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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1533 Session of  
2021

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INTRODUCED BY TOPPER, R. BROWN, GILLEN, GLEIM, KAUFFMAN,  
MULLINS, PENNYCUICK, ROTHMAN, RYAN, SAYLOR, SCHROEDER,  
STEPHENS, STRUZZI, THOMAS, WARNER AND WHITE, JUNE 3, 2021

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REFERRED TO COMMITTEE ON EDUCATION, JUNE 3, 2021

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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," in terms and courses of study,  
6 providing for program of accelerated learning following  
7 COVID-19 pandemic.

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 1507. Program of Accelerated Learning Following  
14 COVID-19 Pandemic.--(a) Each school entity shall offer to all  
15 students enrolled in the school entity a program of accelerated  
16 learning, beginning on June 15, 2021, and continuing through  
17 September 1, 2023. The program of accelerated learning  
18 established under this subsection shall, at a minimum, be funded  
19 by twenty percent of the Federal funding under section 2001(e)  
20 (1) of the American Rescue Plan Act of 2021 (Public Law No. 117-

1 2, 135 Stat. 4) for learning loss. Other Federal or State money  
2 may be used for a program of accelerated learning in school  
3 entities and nothing in this subsection shall be construed to  
4 limit funding for the program of accelerated learning. The  
5 following shall apply:

6 (1) Students shall be offered the option of an in-person  
7 program of accelerated learning.

8 (2) The program of accelerated learning shall be offered to  
9 students at no cost.

10 (3) School entities must develop a plan for the program of  
11 accelerated learning in consultation with existing employe  
12 organizations and other appropriate entities, as needed, for the  
13 services to be provided, including local agencies, county health  
14 agencies, mental health agencies and community-based  
15 organizations. The plan for the program of accelerated learning  
16 shall be tailored to the social, emotional, behavioral and  
17 academic needs of students enrolled in the school entity,  
18 utilizing, as appropriate, formative, diagnostic and benchmark  
19 assessments selected by the school entity. The plan shall be  
20 posted on the school entity's publicly accessible Internet  
21 website.

22 (4) The program of accelerated learning shall be staffed as  
23 follows:

24 (i) Current employes of the school entity shall be given  
25 priority to fill assignments necessitated by the offering of the  
26 program of accelerated learning. Current employes of the school  
27 entity who accept or are transferred to an assignment in the  
28 program of accelerated learning shall have the right to return  
29 to the same position in the same school or schools upon  
30 cessation of the services provided by that assignment.

1 (ii) School entities may also hire any of the following  
2 additional school employes to fill assignments necessitated by  
3 the offering of the program of accelerated learning not  
4 otherwise filled by current employes:

5 (A) Certified professional employes, temporary professional  
6 employes or substitute employes as defined in section 1101,  
7 including, but not limited to, certified school nurses,  
8 certified school psychologists and other certified school staff  
9 who provide students with mental health support as part of the  
10 program of accelerated learning.

11 (B) Noncertified licensed professionals, including, but not  
12 limited to, behavior analysts, occupational therapists and  
13 social workers.

14 (C) Education support professionals who provide services to  
15 school entities and students as part of the program of  
16 accelerated learning.

17 (5) Upon exhaustion of Federal funding under the American  
18 Rescue Plan Act of 2021, a school entity may suspend individuals  
19 hired under paragraph (4) based on an alteration or curtailment  
20 of the program under section 1124. Notwithstanding section  
21 1125.1, suspended employes shall not have realignment or recall  
22 rights. School entities may determine to continue a program of  
23 accelerated learning beyond the exhaustion of Federal funding,  
24 in which case employes assigned to the program of accelerated  
25 learning shall have all rights afforded under this act,  
26 including the rights of professional employes related to  
27 suspension.

28 (6) If, after a good faith effort, a school entity is unable  
29 to fill accelerated learning assignments arising between two  
30 school years under paragraph (4)(i) or (ii), the school entity

1 may contract with outside providers to provide tutoring services  
2 or to address the academic, social, behavioral and emotional  
3 needs of students. A school entity may require that an outside  
4 provider utilize appropriately certified staff. All contracts  
5 with outside providers shall expire upon the exhaustion of  
6 Federal funding under the American Rescue Plan Act of 2021.

