
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1914 Session of
2017

INTRODUCED BY KAUFER, MILLARD, WARD, PICKETT, SOLOMON, SANTORA,
GILLEN, REESE, COOK, DIGIROLAMO, ZIMMERMAN AND WATSON,
NOVEMBER 13, 2017

REFERRED TO COMMITTEE ON EDUCATION, NOVEMBER 13, 2017

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 duties and powers of boards of
6 school directors, providing for third-party services.

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 528. Third-Party Services.--(a) In addition to the
13 requirements of any other law or regulation, a school employer
14 shall not enter into a contract with a third party for non-
15 instructional services unless the following conditions are met:

16 (1) The school employer shall solicit applications from
17 third parties. The solicitations and applications shall be
18 posted on the school employer's publicly accessible Internet
19 website and made publicly available for review at the school

1 employer's administrative office.

2 (2) The school employer's solicitation shall require each
3 third party to provide in the application:

4 (i) A minimum three-year cost projection to the school
5 employer, using generally accepted accounting principles.

6 (ii) Amount of liability insurance held by the third party.

7 (iii) Information concerning any violation of Federal or
8 State laws or regulations by the third party, composite
9 information about the criminal and disciplinary records of
10 current employes of the third party who may perform the non-
11 instructional services and information concerning any traffic
12 violations or chargeable accidents that occurred during the
13 course of employment by individual employes of the third party.

14 (iv) Any additional information that the school employer
15 deems appropriate.

16 (3) The school employer shall conduct a minimum of one
17 public hearing prior to a regularly scheduled board meeting to
18 present to the public the selected proposal of a third party to
19 perform the non-instructional services and to receive public
20 comment. The school employer must provide notice to the public
21 of the date, time and location of the first public hearing on or
22 before the initial date that bids to provide the non-
23 instructional services are solicited or a minimum of thirty (30)
24 days prior to the public board meeting, whichever provides a
25 greater period of notice.

26 (4) The school employer shall approve the proposed contract
27 by a majority vote of all members of the board at a public
28 meeting of the board.

29 (5) No later than sixty (60) days prior to the date of
30 adoption of a final budget, the board shall adopt a resolution

1 of intent to enter into a contract with a third party in the
2 following fiscal year, which shall set forth the following:

3 (i) The total cost savings expected to result from the
4 contract.

5 (ii) A comparison of the projected expenditures of the
6 school employer for the following fiscal year with and without
7 the proposed contract.

8 (iii) The number of non-instructional employes to be
9 suspended as a result of the contract.

10 (6) The contract shall guarantee that the school employer
11 may terminate the contract if expenditures under the contract
12 exceed the expenditures projected in the comparison of projected
13 expenditures required under paragraph (5) (ii).

14 (b) A third party shall give employment preference to a
15 school employe who held the same or a substantially similar
16 position with satisfactory performance and whose employment is
17 terminated due to a third-party contract before hiring any new
18 employe to fill any vacancy for a position that provides non-
19 instructional services to a school employer.

20 (c) Applications submitted under subsection (a) and
21 contracts entered into or renewed under this section shall be
22 public records as the term is defined under the act of February
23 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law."

24 (d) (1) This section shall not supersede 7 CFR Pt. 210
25 (relating to National School Lunch Program), where applicable.

26 (2) Nothing in this section shall be construed to supersede
27 or preempt the rights, remedies and procedures afforded to
28 school employes or labor organizations under Federal or State
29 law, including the act of July 23, 1970 (P.L.563, No.195), known
30 as the "Public Employe Relations Act," or any provision of a

1 collective bargaining agreement negotiated between a school
2 employer and an exclusive representative of the employes in
3 accordance with that act.

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

7 (1) "Non-instructional services" shall mean any services not
8 provided by a professional employe, a substitute or a temporary
9 professional employe as those terms are defined under section
10 1101.

11 (2) "School employer" shall mean a board of school
12 directors, an intermediate unit board of directors and an area
13 vocational-technical board of directors.

14 (3) "Third party" shall mean a for-profit service provider,
15 including a business or corporation, that contracts with a
16 school employer to provide non-instructional services. The term
17 shall not include an individual.

18 Section 2. This act shall apply to the 2018-2019 school year
19 and each school year thereafter.

20 Section 3. This act shall take effect immediately.