

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2501 Session of
1988

INTRODUCED BY COWELL, KOSINSKI, EVANS, LESCOVITZ, DAVIES, TIGUE,
DALEY, HERMAN, COLAFELLA, LINTON, E. Z. TAYLOR, FOX,
LIVENGOOD, BATTISTO, PITTS, SCHULER, GODSHALL, KUKOVICH,
LEVDANSKY, MELIO, BOYES, BELFANTI, SEMMEL, MORRIS, RAYMOND,
McHALE, MICHLOVIC, PISTELLA, BELARDI, PRESTON, SERAFINI,
DeLUCA, VAN HORNE, MAINE, DISTLER, BLACK, BOWLEY AND VEON,
MAY 25, 1988

REFERRED TO COMMITTEE ON EDUCATION, MAY 25, 1988

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 the filling of
6 vacancies in boards of school directors; providing for
7 smoking regulations; prohibiting the use of anabolic
8 steroids; providing for annuitant participation in district
9 group health, hospitalization, and medical service insurance
10 programs; providing for exceptions from referendums in
11 relation to certain building construction; providing for
12 redistribution of returned nonpublic school service funds by
13 intermediate units, and further providing for change in
14 preliminary budget submission date; providing for the
15 employment of business administrators; providing for certain
16 leaves of absence; providing for the Pennsylvania Writing
17 project; prohibiting strip searches; further providing for
18 attendance and for home education programs; further providing
19 for transportation for visually handicapped; providing for a
20 disruptive student education program; further providing for
21 health services for counseling in relation to teen suicide,
22 drugs and alcohol abuse; providing for counseling in the
23 selection of careers and postsecondary institutions and in
24 seeking financial aid; providing for reimbursement for
25 purchase of an existing building for use as a school
26 building; making appropriations; and making a repeal.

27 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Sections 315, 316 and 317 of the act of March 10,
3 1949 (P.L.30, No.14), known as the Public School Code of 1949,
4 amended November 28, 1973 (P.L.361, No.127), are amended to
5 read:

6 Section 315. Filling of Vacancies.--In case any vacancy
7 shall occur in any board of school directors by reason of death,
8 resignation, removal from the district, or otherwise, such
9 vacancy shall, in a school district of the first class [or of
10 the first class A], be filled for the unexpired term by the
11 court of common pleas of the county in which such school
12 district is situated from the qualified electors of the
13 district; and in a school district of the second, third, or
14 fourth classes, the remaining members of the board of school
15 directors shall, by a majority vote thereof, fill such vacancy
16 from the qualified electors of the district within thirty (30)
17 days thereafter. In a district of the second, third, or fourth
18 class, the person selected to fill such vacancy shall be a
19 qualified elector of the district and shall hold his office, if
20 the term thereof so long continues, until the first Monday of
21 December after the first municipal election occurring more than
22 sixty (60) days after [his appointment] the vacancy shall have
23 occurred. At such election an eligible person shall be elected
24 for the remainder of the unexpired term. If, by reason of a tie
25 vote or otherwise, such vacancy shall not have been filled by
26 the board of school directors within thirty (30) days after such
27 vacancy shall have occurred from the qualified electors of the
28 district, the court of common pleas of the proper county, upon
29 the petition of ten or more resident taxpayers, shall fill such
30 vacancy by the appointment of a suitable person from the

1 qualified electors of the district if the term of the vacant
2 office so long continues, until the first Monday of December
3 after the first municipal election occurring more than sixty
4 (60) days after [his appointment] the vacancy shall have
5 occurred. At such election an eligible person shall be elected
6 for the remainder of the unexpired term. When any member of a
7 board of school directors heretofore or hereafter enlists or is
8 inducted into the military or naval forces of the United States
9 in time of war, a temporary vacancy shall be declared, which
10 shall be filled by the remaining members of the board or the
11 court, as the case may be from the qualified electors of the
12 district, until the return of such member of the board from the
13 military or naval service, or until the expiration of the term
14 for which he shall have been elected, whichever shall be the
15 shorter period.

16 Section 316. Vacancies in Majority of Members.--In case
17 vacancies occur whereby the offices of a majority of the members
18 of any board of school directors, other than the board of school
19 directors of a school district of the first class or of the
20 first class A becomes vacant, such vacancies shall be filled by
21 the court of common pleas of the county in which such school
22 district is situated from the qualified electors of the
23 district. The persons selected to fill such vacancies shall hold
24 their offices, if the terms thereof continue so long, until the
25 first Monday in December after the first municipal election
26 occurring more than sixty (60) days after [their appointment]
27 the vacancy shall have occurred, at which election eligible
28 persons shall be elected for the remainder of the respective
29 unexpired term.

30 Section 317. Vacancies in All Members.--If at any time

1 vacancies exist or occur in the membership of all the members of
2 any board of school directors in any school district, other than
3 a school district of the first class or of the first class A,
4 the court of common pleas of the county in which such district,
5 or the largest part in area thereof, is located, shall, after
6 ten (10) days from the time such vacancies exist or occur,
7 appoint a board of properly qualified persons from the qualified
8 electors of the district who shall serve, if the terms thereof
9 continue so long, until the first Monday in December after the
10 first municipal election occurring more than sixty (60) days
11 after [their appointment] the vacancy shall have occurred; at
12 which election a board of school directors for such district
13 shall be elected for the remainder of the respective unexpired
14 term. Whenever a vacancy of the entire membership of a board of
15 school directors in any school district of the fourth class
16 occurs, the executive director of the intermediate unit may
17 enter and take full charge of and, at the expense of the
18 district, maintain the schools thereof in accordance with the
19 provisions of the school laws of the Commonwealth, under the
20 direction of the Secretary of Education, and may continue in
21 charge thereof until a board of school directors has been
22 appointed from the qualified electors of the district and has
23 qualified.

