

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2200

Session of
2001

INTRODUCED BY DeLUCA, BUXTON, CAPPELLI, CIVERA, CORRIGAN, COSTA,
CREIGHTON, HERSHEY, LaGROTTA, LAUGHLIN, MELIO, R. MILLER,
S. MILLER, MUNDY, ROONEY, RUBLEY, SAINATO, SCRIMENTI,
STEELMAN, TANGRETTI, TIGUE, WILT, G. WRIGHT AND YOUNGBLOOD,
DECEMBER 3, 2001

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 26, 2002

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 CONDITIONAL EMPLOYMENT; <—
6 imposing penalties for submitting a false affidavit; <—
7 PROVIDING FOR FIREFIGHTER AND EMERGENCY SERVICE TRAINING AS
8 CREDITABLE HIGH SCHOOL COURSES; AND FURTHER PROVIDING FOR
9 EDUCATION SUPPORT SERVICES PROVIDERS AND GRANTS, FOR HIGH
10 SCHOOL CERTIFICATES AND FOR APPROVED REIMBURSABLE RENTAL FOR
11 APPROVED LEASES AND REIMBURSABLE SINKING FUND CHARGES ON
12 DEBT.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
16 as the Public School Code of 1949, is amended by adding a <—
17 ~~section~~ SECTIONS to read: <—

18 SECTION 1109.2. CONDITIONAL EMPLOYMENT.--A BOARD OF SCHOOL <—
19 DIRECTORS MAY ENTER INTO A PROVISIONAL CONTRACT TO EMPLOY AN
20 INDIVIDUAL AS A TEMPORARY PROFESSIONAL EMPLOYEE WHO PRESENTS A
21 LETTER WITHIN SIX MONTHS OF THE DATE OF EXPECTED GRADUATION FROM

1 AN APPROVED PENNSYLVANIA COLLEGE OR UNIVERSITY VERIFYING THAT HE
2 IS ENROLLED IN AN APPROVED TEACHER PREPARATION PROGRAM IN THAT
3 INSTITUTION AND WILL COMPLETE ALL REQUIREMENTS FOR THE AWARDING
4 OF A BACHELOR'S DEGREE ON A DATE CERTAIN AS SPECIFIED. THE
5 VALIDITY OF THE PROVISIONAL CONTRACT SHALL BE CONTINGENT UPON
6 THE FOLLOWING CONDITIONS BEING MET PRIOR TO THE ACTUAL
7 COMMENCEMENT OF EMPLOYMENT; THE AWARDING OF A BACHELOR'S DEGREE;
8 AND, THE INDIVIDUAL HAVING OBTAINED THE APPROPRIATE TEACHING
9 CERTIFICATE IN THE AREA OF ASSIGNMENT FOR WHICH THE CONTRACT IS
10 BEING ENTERED.

11 Section 1302.1. Penalties for Submitting a False
12 Affidavit.--(a) If it is found that information contained in
13 the affidavit provided for in section 1302 of this act is false,
14 the child must be removed from the school after notice of an
15 opportunity to appeal the removal pursuant to the appropriate
16 district grievance policy.

17 (b) If it is further found that a person wilfully and
18 knowingly has provided false information in the affidavit
19 provided for in section 1302 of this act to enroll a child in a
20 school district for which the child is not eligible, the affiant
21 is guilty of a misdemeanor of the third degree pursuant to 18
22 Pa.C.S. § 4903(b) (relating to false swearing).

23 (c) Upon conviction, the affiant shall be liable for and pay
24 a penalty, for the benefit of the school district in which the
25 affiant resides, not exceeding three hundred dollars (\$300) and
26 to pay court costs, and, in default of payment thereof, may be
27 sentenced to the county jail for a period not exceeding thirty
28 (30) days, and also must be required to pay to the school
29 district an amount equal to the cost to the district of
30 educating the child during the period of enrollment.

1 (d) The affidavit, which is required by the school districts
2 under this section, must include, in large print, the penalty
3 for providing false information on the affidavit.

4 SECTION 1550. FIREFIGHTER AND EMERGENCY SERVICE TRAINING.-- <—

5 (A) FIREFIGHTER AND EMERGENCY SERVICE TRAINING MAY BE ADDED TO
6 HIGH SCHOOL CURRICULA AS CREDIT-EARNING COURSES.

