
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **381** Session of
2021

INTRODUCED BY MARTIN, AUMENT, SCAVELLO, ARGALL, MASTRIANO,
PITTMAN, GORDNER, STEFANO, BARTOLOTTA AND BAKER,
MARCH 10, 2021

AS REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 25, 2021

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 certification of teachers, further~~
 6 ~~providing for substitute teaching permit for prospective~~
 7 ~~teachers.~~

8 AMENDING THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), ENTITLED "AN <--
 9 ACT RELATING TO THE PUBLIC SCHOOL SYSTEM, INCLUDING CERTAIN
 10 PROVISIONS APPLICABLE AS WELL TO PRIVATE AND PAROCHIAL
 11 SCHOOLS; AMENDING, REVISING, CONSOLIDATING AND CHANGING THE
 12 LAWS RELATING THERETO," IN PRELIMINARY PROVISIONS, FURTHER
 13 PROVIDING FOR SPECIAL EDUCATION FUNDING COMMISSION; IN
 14 GROUNDS AND BUILDINGS, FURTHER PROVIDING FOR LIMITATION ON
 15 NEW APPLICATIONS FOR DEPARTMENT OF EDUCATION APPROVAL OF
 16 PUBLIC SCHOOL BUILDING PROJECTS; IN CERTIFICATION OF
 17 TEACHERS, FURTHER PROVIDING FOR SUBSTITUTE TEACHING PERMIT
 18 FOR PROSPECTIVE TEACHERS; IN COMMUNITY COLLEGES, FURTHER
 19 PROVIDING FOR FINANCIAL PROGRAM AND REIMBURSEMENT OF PAYMENTS
 20 AND FOR COMMUNITY COLLEGE CAPITAL FUND; IN EDUCATIONAL TAX
 21 CREDITS, FURTHER PROVIDING FOR LIMITATIONS; IN MISCELLANEOUS
 22 PROVISIONS RELATING TO INSTITUTIONS OF HIGHER EDUCATION,
 23 FURTHER PROVIDING FOR PUBLIC HIGHER EDUCATION FUNDING
 24 COMMISSION; PROVIDING FOR INTERCOLLEGIATE ATHLETICS; IN
 25 FUNDING FOR PUBLIC LIBRARIES, PROVIDING FOR STATE AID FOR
 26 FISCAL YEAR 2021-2022; IN REIMBURSEMENTS BY COMMONWEALTH AND
 27 BETWEEN SCHOOL DISTRICTS, FURTHER PROVIDING FOR STUDENT-
 28 WEIGHTED BASIC EDUCATION FUNDING, FOR PAYMENTS TO
 29 INTERMEDIATE UNITS AND FOR ASSISTANCE TO SCHOOL DISTRICTS
 30 DECLARED TO BE IN FINANCIAL RECOVERY STATUS OR IDENTIFIED FOR
 31 FINANCIAL WATCH STATUS; IN CONSTRUCTION AND RENOVATION OF

1 BUILDINGS BY SCHOOL ENTITIES, FURTHER PROVIDING FOR
2 APPLICABILITY; AND MAKING AN EDITORIAL CHANGE.

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

5 ~~Section 1. Section 1201.1(b) of the act of March 10, 1949~~ <--
6 ~~(P.L.30, No.14), known as the Public School Code of 1949, is~~
7 ~~amended to read:~~

8 ~~Section 1201.1. Substitute Teaching Permit for Prospective~~
9 ~~Teachers. * * *~~

10 ~~{(b) This section shall expire on June 30, 2021.}~~

11 ~~Section 2. This act shall take effect immediately.~~

12 SECTION 1. SECTION 122(K) (2) OF THE ACT OF MARCH 10, 1949 <--
13 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,
14 AMENDED NOVEMBER 25, 2020 (P.L.1294, NO.136), IS AMENDED TO
15 READ:

16 SECTION 122. SPECIAL EDUCATION FUNDING COMMISSION.--* * *

17 (K) * * *

18 (2) THE COMMISSION SHALL BE RECONSTITUTED NOT LATER THAN
19 AUGUST 15, 2019, AND SHALL ISSUE THE REPORT TO THE RECIPIENTS
20 LISTED IN SUBSECTION (I) (5) NOT LATER THAN [JUNE 30, 2021]
21 DECEMBER 31, 2021. THE COMMISSION SHALL LIMIT THE SCOPE OF THE
22 REVIEW PROVIDED FOR UNDER THIS SUBSECTION TO ONLY THE PROVISION
23 OF SPECIAL EDUCATION PAYMENTS TO SCHOOL DISTRICTS BY THE
24 COMMONWEALTH THROUGH THE FUNDING FORMULA CONTAINED IN SECTION
25 2509.5.

