



Senate Education Committee

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BILL SUMMARY

Senate Bill 814, Printer's No. 929

Prime Sponsor: Corman

A. SYNOPSIS:

Senate Bill 814 would amend the Pennsylvania School Code to reinstate the mandate waiver program. The program, which was part of the Education Empowerment Act that expired on June 30, 2010, permits school entities to apply to the Pennsylvania Department of Education (PDE) for a waiver of many School Code provisions. In addition, the bill would permit PDE to waive section 751(a) of the School Code, to allow school entities to solicit both multiple prime and single prime construction bids, if the contract is then awarded to the lowest responsible multiple prime or single prime bidder.

B. BILL ANALYSIS:

Senate Bill 814 would amend the School Code to include a new section establishing a mandate waiver program. Provisions of the mandate waiver program would include:

1. PDE may, upon application by the governing body of a school entity, waive any provision of the School Code, the Regulations of the State Board of Education, or the Standards of the Secretary -- with certain exceptions -- if the waiver will allow the school entity to improve its instructional program or operate in a more effective, efficient or economical manner.
2. A school entity governing body seeking a waiver would submit to PDE an application adopted by the governing body at a regularly scheduled meeting.
3. The waiver application must do the following:
 - a. Specify the need for the waiver;
 - b. Provide supporting data and information explaining the benefits of the waiver or the instructional program that would operate under the waiver; and
 - c. Include an evaluation procedure to determine the effectiveness of the waiver, including instructional programs conducted under the waiver, measures of student performance, and changes in school entity operations.
4. PDE must approve, disapprove or request modifications to the waiver application within 60 days of receipt of the application. Except as provided below, PDE's failure to act within that time period shall be deemed approval of the application.
5. If PDE disapproves a waiver application, PDE must inform the governing body of its reason for disapproval. The governing body may submit a revised request.
6. Three years after the waiver is implemented, the governing body must submit to PDE an evaluation of the effectiveness of the waiver. If the evaluation indicates an improvement

in student performance, an instructional program or school operations, PDE must renew the waiver and the waiver will remain in effect unless the governing body rescinds it.

7. The bill would exclude from waiver several provisions of the School Code and regulations of the State Board of Education, as well as several labor-related provisions of law, such as portions of Section 751 of the School Code, the Pennsylvania Prevailing Wage Act and the Steel Products Procurement Act.

8. Nothing in the bill may be construed to supersede or preempt any provision of a collective bargaining agreement in effect on the effective date of the bill.

9. The bill would permit PDE to grant a waiver of section 1361 of the School Code to allow school entities to provide transportation to a public or nonpublic school that is located more than 10 miles from the school entity if doing so is more cost effective for the school entity or addresses student safety concerns. Transportation provided under such a waiver would be reimbursable.

10. PDE may grant a waiver of section 751(a) of the School Code, relating to construction contracts, under the following conditions:

a. The school entity must solicit both multiple prime and single prime construction bids and award the contract to the lowest responsible multiple prime or single prime bidder.

b. Failure to solicit both types of bids results in the revocation of the waiver.

c. The governing body must indicate in its application the manner in which it will solicit bids and must provide proof of solicitation to PDE before awarding a construction contract.

d. PDE's failure to act on the application within 60 days will not constitute approval of the waiver application.

11. PDE must issue an annual report to the chairman and minority chairman of the Education Committees of the Senate and the House of Representatives, listing all waiver requests and PDE approvals and disapprovals.

C. SUMMARY OF RELEVANT EXISTING LAW:

The previous mandate waiver program, which was part of the Education Empowerment Act, expired on June 30, 2010 with the rest of that Act. There is currently no mandate waiver program.

D. SUMMARY OF PROPOSED AMENDMENT:

Amendment A01111 (Piccola) corrects a typographical error in the bill.