

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1660 Session of
2021

INTRODUCED BY SONNEY, BERNSTINE, DeLUCA, MILLARD, PICKETT, RYAN,
TOPPER, ROWE, ZIMMERMAN AND GILLEN, JUNE 16, 2021

SENATOR MARTIN, EDUCATION, IN SENATE, AS AMENDED,
NOVEMBER 8, 2021

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 duties and powers of boards of
6 school directors, further providing for temporary emergency
7 provisions.

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

10 Section 1. Section 520.1 of the act of March 10, 1949
11 (P.L.30, No.14), known as the Public School Code of 1949, is
12 amended to read:

13 Section 520.1. Temporary Emergency Provisions.--[(a)
14 Whenever an emergency shall arise which the board of school
15 directors of any school district in the performance of its
16 duties could not anticipate or foresee, and which emergency
17 shall result in any such school district being unable to provide
18 for the attendance of all pupils during the prescribed length of
19 school days, number of days per week, or usual hours of classes,

1 it shall be found as a fact by the school directors of any
2 school district and so recorded on the minutes of a regular or
3 special meeting of such board and certified to the
4 Superintendent of Public Instruction, and such board of school
5 directors, subject to the approval of the Superintendent of
6 Public Instruction, shall have power to put into operation in
7 such school district any one or more of the temporary provisions
8 hereinafter provided for, but in no event shall such temporary
9 provisions remain in effect for a period of more than four years
10 after they are first put into effect.

11 (b) Subject to the foregoing provisions, any board of school
12 directors may:

13 (1) Keep the schools of the district in session such days
14 and number of days per week as they shall deem necessary or
15 desirable, but the provisions of this act requiring a minimum of
16 one hundred eighty (180) session days as a school year shall not
17 be affected thereby.

18 (2) Reduce the length of time of daily instruction for
19 various courses and classes.

20 (c) Any school district, by invoking the powers herein
21 granted, shall not thereby forfeit its right to reimbursement by
22 the Commonwealth or other State-aid as otherwise provided for by
23 this act.]

24 ~~(a) Beginning with the 2021-2022 school year and each school <--~~
25 ~~year thereafter, whenever an emergency shall arise which the~~
26 ~~board of school directors of a school district in the~~
27 ~~performance of its duties could not anticipate or foresee, and~~
28 ~~which emergency shall result in five (5) or more consecutive~~
29 ~~school days of being unable to provide for in person instruction~~
30 ~~of pupils under sections 1327 and 1501, the board of school~~

~~1 directors shall have the power to put into operation the
2 temporary emergency provisions under subsection (b) by a
3 majority vote of the board of school directors. In no event
4 shall the temporary emergency provisions remain in effect for a
5 period of more than sixty (60) days after the temporary
6 emergency provisions are first put into effect unless an
7 extension is approved by a majority vote of the board of school
8 directors. The board of school directors shall hold at least one
9 public hearing prior to the vote to extend temporary emergency
10 provisions.~~

~~11 (a.1) A board of school directors shall have sixty (60) days
12 after a vote to approve temporary emergency provisions under
13 subsection (a) to implement the temporary emergency provisions.
14 The board of school directors shall provide a written plan for
15 the implementation of the temporary emergency provisions which
16 includes, at a minimum:~~

~~17 (1) An explanation of why the temporary emergency provisions
18 are necessary.~~

~~19 (2) How long the temporary emergency provisions are expected
20 to be in effect.~~

~~21 (a.2) The school district shall publish the written plan
22 under subsection (a.1) on its publicly accessible Internet
23 website.~~

~~24 (b) Subject to the provisions of this subsection, a board of
25 school directors may:~~

~~26 (1) Keep the schools of the district in session such days
27 and number of days per week as the board of school directors
28 deems necessary or desirable, but the provisions of this act
29 requiring a minimum of one hundred eighty (180) session days as
30 a school year shall not be affected by this paragraph.~~

1 ~~(2) Reduce the length of time of daily instruction for~~
2 ~~various courses and classes.~~

3 ~~(c) Any school district, by invoking the powers under this~~
4 ~~section, shall not forfeit the school district's right to~~
5 ~~reimbursement by the Commonwealth or other State aid as~~
6 ~~otherwise provided for by this act.~~

7 ~~(d) The department shall issue guidelines within thirty (30)~~
8 ~~days of the effective date of this section for implementation of~~
9 ~~this section. The guidelines shall be published on the~~
10 ~~department's publicly accessible Internet website.~~

11 ~~(e) As used in this section, the term "emergency" shall mean~~
12 ~~an event that prevents a school building from opening due to any~~
13 ~~of the following:~~

14 ~~(1) A communicable health issue or incident.~~

15 ~~(2) A hazardous weather condition.~~

16 ~~(3) A law enforcement emergency.~~

17 ~~(4) The inoperability of school buses or other equipment~~
18 ~~necessary to the public school entity's operation.~~