26 * * *

27 SECTION 2. SECTION 732.1(A) OF THE ACT, AMENDED JUNE 5, 2020
28 (P.L.223, NO.30), IS AMENDED TO READ:

29 SECTION 732.1. LIMITATION ON NEW APPLICATIONS FOR DEPARTMENT
30 OF EDUCATION APPROVAL OF PUBLIC SCHOOL BUILDING PROJECTS.--(A)
31 FOR THE 2012-2013 FISCAL YEAR, 2013-2014 FISCAL YEAR, 2017-2018

1 FISCAL YEAR, 2018-2019 FISCAL YEAR, 2019-2020 FISCAL YEAR [AND],
2 2020-2021 FISCAL YEAR AND 2021-2022 FISCAL YEAR, THE DEPARTMENT
3 OF EDUCATION SHALL NOT ACCEPT OR APPROVE NEW SCHOOL BUILDING
4 CONSTRUCTION OR RECONSTRUCTION PROJECT APPLICATIONS.

5 * * *

6 SECTION 3. SECTION 1201.1(A) INTRODUCTORY PARAGRAPH AND (B)
7 OF THE ACT ARE AMENDED TO READ:

8 SECTION 1201.1. SUBSTITUTE TEACHING PERMIT FOR PROSPECTIVE
9 TEACHERS.--[(A)] AN INDIVIDUAL WHO DOES NOT HOLD A CERTIFICATE
10 UNDER SECTION 1201 SHALL BE ELIGIBLE TO TEACH AS A SUBSTITUTE IN
11 A SCHOOL DISTRICT, AN AREA CAREER AND TECHNICAL SCHOOL OR AN
12 INTERMEDIATE UNIT PROVIDED THAT:

13 * * *

14 [(B) THIS SECTION SHALL EXPIRE ON JUNE 30, 2021.]

15 SECTION 4. SECTION 1913-A(B) (1.6) OF THE ACT IS AMENDED BY
16 ADDING SUBCLAUSES TO READ:

17 SECTION 1913-A. FINANCIAL PROGRAM; REIMBURSEMENT OF
18 PAYMENTS.--* * *

19 (B) * * *

20 (1.6) FOR THE 2006-2007 FISCAL YEAR AND EACH FISCAL YEAR
21 THEREAFTER, THE PAYMENT FOR A COMMUNITY COLLEGE SHALL CONSIST OF
22 THE FOLLOWING:

23 * * *

24 (XIV) FOR THE 2021-2022 FISCAL YEAR, EACH COMMUNITY COLLEGE
25 SHALL RECEIVE AN AMOUNT EQUAL TO THE FOLLOWING:

26 (A) AN AMOUNT EQUAL TO THE REIMBURSEMENT FOR OPERATING COSTS
27 RECEIVED IN FISCAL YEAR 2019-2020 UNDER SUBCLAUSE (XII) (A) AND
28 (C).

29 (B) AN AMOUNT EQUAL TO THE ECONOMIC DEVELOPMENT STIPEND
30 RECEIVED IN FISCAL YEAR 2019-2020 UNDER SUBCLAUSE (XII) (B).

1 (XV) FOR FISCAL YEAR 2021-2022, A COMMUNITY COLLEGE APPROVED
2 BY THE STATE BOARD OF EDUCATION DURING THE 2020 CALENDAR YEAR
3 SHALL RECEIVE AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE
4 AMOUNT APPROPRIATED FOR THE ALLOCATION OF COMMUNITY COLLEGE
5 FUNDING AND THE SUM OF THE AMOUNTS DETERMINED FOR COMMUNITY
6 COLLEGES UNDER CLAUSE (XIV).

7 * * *

8 SECTION 5. SECTION 1917-A(E) OF THE ACT, AMENDED JUNE 5,
9 2020 (P.L.223, NO.30), IS AMENDED TO READ:

10 SECTION 1917-A. COMMUNITY COLLEGE CAPITAL FUND.--* * *

11 [(E) PAYMENTS FROM THE FUND MAY ONLY BE MADE TO COMMUNITY
12 COLLEGES THAT RECEIVED PAYMENT UNDER 1913-A(B) (1.6) IN THE PRIOR
13 FISCAL YEAR.]

14 SECTION 6. SECTION 2006-B(A) OF THE ACT IS AMENDED TO READ:
15 SECTION 2006-B. LIMITATIONS.

16 (A) AMOUNT.--

17 (1) THE TOTAL AGGREGATE AMOUNT OF ALL TAX CREDITS
18 APPROVED FOR CONTRIBUTIONS FROM BUSINESS FIRMS TO SCHOLARSHIP
19 ORGANIZATIONS, EDUCATIONAL IMPROVEMENT ORGANIZATIONS AND PRE-
20 KINDERGARTEN SCHOLARSHIP ORGANIZATIONS SHALL NOT EXCEED
21 ~~[\$185,000,000]~~ \$225,000,000 IN A FISCAL YEAR.

22 (I) NO LESS THAN ~~[\$135,000,000]~~ \$175,000,000 OF THE
23 TOTAL AGGREGATE AMOUNT SHALL BE USED TO PROVIDE TAX
24 CREDITS FOR CONTRIBUTIONS FROM BUSINESS FIRMS TO
25 SCHOLARSHIP ORGANIZATIONS.

