
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1159 Session of
2015

INTRODUCED BY DINNIMAN, SMUCKER, EICHELBERGER, SCARNATI,
GREENLEAF, GORDNER, FOLMER, COSTA, TEPLITZ, BREWSTER, BROWNE,
MENSCH AND AUMENT, MARCH 14, 2016

REFERRED TO EDUCATION, MARCH 14, 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 review of the State plan required under the Every Student
7 Succeeds Act.

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

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
11 as the Public School Code of 1949, is amended by adding a
12 section to read:

13 Section 124. ESSA State Plan Review.--(a) The General
14 Assembly finds and declares as follows:

15 (1) The Constitution of Pennsylvania confers numerous
16 expressed duties upon the General Assembly, including providing
17 a thorough and efficient system of public education to serve the
18 needs of this Commonwealth.

19 (2) The department, as the Commonwealth's educational
20 agency, routinely submits to the United States Department of

1 Education applications, understandings and waivers involving
2 education policies without involvement of or advance notice to
3 the General Assembly.

4 (3) The recent enactment of ESSA reauthorized the Elementary
5 and Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C.
6 § 6301 et seq.).

7 (4) Pursuant to section 1005 of ESSA, which amended section
8 1111(a)(1)(A) of the Elementary and Secondary Education Act of
9 1965 (20 U.S.C. § 6311(a)(1)(A)), any State plan developed by
10 the educational agency must be done with timely and meaningful
11 consultation with the State legislature.

12 (5) Further, any State plan developed by the educational
13 agency will establish major education policies that enable all
14 students of this Commonwealth, regardless of their individual
15 circumstances, to succeed in the global economy.

16 (6) Section 14 of Article III of the Constitution of
17 Pennsylvania vests in the General Assembly the authority over
18 the policies and system of education to serve the needs of this
19 Commonwealth.

20 (7) It is the intent of the General Assembly to exercise its
21 authority regarding the maintenance and support of a thorough
22 and efficient system of public education in this Commonwealth
23 through the following:

24 (i) Timely and meaningful consultation with the department
25 in its development and any revision of the State plan as
26 provided in ESSA or its regulations.

27 (ii) A review of the State plan by the Education Committee
28 of the Senate and the Education Committee of the House of
29 Representatives and by each house of the General Assembly prior
30 to the submission of the State plan to the United States

1 Secretary of Education.

2 (b) The State plan shall be developed and transmitted in
3 accordance with the following:

4 (1) The department shall develop the State plan with timely
5 and meaningful consultation with the chair and minority chair of
6 the Education Committee of the Senate and the chair and minority
7 chair of the Education Committee of the House of
8 Representatives. The consultation shall occur throughout the
9 development of each major education initiative required in the
10 State plan by ESSA or its regulations, including, but not
11 limited to, those initiatives that are newly created or that
12 retain or modify existing law, regulation or department policy
13 or directive for the following:

14 (i) Student academic assessments and any alternatives to or
15 uses of student academic assessments.

16 (ii) Teacher evaluation.

17 (iii) Low-performing school assessment and improvement.

18 (iv) Vocational-career education academic assessments and
19 standards.

20 (v) School performance measures.

21 (2) During the development of the State plan, the
22 department, at a minimum, shall provide the chair and minority
23 chair of the Education Committee of the Senate and the chair and
24 minority chair of the Education Committee of the House of
25 Representatives with monthly updates on the development of the
26 State plan.

27 (3) When requested by the chair or minority chair of the
28 Education Committee of the Senate or the chair or minority chair
29 of the Education Committee of the House of Representatives, the
30 department shall provide electronic copies of the materials

1 utilized in the development of the State plan.

2 (4) At least twenty-four (24) hours prior to the release of
3 any information to the public, the department shall provide to
4 the chair and minority chair of the Education Committee of the
5 Senate and the chair and minority chair of the Education
6 Committee of the House of Representatives a copy of the
7 information to be released, including the State plan made
8 available for public comment.

9 (5) At the time the department provides the State plan to
10 the chair and minority chair of the Education Committee of the
11 Senate and the chair and minority chair of the Education
12 Committee of the House of Representatives under clause (4), the
13 department shall also provide a summary of revisions that the
14 State plan makes to the ESEA waiver that affect a statute,
15 regulation or department policy.

