

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 647 Session of 2017

INTRODUCED BY HAYWOOD, BLAKE, FONTANA, GREENLEAF, RAFFERTY, SABATINA, BREWSTER, WHITE, COSTA, YUDICHAK, TARTAGLIONE, HUGHES, SCHWANK, HUTCHINSON AND RESCHENTHALER, APRIL 20, 2017

REFERRED TO EDUCATION, APRIL 20, 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 grounds and buildings, providing
6 for lead testing; and, in charter schools, further providing
7 for provisions applicable to charter schools.

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 742. Lead Testing.--(a) Prior to the start of each
14 school year, every school building in a district, including all
15 drinking water, shall be tested for lead levels. Any school
16 building that finds a lead level that is in excess of the levels
17 under subsection (c) shall immediately implement a plan to
18 ensure no child or adult is exposed to lead contamination and
19 that alternative sources of drinking water are made available.

20 (b) A school building that tests at a lead level higher than

1 the levels under subsection (c) shall be retested monthly until
2 the lead level tests below the levels under subsection (c).

3 (c) The following shall apply:

4 (1) The lead level in drinking water in a school building
5 may not exceed the United States Environmental Protection
6 Agency's National Primary Drinking Water Regulations maximum
7 contaminant level goal or milligrams per liter.

8 (2) The lead levels in paint, dust and soil may not exceed
9 levels permitted by United States Environmental Protection
10 Agency rules.

11 (d) If the testing under subsection (a) results in a lead
12 level in excess of the levels under subsection (c), the school
13 district shall, within 30 days, submit a remediation plan to the
14 Department of Education and the Department of Environmental
15 Protection. The plan shall include, but shall not be limited to,
16 a timeline to remediate, abate or replace any lead-lined
17 drinking fountains, lead pipes and copper pipes with lead
18 solder, removing, abating or repainting lead-based paint and
19 soil removal. In addition, the plan shall include a timeline in
20 which the remediation or abatement shall be completed.

21 (e) The Department of Environmental Protection shall work
22 with the school district to approve and oversee the
23 implementation of the remediation plan. If a school district
24 fails to implement a remediation plan, the Department of
25 Environmental Protection, in consultation with the Department of
26 Education, shall work with the school to implement the
27 remediation plan.

28 (f) The lead levels of a test under subsection (a) or (b) in
29 excess of the levels under subsection (c) shall be reported in
30 writing to the Department of Education and shall be sent by mail

1 or electronically to the parent or legal guardian of every
2 student enrolled in the school building. In addition, the
3 Department of Education and the school district shall post the
4 lead level result for each school building on their publicly
5 accessible Internet website.

6 (g) The following shall apply:

7 (1) A school building built after 1978 shall not be required
8 to test for lead paint.

9 (2) A school building built prior to 1978 shall not be
10 required to test for lead paint if the school building has
11 completed a full removal of all lead paint and has a
12 certification of the removal from the Department of
13 Environmental Protection or an individual licensed by the
14 Department of Environmental Protection.

15 (h) For purposes of this section, the term "school building"
16 does not include any administrative or maintenance buildings.

17 Section 2. Section 1732-A of the act, amended November 3,
18 2016 (P.L.1061, No.138), is amended to read:

19 Section 1732-A. Provisions Applicable to Charter Schools.--

20 (a) Charter schools shall be subject to the following:

21 Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,
22 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 742, 752, 753,
23 755, 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1301,
24 1310, 1317, 1317.1, 1317.2, 1318, 1326, 1327, 1327.2, 1329,
25 1330, 1332, 1333, 1333.1, 1333.2, 1333.3, 1303-A, 1513, 1517,
26 1518, 1521, 1523, 1531, 1547, 2014-A, Article XIII-A and Article
27 XIV.

28 Act of July 17, 1961 (P.L.776, No.341), known as the
29 "Pennsylvania Fair Educational Opportunities Act."

30 Act of July 19, 1965 (P.L.215, No.116), entitled "An act

1 providing for the use of eye protective devices by persons
2 engaged in hazardous activities or exposed to known dangers in
3 schools, colleges and universities."

4 Section 4 of the act of January 25, 1966 (1965 P.L.1546,
5 No.541), entitled "An act providing scholarships and providing
6 funds to secure Federal funds for qualified students of the
7 Commonwealth of Pennsylvania who need financial assistance to
8 attend postsecondary institutions of higher learning, making an
9 appropriation, and providing for the administration of this
10 act."

11 Act of July 12, 1972 (P.L.765, No.181), entitled "An act
12 relating to drugs and alcohol and their abuse, providing for
13 projects and programs and grants to educational agencies, other
14 public or private agencies, institutions or organizations."

15 Act of December 15, 1986 (P.L.1595, No.175), known as the
16 "Antihazing Law."

17 (b) Charter schools shall be subject to the following
18 provisions of 22 Pa. Code:

19 Section 5.216 (relating to ESOL).

20 Section 5.4 (relating to general policies).

21 Chapter 11 (relating to pupil attendance).

22 Chapter 12 (relating to students).

23 Section 32.3 (relating to assurances).

24 Section 121.3 (relating to discrimination prohibited).

25 Section 235.4 (relating to practices).

26 Section 235.8 (relating to civil rights).

27 Chapter 711 (relating to charter school services and programs
28 for children with disabilities).

29 (c) (1) The secretary may promulgate additional regulations
30 relating to charter schools.

1 (2) The secretary shall have the authority and the
2 responsibility to ensure that charter schools comply with
3 Federal laws and regulations governing children with
4 disabilities. The secretary shall promulgate regulations to
5 implement this provision.

6 Section 3. This act shall take effect immediately.