26 * * *

27 SECTION 7. SECTION 2001-I(I) (13) OF THE ACT, AMENDED JUNE 5,
28 2020 (P.L.223, NO.30), IS AMENDED TO READ:

29 SECTION 2001-I. PUBLIC HIGHER EDUCATION FUNDING COMMISSION.

30 * * *

1 (I) ADDITIONAL POWERS AND DUTIES.--THE COMMISSION SHALL HAVE
2 ALL OF THE FOLLOWING POWERS AND DUTIES:

3 * * *

4 (13) ISSUE A REPORT OF THE COMMISSION'S FINDINGS AND
5 RECOMMENDATIONS TO THE GOVERNOR, THE PRESIDENT PRO TEMPORE OF
6 THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE
7 MAJORITY LEADER AND MINORITY LEADER OF THE SENATE, THE
8 MAJORITY LEADER AND MINORITY LEADER OF THE HOUSE OF
9 REPRESENTATIVES, THE SECRETARY OF EDUCATION, THE STATE BOARD
10 OF EDUCATION, THE APPROPRIATIONS COMMITTEE OF THE SENATE, THE
11 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES, THE
12 EDUCATION COMMITTEE OF THE SENATE AND THE EDUCATION COMMITTEE
13 OF THE HOUSE OF REPRESENTATIVES NOT LATER THAN [NOVEMBER 30,
14 2021] MAY 31, 2022.

15 * * *

16 SECTION 8. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

17 ARTICLE XX-K

18 INTERCOLLEGIATE ATHLETICS

19 SECTION 2001-K. SCOPE OF ARTICLE.

20 THIS ARTICLE RELATES TO COLLEGE ATHLETE COMPENSATION RELATED
21 TO NAME, IMAGE OR LIKENESS AND PROFESSIONAL REPRESENTATION.

22 SECTION 2002-K. DEFINITIONS.

23 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
24 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
25 CONTEXT CLEARLY INDICATES OTHERWISE:

26 "ATHLETE AGENT." AS DEFINED IN 5 PA.C.S. § 3102 (RELATING TO
27 DEFINITIONS.

28 "COLLEGE STUDENT ATHLETE." AN INDIVIDUAL ENROLLED AT AN
29 INSTITUTION OF HIGHER EDUCATION WHO PARTICIPATES IN
30 INTERCOLLEGIATE ATHLETICS FOR THE INSTITUTION OF HIGHER

1 EDUCATION. THE TERM DOES NOT INCLUDE AN INDIVIDUAL WHOSE
2 PARTICIPATION IS OR WAS IN A COLLEGE INTRAMURAL SPORT, CLUB
3 SPORT OR IN A PROFESSIONAL SPORT OUTSIDE OF INTERCOLLEGIATE
4 ATHLETICS.

5 "INSTITUTION OF HIGHER EDUCATION." ANY OF THE FOLLOWING:

6 (1) A UNIVERSITY WITHIN THE STATE SYSTEM OF HIGHER
7 EDUCATION.

8 (2) THE PENNSYLVANIA STATE UNIVERSITY, THE UNIVERSITY OF
9 PITTSBURGH, TEMPLE UNIVERSITY, LINCOLN UNIVERSITY OR ANY
10 OTHER INSTITUTION DESIGNATED AS STATE-RELATED BY THE
11 COMMONWEALTH.

12 (3) THE THADDEUS STEVENS COLLEGE OF TECHNOLOGY.

13 (4) A COMMUNITY COLLEGE AS DEFINED IN ARTICLE XIX-A.

14 (5) A COLLEGE ESTABLISHED UNDER ARTICLE XIX-G.

15 (6) AN INSTITUTION OF HIGHER EDUCATION LOCATED IN AND
16 INCORPORATED OR CHARTERED BY THE COMMONWEALTH AND ENTITLED TO
17 CONFER DEGREES AS SPECIFIED IN SECTION 24 PA.C.S. § 6505
18 (RELATING TO POWER TO CONFER DEGREES) AND AS PROVIDED FOR BY
19 THE STANDARDS AND QUALIFICATIONS PRESCRIBED BY THE STATE
20 BOARD OF EDUCATION UNDER 24 PA.C.S. CH. 65 (RELATING TO
21 PRIVATE COLLEGES, UNIVERSITIES AND SEMINARIES).

22 (7) A PRIVATE SCHOOL LICENSED UNDER THE ACT OF DECEMBER
23 15, 1986 (P.L.1585, NO.174), KNOWN AS THE PRIVATE LICENSED
24 SCHOOLS ACT.

25 (8) A FOREIGN CORPORATION APPROVED TO OPERATE AN
26 EDUCATIONAL ENTERPRISE UNDER 22 PA. CODE CH. 36 (RELATING TO
27 FOREIGN CORPORATION STANDARDS).

28 "NCAA." THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION.

