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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1637 Session of  
2019

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INTRODUCED BY FIEDLER, HOHENSTEIN, CEPHAS, SOLOMON, CALTAGIRONE,  
KINSEY, RABB, SCHLOSSBERG, HILL-EVANS, ROEBUCK, PASHINSKI,  
OTTEN, KENYATTA, SCHWEYER, McNEILL, STURLA, MULLINS,  
MARKOSEK, YOUNGBLOOD, RAVENSTAHL, McCLINTON, MULLERY,  
BULLOCK, KIM, FLYNN, A. DAVIS, BURGOS, JOHNSON-HARRELL,  
FRANKEL, DeLUCA, DELLOSO, KRUEGER, INNAMORATO AND DEASY,  
JUNE 14, 2019

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REFERRED TO COMMITTEE ON APPROPRIATIONS, JUNE 14, 2019

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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," providing for the Public School  
6 Building Emergency Repair and Renovation Grant Program;  
7 establishing the Public School Building Emergency Repair and  
8 Renovation Grant Fund; and making an appropriation.

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

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

14 ARTICLE VII-A

15 PUBLIC SCHOOL BUILDING EMERGENCY REPAIR

16 AND RENOVATION GRANT PROGRAM

17 Section 701-A. Scope.

18 This article relates to the Public School Building Emergency

1 Repair and Renovation Grant Program.

2 Section 702-A. Definitions.

3 The following words and phrases when used in this article  
4 shall have the meanings given to them in this section unless the  
5 context clearly indicates otherwise:

6 "Department." The Department of Education of the  
7 Commonwealth.

8 "Eligible cost." The term includes the cost of all labor,  
9 materials, necessary operational machinery and equipment, plans  
10 and specifications, surveys, prefeasibility studies, engineering  
11 and other professional services related to an emergency repair  
12 and renovation project.

13 "Emergency repair and renovation projects." Eligible costs  
14 associated with the improvement, repair, rehabilitation or  
15 renovation of all or part of a public school building, which  
16 include the following:

17 (1) Emergency repairs resulting from a natural or  
18 manmade disaster.

19 (2) Lead abatement, remediation and removal.

20 (3) Asbestos abatement, remediation and removal.

21 (4) Heating, ventilation and air conditioning purchase,  
22 repair or replacement.

23 (5) Electrical system repair or replacement.

24 (6) Roof and window repair or replacement.

25 (7) Plumbing repairs or replacement.

26 (8) Purchase, repair or replacement of indoor air  
27 quality systems.

28 (9) Removal of the presence of toxins, chemicals and  
29 health hazards, including mercury, radon, PCBs, mold, mildew,  
30 rodents and pests.

1           (10) Repairs or renovations that ensure the building  
2 envelopes of public school buildings protect occupants and  
3 interiors from the elements and are structurally sound and  
4 secure.

5           (11) Repairs or renovations that ensure the safety of  
6 drinking water and water used for meal preparation in public  
7 school buildings, which may include testing of the potability  
8 of water for the presence of lead and other contaminants.

9           (12) Repairs or renovations that bring public school  
10 facilities into compliance with applicable fire, health and  
11 safety codes.

12           (13) Other improvements, actions, repairs or renovations  
13 that will improve the physical health, welfare and safety of  
14 students as approved by the department.

15       "Fund." The Public School Building Emergency Repair and  
16 Renovation Grant Fund established under section 704-A.  
17 Section 703-A. Public School Building Emergency Repair and  
18 Renovation Grant Program.

19       (a) Establishment.--The Public School Building Emergency  
20 Repair and Renovation Grant Program is established and shall be  
21 administered by the department.

22       (b) Application.--A school district may submit a single  
23 application in writing to the department which identifies each  
24 project for which grant funding is requested under this section.  
25 The department may establish the form and manner in which an  
26 application is submitted.

27       (c) Requirements of application.--An application submitted  
28 under subsection (b) shall include:

29           (1) A detailed plan of each emergency repair and  
30 renovation project for which the school district is seeking

1 funding.