24 Section 2. Section 510 of the act, amended June 29, 1976
25 (P.L.450, No.110), is amended to read:

26 Section 510. Rules and Regulations; Safety Patrols.--(a)
27 The board of school directors in any school district may adopt
28 and enforce such reasonable rules and regulations as it may deem
29 necessary and proper, regarding the management of its school
30 affairs and the conduct and deportment of all superintendents,

1 teachers, and other appointees or employes during the time they
2 are engaged in their duties to the district, as well as
3 regarding the conduct and deportment of all pupils attending the
4 public schools in the district, during such time as they are
5 under the supervision of the board of school directors and
6 teachers, including the time necessarily spent in coming to and
7 returning from school.

8 (b) Rules and regulations adopted by school entities shall
9 include a prohibition against the smoking of tobacco or any
10 other substance or the use of any form of chewing tobacco or
11 snuff, commonly referred to as smokeless tobacco, by public
12 school pupils in school buildings and school buses and on school
13 property owned by, leased by or under the control of a school
14 entity. This rule or regulation shall apply to all pupils
15 attending the public schools in the district from kindergarten
16 through grade twelve.

17 (c) In the exercise of this authority the board of school
18 directors is empowered to organize school safety patrols and,
19 with the permission of the parents, to appoint pupils as members
20 thereof, for the purpose of influencing and encouraging the
21 other pupils to refrain from crossing public highways at points
22 other than at regular crossings, and for the purpose of
23 directing pupils not to cross highways at times when the
24 presence of traffic would render such crossing unsafe. Nothing
25 herein contained shall be construed to authorize or permit the
26 use of any safety patrol member for the purpose of directing
27 vehicular traffic, nor shall any safety patrol member be
28 stationed in that portion of the highway intended for the use of
29 vehicular traffic. No liability shall attach either to the
30 school district, or any individual director, superintendent,

1 teacher, or other school employe, by virtue of the organization,
2 maintenance, or operation of a school safety patrol organized,
3 maintained, and operated under authority of this section.

4 (d) All flags, belts, apparel and devices issued, supplied
5 or furnished to persons acting in the capacity of special school
6 police, or special police appointed to control and direct
7 traffic at or near schools, in order to enhance the conspicuity
8 of such persons, shall be made from retro-reflective and
9 fluorescent materials visible both day and night at three
10 hundred (300) feet to approaching motorists using lawful low
11 beam headlights and shall conform to standards, specifications,
12 or regulations issued by the State Board of Education. All belts
13 supplied or furnished to pupils active in the capacity of school
14 safety patrol members shall be fluorescent.

15 Section 3. Section 511(a) of the act, amended April 14, 1949
16 (P.L.460, No.85) and April 22, 1949 (P.L.726, No.178), is
17 amended and the section is amended by adding a subsection to
18 read:

19 Section 511. School Athletics, Publications, and
20 Organizations.--

21 (a) The board of school directors in every school district
22 shall prescribe, adopt, and enforce such reasonable rules and
23 regulations as it may deem proper, regarding (1) the management,
24 supervision, control, or prohibition of exercises, athletics, or
25 games of any kind, school publications, debating, forensic,
26 dramatic, musical, and other activities related to the school
27 program, including raising and disbursing funds for any or all
28 of such purposes and for scholarships, and (2) the organization,
29 management, supervision, control, financing, or prohibition of
30 organizations, clubs, societies and groups of the members of any

1 class or school, and may provide for the suspension, dismissal,
2 or other reasonable penalty in the case of any appointee,
3 professional or other employee, or pupil who violates any of such
4 rules or regulations or this section.

5 * * *

6 (g) The use of anabolic steroids by any pupil involved in
7 school-related athletics is prohibited.

8 Section 4. Section 513 of the act is amended by adding a
9 subsection to read:

10 Section 513. Group Insurance Contracts.--* * *

11 (e) All school districts which insure their employees, their
12 spouses and dependents shall offer to their employees upon
13 initiation of retirement proceedings, and to those employees
14 retired prior to enactment of this act, the opportunity to
15 participate in the district's group health, hospitalization and
16 medical service insurance programs. Such coverage shall extend
17 to the annuitant's spouse and dependents. Districts may charge
18 the annuitant part or all of the premium as determined by the
19 district's board of school directors.

