

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 60 Session of 2013

INTRODUCED BY WARD, SCARNATI, MENSCH, ERICKSON, KASUNIC,  
SCHWANK, VULAKOVICH, YUDICHAK AND D. WHITE, JANUARY 4, 2013

REFERRED TO EDUCATION, JANUARY 4, 2013

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 for transportation.

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 122. Mandate Waiver Program.--(a) The department  
13 may, upon application by a governing body of a school entity,  
14 waive any provision of this act related to transportation, the  
15 regulations of the State Board of Education related to  
16 transportation or the standards of the secretary related to  
17 transportation if the waiver will enable the school entity to  
18 operate in a more effective, efficient or economical manner.

19 (b) In order to be eligible for a waiver under subsection  
20 (a), the school entity must submit an application adopted by the

governing body of the school entity at a regularly scheduled meeting of the governing body.

(c) The application shall be submitted in a form and manner prescribed by the department and shall:

(1) Specify the need for the transportation waiver.

(2) Provide supporting data and information to show the benefits to be obtained by the waiver.

(d) The department shall have sixty (60) days from the receipt of the application to approve, disapprove or request modifications to the application. If the department fails to act within sixty (60) days, the waiver shall be deemed approved.

(e) Upon disapproval of an application, the department shall provide a written determination setting forth the reason for the disapproval. The governing body may submit a revised application for a waiver.

(f) Three (3) years following the implementation of the waiver, the governing body shall submit an evaluation of the effectiveness of the program or operational change. If the evaluation indicates improvement in school operations, the waiver shall be renewed by the department and shall remain in effect unless rescinded by the governing body.

(g) The governing body may not waive any Federal or State law applicable to a school entity that is not included in this act or 22 Pa. Code (relating to education).

(h) Nothing in this section shall be construed to:

(1) Supersede or preempt any provisions of a collective bargaining agreement in effect on the effective date of this section.

(2) Permit the department to relieve any school district from the obligation to transport nonpublic school students as

1 required under section 1361.

2 (i) For the purposes of this section, the following words  
3 and phrases shall have the following meanings:

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

6 "Governing body." The board of school directors of a school  
7 district or the governing board of an area vocational-technical  
8 school, an intermediate unit, a charter school or a cyber  
9 charter school.

10 "School entity." A school district, an area vocational-  
11 technical school, an intermediate unit, a charter school or a  
12 cyber charter school.

13 "Secretary." The Secretary of Education of the Commonwealth.

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