7 (B) THE COURSES MAY BE MADE AVAILABLE ONLY TO STUDENTS
8 SIXTEEN (16) YEARS OF AGE OR OLDER AND MAY INCLUDE:

9 (1) TRAINING AS A FIREFIGHTER I FROM THE NATIONAL BOARD OF
10 PROFESSIONAL QUALIFICATIONS.

11 (2) TRAINING AS AN EMERGENCY MEDICAL TECHNICIAN BY THE
12 DEPARTMENT OF HEALTH UNDER THE ACT OF JULY 3, 1985 (P.L.164,
13 NO.45), KNOWN AS THE "EMERGENCY MEDICAL SERVICES ACT."

14 (C) IF THE SCHOOL DISTRICT ADDS FIREFIGHTER AND EMERGENCY
15 SERVICE TRAINING AS CREDIT-EARNING COURSES, THE SCHOOL DISTRICT
16 SHALL PROVIDE TRANSPORTATION AND SUPERVISION FOR FIREFIGHTER AND
17 EMERGENCY SERVICE TRAINING THAT TAKES PLACE OFF SCHOOL GROUNDS.

18 SECTION 2. SECTIONS 1505-C AND 1507-C(A) AND (B) OF THE ACT,
19 ADDED MAY 17, 2001 (P.L.4, NO.4), ARE AMENDED TO READ:
20 SECTION 1505-C. PROVIDERS.

21 A PROSPECTIVE PROVIDER SHALL SUBMIT AN APPLICATION TO THE
22 DEPARTMENT FOR APPROVAL TO PROVIDE EDUCATION SUPPORT SERVICES
23 UNDER THIS ARTICLE. THE APPLICATION SHALL INCLUDE A DESCRIPTION
24 OF THE SERVICES TO BE PROVIDED, THE COST OF THE SERVICES, THE
25 QUALIFICATION OF ALL INDIVIDUALS PROVIDING THOSE SERVICES,
26 INCLUDING EVIDENCE OF COMPLIANCE WITH SECTION 111, AND SUCH
27 OTHER INFORMATION AS MAY BE REQUIRED BY THE DEPARTMENT. APPROVAL
28 IS SUBJECT TO A PROVIDER AGREEING NOT TO SEEK PAYMENT DIRECTLY
29 FROM THE GRANT RECIPIENT FOR EDUCATION SUPPORT SERVICES FOR
30 WHICH REIMBURSEMENT WILL BE PROVIDED UNDER THIS ARTICLE.

1 SECTION 1507-C. PAYMENT OF GRANTS.

2 (A) CERTIFICATES.--A CERTIFICATE FOR EDUCATION SUPPORT
3 SERVICES UNDER THIS ARTICLE SHALL BE ISSUED BY THE DEPARTMENT IN
4 AN AMOUNT AUTHORIZING UP TO \$500 FOR EACH ELIGIBLE STUDENT
5 IDENTIFIED ON THE CERTIFICATE. THE CERTIFICATE SHALL BE ISSUED
6 TO THE GRANT RECIPIENT AND SHALL BE VALID ONLY FOR THE FISCAL
7 YEAR IN WHICH IT IS ISSUED. AFTER RECEIVING THE CERTIFICATE FROM
8 A GRANT RECIPIENT, THE PROVIDER SHALL INCLUDE THE FOLLOWING
9 INFORMATION, VERIFIED BY THE GRANT RECIPIENT, ON THE
10 CERTIFICATE: NAME OF ELIGIBLE STUDENT SERVED, TYPE OF
11 INSTRUCTION, DATE AND LENGTH OF INSTRUCTION AND COST OF
12 INSTRUCTION PROVIDED TO THE ELIGIBLE STUDENT. WHEN THE AMOUNT OF
13 THE CERTIFICATE HAS BEEN UTILIZED OR WHEN THE ELIGIBLE STUDENT
14 IS NO LONGER RECEIVING EDUCATION SUPPORT SERVICES FROM THE
15 PROVIDER, THE PROVIDER SHALL RETURN THE COMPLETED CERTIFICATE
16 [TO THE GRANT RECIPIENT FOR SUBMISSION] TO THE DEPARTMENT FOR
17 PAYMENT. THE DEPARTMENT SHALL MAKE PAYMENT DIRECTLY TO THE
18 [GRANT RECIPIENT FOR THE AMOUNT DUE. GRANT RECIPIENTS MUST SEND
19 ALL OUTSTANDING CERTIFICATES TO THE DEPARTMENT FOR PAYMENT NO
20 LATER THAN 90 DAYS AFTER RECEIVING THE COMPLETED CERTIFICATE
21 FROM THE] PROVIDER.