16 (6) At the end of the public comment period, the department
17 shall provide to the chair and minority chair of the Education
18 Committee of the Senate and the chair and minority chair of the
19 Education Committee of the House of Representatives a summary of
20 any revisions made to the State plan.

21 (7) The department shall transmit a copy of the State plan
22 to the chair and minority chair of the Education Committee of
23 the Senate and the chair and minority chair of the Education
24 Committee of the House of Representatives. A summary of the
25 State plan shall be proposed as a resolution and referred to the
26 Education Committee of each house.

27 (c) (1) The Education Committee of each house has thirty
28 (30) calendar days of continuous session of the General Assembly
29 to take action under this subsection. The resolution may be
30 approved or disapproved by a majority vote of the members of the

1 Education Committee of each house. Upon a vote for approval or
2 disapproval of the Education Committee of each house, or upon
3 deemed approval pursuant to clause (3)(i), the resolution shall
4 be reported to the body of each house for its consideration.

5 (2) Following the report of the resolution to each house
6 under clause (1), the resolution shall be placed on the calendar
7 of each house for the next legislative day following its
8 receipt. Each house has ten (10) legislative days to take action
9 under this clause. The resolution may be approved or disapproved
10 during the ten (10) legislative day period by a majority of the
11 members elected to each house.

12 (3) (i) Upon the expiration of the period for the Education
13 Committee of each house to act under clause (1), if either or
14 both the Education Committee of the Senate and the Education
15 Committee of the House of Representatives fail to act as
16 provided in clause (1), the resolution shall be deemed approved
17 as to the committee or committees that fail to act.

18 (ii) Upon the expiration of the period for action under
19 clause (2), if either or both the Senate and the House of
20 Representatives fail to act as provided under clause (2), the
21 resolution shall be deemed approved as to the house or houses
22 that fail to act.

23 (4) Upon the approval or disapproval of the resolution by a
24 vote, or deemed approval of the resolution under clause (3)(ii),
25 by the Senate and the House of Representatives, the department
26 shall submit the State plan to the United States Secretary of
27 Education. The State plan shall be submitted in a timely manner
28 in accordance with the date, or extension thereof, set by the
29 United States Secretary of Education, ESSA or any regulation.
30 The votes of each house and all remarks regarding the

1 consideration of the resolution contained in the legislative
2 record shall be included in the submission.

3 (5) The department may not submit the State plan prior to
4 the date, or any extension thereof, established for submission
5 unless final disposition by each house has occurred in
6 accordance with this subsection.

7 (6) For the purpose of clause (1), continuity of session
8 shall be considered as broken only by an adjournment of the
9 General Assembly sine die.

10 (d) As used in this section, the following words and phrases
11 shall have the meanings given to them in this subsection:

12 "Department." The Department of Education of the
13 Commonwealth.

14 "ESEA waiver." The waiver granted by the United States
15 Department of Education pursuant to its authority under section
16 9401 of the Elementary and Secondary Education Act of 1965 (20
17 U.S.C. § 7861).

18 "ESSA." The Every Student Succeeds Act (Public Law 114-95,
19 129 Stat. 1802).

20 "State plan." The State plan prepared by the department for
21 the Commonwealth to implement ESSA and submitted to the United
22 States Secretary of Education for approval, as set forth in
23 section 1005 of ESSA, which amended section 1111 of the
24 Elementary and Secondary Education Act of 1965 (20 U.S.C. §
25 6311). The term includes:

26 (1) Any provision within the State plan that is an election
27 by the department to retain or modify existing Commonwealth law
28 or regulation or department policy and any provision within the
29 State plan that will necessitate the enactment of laws or the
30 promulgation of regulations.

1 (2) A revision of the State plan, regardless of whether the
2 revision is:

3 (i) required by the United States Secretary of Education for
4 approval or by amendment to ESSA or its regulations;

5 (ii) pursued under a waiver process authorized under ESSA;

6 or

7 (iii) required by any Federal reauthorization.

8 "Timely and meaningful consultation." Monthly communication
9 of information and materials from and discussions with the
10 department, exclusive of stakeholder meetings, regarding the
11 development of the State plan whereby the members of the
12 Education Committee of the Senate and the members of the
13 Education Committee of the House of Representatives are provided
14 a genuine opportunity by the department to express their views,
15 to have their views considered and to discuss viable options for
16 implementing ESSA and its regulations.

17 Section 2. This act shall take effect immediately.