

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 873 Session of 2011

INTRODUCED BY BRUBAKER, PICCOLA, PILEGGI, HUGHES, FOLMER, RAFFERTY, EICHELBERGER, ALLOWAY, WAUGH, YUDICHAK, ERICKSON, D. WHITE, YAW AND EARLL, MARCH 31, 2011

SENATOR PICCOLA, EDUCATION, AS AMENDED, APRIL 5, 2011

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 grounds and buildings, further
6 providing FOR ACQUISITION AND for administration; AND
7 PROVIDING FOR LEASE APPROVAL.



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

10 ~~Section 1. Section 731 of the act of March 10, 1949 (P.L.30,~~
11 ~~No.14), known as the Public School Code of 1949, amended June~~
12 ~~27, 1973 (P.L.75, No.34), is amended to read:~~



13 SECTION 1. SECTION 703 OF THE ACT OF MARCH 10, 1949 (P.L.30,
14 NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, AMENDED JUNE 1,
15 1972 (P.L.325, NO.89), IS AMENDED TO READ:



16 SECTION 703. ACQUISITION OF BUILDINGS, SITES FOR SCHOOL
17 BUILDINGS AND PLAYGROUNDS, AND DISPOSING THEREOF.--IN ORDER TO
18 COMPLY WITH THE PROVISIONS OF THIS ACT, AND SUBJECT TO THE
19 CONDITIONS THEREOF, THE BOARD OF SCHOOL DIRECTORS OF EACH
20 DISTRICT IS HEREBY VESTED WITH THE NECESSARY POWER AND AUTHORITY

1 TO ACQUIRE, IN THE NAME OF THE DISTRICT, BY PURCHASE, LEASE,
2 GIFT, DEVISE, AGREEMENT, CONDEMNATION, OR OTHERWISE, ANY AND ALL
3 SCHOOLS AND REAL ESTATE, EITHER VACANT OR OCCUPIED, INCLUDING
4 LANDS THERETOFORE OCCUPIED BY STREETS AND ALLEYS WHICH HAVE BEEN
5 VACATED BY MUNICIPAL AUTHORITIES, AND TO ACQUIRE BY PURCHASE,
6 LEASE, GIFT OR DEVISE, OTHER BUILDINGS APPROVED FOR SCHOOL USE
7 BY THE DEPARTMENT OF EDUCATION AS THE BOARD OF SCHOOL DIRECTORS
8 MAY DEEM NECESSARY TO FURNISH SCHOOL BUILDINGS OR OTHER SUITABLE
9 SITES FOR PROPER SCHOOL PURPOSES FOR SAID DISTRICT OR TO ENLARGE
10 THE GROUNDS OF ANY SCHOOL PROPERTY HELD BY SUCH DISTRICT, AND TO
11 SELL, CONVEY, TRANSFER, DISPOSE OF, OR ABANDON THE SAME, OR ANY
12 PART THEREOF, AS THE BOARD OF SCHOOL DIRECTORS MAY DETERMINE.

13 APPROVAL OF THE DEPARTMENT OF EDUCATION FOR SCHOOL BUILDINGS AND
14 PLAYGROUNDS ON ANY SCHOOL CONSTRUCTION PROJECT THAT IS NOT
15 ELIGIBLE FOR STATE REIMBURSEMENT SHALL NOT BE REQUIRED.

16 SECTION 2. SECTION 731 OF THE ACT, AMENDED JUNE 27, 1973
17 (P.L.75, NO.34), IS AMENDED TO READ:

18 Section 731. Approval by Department of Plans, etc., of
19 Buildings; Exceptions.--(a) The Department of Education, with
20 respect to construction or reconstruction of public school
21 buildings, shall have the power and its duties shall be:

22 (1) To review all projects, plans and specifications for
23 school building construction or reconstruction, and to make
24 recommendations thereon to the General Assembly and the
25 Governor;

26 (2) To assist school districts in preplanning construction
27 and reconstruction projects, and offer such architectural,
28 engineering and financial advice as will enable the project to
29 comply with the standards prescribed by the State Board of
30 Education;

1 (3) To hold hearings on any or all projects and subpoena
2 witnesses, administer oaths, take testimony and compel the
3 production of documents relevant to any investigation;

4 (4) To act as liaison between the public, local school
5 officials, the General Assembly, and the Governor on school
6 building construction and reconstruction projects;

7 (5) To receive and investigate complaints from the public or
8 other source concerning any school building construction or
9 reconstruction project;

10 (6) To conduct investigations on any phase of school
11 building construction or reconstruction projects.

