

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 158 Session of 2015

INTRODUCED BY PEIFER, MILLARD, LONGIETTI, O'NEILL, GROVE, MURT, TALLMAN, SAYLOR, M. K. KELLER, CARROLL, READSHAW, MAJOR, TOPPER, PHILLIPS-HILL, R. BROWN AND GIBBONS, JANUARY 22, 2015

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, AS AMENDED, JANUARY 28, 2015

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 secretary declaration of emergencies. <--

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 1505. Secretary Declaration of Emergencies.--(a)
13 Beginning in the 2015-2016 school year and in each school year
14 thereafter, the Secretary of Education may issue a weather-
15 related, safety-related or health-related emergency declaration
16 on a school district, county or Statewide basis under which a
17 school entity may satisfy the one hundred eighty (180)
18 instructional day per school year requirement in section 1501 of
19 this act by one or more of the following options:

1 (1) Approving, by majority vote of the governing board of  
2 the school entity, a school year with a minimum of nine hundred  
3 (900) hours of instruction at the elementary level and nine  
4 hundred ninety (990) hours of instruction at the secondary level  
5 in lieu of one hundred eighty (180) instructional days.

6 (2) Approving, by majority vote of the governing board of  
7 the school entity, the scheduling of additional instructional  
8 days on Saturdays to complete one hundred eighty (180)  
9 instructional days or nine hundred (900) hours of instruction at  
10 the elementary level and nine hundred ninety (990) hours of  
11 instruction at the secondary level: Provided, however, that a  
12 school entity shall not schedule more than one Saturday per  
13 month as an instructional day and shall not schedule tests or  
14 other examinations on a Saturday. Where a school entity chooses  
15 to schedule an instructional day on Saturday under the  
16 provisions of this paragraph, the following shall apply:

17 (i) The school entity may schedule a regular instructional  
18 day on the following Monday.

19 (ii) The school entity shall, upon the written request of a  
20 parent or guardian, excuse a student from school attendance if  
21 the student has the opportunity to receive a program of advanced  
22 instruction, to participate in academic or skills competition or  
23 to engage in leadership development activities. The request  
24 shall identify and describe the instruction, competition or  
25 leadership development activities and the dates and hours for  
26 which the absence is requested. The parent or guardian shall,  
27 following each such absence, furnish in writing to the school  
28 entity a statement attesting to the student's participation,  
29 including the dates and hours of such participation.

30 (iii) The school entity shall, upon the written notification

1 of a parent or guardian, excuse a student from school attendance  
2 to observe or participate in a religious activity or function. A  
3 student's absence from school pursuant to this subparagraph  
4 shall be considered an instructional day and shall not be  
5 recorded as an absence on the student's attendance record or on  
6 the record of any group or class of which the student is a  
7 member. There shall be no penalty attached for any such absences  
8 pursuant to this subparagraph.

9 (b) A school entity shall notify the department, on a form  
10 to be developed by the department, of any decision to use the  
11 options provided for under subsection (a) to satisfy the one  
12 hundred eighty (180) instructional day per school year  
13 requirement.

14 (c) No school entity shall receive less subsidy payments or  
15 reimbursements than it would otherwise be entitled to receive by  
16 the decision to use the options provided under subsection (a).

17 (D) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO SUPERSEDE <--  
18 OR PREEMPT ANY PROVISIONS OF A COLLECTIVE BARGAINING AGREEMENT  
19 NEGOTIATED BY A SCHOOL ENTITY AND AN EXCLUSIVE REPRESENTATIVE OF  
20 THE EMPLOYEES IN ACCORDANCE WITH THE ACT OF JULY 23, 1970  
21 (P.L.563, NO.195), KNOWN AS THE "PUBLIC EMPLOYE RELATIONS ACT."

22 ~~(d)~~ (E) As used in this section, the following words and <--  
23 phrases shall have the meanings given to them in this subsection  
24 unless the context clearly indicates otherwise:

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

27 "School entity" shall mean a school district, area  
28 vocational-technical school, intermediate unit, charter school,  
29 regional charter school or cyber charter school.

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