7 (b) Each school entity that receives money under subsection  
8 (a) shall report to the department contracts the school entity  
9 enters with an outside provider that will be paid through money  
10 received by the school entity under subsection (a). The  
11 following shall apply:

12 (1) The report shall contain, at a minimum, the following  
13 with respect to each contract:

14 (i) The name of the outside provider.

15 (ii) The term of the contract, including beginning and  
16 ending dates.

17 (iii) A description of the services to be provided by the  
18 provider under the contract, including performance measures by  
19 which the school entity will determine whether the outside  
20 provider has satisfactorily performed under the contract.

21 (iv) A description of the selection process used in  
22 selecting the outside provider.

23 (v) The amounts paid to the outside provider under the  
24 contract, including an itemized description of the funding  
25 allocated to each service being provided under the contract and  
26 the dates of payment.

27 (2) The school entity shall submit its report to the  
28 department within ten (10) business days of entering into the  
29 contract. The report shall be submitted electronically using a  
30 form and reporting instructions developed by the department and

1 shall be posted on the school entity's publicly accessible  
2 Internet website.

3 (3) The department shall publish the form and reporting  
4 instructions on its publicly accessible Internet website within  
5 thirty (30) days of the effective date of this paragraph.

6 (4) The department shall compile the information required to  
7 be reported under paragraph (1) and publish the information on  
8 the department's publicly accessible Internet website on a  
9 searchable database. The department shall update the information  
10 in the database at least monthly. The department shall submit  
11 the compiled and updated information to the Education Committee  
12 of the Senate and the Education Committee of the House of  
13 Representatives.

14 (5) Each school entity shall provide the department, upon  
15 request, additional reports and information concerning the  
16 contract and the provider as the department may require.

17 (6) Within sixty (60) days of the end of the contract term,  
18 the school entity shall supplement the report required under  
19 this subsection with an assessment of the benefits derived by  
20 the school entity under the contract.

21 (c) Nothing in this section shall supersede or preempt any  
22 provision of a collective bargaining agreement between a school  
23 entity and an employe organization. All rights of an employe  
24 organization under the provisions of the act of July 23, 1970  
25 (P.L.563, No.195), known as the Public Employe Relations Act,  
26 including, but not limited to, the right of an employe  
27 organization to exclusive representation of employes hired to  
28 provide accelerated learning. Employe organizations shall not  
29 lose the exclusive right to bargaining unit work by virtue of a  
30 school entity's operation of a program of accelerated learning

1 under this section.

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

5 "COVID-19 pandemic." The global pandemic declared by the  
6 World Health Organization on March 11, 2020.

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

9 "Employe organization." A public school employe organization  
10 or an agency or employe representation committee or plan in  
11 which membership is limited to public school employes, and which  
12 exists for the purpose, in whole or in part, of dealing with  
13 public school employers concerning grievances, public school  
14 employe-public school employer disputes, wages, rates of pay,  
15 hours of employment or conditions of work. The term shall not  
16 include an organization which practices discrimination in  
17 membership because of race, color, creed, national origin or  
18 political affiliation.

19 "Program of accelerated learning." A student-centered  
20 program designed by a school entity based in part on data-driven  
21 assessments, including formative, diagnostic and benchmark  
22 assessments, as well as direct input from educators, that is  
23 evidence-based and may include evidence-based supports  
24 recognized by the department within its Consolidated State Plan  
25 required under section 1111 of the Elementary and Secondary  
26 Education Act of 1965 (Public Law 89-110, 20 U.S.C. § 6311 et  
27 seq.), for the social, emotional, behavioral and academic needs  
28 of students and that addresses the disproportionate impact of  
29 the COVID-19 pandemic on the student subgroups described in  
30 section 1111(b) (2) (B) (xi) of the Elementary and Secondary

1 Education Act of 1965 or in section 1111(c)(2) of the Every  
2 Student Succeeds Act, (Public Law 114-95, 129 Stat. 1802),  
3 students experiencing homelessness and children and youth in  
4 foster care.

5 "School entity." A school district, area career and  
6 technical school, intermediate unit, charter school, regional  
7 charter school or cyber charter school.

8 "School year." The period of time elapsing between the  
9 opening of the public schools in the fall of one calendar year  
10 and the closing of the public schools in the spring of the  
11 following calendar year.

12 Section 2. This act shall take effect immediately.