22 (B) PENALTY FOR GRANT RECIPIENTS.--A GRANT RECIPIENT WHO
23 KNOWINGLY DEFRAUDS THE COMMONWEALTH BY [RECEIVING REIMBURSEMENT
24 FOR] VERIFYING THE RECEIPT OF EDUCATION SUPPORT SERVICES NOT
25 RENDERED TO THE ELIGIBLE STUDENT AND GRANT RECIPIENT IDENTIFIED
26 ON THE CERTIFICATE COMMITS A MISDEMEANOR OF THE THIRD DEGREE AND
27 SHALL, UPON CONVICTION, BE SENTENCED TO PAY A FINE OF NOT MORE
28 THAN \$1,000 PER VIOLATION AND SHALL BE DISQUALIFIED FROM
29 ELIGIBILITY FOR AN ADDITIONAL GRANT FOR A PERIOD OF NOT LESS
30 THAN FIVE YEARS.

1 * * *

2 SECTION 3. SECTION 1613 OF THE ACT IS AMENDED BY ADDING A
3 SUBSECTION TO READ:

4 SECTION 1613. HIGH SCHOOL CERTIFICATES.--* * *

5 (E) VOTER REGISTRATION FORMS SHALL BE GIVEN TO PUPILS ISSUED
6 CERTIFICATES UNDER SUBSECTION (A) AND WHO WILL BE ELIGIBLE TO
7 VOTE IN THE FIRST ELECTION FOLLOWING THEIR GRADUATION. THIS
8 SUBSECTION SHALL NOT APPLY TO PUPILS IN SCHOOLS OPERATED BY A
9 BONA FIDE CHURCH OR OTHER RELIGIOUS BODY WHICH HAS AT ANY TIME
10 FILED AN OBJECTION IN WRITING WITH THE SECRETARY OF EDUCATION ON
11 THE BASIS OF A STRONG MORAL OR ETHICAL CONVICTION CONSTITUTING
12 OR SIMILAR TO A RELIGIOUS BELIEF.

13 SECTION 4. SECTION 2574(E) OF THE ACT, AMENDED JULY 10, 1987
14 (P.L.286, NO.50), IS AMENDED AND SUBSECTIONS (B) AND (C) ARE
15 AMENDED BY ADDING CLAUSES TO READ:

16 SECTION 2574. APPROVED REIMBURSABLE RENTAL FOR LEASES
17 HEREAFTER APPROVED AND APPROVED REIMBURSABLE SINKING FUND
18 CHARGES ON INDEBTEDNESS.--* * *

19 (B) FOR NEW SCHOOL BUILDINGS THE APPROVED BUILDING
20 CONSTRUCTION COST SHALL BE THE LESSER OF

21 * * *

22 (4) FOR SCHOOL BUILDINGS FOR WHICH THE GENERAL CONSTRUCTION
23 CONTRACT IS AWARDED ON OR AFTER JULY 1, 2002, THE PRODUCT OF THE
24 RATED PUPIL CAPACITY AS DETERMINED BY THE DEPARTMENT OF
25 EDUCATION AT THE TIME THE PROJECT IS APPROVED AND (I) FOUR
26 THOUSAND SEVEN HUNDRED DOLLARS (\$4,700) IN THE CASE OF
27 ELEMENTARY SCHOOLS, (II) SIX THOUSAND TWO HUNDRED DOLLARS
28 (\$6,200) IN THE CASE OF SECONDARY SCHOOLS, (III) AN AMOUNT IN
29 THE CASE OF COMBINED ELEMENTARY-SECONDARY SCHOOLS OBTAINED BY
30 MULTIPLYING THE RATED ELEMENTARY PUPIL CAPACITY BY FOUR THOUSAND

1 SEVEN HUNDRED DOLLARS (\$4,700) AND THE RATED SECONDARY PUPIL
2 CAPACITY BY SIX THOUSAND TWO HUNDRED DOLLARS (\$6,200) AND
3 DIVIDING THE SUM BY THE TOTAL RATED PUPIL CAPACITY.

