

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2072 Session of 2015

INTRODUCED BY SAYLOR, QUIGLEY, RAPP, STAATS, GROVE, D. MILLER, WARD, WATSON AND PHILLIPS-HILL, MAY 16, 2016

REFERRED TO COMMITTEE ON EDUCATION, MAY 16, 2016

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 ESSA State Plan Advisory Commission.

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 124. ESSA State Plan Advisory Commission.--(a)  
 13 There is hereby established an ESSA State Plan Advisory  
 14 Commission.

15 (b) The commission shall review and make recommendations  
 16 related to the State plan as provided in this section.

17 (c) (1) The commission shall consist of the following  
 18 members:

19 (i) The chairman and minority chairman of the Education  
 20 Committee of the Senate and the chairman and minority chairman

1 of the Education Committee of the House of Representatives or  
2 their designees.

3 (ii) Two members appointed by the President pro tempore of  
4 the Senate.

5 (iii) One member appointed by the Minority Leader of the  
6 Senate.

7 (iv) Two members appointed by the Speaker of the House of  
8 Representatives.

9 (v) One member appointed by the Minority Leader of the House  
10 of Representatives.

11 (2) The commission shall appoint a member to serve as  
12 chairman of the commission.

13 (d) The commission shall hold meetings at the call of the  
14 chairman.

15 (e) The members may not receive compensation for their  
16 services but shall be reimbursed for all necessary travel and  
17 other reasonable expenses incurred in connection with the  
18 performance of their duties as members of the commission.

19 (f) The General Assembly shall provide administrative  
20 support, meeting space and any other assistance required by the  
21 commission to carry out its duties under this section in  
22 cooperation with the department. The department shall provide  
23 the commission with data, research and other information upon  
24 request by the commission.

25 (g) The department shall provide the commission with a  
26 minimum of bimonthly reports on the development of the State  
27 plan. The monthly reports shall include, but not be limited to,  
28 information related to all initiatives required in the State  
29 plan by the ESSA or its regulations, which shall include, but  
30 not be limited to, all of the following:

1 (1) Academic standards and assessments, including a thorough  
2 analysis of testing times in other states and recommendations  
3 for reducing testing times without compromising compliance with  
4 Federal law.

5 (2) Statewide accountability system for all schools.

6 (3) School supports and interventions for low-performing  
7 schools.

8 (4) Educator effectiveness and evaluation.

9 (h) The department shall provide to the commission  
10 electronic copies of all materials used in the development of  
11 the State plan.

12 (i) Prior to submission of the State plan to the United  
13 States Secretary of Education, the department shall transmit the  
14 State plan to the commission for review. At the time of  
15 transmission of the State plan to the commission, the department  
16 shall also provide all of the following:

17 (1) A summary of the revisions made by the State plan to the  
18 ESEA waiver that affect any State statute, regulation of the  
19 State Board of Education or standards of the Secretary of  
20 Education.

21 (2) A summary of comments received during the thirty (30)  
22 day public comment period required under section 1005 of ESSA  
23 and any revisions made to the State plan as a result thereof.

24 (j) Within thirty (30) days of receipt of the State plan  
25 under subsection (i), the commission shall review the State plan  
26 and submit its comments and recommendations in writing to the  
27 department.

28 (k) Within thirty (30) days of receipt of the comments and  
29 recommendations under subsection (j), the department shall  
30 resubmit the State plan to the commission along with a copy of

1 its response to the comments submitted by the commission. The  
2 department's response shall include all of the following:

3 (1) A summary of any revision to the State plan made as a  
4 result of the commission's comments.

5 (2) A justification for not making revisions to the State  
6 plan based upon each recommendation made by the commission.

7 (3) Any additional information requested by the commission.

8 (l) Upon submission of the State plan to the commission  
9 under subsection (k), a summary of the State plan shall be  
10 proposed as a resolution and referred to the Education Committee  
11 of the Senate and the Education Committee of the House of  
12 Representatives.

13 (m) (1) Upon a vote for approval or disapproval of the  
14 Education Committee of each house, or upon deemed approval under  
15 clause (3)(i), the resolution shall be reported to the body of  
16 each house for its consideration. The Education Committee of the  
17 Senate and the Education Committee of the House of  
18 Representatives each shall have thirty (30) legislative days to  
19 take action under this subsection. The resolution may be  
20 approved or disapproved by a majority vote of the members of the  
21 Education Committee of each house.

22 (2) Following the report of the resolution to each house  
23 under clause (1), the resolution shall be placed on the calendar  
24 of each house for the next legislative day following its  
25 receipt. Each house shall have ten (10) legislative days to take  
26 action under this clause. The resolution may be approved or  
27 disapproved during the ten (10) legislative day period by a  
28 majority of the members elected to each house.

29 (3) (i) Upon the expiration of the period for the Education  
30 Committee of each house to act under clause (1), if either or

1 both the Education Committee of the Senate and the Education  
2 Committee of the House of Representatives fail to act as  
3 provided in clause (1), the resolution shall be deemed approved  
4 by the committee or committees that fail to act.

5 (ii) Upon the expiration of the period for action under  
6 clause (2), if either or both the Senate and the House of  
7 Representatives fail to act as provided under clause (2), the  
8 resolution shall be deemed approved as to the house or houses  
9 that fail to act.

10 (4) Upon the approval or disapproval of the resolution by a  
11 vote, or deemed approval of the resolution under clause (3)(ii),  
12 by the Senate and the House of Representatives, the department  
13 shall submit the State plan to the United States Secretary of  
14 Education in a timely manner in accordance with the date  
15 prescribed by statute, regulation or standard of the United  
16 States Secretary of Education. The department shall transmit the  
17 State plan to the United States Secretary of Education with all  
18 of the following:

19 (i) The comments and recommendations of the commission under  
20 subsection (j).

21 (ii) The response of the department under subsection (k).

22 (iii) The votes of each house and all remarks regarding the  
23 consideration of the resolution contained in the legislative  
24 record.

25 (n) The department shall not submit the State plan prior to  
26 the date of submission established by statute, regulation or  
27 standard of the United States Secretary of Education until the  
28 final disposition by each house has occurred in accordance with  
29 this section.

30 (o) Provisions of the State plan, including any revisions to

1 the ESEA waiver included in the State plan, that affect State  
2 statute shall not go into effect unless the changes to State  
3 statute are approved by an act of the General Assembly enacted  
4 after the effective date of this section.

5 (p) As used in this section, the following words and phrases  
6 shall have the meanings given to them in this subsection unless  
7 the context clearly indicates otherwise:

8 "Commission." The ESSA State Plan Advisory Commission.

9 "Department." The Department of Education of the  
10 Commonwealth.

11 "ESSA." The Every Student Succeeds Act (Public Law 114-95,  
12 129 Stat. 1802).

13 "ESEA waiver." The waiver granted by the United States  
14 Department of Education pursuant to its authority under section  
15 9401 of the Elementary and Secondary Education Act of 1965  
16 (Public Law 89-10, 20 U.S.C. § 6301 et seq.).

17 "State plan." The plan developed by the department and  
18 submitted to the United States Secretary of Education under  
19 section 1005 of ESSA.

20 Section 2. This act shall take effect immediately.