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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 569 Session of  
2023

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INTRODUCED BY COLEMAN, PHILLIPS-HILL, DUSH, LANGERHOLC, ARGALL,  
HUTCHINSON, ROTHMAN, AUMENT AND BAKER, MARCH 28, 2023

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REFERRED TO EDUCATION, MARCH 28, 2023

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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 preliminary provisions, providing  
6 for mandate waiver program.

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 130. Mandate Waiver Program.--(a) Except as  
13 otherwise provided in this section, a governing body may adopt a  
14 resolution to apply to the department for a waiver of one or  
15 more provisions of this act, regulations of the State Board,  
16 standards of the secretary, policies or guidance of the  
17 department or any other provisions of law permitted to be waived  
18 under this section to enable the school entity to improve  
19 instructional programs or operate in a more effective, efficient  
20 or economical manner.

1 (b) The application for a waiver shall be submitted in a  
2 manner and on a form established by the department. The  
3 application may only require applicants to:

4 (1) Specify the provisions of this act, regulations of the  
5 State Board, standards of the secretary or policies or guidance  
6 of the department for which the applicant is seeking a waiver.

7 (2) Include the reasons why the waiver is being requested.

8 (3) Provide supporting data or information to explain the  
9 benefits expected to be obtained as a result of the waiver.

10 (c) Each application for waiver shall be adopted by a  
11 resolution of a governing body at a regularly scheduled meeting  
12 of the governing body. Approval from the department shall be  
13 required prior to implementing the waiver.

14 (d) The department, in considering each waiver application:

15 (1) May not impose any additional requirements on the waiver  
16 applicant other than the requirements specified in this section.

17 (2) Shall approve any waiver application that:

18 (i) Complies with the application process and provides all  
19 information required in the application form developed by the  
20 department under subsection (b).

21 (ii) Does not conflict with a provision of Federal law or  
22 regulation or any other law or regulation that is not permitted  
23 to be waived under this section.

24 (e) The department shall have thirty (30) days from receipt  
25 of the waiver application to issue a written approval,  
26 disapproval or request modifications to the application. If the  
27 department fails to act within that time period, the waiver  
28 application shall be deemed to be approved.

29 (f) (1) If the department requests modification to or  
30 disapproves the waiver application, the specific reasons for the

1 department's request or disapproval shall be transmitted to the  
2 waiver applicant.

3 (2) If the department denies an application, the response to  
4 the applicant shall include an explanation of any provision of  
5 law, regulation of the State Board, standard of the secretary or  
6 policies or guidance of the department that is not subject to  
7 waiver under this section and would be violated if the  
8 application were granted.

9 (3) The waiver applicant may submit a revised application  
10 for a waiver in accordance with subsection (c).

11 (4) A waiver applicant may appeal a disapproval to the  
12 secretary pursuant to 2 Pa.C.S. Chs. 5 (relating to practice and  
13 procedure) and 7 (relating to judicial review). A waiver  
14 applicant shall not be required to revise and resubmit the  
15 waiver application prior to appealing a disapproval.

16 (g) A waiver shall remain in effect permanently unless  
17 rescinded by the governing body or found by a court of competent  
18 jurisdiction to be in violation of subsection (d)(2)(ii).

19 (h) The department shall approve a waiver of section 751 if  
20 the governing body indicates in its application that the  
21 governing body intends to solicit multiple prime and single  
22 prime construction bids and award the contract to the lowest  
23 responsible bidder.

24 (i) The following shall not be subject to waiver pursuant to  
25 this section:

26 (1) The following provisions of this act: sections 106, 108,  
27 110, 111, 111.1, 321, 322, 323, 324, 325, 326, 327, 328, 431,  
28 436, 437, 440.1, 443, 513, 518, 527, 701.1, 708, 740, 741, 752,  
29 753, 771, 776, 785, 808, 809, 810, 1073, 1073.1, 1076, 1077,  
30 1080, 1302, 1303, 1310, 1310.1, 1317, 1317.2, 1318, 1327,

1 1327.1, 1327.2, 1330, 1332, 1361, 1366, 1501, 1502, 1513, 1517,  
2 1518, 1521, 1523, 1526, 1546 and 1547, provisions prohibiting  
3 discrimination, Articles VI, VI-A, XI, XI-A, XII, XIII-A, XIII-  
4 B, XIII-C, XIII-D, XIII-E, XIV, XVII-A and this section.

5 (2) The following provisions of 22 Pa. Code (relating to  
6 education):

7 Chapter 4 (relating to academic standards and assessment).

8 Chapter 10 (relating to safe schools).

9 Chapter 11 (relating to student attendance).

10 Chapter 12 (relating to students and student services).

11 Chapter 14 (relating to special education services and  
12 programs).

13 Chapter 15 (relating to protected handicapped students).

14 Chapter 16 (relating to special education for gifted  
15 students).

16 Chapter 23 (relating to pupil transportation).

17 Chapter 235 (relating to Code of Professional Practice and  
18 Conduct for Educators).

19 Chapter 711 (relating to charter school and cyber charter  
20 school services and programs for children with disabilities).

21 (3) For intermediate units, Article IX-A and 22 Pa. Code  
22 Ch. 17 (relating to intermediate units).

23 (4) For area career and technical schools, Article XVIII and  
24 22 Pa. Code Ch. 339 (relating to vocational education).

25 (j) The department shall maintain and annually update a  
26 listing of all approved waiver applications on the department's  
27 publicly accessible Internet website. The listing shall include  
28 the name of the school entity and the provisions of law,  
29 regulation, standard of the secretary or policies or guidance of  
30 the department for which waivers were granted.

1 (k) Nothing in this section shall be construed to supersede  
2 or preempt any provisions of a collective bargaining agreement  
3 in effect on the effective date of this subsection.

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

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

9 "Governing body." A board of school directors or other  
10 governing authority of a school entity.

11 "School entity." A school district, charter school, cyber  
12 charter school, regional charter school, area career and  
13 technical school or intermediate unit.

14 "Secretary." The Secretary of Education of the Commonwealth.

15 "State Board." The State Board of Education.

16 "Waiver applicant." A school entity that applies for a  
17 waiver under this section.

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