20 Section 5. The first paragraph of section 701.1 of the act,
21 added June 27, 1973 (P.L.75, No.34), is amended to read:

22 Section 701.1. Referendum or Public Hearing Required Prior
23 to Construction or Lease.--Except where the approval of the
24 electors is obtained to incur indebtedness to finance the
25 construction of a school project, the board of school directors
26 of any school district of the second, third or fourth classes,
27 shall not construct, enter into a contract to construct or enter
28 into a contract to lease a new school building or substantial
29 addition to an existing school building without the consent of
30 the electors obtained by referendum or without holding a public

1 hearing as hereinafter provided. In the event that a new school
2 building or a substantial addition to an existing building is to
3 be constructed or leased, the school board shall, by a majority
4 vote of all its members, authorize a maximum project cost and a
5 maximum building construction cost to be financed by the
6 district or amortized by lease rentals to be paid by the
7 district. Building construction cost shall consist of the cost
8 of all building construction including general construction
9 costs, plumbing, heating, electrical, ventilating and other
10 structural costs, equipment and fixtures and architectural and
11 engineering fees relating thereto, but not including costs for
12 site acquisition and development, rough grading to receive the
13 building, sewage treatment facilities or equivalent capital
14 contributions, and architectural and engineering fees relating
15 thereto. In all cases, a public hearing shall be held not later
16 than thirty (30) days before the school district submits the
17 initial building construction cost estimates to the Department
18 of Education for approval. Notice of the hearing shall be given
19 not later than twenty (20) days before the date of the scheduled
20 hearing. In the event that the maximum building construction
21 cost authorization exceeds the aggregate building expenditure
22 standard hereinafter specified, the aforesaid authorization of
23 the school board shall be submitted to the electors of the
24 school district for their approval within six (6) months prior
25 to submission of the final building construction cost bids to
26 the Department of Education for approval. Such referendum shall
27 be held in the same manner as provided by law for the approval
28 of the incurring of indebtedness by referendum. The question as
29 submitted shall specify the maximum project cost, the maximum
30 building construction cost and the annual sinking fund charge or

1 lease rental to be incurred by the school district and the
2 portion of such charge or rental expected to be reimbursed by
3 the Commonwealth. If the final building construction cost bids
4 to be submitted to the Department of Education for approval are
5 less than the aggregate building expenditure standard hereafter
6 specified but exceed by eight (8) per cent or more the initial
7 building construction cost estimates submitted to the Department
8 for approval, a second public hearing shall be held before the
9 Department shall give its final approval. No referendum shall be
10 required if the school project to be constructed will not
11 contain classrooms, teaching stations or similar instructional
12 spaces.

13 * * *

14 Section 6. Section 922.1-A(g) of the act, added August 1,
15 1975 (P.L.180, No.89), is amended and the section is amended by
16 adding a subsection to read:

17 Section 922.1-A. Auxiliary Services.--* * *

18 (g) Preliminary Budget. Annually, each intermediate unit
19 shall submit to the secretary a preliminary budget on or before
20 [January 31] May 1 and a final budget on or before June 15, for
21 the succeeding year; and shall file a final financial report on
22 or before October 31 for the preceding year.

23 (h) Returned Funds.--Moneys returned to the Department of
24 Education by October 31 on account of this section shall be made
25 available to intermediate units on a need basis. Intermediate
26 units shall submit, in writing, to the Department of Education
27 proposals requesting funds for the purchase of equipment which
28 will be utilized in the provision of services required by this
29 section. The Department of Education shall evaluate the
30 proposals based on need and award the proposals by January 1 of

1 the succeeding year. The number of proposals awarded shall be
2 limited to the amount of funds returned.

3 Section 7. The act is amended by adding a section to read:

4 Section 1089. Business Administrator.--(a) A governing
5 board of a school entity may employ or may continue to employ a
6 person serving in the function of business administrator of the
7 school entity, who shall perform such duties as the governing
8 board may determine, including, but not limited to, the business
9 responsibilities specified in section 433 of this act.

10 (b) The governing board may enter into a written employment
11 agreement with a person hired after the effective date of this
12 section to serve as a business administrator or into an amended
13 or new agreement with a person serving in that function as of
14 such effective date. The agreement may define the period of
15 employment, salary, benefits, other related matters of
16 employment and provisions of renewal and termination of the
17 agreement.

18 (c) Unless otherwise specified in an employment agreement,
19 the governing board shall after due notice, giving the reasons
20 therefore, and after hearing if demanded, have the right at any
21 time to remove a business administrator for incompetency,
22 intemperance, neglect of duty, violation of any of the school
23 laws of this Commonwealth or other improper conduct.

24 (d) A person serving as business administrator shall not be
25 a member of the governing board of the school entity.

26 (e) A person serving as business administrator may also
27 serve as secretary or treasurer of the governing board.

28 (f) For purposes of this section, the term "school entity"
29 shall mean a school district, intermediate unit or an area
30 vocational-technical school. "Governing board" shall mean the

1 board of directors or joint board of such entity.

2 Section 8. Section 1125.1 of the act is amended by adding a
3 subsection to read:

4 Section 1125.1. Persons to be Suspended.--* * *

5 (a.1) Any persons who, prior to the effective date of this
6 subsection, were required by their employers to take a leave of
7 absence due to pregnancy shall receive seniority credit for such
8 leave. Any persons required by their employers to resign due to
9 pregnancy shall, upon return to employment in the same school
10 entity, have restored to them any seniority accrued before the
11 resignation.

12 * * *

13 Section 9. Article XI of the act is amended by adding a
14 subdivision to read:

15 (i) Pennsylvania Writing Project.

16 Section 1195. Pennsylvania Writing Project Established.--The
17 Department of Education shall establish the Pennsylvania Writing
18 Project. Colleges and universities and public and nonpublic
19 schools may apply to serve as project sites. The following
20 requirements are established for the department:

21 (1) The department shall distribute writing project sites
22 throughout this Commonwealth so that school and college
23 personnel located in rural, urban and suburban areas may avail
24 themselves of writing skills training.

