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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 964 Session of  
2019

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INTRODUCED BY BOBACK, MURT, GROVE, GAYDOS, HELM, B. MILLER AND  
TOOHIL, MARCH 26, 2019

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REFERRED TO COMMITTEE ON EDUCATION, MARCH 26, 2019

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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 terms and courses of study,  
6 providing for flexible instructional days.

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 1506. Flexible Instructional Days.--(a) Within  
13 thirty (30) days of the effective date of this section, the  
14 department shall establish a standard application form for a  
15 public school entity seeking approval to establish or renew a  
16 program. The form shall be published on the department's  
17 publicly accessible Internet website.

18 (b) The form under subsection (a) shall require the  
19 following information:

20 (1) The procedure for a public school entity to notify

1 students, parents and professional employes that a flexible  
2 instructional day is instituted.

3 (2) The procedure for instituting a flexible instructional  
4 day, including whether the public school entity will use  
5 technology.

6 (3) The responsibilities of professional employes and  
7 students during a flexible instructional day.

8 (4) The procedure for identifying student participation  
9 during a flexible instructional day for the purpose of enforcing  
10 attendance under Article XIII.

11 (5) Instruction exemplary of a flexible instruction day in  
12 each of the following:

13 (i) English language arts in any grade from grades nine  
14 through twelve.

15 (ii) Mathematics in any grade from grades nine through  
16 twelve.

17 (iii) Science in any grade from grades nine through twelve.

18 (iv) Social Studies in any grade from grades nine through  
19 twelve.

20 (v) English language arts in kindergarten or in any grade  
21 from grades one through eight.

22 (vi) Mathematics in kindergarten or in any grade from grades  
23 one through eight.

24 (6) Evidence of compliance with the Individuals with  
25 Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400  
26 et seq.) during a flexible instructional day.

27 (7) Any additional information that the department deems  
28 necessary to determine whether to approve or disapprove an  
29 application to establish or renew a program.

30 (c) Within forty-five (45) days of receiving a public school

1 entity's application to establish or renew a program, the  
2 department shall notify the public school entity that submitted  
3 the application whether the department approved or denied the  
4 application.

5 (d) An approved application under this section shall remain  
6 valid for a period of thirty-six (36) months from the date the  
7 department approved the application.

8 (e) As used in this section, the following words and phrases  
9 shall have the meanings given to them in this subsection:

10 "Department" shall mean the Department of Education of the  
11 Commonwealth.

12 "Flexible instructional day" shall mean a day that satisfies  
13 all of the following:

14 (1) Fulfills one of the minimum required days of instruction  
15 under section 1501.

16 (2) Prevents a school building from opening due to any of  
17 the following:

18 (i) A disease epidemic.

19 (ii) A hazardous weather condition.

20 (iii) A law enforcement emergency.

21 (iv) The inoperability of school buses or other equipment  
22 necessary to the public school entity's operation.

23 (v) Damage to a school building.

24 (vi) Another temporary circumstance due to utility failure  
25 rendering the school building unfit for school use.

26 (3) Provides instruction to students.

27 "Program" shall mean a program that allows for a number of  
28 flexible instructional days not to exceed five (5) days during a  
29 school year.

30 "Public school entity" shall mean any of the following:

1       (1) A school district.

2       (2) An intermediate unit.

3       (3) An area vocational-technical school.

4       (4) A charter school or regional charter school, as defined  
5 in section 1703-A.

6       "School building" shall mean a building owned by or under the  
7 control of a public school entity where classes are taught or  
8 extracurricular activities are conducted on a regular basis.

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