

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2435 Session of
2024

INTRODUCED BY FIEDLER, POWELL, KHAN, PROBST, KRAJEWSKI, HILL-
EVANS, GIRAL, DONAHUE, NEILSON, SANCHEZ, MERSKI, BOYD AND
CEPEDA-FREYTIZ, JUNE 26, 2024

REFERRED TO COMMITTEE ON EDUCATION, JUNE 26, 2024

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," providing for school facilities;
6 establishing the School Facilities Office and the Public
7 School Facility Advisory Committee; and repealing provisions
8 relating to building condition assessments.

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

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

14 ARTICLE VII-A

15 SCHOOL FACILITIES

16 Section 701-A. Definitions.

17 The following words and phrases when used in this article
18 shall have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

20 "Committee." The Public School Facility Advisory Committee

1 established under section 704-A.

2 "Department." The Department of Education of the
3 Commonwealth.

4 "Office." The School Facilities Office established under
5 section 702-A(a).

6 "Public school facility." A structure, building or facility
7 used wholly or in part by a school entity, intermediate unit or
8 cyber charter school for academic purposes or administrative
9 support.

10 "School entity." A school district, area career and
11 technical school, charter school or regional charter school
12 operating within this Commonwealth.

13 Section 702-A. School Facilities Office.

14 (a) Establishment.--The School Facilities Office is
15 established within the department.

16 (b) Duties.--The office shall have the following duties:

17 (1) Assist school entities with assessing their
18 infrastructure needs to provide quality, safe, healthy,
19 sustainable, effective and equitable learning environments.

20 (2) Assist school entities with securing and leveraging
21 Federal, State and local resources to improve public school
22 facilities.

23 (3) Coordinate public school facility planning and
24 improvement across agencies.

25 (4) Provide technical assistance regarding school
26 infrastructure improvement to high-need school districts as
27 determined by the office.

28 (5) Offer professional development to school entity
29 leaders.

30 (6) Administer the department's responsibilities for all

1 associated grants, reimbursements, approvals and reviews
2 under the following:

3 (i) Article VII.

4 (ii) Article XXVI-J.

5 (iii) Article XXVI-L.

6 (7) Establish and maintain the public school facility
7 inventory required under section 703-A(c).

8 (8) Develop, in consultation with the committee
9 established under section 704-A(a), the criteria for the
10 Statewide facility assessment required under section 705-A(b)
11 (1).

12 (9) Contract with one or more third-party vendors to
13 complete the Statewide facility assessment required under
14 section 705-A(b) (1).

15 (c) Administrative costs.--The department may use up to 1%
16 of money appropriated for grants or reimbursement of school
17 construction projects to support administrative costs for the
18 office.

19 Section 703-A. Public school facility inventory.

20 (a) Data submission.--No later than February 1, 2025, the
21 department shall establish a form and electronic process by
22 which each school entity, intermediate unit or cyber charter
23 school can submit the information required under subsection (c).

24 (b) Duties.--No later than April 1, 2025, each school
25 entity, intermediate unit or cyber charter school shall submit
26 the information required under subsection (c) to the department
27 in a form and manner determined by the department.

28 (c) Inventory.--For each public school facility, the
29 department shall collect the following information from a school
30 entity, intermediate unit or cyber charter school:

1 (1) The name of the school entity, intermediate unit or
2 cyber charter school that uses the public school facility.

3 (2) The name or address of the public school facility.

4 (3) The grades served in the public school facility, if
5 applicable.

6 (4) The number of students enrolled in the public school
7 facility, if applicable.

8 (5) Whether the public school facility is an
9 administrative building.

10 (6) The number of stories in the public school facility.

11 (7) The size of the public school facility in square
12 footage, including total square footage and the square
13 footage of the building's roof.

14 (8) The acreage of the public school facility site.

15 (9) The ownership status of the public school facility,
16 including the following:

17 (i) Owned by the school entity, intermediate unit or
18 cyber charter school.

19 (ii) Leased to the school entity, intermediate unit
20 or cyber charter school, including an indicator of
21 whether the school entity, intermediate unit or cyber
22 charter school is financially responsible for routine and
23 preventative facility maintenance costs.

24 (iii) Other status.

25 (10) The age of the public school facility, if known,
26 including dates and brief descriptions of any major
27 renovations.

28 (d) Technical assistance.--The department shall provide
29 technical assistance to each school entity, intermediate unit or
30 cyber charter school to ensure a complete inventory under

1 subsection (c).

2 (e) Annual update.--Beginning in the 2025-2026 school year
3 and each school year thereafter, the department shall prompt
4 each school entity, intermediate unit or cyber charter school to
5 review and update the information under subsection (c) as
6 necessary.

7 (f) Public posting.--The department shall maintain the
8 information under subsection (c) on the department's publicly
9 accessible Internet website in a searchable and sortable format.

10 Section 704-A. Public School Facility Advisory Committee.

11 (a) Establishment.--The Public School Facility Advisory
12 Committee is established within the office.