29 SECTION 2003-K. COMPENSATION REGARDING COLLEGE STUDENT
30 ATHLETE'S NAME, IMAGE OR LIKENESS RIGHTS.

1 (A) COMPENSATION ALLOWED.--A COLLEGE STUDENT ATHLETE MAY
2 EARN COMPENSATION FOR THE USE OF THE COLLEGE STUDENT ATHLETE'S
3 NAME, IMAGE OR LIKENESS UNDER THIS ARTICLE. THE COMPENSATION
4 SHALL BE COMMENSURATE WITH THE MARKET VALUE OF THE STUDENT
5 ATHLETE'S NAME, IMAGE OR LIKENESS. THE COMPENSATION MAY NOT BE
6 PROVIDED IN EXCHANGE, IN WHOLE OR IN PART, FOR A CURRENT OR
7 PROSPECTIVE STUDENT ATHLETE TO ATTEND, PARTICIPATE OR PERFORM AT
8 A PARTICULAR INSTITUTION OF HIGHER EDUCATION.

9 (B) PROHIBITION REGARDING INSTITUTIONS OF HIGHER
10 EDUCATION.--AN INSTITUTION OF HIGHER EDUCATION MAY NOT:

11 (1) UPHOLD A RULE, REQUIREMENT, STANDARD OR OTHER
12 LIMITATION THAT PREVENTS A COLLEGE STUDENT ATHLETE OF THE
13 INSTITUTION OF HIGHER EDUCATION FROM EARNING COMPENSATION
14 THROUGH THE USE OF THE COLLEGE STUDENT ATHLETE'S NAME, IMAGE
15 OR LIKENESS RIGHTS.

16 (2) ARRANGE THIRD-PARTY COMPENSATION FOR A COLLEGE
17 STUDENT ATHLETE RELATING TO THE USE OF THE COLLEGE STUDENT
18 ATHLETE'S NAME, IMAGE OR LIKENESS RIGHTS OR USE A SIMILAR
19 TYPE OF ARRANGEMENT AS AN INDUCEMENT TO RECRUIT A PROSPECTIVE
20 COLLEGE STUDENT ATHLETE.

21 (C) PROHIBITIONS REGARDING INTERCOLLEGIATE ATHLETIC
22 ENTITIES.--AN ATHLETIC ASSOCIATION, CONFERENCE OR OTHER GROUP OR
23 ORGANIZATION WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETICS,
24 INCLUDING THE NCAA, MAY NOT:

25 (1) PREVENT A COLLEGE STUDENT ATHLETE FROM EARNING
26 COMPENSATION THROUGH THE USE OR LICENSE OF THE COLLEGE
27 STUDENT ATHLETE'S NAME, IMAGE OR LIKENESS RIGHTS.

28 (2) PREVENT AN INSTITUTION OF HIGHER EDUCATION FROM
29 FULLY PARTICIPATING IN INTERCOLLEGIATE ATHLETICS AS A RESULT
30 OF A COLLEGE STUDENT ATHLETE'S USE OF THE COLLEGE STUDENT

1 ATHLETE'S NAME, IMAGE OR LIKENESS RIGHTS TO SEEK
2 COMPENSATION.

3 (D) ROYALTY PAYMENT.--A PERSON THAT PRODUCES A COLLEGE TEAM
4 JERSEY, A COLLEGE TEAM VIDEO GAME OR COLLEGE TEAM TRADING CARDS
5 FOR THE PURPOSE OF MAKING A PROFIT SHALL MAKE A ROYALTY PAYMENT
6 TO EACH COLLEGE STUDENT ATHLETE WHOSE NAME, IMAGE, LIKENESS OR
7 OTHER INDIVIDUALLY IDENTIFIABLE FEATURE IS USED.

8 SECTION 2004-K. PROFESSIONAL REPRESENTATION.

9 (A) PROHIBITIONS.--

10 (1) AN INSTITUTION OF HIGHER EDUCATION, ATHLETIC
11 ASSOCIATION, CONFERENCE OR OTHER GROUP OR ORGANIZATION WITH
12 AUTHORITY OVER INTERCOLLEGIATE ATHLETICS, INCLUDING THE NCAA,
13 MAY NOT INTERFERE WITH OR PREVENT A COLLEGE STUDENT ATHLETE
14 FROM FULLY PARTICIPATING IN INTERCOLLEGIATE ATHLETICS FOR
15 OBTAINING PROFESSIONAL REPRESENTATION IN RELATION TO
16 CONTRACTS OR LEGAL MATTERS, INCLUDING REPRESENTATION PROVIDED
17 BY ATHLETE AGENTS, FINANCIAL ADVISORS OR LEGAL REPRESENTATION
18 PROVIDED BY ATTORNEYS, IN RELATION TO A COLLEGE STUDENT
19 ATHLETE'S USE OF THE COLLEGE STUDENT ATHLETE'S NAME, IMAGE OR
20 LIKENESS RIGHTS.