4 (C) FOR ADDITIONS OR ALTERATIONS TO EXISTING BUILDINGS
5 APPROVED BUILDING CONSTRUCTION COST SHALL BE THE LESSER OF

6 * * *

7 (4) FOR SCHOOL BUILDINGS FOR WHICH THE GENERAL CONSTRUCTION
8 CONTRACT IS AWARDED ON OR AFTER JULY 1, 2002, THE DIFFERENCE
9 OBTAINED BY SUBTRACTING THE APPRAISAL VALUE OF THE EXISTING
10 BUILDING FROM THE PRODUCT OF THE RATED PUPIL CAPACITY OF THE
11 ALTERED OR EXPANDED BUILDING AS DETERMINED BY THE DEPARTMENT OF
12 EDUCATION AT THE TIME THE PROJECT IS APPROVED AND (I) FOUR
13 THOUSAND SEVEN HUNDRED DOLLARS (\$4,700) IN THE CASE OF
14 ELEMENTARY SCHOOLS, (II) SIX THOUSAND TWO HUNDRED DOLLARS
15 (\$6,200) IN THE CASE OF SECONDARY SCHOOLS, (III) AN AMOUNT IN
16 THE CASE OF COMBINED ELEMENTARY-SECONDARY SCHOOLS OBTAINED BY
17 MULTIPLYING THE RATED ELEMENTARY PUPIL CAPACITY BY FOUR THOUSAND
18 SEVEN HUNDRED DOLLARS (\$4,700) AND THE RATED SECONDARY PUPIL
19 CAPACITY BY SIX THOUSAND TWO HUNDRED DOLLARS (\$6,200) AND
20 DIVIDING THE SUM BY THE TOTAL RATED PUPIL CAPACITY OF THE
21 ALTERED OR EXPANDED BUILDING.

22 * * *

23 (E) FOR AREA VOCATIONAL-TECHNICAL SCHOOL AND TECHNICAL
24 INSTITUTE PROJECTS LEASED SUBSEQUENT TO JULY 1, 1964, BY OR FOR
25 LEASE TO A BOARD OF SCHOOL DIRECTORS AUTHORIZED TO OPERATE SUCH
26 A SCHOOL, THE DEPARTMENT OF EDUCATION SHALL CALCULATE AN
27 APPROVED REIMBURSABLE RENTAL CHARGE.

28 FOR AREA VOCATIONAL-TECHNICAL SCHOOL AND TECHNICAL INSTITUTE
29 PROJECTS CONSTRUCTED OR PURCHASED SUBSEQUENT TO JULY 1, 1964, BY
30 A BOARD OF SCHOOL DIRECTORS AUTHORIZED TO OPERATE SUCH A SCHOOL,

1 THE DEPARTMENT OF EDUCATION MAY CALCULATE AN APPROVED
2 REIMBURSABLE SINKING FUND CHARGE.

3 APPROVED REIMBURSABLE RENTAL OR SINKING FUND CHARGE SHALL
4 CONSIST OF THAT PART OF THE ANNUAL RENTAL OR SINKING FUND
5 ATTRIBUTABLE TO:

6 (1) COST OF ACQUIRING LAND AND PREPARING IT FOR USE TO THE
7 EXTENT THAT SUCH COSTS ARE DEEMED REASONABLE BY THE DEPARTMENT
8 OF EDUCATION AND THE INTEREST ON SUCH COST OF ACQUISITION, COST
9 OF PREPARATION AND THE COST OF SEWAGE TREATMENT AND THE INTEREST
10 ON SUCH COST.

11 (2) MACHINERY, APPARATUS, FURNITURE AND EQUIPMENT AND ALL
12 OTHER NECESSARY EXPENSES AND INTEREST CHARGES, BUT EXCLUDING
13 ARCHITECTS' FEES IN EXCESS OF SIX PERCENT OF THE CONSTRUCTION
14 COST.

15 THE APPROVED BUILDING CONSTRUCTION COST AND THE INTEREST ON
16 SUCH CONSTRUCTION COST SHALL NOT EXCEED THE PRODUCT OF THE RATED
17 FULL-TIME PUPIL CAPACITY, AS DETERMINED BY THE DEPARTMENT OF
18 EDUCATION AT THE TIME THE PROJECT IS APPROVED AND TWO THOUSAND
19 TWO HUNDRED DOLLARS (\$2,200).