2 (2) The total amount of grant funding requested.

3 (3) A statement indicating that the emergency repair and  
4 renovation project is necessary to protect the health and  
5 safety of the students in the school district.

6 (4) Any other information required by the department.

7 (d) Review.--Within 30 days of receipt of an application,  
8 the department shall review and approve or deny the application.  
9 If the application is approved, the department shall award the  
10 grant and execute a grant agreement with the school district. If  
11 the application is denied, the department shall forward the  
12 reasons for denial to the applicant and allow the applicant to  
13 reapply.

14 Section 704-A. Public School Building Emergency Repair and  
15 Renovation Grant Fund.

16 There is established in the State Treasury a special fund to  
17 be known as the Public School Building Emergency Repair and  
18 Renovation Grant Fund.

19 Section 705-A. Use of money.

20 (a) Grants.--Money in the fund may only be used for grants  
21 to school districts for emergency repair and renovation projects  
22 approved under section 703-A(d).

23 (b) Distribution.--Money in the fund shall be distributed as  
24 follows:

25 (1) The sum of \$85,000,000 shall be allocated for grants  
26 for emergency repair and renovation projects in a school  
27 district of the first class.

28 (2) The sum of \$30,000,000 shall be used for grants for  
29 emergency repair and renovation projects in school districts,  
30 except school districts of the first class, that are in one

1 of the following categories:

2 (i) In financial recovery status under Subchapter C  
3 of Article VI-A.

4 (ii) In financial watch status under Subchapter B of  
5 Article VI-A.

6 (iii) With 20% or more of school-age children  
7 identified as in acute poverty by the American Community  
8 Survey data, as used in section 2502.53.

9 (3) The sum of \$10,000,000 shall be used for grants for  
10 emergency repair and renovation projects in school districts  
11 other than those identified in paragraphs (1) and (2).

12 (c) Prohibition.--The department may not award grants for  
13 any of the following purposes:

14 (1) Construction of a new public school building.

15 (2) Payment of maintenance costs other than those  
16 allowed in this article.

17 (3) Purchase, lease or upgrade of school district  
18 vehicles.

19 (4) Improvement of a stand-alone facility which is not  
20 used for the purpose of educating children, including  
21 administrative or operations buildings or logistical support  
22 facilities.

23 (d) Guidelines.--The department shall develop guidelines for  
24 the following:

25 (1) Submitting applications for a grant.

26 (2) Reviewing applications and selecting projects for  
27 the awarding of grants.

28 (3) Eligible uses of money by school districts that  
29 receive grants.

30 (4) Minimum grant amounts.

1 Section 706-A. Amount of grant.

2 Maximum grant amounts for a school district shall be as  
3 follows:

4 (1) \$2,000,000 for school districts under section 705-  
5 A(b)(2).

6 (2) \$500,000 for school districts under section 705-A(b)  
7 (3).

8 Section 707-A. Deposit and transfer of money.

9 For fiscal year 2019-2020, the sum of \$125,000,000 shall be  
10 deposited into the fund for purposes of awarding grants under  
11 this article. Transfers to the fund shall be as follows:

12 (1) The sum of \$35,000,000 from the Surface Mining  
13 Conservation and Reclamation Fund.

14 (2) The sum of \$10,000,000 from the trust account  
15 established under 64 Pa.C.S. § 1541 (relating to trust  
16 accounts) for the First Industries Program.

17 (3) The sum of \$20,000,000 from the trust account  
18 established under 64 Pa.C.S. § 1541 for the New Pennsylvania  
19 Venture Capital Investment Program.

20 (4) The sum of \$15,000,000 from the trust account  
21 established under 64 Pa.C.S. § 1541 for the Building  
22 Pennsylvania Program.

23 (5) The sum of \$45,000,000 from the Underground Storage  
24 Tank Indemnification Fund.

25 Section 2. This act shall take effect in 60 days.