21 (2) AN ATHLETIC ASSOCIATION, CONFERENCE OR OTHER GROUP
22 OR ORGANIZATION WITH AUTHORITY OVER INTERCOLLEGIATE
23 ATHLETICS, INCLUDING THE NCAA, MAY NOT PREVENT AN INSTITUTION
24 OF HIGHER EDUCATION FROM FULLY PARTICIPATING IN
25 INTERCOLLEGIATE ATHLETICS WITHOUT PENALTY TO THE INSTITUTION
26 OR INDIVIDUAL STUDENT AS A RESULT OF A COLLEGE STUDENT
27 ATHLETE OBTAINING PROFESSIONAL REPRESENTATION IN RELATION TO
28 CONTRACTS OR LEGAL MATTERS, INCLUDING REPRESENTATION PROVIDED
29 BY ATHLETE AGENTS, FINANCIAL ADVISORS OR LEGAL REPRESENTATION
30 PROVIDED BY ATTORNEYS, IN RELATION TO A COLLEGE STUDENT

1 ATHLETE'S USE OF THE COLLEGE STUDENT ATHLETE'S NAME, IMAGE OR
2 LIKENESS RIGHTS.

3 (B) QUALIFICATIONS.--PROFESSIONAL REPRESENTATION OBTAINED BY
4 A COLLEGE STUDENT ATHLETE SHALL BE FROM A PERSON:

5 (1) ACTING AS AN ATHLETE AGENT IN ACCORDANCE WITH 5
6 PA.C.S. CH. 33 (RELATING TO REGISTRATION);

7 (2) ACTING AS A FINANCIAL ADVISOR IN ACCORDANCE WITH THE
8 LAWS OF THIS COMMONWEALTH; OR

9 (3) ADMITTED TO PRACTICE LAW BY A COURT OF RECORD OF
10 THIS COMMONWEALTH.

11 (C) LIMITATION.--A PERSON THAT REPRESENTS AN INSTITUTION OF
12 HIGHER EDUCATION MAY NOT REPRESENT A COLLEGE STUDENT ATHLETE IN
13 A BUSINESS AGREEMENT.

14 SECTION 2005-K. SCHOLARSHIPS.

15 (A) ELIGIBILITY.--EARNING COMPENSATION FROM THE USE OF A
16 COLLEGE STUDENT ATHLETE'S NAME, IMAGE OR LIKENESS RIGHTS MAY NOT
17 AFFECT THE COLLEGE STUDENT ATHLETE'S SCHOLARSHIP ELIGIBILITY,
18 DURATION OR RENEWAL.

19 (B) COMPENSATION.--

20 (1) FOR PURPOSES OF THIS ARTICLE, AN ATHLETICS GRANT-IN-
21 AID OR STIPEND SCHOLARSHIP FROM AN INSTITUTION OF HIGHER
22 EDUCATION IN WHICH A COLLEGE STUDENT ATHLETE IS ENROLLED MAY
23 NOT BE CONSIDERED TO LIMIT A COLLEGE STUDENT ATHLETE'S RIGHT
24 TO USE THE COLLEGE STUDENT ATHLETE'S NAME, IMAGE OR LIKENESS
25 RIGHTS, EXCEPT AS EXPRESSLY PROVIDED IN THIS SECTION.

26 (2) AN ATHLETICS GRANT-IN-AID OR STIPEND SCHOLARSHIP MAY
27 NOT BE REVOKED OR REDUCED AS A RESULT OF A COLLEGE STUDENT
28 ATHLETE EARNING COMPENSATION UNDER THIS ARTICLE, EXCEPT IF
29 OTHERWISE MANDATED BY FEDERAL OR STATE STUDENT AID
30 GUIDELINES.

1 SECTION 2006-K. CONTRACTS.

2 (A) OPPORTUNITIES.--AN INSTITUTION OF HIGHER EDUCATION,
3 ATHLETIC ASSOCIATION, CONFERENCE OR OTHER GROUP OR ORGANIZATION
4 WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETICS MAY NOT BE
5 REQUIRED TO IDENTIFY, CREATE, FACILITATE, NEGOTIATE OR ENABLE
6 OPPORTUNITIES FOR A COLLEGE STUDENT ATHLETE TO EARN COMPENSATION
7 FOR THE COLLEGE STUDENT ATHLETE'S USE OF THE COLLEGE STUDENT
8 ATHLETE'S NAME, IMAGE OR LIKENESS RIGHTS.

9 (B) USE OF TRADEMARKS.--THIS ARTICLE SHALL NOT ESTABLISH OR
10 GRANT A RIGHT TO A COLLEGE STUDENT ATHLETE TO USE THE NAME,
11 TRADEMARKS, SERVICES MARKS, LOGOS, SYMBOLS OR ANY OTHER
12 INTELLECTUAL PROPERTY, REGISTERED OR UNREGISTERED, OF AN
13 INSTITUTION OF HIGHER EDUCATION, ATHLETIC ASSOCIATION,
14 CONFERENCE OR OTHER GROUP OR ORGANIZATION WITH AUTHORITY OVER
15 INTERCOLLEGIATE ATHLETICS, IN FURTHERANCE OF THE COLLEGE STUDENT
16 ATHLETE'S OPPORTUNITIES TO EARN COMPENSATION FOR THE COLLEGE
17 STUDENT ATHLETE'S USE OF THE COLLEGE STUDENT ATHLETE'S NAME,
18 IMAGE OR LIKENESS RIGHTS.