20 THE PROVISIONS OF THE FOREGOING PARAGRAPH SHALL APPLY TO ALL
21 SCHOOL BUILDING PROJECTS FOR WHICH THE GENERAL CONSTRUCTION
22 CONTRACT IS AWARDED PRIOR TO JULY 1, 1966, AND FOR APPROVED
23 SCHOOL BUILDING PROJECTS FOR WHICH A LEASE WAS APPROVED BY THE
24 DEPARTMENT OF EDUCATION PRIOR TO JULY 1, 1966. FOR SCHOOL
25 BUILDINGS FOR WHICH THE GENERAL CONSTRUCTION CONTRACT IS AWARDED
26 SUBSEQUENT TO JULY 1, 1966, AND FOR APPROVED SCHOOL BUILDING
27 PROJECTS FOR WHICH THE GENERAL CONSTRUCTION CONTRACT WAS AWARDED
28 BUT FOR WHICH A LEASE WAS NOT APPROVED BY THE DEPARTMENT OF
29 EDUCATION PRIOR TO JULY 1, 1966, THE APPROVED BUILDING
30 CONSTRUCTION COST AND THE INTEREST ON SUCH CONSTRUCTION COST

1 SHALL NOT EXCEED THE PRODUCT OF THE RATED FULL-TIME PUPIL
2 CAPACITY, AS DETERMINED BY THE DEPARTMENT OF EDUCATION AT THE
3 TIME THE PROJECT IS APPROVED, AND THREE THOUSAND SEVEN HUNDRED
4 DOLLARS (\$3700).

5 FOR SCHOOL BUILDINGS FOR WHICH THE GENERAL CONSTRUCTION
6 CONTRACT IS AWARDED SUBSEQUENT TO JULY 1, 1984, AND FOR APPROVED
7 SCHOOL BUILDING PROJECTS FOR WHICH THE GENERAL CONSTRUCTION
8 CONTRACT WAS AWARDED BUT FOR WHICH A LEASE OR GENERAL OBLIGATION
9 BOND RESOLUTION WAS NOT APPROVED BY THE DEPARTMENT OF EDUCATION
10 PRIOR TO JULY 1, 1984, THE APPROVED BUILDING CONSTRUCTION COST
11 AND THE INTEREST ON SUCH CONSTRUCTION COST SHALL NOT EXCEED THE
12 PRODUCT OF THE RATED FULL-TIME PUPIL CAPACITY, AS DETERMINED BY
13 THE DEPARTMENT OF EDUCATION AT THE TIME THE PROJECT IS APPROVED,
14 AND SIX THOUSAND THREE HUNDRED DOLLARS (\$6,300).

15 FOR SCHOOL BUILDINGS FOR WHICH THE GENERAL CONSTRUCTION
16 CONTRACT IS AWARDED ON OR AFTER JULY 1, 2002, THE APPROVED
17 BUILDING CONSTRUCTION COST AND THE INTEREST ON SUCH CONSTRUCTION
18 COST SHALL NOT EXCEED THE PRODUCT OF THE RATED FULL-TIME PUPIL
19 CAPACITY, AS DETERMINED BY THE DEPARTMENT OF EDUCATION AT THE
20 TIME THE PROJECT IS APPROVED, AND SEVEN THOUSAND SIX HUNDRED
21 DOLLARS (\$7,600).

22 THE DEPARTMENT OF EDUCATION SHALL NOT APPROVE THE EXPENDITURE
23 OF ANY FUNDS BORROWED OR OBTAINED BY THE SALE OF BONDS BY ANY
24 AUTHORITY, NONPROFIT CORPORATION, PROFIT CORPORATION, COMPANY OR
25 INDIVIDUAL FOR CONSTRUCTION OF AREA VOCATIONAL-TECHNICAL SCHOOLS
26 OR TECHNICAL INSTITUTES FOR BLEACHERS, ATHLETIC FIELD, LIGHTING
27 EQUIPMENT OR APPARATUS USED TO PROMOTE AND CONDUCT
28 INTERSCHOLASTIC ATHLETICS.

29 * * *

30 Section 2 5. This act shall take effect in 60 days.

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