
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 981 Session of
1991

INTRODUCED BY ADOLPH, E. Z. TAYLOR, PICCOLA, FREIND, LANGTRY,
BIRMELIN, MARSICO, MICOZZIE, CIVERA, LEH, RAYMOND, LAWLESS,
FLICK, O'BRIEN, KENNEY, J. TAYLOR, McHUGH, BUSH, FARGO,
THOMAS, LEE, PITTS, GODSHALL, PERZEL, MELIO, VROON, DEMPSEY,
WOGAN, BUNT, NOYE, BARLEY, HERSHEY, HESS AND GERLACH,
APRIL 3, 1991

REFERRED TO COMMITTEE ON EDUCATION, APRIL 3, 1991

AN ACT

1 Providing for the Commonwealth funding of basic educational
2 services by choice grants; providing for a criminal penalty;
3 and making repeals.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Education
8 Choice Grant Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Choice grant." An instrument issued by the Department of
14 Education to parents to be used for the education of a student,
15 which grant represents an amount of money determined under
16 section 3.

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

3 "Parents." The natural parents, legal guardians or any other
4 individual or individuals having legal custody of a student.

5 "School." Any public or private not-for-profit school
6 located within this Commonwealth or a home education program
7 conducted pursuant to section 1327.1 of the act of March 10,
8 1949 (P.L.30, No.14), known as the Public School Code of 1949.
9 The term shall not include any private business school, private
10 correspondence school or private trade school, any barber school
11 or school of cosmetology, any institution of higher learning or
12 any school owned or operated by the Commonwealth.

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

14 "Student." An individual who is a resident of this
15 Commonwealth, who is not less than the age required to begin
16 school in the district, nor 22 years of age or older as of the
17 day a school year begins, and who has not received a high school
18 diploma or its equivalent.

19 Section 3. Choice grant program.

20 Commencing with the 1991-1992 school year, the secretary
21 shall provide a choice grant to parents requesting a grant from
22 the department. For the 1991-1992 school year, the grant shall
23 be \$250. The grant shall increase by \$100 each year for the
24 succeeding five years. Thereafter, the grant shall increase
25 annually by a percentage increase in the equalized subsidy for
26 basic education as established in Article XXV of the act of
27 March 10, 1949 (P.L.30, No.14), known as the Public School Code
28 of 1949. However, the amount of the grant shall not exceed the
29 tuition of the school or school district.

30 Section 4. Issuance of choice grants.

1 (a) Selection of school.--A parent shall notify a school or
2 school district by March 1 of his intent to enroll the student
3 in the school. School districts and participating nonpublic
4 schools shall approve or disapprove the request within 60 days
5 of its receipt.

6 (b) Procedure.--Parents must submit verification, as
7 required by the department, of enrollment in a school, as
8 defined in this act, with the request for a grant. The request
9 shall be filed by July 1 of the year preceding attendance. No
10 later than August 15, the department shall send by first class
11 mail, return receipt requested, a choice grant to be used for
12 the coming school year to parents requesting the grant. The
13 department shall establish procedures for awarding a grant
14 during the school year. All such grants shall be reduced in
15 proportion to the amount of instructional time remaining in the
16 school year. Grants awarded in the school year shall be paid
17 only from uncommitted funding from the appropriation for this
18 purpose.

19 (c) Grant not income.--The receipt of a grant by parents
20 shall not constitute, and shall not be considered to be, income
21 to the parents.

22 Section 5. Duty of school.

23 (a) Nondiscrimination.--A school shall not refuse to enroll
24 any student because of race, color, ancestry or disability.

25 (b) Nonresident students.--A public school shall not refuse
26 to enroll any student because the student does not reside within
27 the school district, except if space is unavailable in a class
28 at the student's grade level or if the enrollment of the student
29 will cause the district to be in noncompliance with an approved
30 desegregation plan.

1 (c) Private school participation.--Private schools are not
2 required to participate in the choice grant program.

3 (d) Assessment of additional fees.--Nothing in this act
4 shall be construed to prohibit a school from assessing
5 additional fees for the enrollment of a student. School
6 districts may continue to charge their tuition rate for
7 nonresident students as prescribed in section 2561 of the act of
8 March 10, 1949 (P.L.30, No.14), known as the Public School Code
9 of 1949. Parents shall be responsible for paying any difference
10 in the tuition charge and the amount of the grant.

11 Section 6. Home education programs.

12 A grant to a home education program shall be discontinued
13 when a hearing examiner determines that a home education program
14 is not providing an appropriate education. The secretary or
15 Commonwealth Court shall have the power to require the repayment
16 of any or all amounts of the grant. The secretary's decision
17 shall be an adjudication under the provisions of 2 Pa.C.S.
18 (relating to administrative law and procedure).

19 Section 7. Rules and regulations.

20 (a) General rule.--The State Board of Education shall
21 promulgate the rules and regulations necessary to implement the
22 provisions of this act.

23 (b) Transfer of funds.--The department shall also provide
24 for any necessary transfer of funds resulting from student
25 enrollments, transfers or terminations which occur after a
26 school year has commenced.

27 Section 8. Criminal penalty.

28 Any person who knowingly uses a choice grant with intent to
29 defraud the Commonwealth commits a felony of the third degree.

30 Section 9. Directory.

1 The department shall publish annually a directory of schools
2 that participate in the choice grant program and the educational
3 programs offered by each school. Home education programs shall
4 not be included in the directory.

5 Section 10. Repeals.

6 All acts and parts of acts are repealed insofar as they are
7 inconsistent with this act.

8 Section 11. Effective date.

9 This act shall take effect immediately.