12 (7) To, in conjunction with the State Board of Education, do
13 all of the following:

14 (i) Conduct a review of the process by which the department
15 is meeting the requirements of this section.

16 (ii) Make recommendations to:

17 (A) eliminate the backlog waiting for review;

18 (B) increase efficiency of the process; and

19 (C) ensure ease of compliance with the requirements for
20 those entities that must comply with them.

21 (iii) Promulgate temporary regulations to implement the
22 recommendations under subparagraph (ii). Regulations under this
23 subparagraph are subject to all of the following:

24 (A) The regulations shall be exempt from:

25 (I) sections 201, 202 and 203 of the act of July 31, 1968
26 (P.L.769, No.240), referred to as the Commonwealth Documents
27 Law; and

28 (II) the act of June 25, 1982 (P.L.633, No.181), known as
29 the "Regulatory Review Act."

30 (B) The regulations shall expire on the earlier of:

1 (I) the effective date of regulations under subparagraph
2 (iv); or
3 (II) eighteen months from the effective date of this
4 paragraph.

5 (iv) Promulgate regulations to implement recommendations
6 under subparagraph (ii).

7 (b) The Department of Education shall employ engineers,
8 architects, financial advisors, and such other staff personnel
9 as may be necessary for the proper performance of the duties of
10 the Department with respect to construction or reconstruction of
11 public school buildings.

12 (c) [No] EXCEPT AS SET FORTH IN SUBSECTION (F), NO public
13 school building shall be contracted for, constructed, or
14 reconstructed, in any school district of the second, third, or
15 fourth class until the plans and specifications therefor have
16 been approved by the Department of Education.



17 (d) When ordinary repairs are proposed, such as plastering,
18 painting, replacement of floors, improvement of school grounds,
19 repairing or providing walks, roadways or retaining walls, the
20 cost of which in districts of the second class or in districts
21 of the third and fourth class will not exceed fifteen thousand
22 dollars (\$15,000) per building, no approval shall be required.
23 Where any structural change is involved, such as moving or
24 adding doors, windows, partitions, making additions or any
25 excavations, or any work which may affect the safety or health
26 of the pupils, or any work which comes under the jurisdiction of
27 another department of the Commonwealth, approval of the
28 Department of Education shall be required regardless of the cost
29 of such structural change.

30 (e) No school building shall be purchased by any school

1 district until such purchase shall have been approved by the
2 Department of Education. Such approval shall not be given unless
3 the school building to be purchased and any approved structural
4 changes or renovations meet the standards required to operate
5 public school buildings of a similar age currently in use in the
6 Commonwealth.

7 (F) APPROVAL OF THE DEPARTMENT OF EDUCATION FOR PROJECTS, ←
8 PLANS AND SPECIFICATIONS FOR SCHOOL CONSTRUCTION PROJECTS NOT
9 ELIGIBLE FOR REIMBURSEMENT FROM THE COMMONWEALTH SHALL NOT BE
10 REQUIRED.

11 SECTION 3. SECTION 731.1 OF THE ACT, ADDED DECEMBER 6, 1972
12 (P.L.1445, NO.323), IS AMENDED TO READ:

13 SECTION 731.1. APPROVAL OF LEASE AGREEMENTS.--[NO] EXCEPT AS
14 SET FORTH IN SUBSECTION (B), NO BUILDING FACILITIES FOR SCHOOL
15 USE AUTHORIZED UNDER THE PROVISIONS OF SECTION 703.1, SHALL BE
16 LEASED BY ANY SCHOOL DISTRICT UNTIL SUCH LEASE AGREEMENT HAS
17 BEEN APPROVED BY THE DEPARTMENT OF EDUCATION. SUCH APPROVAL
18 SHALL NOT BE GIVEN UNLESS THE BUILDING FACILITIES TO BE LEASED
19 MEET THE STANDARDS REQUIRED TO OPERATE PUBLIC SCHOOL BUILDINGS
20 IN USE IN THE COMMONWEALTH.

21 (B) DEPARTMENT APPROVAL OF A LEASE AGREEMENT SHALL NOT BE
22 REQUIRED FOR A LEASE AGREEMENT WHICH DOES NOT QUALIFY FOR
23 COMMONWEALTH REIMBURSEMENT.

24 Section 2 4. This act shall take effect immediately. ←