

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 873** Session of
2011

INTRODUCED BY BRUBAKER, PICCOLA, PILEGGI, HUGHES, FOLMER,
RAFFERTY, EICHELBERGER, ALLOWAY, WAUGH, YUDICHAK, ERICKSON,
D. WHITE, YAW AND EARLL, MARCH 31, 2011

REFERRED TO EDUCATION, MARCH 31, 2011

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in grounds and buildings, further providing for administration.

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

Section 1. Section 731 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended June 27, 1973 (P.L.75, No.34), is amended to read:

Section 731. Approval by Department of Plans, etc., of Buildings; Exceptions.--(a) The Department of Education, with respect to construction or reconstruction of public school buildings, shall have the power and its duties shall be:

(1) To review all projects, plans and specifications for school building construction or reconstruction, and to make recommendations thereon to the General Assembly and the Governor;

(2) To assist school districts in preplanning construction and reconstruction projects, and offer such architectural, engineering and financial advice as will enable the project to comply with the standards prescribed by the State Board of Education;

(3) To hold hearings on any or all projects and subpoena witnesses, administer oaths, take testimony and compel the production of documents relevant to any investigation;

(4) To act as liaison between the public, local school officials, the General Assembly, and the Governor on school building construction and reconstruction projects;

(5) To receive and investigate complaints from the public or other source concerning any school building construction or reconstruction project;

(6) To conduct investigations on any phase of school building construction or reconstruction projects.

(7) To, in conjunction with the State Board of Education, do all of the following:

(i) Conduct a review of the process by which the department is meeting the requirements of this section.

(ii) Make recommendations to:

(A) eliminate the backlog waiting for review;

(B) increase efficiency of the process; and

(C) ensure ease of compliance with the requirements for those entities that must comply with them.

(iii) Promulgate temporary regulations to implement the recommendations under subparagraph (ii). Regulations under this subparagraph are subject to all of the following:

(A) The regulations shall be exempt from:

(I) sections 201, 202 and 203 of the act of July 31, 1968

(P.L.769, No.240), referred to as the Commonwealth Documents Law; and

(II) the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act."

(B) The regulations shall expire on the earlier of:

(I) the effective date of regulations under subparagraph (iv); or

(II) eighteen months from the effective date of this paragraph.

(iv) Promulgate regulations to implement recommendations under subparagraph (ii).

(b) The Department of Education shall employ engineers, architects, financial advisors, and such other staff personnel as may be necessary for the proper performance of the duties of the Department with respect to construction or reconstruction of public school buildings.

(c) No public school building shall be contracted for, constructed, or reconstructed, in any school district of the second, third, or fourth class until the plans and specifications therefor have been approved by the Department of Education.

(d) When ordinary repairs are proposed, such as plastering, painting, replacement of floors, improvement of school grounds, repairing or providing walks, roadways or retaining walls, the cost of which in districts of the second class or in districts of the third and fourth class will not exceed fifteen thousand dollars (\$15,000) per building, no approval shall be required. Where any structural change is involved, such as moving or adding doors, windows, partitions, making additions or any excavations, or any work which may affect the safety or health

of the pupils, or any work which comes under the jurisdiction of another department of the Commonwealth, approval of the Department of Education shall be required regardless of the cost of such structural change.

(e) No school building shall be purchased by any school district until such purchase shall have been approved by the Department of Education. Such approval shall not be given unless the school building to be purchased and any approved structural changes or renovations meet the standards required to operate public school buildings of a similar age currently in use in the Commonwealth.

Section 2. This act shall take effect immediately.