

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2231 Session of 2012

INTRODUCED BY TRUITT, BAKER, BROOKS, CAUSER, CLYMER, CUTLER, DENLINGER, EVERETT, FABRIZIO, GABLER, GINGRICH, GRELL, GROVE, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN, M. K. KELLER, KNOWLES, KORTZ, KRIEGER, MAJOR, MICOZZIE, MILLER, PERRY, PICKETT, RAVENSTAHL, READSHAW, ROAE, ROSS, SAYLOR, SCHRODER, SONNEY, STEVENSON, SWANGER, VULAKOVICH AND WATSON, FEBRUARY 29, 2012

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 29, 2012

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," in preliminary provisions, providing
6 for mandate waiver program.

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 119. Mandate Waiver Program.--(a) Except as
13 otherwise provided in this section, the board of school
14 directors may adopt a resolution to apply for a waiver to any
15 provision of this act, the regulations of the State Board of
16 Education or the standards of the secretary if the waiver will
17 enable the school district to improve its instructional program

1 or operate in a more effective, efficient or economical manner.

2 (b) The application for a waiver shall be in a manner and in
3 a form developed by the department and shall:

4 (1) Specify the need for the waiver.

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

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

14 (c) The application for a waiver shall be adopted by a
15 resolution of the board of directors at a regularly scheduled
16 meeting of the board. Prior to the board of directors
17 implementing the policies or procedures contained in the waiver,
18 approval by the department shall be required.

19 (d) The department shall have sixty (60) days from receipt
20 of the application to approve, disapprove or request
21 modifications to the application. If the department fails to act
22 within that time period, the waiver shall be deemed to be
23 approved.

24 (e) If the department disapproves the application for
25 waiver, the basis for the department's disapproval shall be
26 transmitted to the board of school directors. The board of
27 school directors may submit a revised application for a waiver.

28 (f) Three years from the implementation of the waiver, the
29 board of school directors shall submit to the department the
30 evaluation set forth in subsection (b) (3). When the evaluation

1 of a waiver indicates an improvement in student performance,
2 instructional program or school operations, the waiver shall be
3 renewed by the department and shall remain in effect, unless
4 rescinded by the board of school directors.

5 (g) The following provisions of this act shall not be
6 subject to waiver pursuant to this section: sections 108, 110,
7 111, 321, 322, 323, 324, 325, 326, 327, 431, 436, 437, 440.1,
8 443, 510, 513, 518, 527, 688, 701.1, 708, 736, 737, 738, 739,
9 740, 741, 752, 753, 755, 771, 776, 777, 778, 808, 809, 810,
10 1303(a), 1310, 1317, 1317.1, 1317.2, 1318, 1327, 1327.1, 1330,
11 1332, 1361, 1366, 1501, 1502, 1513, 1517, 1518, 1521, 1523, 1546
12 and 1547; provisions prohibiting discrimination; Articles VI,
13 XI, XI-A, XII, XIII-A, XIV and XVII-A and this article.

14 (h) The following provisions of 22 Pa. Code (relating to
15 education) shall not be subject to waiver pursuant to this
16 section:

17 Chapter 4 (relating to academic standards and assessment).

18 Chapter 11 (relating to pupil attendance).

19 Chapter 12 (relating to students).

20 Chapter 14 (relating to special education services and
21 programs).

22 Chapter 16 (relating to special education for gifted
23 students).

24 Section 32.3 (relating to assurances).

25 Section 121.3 (relating to discrimination prohibited).

26 Section 235.4 (relating to practices).

27 Section 235.8 (relating to civil rights).

28 (i) The board of directors may not waive any Federal law or
29 State law applicable to a public school that is not within the
30 provisions of this act.

1 (j) The department shall issue an annual report to the
2 chairman and minority chairman of the Education Committee of the
3 Senate and the chairman and minority chairman of the Education
4 Committee of the House of Representatives, listing all waiver
5 requests and department approvals or disapprovals under this
6 section.

7 (k) Nothing in this section shall be construed to supersede
8 or preempt any provisions of a collective bargaining agreement
9 in effect on the effective date of this section.

10 (l) Intermediate unit boards of directors and area
11 vocational-technical boards shall be eligible to apply for
12 mandate waivers under this section except for those in
13 subsections (g) and (m).

14 (m) The following provisions shall not be subject to waiver
15 for intermediate unit boards of directors and area vocational-
16 technical schools pursuant to this section: Article IX-A and
17 Article XVIII.

18 (n) Notwithstanding the provisions of subsection (g), the
19 department may approve an application submitted by a board of
20 school directors for a waiver of section 1361 to allow the
21 provision of transportation to a public kindergarten, elementary
22 school or secondary school or a nonpublic kindergarten,
23 elementary school or secondary school operated not for profit
24 located more than ten miles by the nearest public highway,
25 provided that the provision of transportation is more cost
26 effective for the district or the Commonwealth or addresses
27 student safety concerns. Transportation provided under this
28 subsection shall be considered an allowable district expense for
29 purposes of calculating transportation reimbursement.

30 Section 2. This act shall take effect in 60 days.