

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 725 Session of 2017

INTRODUCED BY EICHELBERGER, DINNIMAN, GORDNER, YUDICHAK, BROOKS, SABATINA, MARTIN, RESCHENTHALER, BLAKE, MENSCH, BOSCOLA, VOGEL, WAGNER, BREWSTER, VULAKOVICH, FOLMER, SCAVELLO, AUMENT AND STEFANO, MAY 19, 2017

REFERRED TO EDUCATION, MAY 19, 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 preliminary provisions, providing
6 for Every Student Succeeds Act State plan review.

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 126. Every Student Succeeds Act State Plan Review.--

13 (a) The General Assembly find and declares as follows:

14 (1) Article III, section 14 of the Constitution of
15 Pennsylvania confers numerous express duties upon the General
16 Assembly, including providing a system of public education.
17 Specifically, the provision provides that "The General Assembly
18 shall provide for the maintenance and support of a thorough and
19 efficient system of public education to serve the needs of the

1 Commonwealth."

2 (2) The Elementary and Secondary Education Act of 1965
3 (Public Law 89-10, 20 U.S.C. § 6301 et seq.) was recently
4 reauthorized by the ESSA which reduces and redefines the more
5 prescriptive Federal role in elementary and secondary education
6 under the scheme of the No Child Left Behind Act of 2001 and
7 restores flexibility to states to design a state education
8 system that "provides all children the opportunity to receive a
9 fair, equitable, and high-quality education."

10 (3) The ESSA further requires that a state plan shall be
11 developed with timely and meaningful consultation with a state
12 legislature.

13 (4) A new State plan developed under the ESSA is a
14 significant opportunity to establish new education policies that
15 ensure all students of this Commonwealth, regardless of their
16 individual circumstances, can succeed in the global economy.

17 (5) It is the intent of the General Assembly to exercise its
18 authority regarding the maintenance and support of a thorough
19 and efficient system of public education in this Commonwealth
20 through the following:

21 (i) Timely and meaningful consultation with the department
22 in its development and revision of the State plan as provided in
23 the ESSA or its regulations.

24 (ii) A review of the proposed State plan by the General
25 Assembly, through the Education Committee of the Senate and the
26 Education Committee of the House of Representatives, prior to
27 the State plan's submission to the United States Secretary of
28 Education.

29 (iii) Limiting the implementation of a new State plan until
30 the General Assembly shall have expressly approved or

1 appropriated funds for the State plan's implementation.

2 (b) The State plan shall be developed and submitted as
3 follows:

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, with opportunity for input into the plan's
9 formation. Consultation shall occur with regard to the
10 initiatives that are newly created or that retain or modify
11 existing law, regulation or department policy or directive with
12 regard to the following:

13 (i) The use and format of student academic assessments,
14 adjustments or alternatives to existing student academic
15 assessments.

16 (ii) Ongoing parental involvement in assessment and
17 accountability measures.

18 (iii) Teacher evaluation and accountability.

19 (iv) Low-performing school assessment and improvement.

20 (v) Vocational and career education academic assessments,
21 pathways and standards.

22 (vi) Comparability and fairness in assessments of public and
23 private charter schools.

24 (vii) School district or school building performance
25 measures.

26 (viii) Contracting standards with regard to a third-party
27 provision of the assessments or evaluations provided for in the
28 State plan.

29 (2) The department shall not submit a proposed State plan to
30 the United States Secretary of Education until the Education

1 Committee of the Senate and the Education committee of the House
2 of Representatives have been provided at least sixty (60) days
3 to review and comment on the proposed State plan.

4 (c) No State plan shall be implemented by the department
5 until the General Assembly has approved the State plan or has
6 appropriated funds for the State plan's implementation.

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

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

12 "ESSA." The Every Student Succeeds Act (Public Law 114-95,
13 129 Stat. 1802).

14 "State plan." The State plan prepared by the department for
15 the Commonwealth to implement the ESSA and submitted to the
16 United States Secretary of Education for approval, as provided
17 in section 1005 of the ESSA. The term includes:

18 (1) A provision within the State plan that is an election by
19 the department to retain and modify an existing law or
20 regulation or department policy and a provision that will
21 necessitate the enactment of laws or the promulgation of
22 regulations.

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

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

27 (ii) pursued under a waiver process authorized under the
28 ESSA; or

29 (iii) required by a Federal reauthorization.

30 Section 2. This act shall take effect immediately.