19 (C) ENFORCEMENT.--THIS ARTICLE SHALL NOT LIMIT THE RIGHT OF
20 AN INSTITUTION OF HIGHER EDUCATION TO ESTABLISH AND ENFORCE ANY
21 OF THE FOLLOWING:

22 (1) ACADEMIC STANDARDS, REQUIREMENTS, REGULATIONS OR
23 OBLIGATIONS FOR THE INSTITUTION OF HIGHER EDUCATION'S COLLEGE
24 STUDENT ATHLETES.

25 (2) TEAM RULES OF CONDUCT OR OTHER RULES OF CONDUCT.

26 (3) STANDARDS OR POLICIES REGARDING THE GOVERNANCE OR
27 OPERATION OF OR PARTICIPATION IN INTERCOLLEGIATE ATHLETICS.

28 (4) DISCIPLINARY RULES AND STANDARDS GENERALLY
29 APPLICABLE TO ALL STUDENTS OF THE INSTITUTION OF HIGHER
30 EDUCATION.

1 (D) PROHIBITION.--A COLLEGE STUDENT ATHLETE MAY NOT EARN
2 COMPENSATION AS A RESULT OF THE USE OF THE COLLEGE STUDENT
3 ATHLETE'S NAME, IMAGE OR LIKENESS IN CONNECTION WITH A PERSON,
4 COMPANY OR ORGANIZATION RELATED TO OR ASSOCIATED WITH THE
5 DEVELOPMENT, PRODUCTION, DISTRIBUTION, WHOLESALING OR RETAILING
6 OF ANY OF THE FOLLOWING:

7 (1) ADULT ENTERTAINMENT PRODUCTS AND SERVICES.

8 (2) ALCOHOL PRODUCTS.

9 (3) CASINOS AND GAMBLING, INCLUDING SPORTS BETTING, THE
10 LOTTERY AND BETTING IN CONNECTION WITH VIDEO GAMES, ONLINE
11 GAMES AND MOBILE DEVICES.

12 (4) TOBACCO AND ELECTRONIC SMOKING PRODUCTS AND DEVICES.

13 (5) PRESCRIPTION PHARMACEUTICALS.

14 (6) A CONTROLLED DANGEROUS SUBSTANCE.

15 (E) PROHIBITION.--AN INSTITUTION OF HIGHER EDUCATION MAY
16 PROHIBIT A COLLEGE STUDENT ATHLETE'S INVOLVEMENT IN NAME, IMAGE
17 OR LIKENESS ACTIVITIES THAT CONFLICT WITH EXISTING INSTITUTIONAL
18 SPONSORSHIP ARRANGEMENTS AT THE TIME THE COLLEGE STUDENT ATHLETE
19 DISCLOSES A CONTRACT TO THE INSTITUTION OF HIGHER EDUCATION AS
20 REQUIRED UNDER SUBSECTION (F). AN INSTITUTION OF HIGHER
21 EDUCATION, AT THE INSTITUTION OF HIGHER EDUCATION'S DISCRETION,
22 MAY PROHIBIT A COLLEGE STUDENT ATHLETE'S INVOLVEMENT IN NAME,
23 IMAGE OR LIKENESS ACTIVITIES BASED ON OTHER CONSIDERATIONS, SUCH
24 AS CONFLICT WITH INSTITUTIONAL VALUES, AS DEFINED BY THE
25 INSTITUTION OF HIGHER EDUCATION. AN INSTITUTION OF HIGHER
26 EDUCATION SHALL HAVE POLICIES THAT SPECIFY THE NAME, IMAGE OR
27 LIKENESS ACTIVITIES IN WHICH COLLEGE STUDENT ATHLETES MAY OR MAY
28 NOT ENGAGE.

29 (F) DISCLOSURE.--A COLLEGE STUDENT ATHLETE WHO PROPOSES TO
30 ENTER INTO A CONTRACT PROVIDING COMPENSATION TO THE COLLEGE

1 STUDENT ATHLETE FOR USE OF THE COLLEGE STUDENT ATHLETE'S NAME,
2 IMAGE OR LIKENESS RIGHTS SHALL DISCLOSE THE CONTRACT AT LEAST
3 SEVEN DAYS PRIOR TO EXECUTION OF THE CONTRACT TO AN OFFICIAL OF
4 THE INSTITUTION OF HIGHER EDUCATION, WHO IS DESIGNATED BY THE
5 INSTITUTION OF HIGHER EDUCATION.

6 SECTION 2007-K. VIOLATIONS AND CLAIMS.

7 (A) PROTECTIONS AND RIGHT TO ADJUDICATE.--A COLLEGE STUDENT
8 ATHLETE, INSTITUTION OF HIGHER EDUCATION OR CONFERENCE SHALL NOT
9 BE DEPRIVED OF A PROTECTION PROVIDED UNDER STATE LAW WITH
10 RESPECT TO A CONTROVERSY THAT ARISES IN THIS COMMONWEALTH AND
11 SHALL HAVE THE RIGHT TO ADJUDICATION IN THIS COMMONWEALTH OF A
12 CLAIM THAT ARISES IN THIS COMMONWEALTH.