19 ~~(5) Damage to a school building.~~

20 ~~(6) Another temporary circumstance rendering any portion of~~
21 ~~a school building unfit or unsafe for use.~~

22 ~~(A) BEGINNING WITH THE 2021-2022 SCHOOL YEAR AND EACH SCHOOL <--~~
23 ~~YEAR THEREAFTER, THE FOLLOWING SHALL APPLY:~~

24 ~~(1) WHENEVER AN EMERGENCY, EXCEPT AN EMERGENCY DUE TO AN~~
25 ~~INFECTIOUS DISEASE, SHALL ARISE, WHICH THE BOARD OF SCHOOL~~
26 ~~DIRECTORS OF A SCHOOL DISTRICT IN THE PERFORMANCE OF ITS DUTIES~~
27 ~~COULD NOT ANTICIPATE OR FORESEE AND THE EMERGENCY IS ANTICIPATED~~
28 ~~TO CONTINUE FOR MORE THAN FIVE (5) CONSECUTIVE SCHOOL DAYS~~
29 ~~DURING WHICH THE SCHOOL DISTRICT IS UNABLE TO PROVIDE IN-PERSON~~
30 ~~INSTRUCTION OF PUPILS, THE BOARD OF SCHOOL DIRECTORS SHALL HAVE~~

1 THE POWER TO PUT INTO OPERATION SOME OR ALL OF THE TEMPORARY
2 EMERGENCY PROVISIONS UNDER SUBSECTION (C) BY A MAJORITY VOTE OF
3 THE BOARD OF SCHOOL DIRECTORS. IN NO EVENT SHALL THE TEMPORARY
4 EMERGENCY PROVISIONS REMAIN IN EFFECT FOR A PERIOD OF MORE THAN
5 SIXTY (60) CALENDAR DAYS UNLESS AN EXTENSION IS APPROVED BY THE
6 BOARD. EXTENSIONS MAY BE APPROVED FOR A PERIOD OF NO MORE THAN
7 SIXTY (60) CALENDAR DAYS IF ALL OF THE FOLLOWING CONDITIONS ARE
8 MET:

9 (I) THE BOARD OF SCHOOL DIRECTORS APPROVES THE EXTENSION
10 WITH A MAJORITY VOTE.

11 (II) THE BOARD OF SCHOOL DIRECTORS SHALL HOLD AT LEAST ONE
12 PUBLIC HEARING PRIOR TO THE VOTE TO EXTEND TEMPORARY EMERGENCY
13 PROVISIONS.

14 (2) WHENEVER AN EMERGENCY SHALL ARISE THAT IS DUE TO AN
15 INFECTIOUS DISEASE, WHICH THE BOARD OF SCHOOL DIRECTORS OF A
16 SCHOOL DISTRICT IN THE PERFORMANCE OF ITS DUTIES COULD NOT
17 ANTICIPATE OR FORESEE AND THE EMERGENCY IS ANTICIPATED TO
18 CONTINUE FOR MORE THAN FIVE (5) CONSECUTIVE SCHOOL DAYS DURING
19 WHICH THE SCHOOL DISTRICT IS UNABLE TO PROVIDE IN-PERSON
20 INSTRUCTION OF PUPILS, THE BOARD OF SCHOOL DIRECTORS SHALL HAVE
21 THE POWER TO PUT INTO OPERATION SOME OR ALL OF THE TEMPORARY
22 EMERGENCY PROVISIONS UNDER SUBSECTION (C) BY A MAJORITY VOTE OF
23 THE BOARD OF SCHOOL DIRECTORS. IN NO EVENT SHALL THE TEMPORARY
24 EMERGENCY PROVISIONS REMAIN IN EFFECT FOR A PERIOD OF MORE THAN
25 TWENTY-ONE (21) CALENDAR DAYS. AN EXTENSION AND ANY SUCCESSIVE
26 EXTENSIONS MAY BE APPROVED FOR A PERIOD OF NO MORE THAN TWENTY-
27 ONE (21) CALENDAR DAYS IF ALL OF THE FOLLOWING CONDITIONS ARE
28 MET:

29 (I) THE BOARD OF SCHOOL DIRECTORS APPROVES THE EXTENSION
30 WITH A MAJORITY VOTE.

1 (II) THE BOARD OF SCHOOL DIRECTORS SHALL HOLD AT LEAST ONE
2 PUBLIC HEARING PRIOR TO THE VOTE TO EXTEND TEMPORARY EMERGENCY
3 PROVISIONS.

4 (III) THERE IS AN ACTIVE LOCAL DISASTER EMERGENCY
5 DECLARATION ISSUED BY THE GOVERNING BODY OF A POLITICAL
6 SUBDIVISION UNDER 35 PA.C.S. § 7501(B) (RELATING TO GENERAL
7 AUTHORITY OF POLITICAL SUBDIVISIONS) OR AN ACTIVE STATEWIDE
8 DISASTER EMERGENCY DECLARED UNDER 35 PA.C.S. § 7301(C) (RELATING
9 TO GENERAL AUTHORITY OF GOVERNOR) DIRECTLY RELATED TO THE
10 INFECTIOUS DISEASE RESULTING IN THE SCHOOL DISTRICT'S INABILITY
11 TO PROVIDE IN-PERSON INSTRUCTION OF PUPILS.