25 (2) For the school year 1988-1989, the department shall
26 utilize existing sites established at West Chester University of
27 Pennsylvania, the University of Pennsylvania, the Capitol Campus
28 of The Pennsylvania State University, California University of
29 Pennsylvania, Gannon University and the University of Pittsburgh
30 and may establish three additional sites. For the school year

1 1989-1990 and the school years thereafter, the department shall
2 select project sites, within the amounts appropriated for this
3 act, to comply with the geographic distribution requirements of
4 this section.

5 (3) The department shall approve a director for each project
6 site.

7 Section 1196. Criteria for Program Selection.--In selecting
8 writing programs, the Department of Education shall use, but not
9 be limited to, the following criteria:

10 (1) The program shall be designed to improve systematically
11 the writing skills of project participants, the teachers to be
12 trained by participants, and ultimately, students attending
13 elementary, secondary and postsecondary schools.

14 (2) The program shall be accredited or authorized by the
15 National Writing Project and shall adhere to its established
16 model.

17 (3) Participating elementary and secondary schools and
18 colleges and universities shall provide financial and personnel
19 support to the writing project site.

20 (4) The program shall use participants as writing skill
21 trainers in elementary and secondary schools and colleges and
22 universities.

23 (5) The program shall utilize various levels and segments of
24 education in a cooperative approach.

25 (6) The program shall provide continuing writing skills
26 training to project participants.

27 (7) The program shall conduct an ongoing evaluation to
28 assess the writing skills of students of the program and shall
29 solicit participant comments regarding the effectiveness of the
30 program.

1 Section 1197. Operation of Programs.--The director of each
2 program site is authorized to, but not be limited to, perform
3 the following functions:

4 (1) Employ staff and contract for services to operate the
5 program site.

6 (2) Establish tuition for the programs.

7 (3) Receive gifts and contributions. All funds shall be used
8 solely for programs and expenses incurred in operating the
9 program.

10 (4) Receive in-kind services from public and private higher
11 education institutions or school districts, private schools or
12 other education agencies providing assistance to elementary and
13 secondary education programs.

14 (5) Structure programs in order that students may receive
15 Department of Education approved inservice or post baccalaureate
16 credits.

17 Section 10. Section 1305(b) of the act is repealed.

18 Section 11. The act is amended by adding a section to read:

19 Section 1320. Strip Searches Prohibited.--(a) It shall be
20 unlawful for any employe of a public school to order or conduct
21 a strip search of any pupil in any public school.

22 (b) A person who violates the provisions of this section
23 commits a summary offense and shall, upon conviction, be
24 sentenced to pay a fine of not more than \$300 or to imprisonment
25 for a period not exceeding ninety (90) days.

26 Section 12. Section 1327(a) of the act, amended December 15,
27 1986 (P.L.1602, No.178), is amended to read:

28 Section 1327. Compulsory School Attendance.--(a) Except as
29 hereinafter provided, every child of compulsory school age
30 having a legal residence in this Commonwealth, as provided in

1 this article, and every migratory child of compulsory school
2 age, is required to attend a day school in which the subjects
3 and activities prescribed by the standards of the State Board of
4 Education are taught in the English language. In lieu of such
5 school attendance, any child fifteen years of age with the
6 approval of the district superintendent and the approval of the
7 Secretary of Education, and any child sixteen years of age with
8 the approval of the district superintendent of schools, may
9 enroll as a day student in a private trade school or in a
10 private business school licensed by the Department of Education,
11 or in a trade or business school, or department operated by a
12 local school district or districts. Such modified program
13 offered in a public school must meet the standards prescribed by
14 the State Board of Education or the State Board for Vocational
15 Education. Except as hereinafter provided, every parent,
16 guardian, or other person having control or charge of any child
17 or children of compulsory school age is required to send such
18 child or children to a day school in which the subjects and
19 activities prescribed by the standards of the State Board of
20 Education are taught in the English language. Such parent,
21 guardian, or other person having control or charge of any child
22 or children, fifteen or sixteen years of age, in accordance with
23 the provisions of this act, may send such child or children to a
24 private trade school or private business school licensed by the
25 Department of Education, or to a trade or business school, or
26 department operated by a local school district or districts.
27 Such modified program offered in a public school must meet the
28 standards prescribed by the State Board of Education or the
29 State Board for Vocational Education. Such child or children
30 shall attend such school continuously through the entire term,

1 during which the public schools in their respective districts
2 shall be in session, or in cases of children of migrant laborers
3 during the time the schools are in session in the districts in
4 which such children are temporarily domiciled. The financial
5 responsibility for the education of such children of migrant
6 laborers shall remain with the school district in which such
7 children of migrant laborers are temporarily domiciled; except
8 in the case of special schools or classes conducted by an
9 intermediate unit and approved by the Department of Education or
10 conducted by the Department of Education. The certificate of any
11 principal or teacher of a private school, or of any institution
12 for the education of children, in which the subjects and
13 activities prescribed by the standards of the State Board of
14 Education are taught in the English language, setting forth that
15 the work of said school is in compliance with the provisions of
16 this act, shall be sufficient and satisfactory evidence thereof.
17 Regular daily instruction in the English language, for the time
18 herein required, by a properly qualified private tutor, shall be
19 considered as complying with the provisions of this section, if
20 such instruction is satisfactory to the proper district
21 superintendent of schools. Instruction to children of compulsory
22 school age provided in a home education program, as provided for
23 in section 1327.1 of this act, shall be considered as complying
24 with the provisions of this section; except that any student who
25 has been identified pursuant to the provisions of the Education
26 of the Handicapped Act (Public Law 91-230, 20 U.S.C. § 1401 et
27 seq.) as needing special education services, excluding those
28 students identified as gifted and/or talented, shall not be
29 eligible to meet the requirements of compulsory attendance by
30 participating in a home education program unless the

parent/supervisor of such child holds a valid certification from the Commonwealth of Pennsylvania to teach special education courses in a public school.

