

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 440 Session of 2019

INTRODUCED BY PHILLIPS-HILL, FOLMER, MARTIN, BARTOLOTTA, AUMENT, HUTCHINSON AND REGAN, MARCH 15, 2019

REFERRED TO EDUCATION, MARCH 15, 2019

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 terms and courses of study,  
 6 providing for flexible instructional days.

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 1506. Flexible Instructional Days.--(a) Within  
 13 thirty (30) days of the effective date of this section, the  
 14 department shall issue guidance and establish a standard  
 15 application form for a public school entity seeking to establish  
 16 or renew a program. The guidance and form shall be published on  
 17 the department's publicly accessible Internet website.

18 (b) The form under subsection (a) shall require the  
 19 following information:

20 (1) The procedure for a public school entity to notify

1 students, parents and professional employes that a flexible  
2 instructional day is instituted.

3 (2) The procedure for instituting a flexible instructional  
4 day, including whether the public school entity will use  
5 technology. If technology will be used by the school entity, the  
6 procedure shall include information regarding accommodations for  
7 students without Internet access at home and for digital device  
8 access at home and for digital access for families without  
9 technology or an insufficient amount of technology for the  
10 number of children in the household.

11 (3) The responsibilities of professional employes and  
12 students during a flexible instructional day.

13 (4) The procedure for identifying student participation  
14 during a flexible instructional day for the purpose of enforcing  
15 attendance under Article XIII.

16 (5) Instruction exemplary of a flexible instruction day in  
17 each of the following:

18 (i) English language arts in any grade from grades nine  
19 through twelve.

20 (ii) Mathematics in any grade from grades nine through  
21 twelve.

22 (iii) Science in any grade from grades nine through twelve.

23 (iv) Social Studies in any grade from grades nine through  
24 twelve.

25 (v) English language arts in kindergarten or in any grade  
26 from grades one through eight.

27 (vi) Mathematics in kindergarten or in any grade from grades  
28 one through eight.

29 (6) Assurance of compliance with the Individuals with  
30 Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400

1 et seq.) during a flexible instructional day.

2 (7) Any additional information that the department deems  
3 necessary to determine whether to accept or deny an application  
4 to establish or renew a program.

5 (c) (1) For the first two years for application under this  
6 section, a public school entity's application to establish a  
7 program shall be submitted to the department on or before  
8 September 1 and the department shall notify the public school  
9 entity if its application is accepted or denied by November 1.

10 (2) For each year thereafter, a public school entity's  
11 application to establish or renew a program shall be submitted  
12 to the department on or before June 1 and the department shall  
13 notify the public school entity if its application or renewal is  
14 accepted or denied by August 1.

15 (d) An application accepted under this section shall remain  
16 valid for a period of three (3) years.

17 (e) The department shall issue an annual survey related to  
18 the efficacy of flexible instructional days on or before April  
19 30 of each year to each public school entity with an accepted  
20 application. Each public school entity shall return the survey  
21 to the department by June 30 of the same year.

22 (f) As used in this section, the following words and phrases  
23 shall have the meanings given to them in this subsection:

24 "Department" shall mean the Department of Education of the  
25 Commonwealth.

26 "Flexible instructional day" shall mean a day that satisfies  
27 all of the following:

28 (1) Fulfills one of the minimum required days of instruction  
29 under section 1501.

30 (2) Prevents a school building from opening due to any of

1 the following:

2 (i) A disease epidemic.

3 (ii) A hazardous weather condition.

4 (iii) A law enforcement emergency.

5 (iv) The inoperability of school buses or other equipment  
6 necessary to the public school entity's operation.

7 (v) Damage to a school building.

8 (vi) Another temporary circumstance rendering any portion of  
9 a school building unfit or unsafe for use.

10 (3) Provides instruction to students.

11 "Program" shall mean a program that allows for a number of  
12 flexible instructional days not to exceed five (5) days during a  
13 school year.

14 "Public school entity" shall mean any of the following:

15 (1) A school district.

16 (2) An intermediate unit.

17 (3) An area vocational-technical school.

18 (4) A charter school or regional charter school, as defined  
19 in section 1703-A.

20 "School building" shall mean a building owned by or under the  
21 control of a public school entity where classes are taught or  
22 extracurricular activities are conducted on a regular basis.

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