12 (B) UPON APPROVING TEMPORARY EMERGENCY PROVISIONS UNDER
13 SUBSECTION (A) (1) OR (2), THE BOARD OF SCHOOL DIRECTORS SHALL
14 ADOPT A WRITTEN PLAN FOR THE IMPLEMENTATION OF THE TEMPORARY
15 EMERGENCY PROVISIONS WHICH INCLUDE, AT A MINIMUM:

16 (1) AN EXPLANATION OF WHY THE TEMPORARY EMERGENCY PROVISIONS
17 ARE NECESSARY.

18 (2) HOW LONG THE TEMPORARY EMERGENCY PROVISIONS ARE EXPECTED
19 TO BE IN EFFECT.

20 (3) HOW THE SCHOOL DISTRICT WILL PROVIDE FOR THE EDUCATION
21 OF ALL IMPACTED PUPILS WHILE THE TEMPORARY EMERGENCY PROVISIONS
22 ARE IN EFFECT.

23 (C) THE SCHOOL DISTRICT SHALL PUBLISH THE WRITTEN PLAN UNDER
24 SUBSECTION (B) ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE AND
25 UPDATE THE WRITTEN PLAN FOR EACH APPROVED EXTENSION OF THE
26 TEMPORARY EMERGENCY PROVISIONS.

27 (D) UPON APPROVING TEMPORARY EMERGENCY PROVISIONS UNDER
28 SUBSECTION (A) (1) OR (2), A BOARD OF SCHOOL DIRECTORS MAY:

29 (1) KEEP THE SCHOOLS OF THE DISTRICT IN SESSION SUCH DAYS
30 AND NUMBER OF DAYS PER WEEK AS THE BOARD OF SCHOOL DIRECTORS

1 DEEMS FEASIBLE, BUT THE PROVISIONS OF THIS ACT REQUIRING A
2 MINIMUM OF ONE HUNDRED EIGHTY (180) SESSION DAYS AS A SCHOOL
3 YEAR SHALL NOT BE AFFECTED BY THIS PARAGRAPH.

4 (2) REDUCE THE LENGTH OF TIME OF DAILY INSTRUCTION FOR
5 VARIOUS COURSES AND CLASSES.

6 (3) PROVIDE INSTRUCTION DELIVERED IN WHOLE OR IN PART USING
7 TECHNOLOGY THAT MAY INCLUDE THE INTERNET, VIDEO CONFERENCING OR
8 OTHER ELECTRONIC MEANS TO PUPILS PARTICIPATING AT HOME OR AT
9 OTHER LOCATIONS OUTSIDE OF A SCHOOL BUILDING.

10 (E) ANY SCHOOL DISTRICT, BY INVOKING THE POWERS UNDER THIS
11 SECTION, SHALL NOT FORFEIT THE SCHOOL DISTRICT'S RIGHT TO
12 REIMBURSEMENT BY THE COMMONWEALTH OR OTHER STATE AID AS
13 OTHERWISE PROVIDED FOR BY THIS ACT.

14 (F) THIS SECTION SHALL NOT BE CONSTRUED TO PROHIBIT A SCHOOL
15 DISTRICT FROM OPERATING A CYBER EDUCATION PROGRAM.

16 (G) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES
17 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION UNLESS
18 THE CONTEXT CLEARLY INDICATES OTHERWISE:

19 "EMERGENCY" SHALL MEAN AN EVENT THAT PREVENTS A SCHOOL
20 BUILDING FROM OPENING DUE TO ANY OF THE FOLLOWING:

21 (1) AN INFECTIOUS DISEASE.

22 (2) A HAZARDOUS WEATHER CONDITION.

23 (3) A LAW ENFORCEMENT EMERGENCY.

24 (4) THE INOPERABILITY OF SCHOOL BUSES OR OTHER EQUIPMENT
25 NECESSARY TO THE PUBLIC SCHOOL ENTITY'S OPERATION.

26 (5) DAMAGE TO A SCHOOL BUILDING.

27 (6) ANOTHER TEMPORARY CIRCUMSTANCE RENDERING ANY PORTION OF
28 A SCHOOL BUILDING UNFIT OR UNSAFE FOR USE.

29 "INFECTIOUS DISEASE" SHALL MEAN A DISEASE THAT IS CAUSED BY
30 AN INFECTIOUS AGENT THAT MAY BE TRANSMITTABLE FROM

1 INDIVIDUAL TO INDIVIDUAL, ANIMAL TO INDIVIDUAL OR INSECT TO
2 INDIVIDUAL OR THROUGH ANY OTHER MODE OF TRANSMISSION.

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