* * *

Section 13. The act is amended by adding a section to read:

Section 1327.1. Home Education Program.--(a) For the purposes of this section, the following words and phrases shall have the following meanings:

"(1) "Home education program" shall be a school conducted, in compliance with this section, by the parent or guardian or such person having legal custody of the child or children.

(2) "Supervisor" shall mean the parent or guardian or such person having legal custody of the child or children who shall be responsible for the provision of instruction.

(b) The requirements contained in sections 1511, 1511.1 and 1605 of this act shall not apply to home education programs. A home education program shall not be considered a nonpublic school under the provisions of this act. A notarized affidavit of the parent or guardian or other person having legal custody of the child or children, filed prior to the commencement of the home education program and annually thereafter on August 1 with the superintendent of the school district of residence and which sets forth: the name of the supervisor of the home education program who shall be responsible for the provision of instruction; the name and age of each child who shall participate in the home education program; the address and telephone number of the home education program site; and that such subjects as required by law are offered in the English language and that the home education program shall comply with the provisions of this section and that the notarized affidavit

1 shall be satisfactory evidence thereof.

2 (c) A child who is enrolled in a home education program and
3 whose education is therefore under the direct supervision of his
4 parent, guardian or other person having legal custody shall be
5 deemed to have met the requirements of section 1327 of this act
6 if that home education program provides a minimum of one hundred
7 eighty (180) days of instruction or nine hundred (900) hours of
8 instruction per year at the elementary level, or nine hundred
9 ninety (990) hours per year at the secondary level:

10 (1) At the elementary school level, the following courses
11 shall be taught: English, to include spelling, reading and
12 writing; arithmetic; science, geography, history of the United
13 States and Pennsylvania; civics; safety education, including
14 regular and continuous instruction in the dangers and prevention
15 of fires; health and physiology; physical education; music; and
16 art.

17 (2) At the secondary school level, the following courses
18 shall be taught: English, to include language, literature,
19 speech and composition; science; geography; social studies, to
20 include civics, world history, history of the United States and
21 Pennsylvania; mathematics, to include general mathematics,
22 algebra and geometry; art; music; physical education; health;
23 and safety education, including regular and continuous
24 instruction in the dangers and prevention of fires. Such courses
25 of study may include, at the discretion of the supervisor of the
26 home education program, economics, biology, chemistry, foreign
27 languages, trigonometry or other age appropriate courses as
28 contained in Chapter 5 (Curriculum Requirements) of the State
29 Board of Education.

30 (d) The following minimum courses in grades nine through

twelve are established as a requirement for high school graduation in a home education program:

(1) Four years of English.

(2) Three years of mathematics.

(3) Three years of science.

(4) Three years of social studies.

(5) Two years of arts and humanities.

(e) In order to demonstrate that education is occurring, the supervisor of the home education program shall provide and maintain on file the following documentation for each student enrolled in the home school education program:

(1) A portfolio of records and materials. The portfolio shall consist of a log, made contemporaneously with the instruction, which designates by title the reading materials used, and samples of any writings, worksheets, workbooks or creative materials used or developed by the student; and either

(2) Results of standardized achievement tests completed by the student which the supervisor shall annually provide for; or

(3) An annual written evaluation of the student's educational progress as determined by a licensed clinical or school psychologist or a teacher certified by any state or Commonwealth in the United States or by a nonpublic school teacher with teaching experience in a Pennsylvania nonpublic school qualifying the teacher to make such an evaluation.

(f) Such documentation shall be provided to the public school district of residence superintendent at the conclusion of each public school year. In addition, if the superintendent has probable cause at any time during the school year that education may not be occurring in the home education program, he may, by certified mail, return receipt requested, require documentation

1 pertaining to the portfolio of records and materials required by
2 subsection (e)(1) to be submitted to the district within fifteen
3 (15) days; and documentation pertaining to subsection (e)(2) and
4 (3) to be submitted to the district within thirty (30) days.

5 (g) If the superintendent of the public school district
6 determines, based on the documentation provided at the end of or
7 during the school year, that education is not taking place in
8 the home education program, the superintendent shall send a
9 letter by certified mail, return receipt requested, to the
10 supervisor of the home education program stating that in his
11 opinion education is not taking place in the home education
12 program, and shall return all documentation specifying what
13 aspect or aspects of the documentation is inadequate, and
14 indicating that the Department of Education is being informed by
15 copy of the letter. The superintendent may photocopy all or
16 portions of the documentation for his files.

