

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 60 Session of 2013

INTRODUCED BY WARD, SCARNATI, MENSCH, ERICKSON, KASUNIC, SCHWANK, VULAKOVICH, YUDICHAK, WHITE, BRUBAKER, BREWSTER, BAKER AND FERLO, JANUARY 4, 2013

SENATOR FOLMER, EDUCATION, AS AMENDED, MARCH 19, 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 THAT PROVIDES FOR THE FREE TRANSPORTATION OF RESIDENT PUPILS <--
15 UNDER SECTION 1361, waive any provision of this act related to
16 transportation, the regulations of the State Board of Education
17 related to transportation or the standards of the secretary
18 related to transportation if the waiver will enable the school <--
19 entity to operate in a more effective, efficient or economical

1 ~~manner~~ MEETS THE REQUIREMENTS OF THIS SECTION. <--

2 (b) In order to be eligible for a waiver under subsection  
3 (a), the school entity must submit an application adopted by the  
4 governing body of the school entity at a regularly scheduled  
5 meeting of the governing body.

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

8 ~~(1) Specify the need for the transportation waiver.~~ <--

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

11 (1) INDICATE THAT THE GOVERNING BODY HAS SURVEYED THE PARENT <--  
12 OR GUARDIAN OF A RESIDENT PUPIL PRIOR TO THE INCOMING SCHOOL  
13 YEAR REGARDING THEIR NEED FOR FREE TRANSPORTATION SERVICE.

14 (2) ACKNOWLEDGE THAT THE SURVEY INFORMATION WILL BE USED BY  
15 THE GOVERNING BODY TO DETERMINE THE ELIGIBILITY OF RESIDENT  
16 PUPILS FOR FREE TRANSPORTATION SERVICE AND ESTABLISH ROUTES AND  
17 SCHEDULES THAT ENABLE THE SCHOOL ENTITY TO OPERATE IN A MORE  
18 EFFECTIVE, EFFICIENT OR ECONOMICAL MANNER.

19 (3) STATE THAT THE SCHOOL ENTITY WILL NOT BE REQUIRED TO  
20 TRANSPORT THE CHILD FROM HIS RESIDENCE TO THE SCHOOL ENTITY OR  
21 FROM THE SCHOOL ENTITY TO HIS RESIDENCE DURING REGULAR SCHOOL  
22 ENTITY HOURS IF THE PARENT OR GUARDIAN OF THE PUPIL WAIVES, IN  
23 WRITING, THE FREE TRANSPORTATION SERVICE PROVIDED BY THE SCHOOL  
24 ENTITY DURING REGULAR SCHOOL ENTITY HOURS.

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

29 (e) Upon disapproval of an application, the department shall  
30 provide a written determination setting forth the reason for the

1 disapproval. The governing body may submit a revised application  
2 for a waiver.

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

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

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

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

16 (2) Permit the department to relieve any school ~~district~~ <--  
17 ENTITY from the obligation to transport nonpublic school <--  
18 students as required under section 1361.

19 (3) PROHIBIT A PARENT OR GUARDIAN FROM CONTACTING THE SCHOOL <--  
20 ENTITY, IN WRITING, TO REVOKE THE WAIVER SIGNED UNDER SUBSECTION  
21 (C) (3).

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

24 "Department." The Department of Education of the  
25 Commonwealth.

26 "Governing body." The board of school directors of a school  
27 district or the governing board of an area vocational-technical  
28 school, an intermediate unit, a charter school or a cyber  
29 charter school.

30 "School entity." A school district, an area vocational-

1 technical school, an intermediate unit, a charter school or a  
2 cyber charter school.

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

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