a form developed by the Secretary of

1 Education.

2 (b) The application shall:

3 (1) Specify the need for the waiver.

4 (2) Provide supporting data and information to explain the
5 benefits to be obtained by the waiver and, when applicable, to
6 explain the instructional program that will operate under the
7 waiver.

8 (3) Include an evaluation procedure to determine the
9 effectiveness of an innovative program or programs; the
10 effectiveness of a revised instructional program, which shall
11 include measures of student performance; and the effectiveness
12 of changes in the operations of the school entity.

13 (c) The request for a waiver shall be adopted by a
14 resolution of the board of directors at a regularly scheduled
15 meeting of the board, prior to the board of directors
16 implementing policies or procedures requiring the approval by
17 the Secretary of Education.

18 (d) The Secretary of Education shall have sixty (60) days
19 from receipt of the application to approve, disapprove or
20 request modifications to the application.

21 (e) If the Secretary of Education disapproves the
22 application for waiver, the waiver shall be disapproved and this
23 decision is final and not reviewable nor subject to appeal.

24 (f) If the Secretary of Education approves the application
25 for waiver, he shall transmit a copy of the application to the
26 Independent Regulatory Review Commission and the application
27 shall be treated as a final-form regulation with proposed
28 rulemaking omitted under sections 5(f) and 6(a) of the act of
29 June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review
30 Act."

1 (g) The application for a waiver shall be for a period of up
2 to four (4) years. When the evaluation of a waiver request has
3 been shown to the satisfaction of the Secretary of Education to
4 be effective for three (3) consecutive years; and, where
5 applicable, has resulted in improved student performance, an
6 improved instructional program or has improved the operations of
7 a school entity, a renewed application is not needed for the
8 waiver to continue to operate.

9 (h) The Secretary of Education may not waive the provisions
10 of this act, the regulations of the State Board of Education and
11 the standards of the Secretary of Education pertaining to:
12 health and safety, including section 111 of this act; civil
13 rights; Article XI-A of this act; sections 751, 751.1, 755 and
14 756 of this act to the extent that these sections are not
15 inconsistent with the act of December 20, 1967 (P.L.869,
16 No.385), known as the "Public Works Contractors' Bond Law of
17 1967."

18 (i) The Secretary of Education is not authorized under this
19 section to exempt school entities from statutes applicable to
20 public schools that are not within the provisions of this act.

21 (j) The Secretary of Education shall issue an annual report
22 to the chairperson and minority chairperson of the Education
23 Committee of the Senate, the chairperson and minority
24 chairperson of the Education Committee of the House of
25 Representatives and the Independent Regulatory Review Commission
26 listing the applications for waivers and the reason for the
27 request of the waiver, the school entity submitting the
28 application and the decision of the Secretary of Education for
29 each application.

30 (k) Nothing contained in this section shall be construed to

1 supersede or preempt any provisions of a collective bargaining
2 agreement negotiated by a school entity and the employe
3 organization that is in effect on the effective date of this
4 section.

5 (1) As used in this section, the term "school entity" shall
6 mean a school district, intermediate unit, joint school or area
7 vocational-technical school.

8 Section 2. This act shall take effect immediately.