17 (h) Upon receipt of the certified letter, the supervisor of
18 the home education program shall have twenty (20) days to submit
19 additional documentation demonstrating that education is taking
20 place in the home education program. If documentation is not
21 submitted within that time, the home education program shall be
22 out of compliance with the requirements of this section and
23 section 1327, and the student or students shall be promptly
24 enrolled in the public school district of residence or a
25 nonpublic school or a licensed private academic school.

26 (i) If the superintendent determines that the additional
27 documentation submitted still does not demonstrate that
28 education is taking place in the home education program, he
29 shall so notify the supervisor of the home education program by
30 certified mail, return receipt requested, and either shall allow

1 the supervisor of the home education program thirty (30) days
2 from receipt of such letter in which to correct the deficiencies
3 and submit further documentation to the superintendent or shall
4 declare the home education program to be out of compliance with
5 the requirements of this section and section 1327, and, unless a
6 due process hearing is requested as provided in subsection (j),
7 the student or students shall, within ten (10) days, be enrolled
8 in the public school district of residence or a nonpublic school
9 or a licensed private academic school. If the supervisor of the
10 home education program is allowed an additional thirty (30) days
11 to correct the deficiencies and fails to do so to the
12 satisfaction of the superintendent, the superintendent shall
13 declare the home education program to be out of compliance with
14 the requirements of this section and section 1327, and, unless a
15 due process hearing is requested as provided in subsection (j),
16 the student or students shall, within ten (10) days, be enrolled
17 in the public school district of residence or a nonpublic school
18 or a licensed private academic school.

19 (j) When under the provisions of subsection (i) a
20 superintendent declares a home education program to be out of
21 compliance with the provisions of this section, he shall so
22 notify the supervisor of the program, by certified mail, return
23 receipt requested, of his determination and of the supervisor's
24 right to, within ten (10) days, request of the Department of
25 Education a due process hearing in the presence of an impartial
26 hearing officer to hear arguments pertaining to the
27 superintendent's declaration that the home education program
28 does not comply with the requirements of this section and
29 section 1327. A form through which the due process hearing may
30 be requested shall accompany the letter to the supervisor of the

1 home education program. If, ten (10) days after receipt of this
2 certified letter, the supervisor of the home education program
3 has not requested a due process hearing, the home education
4 program shall be out of compliance with the requirements of this
5 section and section 1327, and the student or students shall be
6 promptly enrolled in the public school district of residence or
7 a nonpublic school or a licensed private academic school.

8 (k) If the supervisor of the home education program requests
9 a due process hearing, it shall be scheduled by the department
10 no sooner than fifteen (15) days nor later than thirty (30) days
11 after receipt of the request by the department: Provided,
12 however, That upon showing good cause, a reasonable extension of
13 time may be granted at the request of the supervisor of the home
14 education program. The hearing shall be held at a place
15 reasonably convenient to the supervisor of the home education
16 program and may be held in the evening if so specified by the
17 supervisor of the home education program on the form requesting
18 the hearing.

19 (l) An impartial hearing officer shall be assigned by the
20 Secretary of Education, or his designee. This hearing officer
21 shall not be an officer, employe or agent of the Department of
22 Education or of the school district or intermediate unit of
23 residence.

24 (m) At the due process hearing, the superintendent, or his
25 designee, shall be limited to presenting evidence and testimony
26 that the documentation does not demonstrate that education is
27 taking place in the home education program. The supervisor of
28 the home education program, or his representative, shall have
29 the right to present evidence and testimony indicating that the
30 documentation does demonstrate that education is taking place in

1 the home education program.

2 (n) At any point during the hearing, if the hearing officer
3 believes that education is taking place in the home education
4 program but that the documentation is not adequate, he may
5 adjourn the hearing after suggesting specific ways in which the
6 documentation may be improved and resubmitted to the
7 superintendent, and specifying a date for continuation of the
8 hearing in the event that the superintendent still maintains
9 that the documentation is inadequate.

10 (o) No later than twenty (20) days after the conclusion of
11 the hearing, the hearing officer shall render a decision, in
12 writing, which shall be accompanied by written findings of fact
13 and conclusions, and which shall be sent by certified mail,
14 return receipt requested, to the supervisor of the home
15 education program and the district of residence superintendent.
16 If the hearing officer finds that the documentation demonstrates
17 that education is taking place within the home education
18 program, the program shall be in compliance with the
19 requirements of this section and section 1327. If the hearing
20 officer finds that the documentation does not demonstrate that
21 education is taking place in the home education program, the
22 home education program shall be out of compliance with the
23 requirements of this section and section 1327, and the student
24 or students shall be promptly enrolled in the public school
25 district of residence or a nonpublic school or a licensed
26 private academic school.

27 (p) At such time the home education program has been
28 determined out of compliance with the provisions of this section
29 and section 1327, the supervisor or spouse of the supervisor of
30 the home education program shall not be eligible to supervise a

1 home education program, as provided for in (b)(1) of this
2 section, for a period of twelve (12) months from the date of
3 such determination.