13 (b) Duties.--The committee shall have the following duties:

14 (1) Make recommendations to the office pertaining to
15 public school facility issues, including program
16 requirements, guidelines, funding structures, regulations and
17 support provided by the department.

18 (2) Periodically review the maintenance of the public
19 school building inventory under section 703-A(c) and provide
20 recommendations to the office regarding the maintenance of
21 the inventory.

22 (3) Work in consultation with the office on developing
23 uniform criteria and measures for the Statewide facility
24 condition assessment required under section 705-A(b)(1).

25 (4) Make recommendations to the office and General
26 Assembly on how to ensure that each school entity addresses
27 deficiencies identified in the Statewide facility condition
28 assessment required under section 705-A(b)(1), including, if
29 applicable, the best use of the rating scale developed under
30 section 705-A(a)(2).

1 (c) Composition.--The committee shall consist of the
2 following members:

3 (1) The division chief for the office.

4 (2) An individual appointed by the President pro tempore
5 of the Senate.

6 (3) An individual appointed by the Speaker of the House
7 of Representatives.

8 (4) An individual appointed by the Minority Leader of
9 the Senate.

10 (5) An individual appointed by the Minority Leader of
11 the House of Representatives.

12 (6) The executive director of the State Public School
13 Building Authority.

14 (7) Two individuals recommended by the Pennsylvania
15 Association of School Business Officials with experience in
16 school facility operations.

17 (8) An individual recommended by the Pennsylvania
18 Association of School Administrators.

19 (9) An architect recommended by the American Institute
20 of Architects of Pennsylvania with experience in school
21 building projects.

22 (10) An engineer recommended by the Pennsylvania Society
23 of Professional Engineers with experience in school building
24 projects.

25 (11) An individual recommended by the Pennsylvania State
26 Building and Construction Trades Council.

27 (12) An individual jointly recommended by the
28 Pennsylvania State Education Association and the American
29 Federation of Teachers Pennsylvania.

30 (13) A public health official recommended by the

1 division chief for the office.

2 (14) An individual recommended by the chairperson of the
3 Pennsylvania Commission on Crime and Delinquency.

4 (d) Meetings.--

5 (1) The committee shall meet at the call of the division
6 chief for the office.

7 (2) The committee shall hold its first meeting within 15
8 days of the effective date of this paragraph.

9 (e) Compensation.--The members of the committee shall serve
10 without compensation but shall be reimbursed for their necessary
11 expenses actually incurred in the performance of their duties.

12 Section 705-A. Statewide facility condition assessment.

13 (a) Development.--

14 (1) No later than May 1, 2025, the office, in
15 consultation with the committee, shall develop a uniform set
16 of criteria and measures for evaluating the physical
17 attributes and educational suitability of each school
18 entity's facilities for the purposes of a Statewide facility
19 condition assessment under subsection (b). The following
20 shall apply:

21 (i) The physical attributes shall include all of the
22 following:

23 (A) Structural components, including walls,
24 floors, roofs, windows and doors.

25 (B) System components, including mechanical,
26 electrical, plumbing and heating, ventilation and air
27 conditioning.

28 (C) Interior components, including finishes and
29 fixtures.

30 (D) Exterior components, including finishes and

1 fixtures.

2 (ii) The evaluation may include a record of recently
3 completed and scheduled major maintenance projects
4 specified under section 2604-J(b).

5 (2) No later than May 1, 2025, the office, in
6 consultation with the committee, may develop a rating scale
7 to determine the relative physical condition of each public
8 school facility.

9 (b) Assessment.--

10 (1) No later than June 1, 2025, the office shall
11 initiate a process to contract with a third-party vendor to
12 complete a Statewide facility condition assessment of each
13 public school facility using the criteria and measures
14 developed by the office under subsection (a). The assessment
15 may be completed in phases.

16 (2) Subject to available funding and notwithstanding
17 section 2602-L, the department may use up to \$10,000,000 in
18 the 2024-2025 fiscal year and \$10,000,000 in the 2025-2026
19 fiscal year from money in the School Environmental Repairs
20 Program Restricted Account to finance the Statewide facility
21 condition assessment.

22 Section 2. Section 2605-J of the act is repealed:

23 [Section 2605-J. Building condition assessments.]

24 (a) Duties of department.--

25 (1) The department shall develop guidelines for school
26 entities to voluntarily report information related to school
27 building safety, inventory and condition. The guidelines
28 shall include a building condition assessment to be
29 voluntarily completed every 10 years for school entities that
30 includes, but is not limited to, a projection of costs to

1 maintain and renovate existing school buildings.

2 (2) The department shall post completed building
3 condition assessments on the department's publicly accessible
4 Internet website.

5 (3) The department shall provide additional points under
6 the funding rubric contained in section 2604-J(d) for grants
7 applied for by school entities that complete building
8 condition assessments.

9 (b) Completion incentive.--A school entity that completes a
10 building condition assessment shall receive a 2% increase above
11 the amount calculated under section 2606-J. The department shall
12 develop a process, in coordination with the application process
13 in section 2602-J, for awarding an enhanced reimbursement for
14 completing a building condition assessment.]

15 Section 3. This act shall take effect in 30 days.