4 Section 14. Section 1361(1) of the act, amended May 11, 1979
5 (P.L.26, No.7), is amended to read:

6 Section 1361. When Provided.--(1) The board of school
7 directors in any school district may, out of the funds of the
8 district, provide for the free transportation of any resident
9 pupil to and from the kindergarten, elementary school, or
10 secondary school in which he is lawfully enrolled, provided that
11 such school is not operated for profit and is located within the
12 district boundaries or outside the district boundaries at a
13 distance not exceeding ten miles by the nearest public highway,
14 except that such ten-mile limit shall not apply to area
15 vocational technical schools which regularly serve eligible
16 district pupils or to special schools and classes approved by
17 the Department of Education or to any school for the visually
18 handicapped in cities of the first class for students who reside
19 in any county that is contiguous to a city of the first class,
20 and to and from any points within or without the Commonwealth in
21 order to provide field trips for any purpose connected with the
22 educational pursuits of the pupils. When provision is made by a
23 board of school directors for the transportation of public
24 school pupils to and from such schools or to and from any points
25 within or without the Commonwealth in order to provide field
26 trips as herein provided, the board of school directors shall
27 also make identical provision for the free transportation of
28 pupils who regularly attend nonpublic kindergarten, elementary
29 and high schools not operated for profit to and from such
30 schools or to and from any points within or without the

Commonwealth in order to provide field trips as herein provided. Such transportation of pupils attending nonpublic schools shall be provided during regular school hours on such dates and periods that the nonpublic school not operated for profit is in regular session, according to the school calendar officially adopted by the directors of the same in accordance with provisions of law. The board of school directors shall provide such transportation whenever so required by any of the provisions of this act or of any other act of Assembly.

* * *

Section 15. The act is amended by adding an article to read:

ARTICLE XIII-A.

DISRUPTIVE STUDENT EDUCATION PROGRAMS.

Section 1301-A. Definitions.--For purposes of this article the following terms shall have the following meanings:

(1) "Applicant" shall mean a school district or intermediate unit or a combination of school districts, area vocational-technical schools and intermediate units which apply for grants under this article.

(2) "Community resources" shall mean those agencies and services for children and youth provided by the juvenile court and the Department of Health and the Department of Public Welfare.

(3) "Curriculum" shall mean those planned courses and instructional and counseling methods approved by the secretary which are designed to eliminate disruptive behavior.

(4) "Disruptive student" shall mean a student who exhibits any or all of the conditions listed below to such an extent that they either interfere significantly with the learning of the student or disrupt the learning of other students in the class

1 or school:

2 (i) Chronic truancy.

3 (ii) Rebelliousness toward school officials.

4 (iii) Physical disruptiveness while in school or on school
5 grounds.

6 (iv) Persistent violation of legally adopted school rules
7 and regulations.

8 (v) Display or misuse of drugs or alcohol during school
9 hours.

10 (5) "Disruptive student education program" shall mean any
11 program requesting funds under the provisions of this article,
12 which program is implemented by a school district, or
13 intermediate unit, or a combination of school districts, area
14 vocational-technical schools and intermediate units, which
15 removes disruptive students from regular school programs in
16 order to provide those students with a sound educational program
17 and a school counseling program designed to modify disruptive
18 behavior and return the students to a regular school program.

19 (6) "School" shall mean any school classified by the
20 Department of Education as a middle school, junior high school,
21 senior high school or area vocational-technical school.

22 (7) "Secretary" shall mean the Secretary of Education.

23 Section 1302-A. Programs.--School districts may develop and
24 implement a disruptive student education program in accordance
25 with this article. School districts may pool monetary and
26 personnel resources with other school districts, intermediate
27 units and area vocational-technical schools to provide
28 disruptive student education programs.

29 Section 1303-A. Eligibility.--Disruptive students who are
30 not eligible for placement in classes for exceptional children,

as defined in section 1371 of this act, are eligible for placement in a disruptive student education program.

Section 1304-A. Local Planning Requirements.--Applicants seeking funds under this article shall include the following information in the application for a grant:

(1) A needs assessment to determine the scope, type and severity of student disruption.

(2) A resource assessment to indicate community and school resources available to the applicant for the remediation of student disruption.

(3) A curriculum using school and community resources designed to remediate student needs determined through the needs assessment.

Section 1305-A. Applications.--Applicants shall submit applications at the time, in the manner, and containing or accompanied by such information as the secretary may prescribe but, in any case, shall document the following:

(1) The program is developed in consultation with the faculty and administrative staff of the school.

(2) The school board has established policies to determine those students who are eligible for placement in the disruptive student education program, which policies shall include a procedure for informing the student of the reasons for the placement and an opportunity for the student to respond before the placement becomes effective. However, in the case of an assault by a student, or other serious offense, the offending student shall be transferred immediately into the disruptive student education program, absent any legal action against the student by the district. The opportunity to respond to such placement shall be provided to the student as soon thereafter as

1 is practical.

2 (3) The program utilizes appropriate certificated school
3 personnel to help modify disruptive behavior.

4 (4) The program provides participating student with the
5 courses of instruction which recognize their special needs and
6 qualify the students for graduation.

7 (5) The program is only used when other established methods
8 of discipline have been utilized and have failed unless the
9 seriousness of the student's behavior warrants immediate
10 placement.

11 Section 1306-A. State Assistance.--(a) School districts
12 shall be reimbursed by the Commonwealth one hundred and twenty-
13 five dollars (\$125) per pupil for each nine (9) weeks a student
14 is enrolled in the disruptive student education program up to a
15 maximum of five hundred dollars (\$500) per year. The
16 Commonwealth shall not provide funding for more than two
17 percentum (2%) of the average daily membership of students
18 enrolled in grades seven through twelve of the school district.

19 (b) The Department of Education shall reimburse programs
20 operating during the school year 1988-1989 under the provisions
21 of subsection (a) of this section. Programs requesting funding
22 shall comply with the provisions of sections 1302-A, 1303-A,
23 1304-A and 1305A.

24 Section 16. Section 1402 of the act is amended by adding a
25 subsection to read:

26 Section 1402. Health Services.--* * *

27 (g) Beginning with the school year 1988-1989, each school
28 district shall provide a school referral service for students to
29 receive counseling on suicide, drugs and alcohol abuse and any
30 other areas authorized by the board of school directors. This

1 service shall include distribution of the names and telephone
2 numbers of public service agencies within the community to
3 secondary school students, administrators, faculty, staff and
4 parents.

5 Section 17. The act is amended by adding a section to read:

6 Section 1614. Career, Postsecondary Education and Financial
7 Aid Opportunity Counseling Program.--(a) The General Assembly
8 recognizes the low participation of Pennsylvania citizens in
9 postsecondary education as a serious economic concern for this
10 Commonwealth. The Career, Postsecondary Education and Financial
11 Aid Opportunity Counseling Program is designed to increase
12 postsecondary education attendance by providing secondary
13 education students with useful materials to aid the students in
14 the selection of careers and postsecondary institutions and in
15 seeking financial aid.

16 (b) The Department of Education shall develop or purchase
17 and annually distribute such materials as it deems appropriate
18 to counsel secondary education students in the selection of
19 careers and postsecondary institutions and in seeking financial
20 aid. The material should increase the awareness of the students
21 of career choices. This material shall be distributed to all
22 public and nonpublic schools which serve grades seven through
23 twelve or any segment thereof.

24 Section 18. Section 2574(f) of the act, added June 1, 1972
25 (P.L.325, No.89), is amended to read:

26 Section 2574. Approved Reimbursable Rental for Leases
27 Hereafter Approved and Approved Reimbursable Sinking Fund
28 Charges on Indebtedness.--* * *

29 (f) For the purchase of any building, reimbursement shall be
30 computed in the same manner and using the same reimbursement

1 amounts as for constructed school buildings. [and approved
2 building cost shall be the lesser of

3 (1) The cost of purchasing the site and structure and the
4 cost of approved renovations including appropriate fixtures and
5 equipment, or

6 (2) For the purchase of any building (I) the product of the
7 rated pupil capacity as determined by the Department of
8 Education at the time the purchase is approved and (i) one
9 thousand one hundred dollars (\$1,100) in the case of elementary
10 schools, (ii) one thousand seven hundred dollars (\$1,700) in the
11 case of secondary schools, and (iii) an amount in the case of
12 combined elementary-secondary schools obtained by multiplying
13 the rated elementary pupil capacity by one thousand one hundred
14 dollars (\$1,100) and the rated secondary pupil capacity by one
15 thousand seven hundred dollars (\$1,700) and dividing the sum by
16 the total rated pupil capacity; and (II) in the case of
17 renovation of any building including appropriate fixtures and
18 equipment, reimbursement shall be (i) one thousand two hundred
19 dollars (\$1,200) for elementary schools, (ii) one thousand three
20 hundred dollars (\$1,300) for secondary schools, and (iii) for
21 combined elementary-secondary schools an amount obtained by
22 multiplying the rated elementary capacity by one thousand two
23 hundred dollars (\$1,200) and the rated secondary pupil capacity
24 by one thousand three hundred dollars (\$1,300).]

25 Section 19. Nothing contained in section 15 of this act
26 (Article XIII-A) shall be construed to supersede or preempt any
27 provision of a collective bargaining agreement negotiated by a
28 school entity and an exclusive representative of the employees
29 in accordance with the act of July 23, 1970 (P.L.563, No.195),
30 known as the Public Employe Relations Act.

1 Section 20. In addition to such amounts as may be determined
2 by the General Assembly in succeeding years, the sum of
3 \$240,000, or as much thereof as may be necessary, is hereby
4 appropriated to the Department of Education for the fiscal year
5 July 1, 1988, to June 30, 1989, to carry out the provisions of
6 as much of section 9 of this act as relates to sections 1195,
7 1196 and 1197 of the act. The sum of \$200,000, or as much
8 thereof as may be necessary, is hereby appropriated to the
9 Department of Education for the fiscal year July 1, 1988, to
10 June 30, 1989, to carry out the provisions of as much of section
11 17 of this act as relates to section 1614 of the act.

12 Section 21. This act shall take effect as follows:

13 (1) Section 1 (sections 315, 316 and 317), section 2
14 (section 510), section 3 (section 511), section 4 (section
15 513), section 5 (section 701.1), section 7 (section 1089),
16 section 8 (section 1125.1), section 11 (section 1320) and
17 section 14 (section 1361) shall take effect in 60 days.

18 (2) Section 6 (section 922.1-A), section 9 (sections
19 1195, 1196 and 1197), section 12 (section 1327), section 13
20 (section 1327.1) and section 17 (section 1614) shall take
21 effect July 1, 1988.

22 (3) Section 15 (Article XIII-A) shall take effect July
23 1, 1988, and shall apply to existing programs requesting
24 funding for the school year 1988-1989.

25 (4) Section 16 (section 1402(g)) shall take effect July
26 1, 1988, and shall apply to school years commencing with the
27 school year 1988-1989.

28 (5) The remainder of this act shall take effect
29 immediately.