13 (B) PRIVATE CIVIL ACTION.--A COLLEGE STUDENT ATHLETE SHALL
14 HAVE THE RIGHT TO PURSUE A PRIVATE CIVIL ACTION AGAINST A PERSON
15 THAT VIOLATES THIS ARTICLE. THE COURT SHALL AWARD COSTS AND
16 REASONABLE ATTORNEY FEES TO A PREVAILING PLAINTIFF IN AN ACTION
17 BROUGHT AGAINST A PERSON VIOLATING THIS ARTICLE.

18 SECTION 2008-K. SETTLEMENTS.

19 LEGAL SETTLEMENTS MADE ON OR AFTER THE EFFECTIVE DATE OF THIS
20 SECTION MAY NOT PERMIT NONCOMPLIANCE WITH THIS ARTICLE.

21 SECTION 2009-K. SEVERABILITY.

22 THE PROVISIONS OF THIS ARTICLE ARE SEVERABLE. IF ANY
23 PROVISION OF THIS ARTICLE OR THE APPLICATION OF ANY PROVISION OF
24 THIS ARTICLE IS HELD TO BE INVALID, THAT INVALIDITY SHALL NOT
25 AFFECT ANY OTHER PROVISION OR APPLICATION OF ANY OTHER PROVISION
26 THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR
27 APPLICATION.

28 SECTION 9. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
29 SECTION 2325. STATE AID FOR FISCAL YEAR 2021-2022.

30 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,

1 EACH LIBRARY SUBJECT TO 24 PA.C.S. CH. 93 (RELATING TO PUBLIC
2 LIBRARY CODE), SHALL BE ELIGIBLE FOR STATE AID FOR FISCAL YEAR
3 2021-2022 AS FOLLOWS:

4 (1) FUNDS APPROPRIATED FOR LIBRARIES SHALL BE
5 DISTRIBUTED TO EACH LIBRARY UNDER THE FOLLOWING FORMULA:

6 (I) DIVIDE THE AMOUNT OF FUNDING THAT THE LIBRARY
7 RECEIVED IN FISCAL YEAR 2020-2021 UNDER SECTION 2324 BY
8 THE TOTAL STATE-AID SUBSIDY FOR FISCAL YEAR 2020-2021.

9 (II) MULTIPLY THE QUOTIENT UNDER SUBPARAGRAPH (I) BY
10 THE TOTAL STATE-AID SUBSIDY FOR FISCAL YEAR 2021-2022.

11 (2) FOLLOWING DISTRIBUTION OF FUNDS APPROPRIATED FOR
12 STATE AID TO LIBRARIES UNDER PARAGRAPH (1), ANY REMAINING
13 FUNDS MAY BE DISTRIBUTED AT THE DISCRETION OF THE STATE
14 LIBRARIAN.

15 (3) IF FUNDS APPROPRIATED FOR STATE AID TO LIBRARIES IN
16 FISCAL YEAR 2021-2022 ARE LESS THAN FUNDS APPROPRIATED IN
17 FISCAL YEAR 2002-2003, THE STATE LIBRARIAN MAY WAIVE
18 STANDARDS AS PRESCRIBED IN 24 PA.C.S. CH. 93.

19 (4) EACH LIBRARY SYSTEM RECEIVING STATE AID UNDER THIS
20 SECTION MAY DISTRIBUTE THE LOCAL LIBRARY SHARE OF THAT AID IN
21 A MANNER AS DETERMINED BY THE BOARD OF DIRECTORS OF THE
22 LIBRARY SYSTEM.

23 (5) IN THE CASE OF A LIBRARY SYSTEM THAT CONTAINS A
24 LIBRARY OPERATING IN A CITY OF THE SECOND CLASS, CHANGES TO
25 THE DISTRIBUTION OF STATE AID TO THE LIBRARY SHALL BE MADE BY
26 MUTUAL AGREEMENT BETWEEN THE LIBRARY AND THE LIBRARY SYSTEM.

27 (6) IN THE EVENT OF A CHANGE IN DISTRICT LIBRARY CENTER
28 POPULATION PRIOR TO THE EFFECTIVE DATE OF THIS SECTION AS A
29 RESULT OF:

30 (I) A CITY, BOROUGH, TOWN, TOWNSHIP, SCHOOL DISTRICT

1 OR COUNTY MOVING FROM ONE LIBRARY CENTER TO ANOTHER; OR

2 (II) A TRANSFER OF DISTRICT LIBRARY CENTER STATUS TO

3 A COUNTY LIBRARY SYSTEM;

4 FUNDING OF DISTRICT LIBRARY CENTER AID SHALL BE PAID BASED ON

5 THE POPULATION OF THE NEWLY ESTABLISHED OR RECONFIGURED

6 DISTRICT LIBRARY CENTER.

7 (7) IN THE EVENT OF A CHANGE IN DIRECT SERVICE AREA FROM

8 ONE LIBRARY TO ANOTHER, THE STATE LIBRARIAN, UPON AGREEMENT

9 OF THE AFFECTED LIBRARIES, MAY REDISTRIBUTE THE LOCAL LIBRARY

10 SHARE OF AID TO THE LIBRARY CURRENTLY SERVICING THE AREA.

11 SECTION 10. SECTIONS 2502.53(B), 2509.1(C.2)(1) AND
12 2510.3(A)(2) OF THE ACT, AMENDED OR ADDED JUNE 5, 2020 (P.L.223,
13 NO.30), ARE AMENDED TO READ:

14 SECTION 2502.53. STUDENT-WEIGHTED BASIC EDUCATION FUNDING.--

15 * * *

16 (B) FOR THE 2015-2016 SCHOOL YEAR AND EACH SCHOOL YEAR
17 THEREAFTER, EXCEPT THE 2019-2020 SCHOOL YEAR WHICH SHALL BE
18 GOVERNED BY SUBSECTION (B.1), THE COMMONWEALTH SHALL PAY TO EACH
19 SCHOOL DISTRICT A BASIC EDUCATION FUNDING ALLOCATION WHICH SHALL
20 CONSIST OF THE FOLLOWING:

21 (1) AN AMOUNT EQUAL TO THE SCHOOL DISTRICT'S BASIC EDUCATION
22 FUNDING ALLOCATION FOR THE 2013-2014 SCHOOL YEAR.

23 (2) A STUDENT-BASED ALLOCATION TO BE CALCULATED AS FOLLOWS:

24 (I) MULTIPLY THE SCHOOL DISTRICT'S STUDENT-WEIGHTED AVERAGE
25 DAILY MEMBERSHIP BY THE MEDIAN HOUSEHOLD INCOME INDEX AND LOCAL
26 EFFORT CAPACITY INDEX.

27 (II) MULTIPLY THE PRODUCT IN SUBPARAGRAPH (I) BY THE
28 DIFFERENCE BETWEEN THE AMOUNT APPROPRIATED FOR THE ALLOCATION OF
29 BASIC EDUCATION FUNDING TO SCHOOL DISTRICTS AND THE AMOUNT
30 APPROPRIATED FOR THE ALLOCATION IN PARAGRAPH (1).

1 (III) DIVIDE THE PRODUCT IN SUBPARAGRAPH (II) BY THE SUM OF
2 THE PRODUCTS IN SUBPARAGRAPH (I) FOR ALL SCHOOL DISTRICTS.

3 (IV) FOR THE 2018-2019 SCHOOL YEAR, THE DIFFERENCE
4 DETERMINED UNDER SUBPARAGRAPH (II) SHALL BE \$698,667,244.

5 (V) FOR THE 2020-2021 SCHOOL YEAR, THE DIFFERENCE DETERMINED
6 UNDER SUBPARAGRAPH (II) SHALL BE \$898,667,244.

7 * * *

8 SECTION 2509.1. PAYMENTS TO INTERMEDIATE UNITS.--* * *

9 (C.2) THE FOLLOWING APPLY:

10 (1) FOR THE 2016-2017, 2017-2018, 2018-2019, 2019-2020
11 [AND], 2020-2021 AND 2021-2022 SCHOOL YEARS, FIVE AND FIVE-
12 TENTHS PERCENT (5.5%) OF THE STATE SPECIAL EDUCATION
13 APPROPRIATION SHALL BE PAID TO INTERMEDIATE UNITS ON ACCOUNT OF
14 SPECIAL EDUCATION SERVICES.

15 * * *

16 SECTION 2510.3. ASSISTANCE TO SCHOOL DISTRICTS DECLARED TO
17 BE IN FINANCIAL RECOVERY STATUS OR IDENTIFIED FOR FINANCIAL
18 WATCH STATUS.--(A) THE FOLLOWING APPLY:

19 * * *

20 (2) FOR THE 2017-2018, 2018-2019, 2019-2020 [AND], 2020-2021
21 AND 2021-2022 FISCAL YEARS, THE DEPARTMENT OF EDUCATION MAY
22 UTILIZE UP TO SEVEN MILLION DOLLARS (\$7,000,000) OF
23 UNDISTRIBUTED FUNDS NOT EXPENDED, ENCUMBERED OR COMMITTED FROM
24 APPROPRIATIONS FOR GRANTS, SUBSIDIES AND ASSESSMENTS MADE TO THE
25 DEPARTMENT OF EDUCATION TO ASSIST SCHOOL DISTRICTS DECLARED TO
26 BE IN FINANCIAL RECOVERY STATUS UNDER SECTION 621-A, IDENTIFIED
27 FOR FINANCIAL WATCH STATUS UNDER SECTION 611-A OR IDENTIFIED FOR
28 FINANCIAL WATCH STATUS UNDER SECTION 694-A; EXCEPT THAT THE
29 FUNDS MUST BE FIRST UTILIZED TO ACCOMPLISH THE PROVISIONS
30 CONTAINED IN SECTION 695-A. THE FUNDS SHALL BE TRANSFERRED BY

1 THE SECRETARY OF THE BUDGET TO A RESTRICTED ACCOUNT AS NECESSARY
2 TO MAKE PAYMENTS UNDER THIS SECTION AND, WHEN TRANSFERRED, ARE
3 HEREBY APPROPRIATED TO CARRY OUT THE PROVISIONS OF THIS SECTION.

4 * * *

5 SECTION 11. SECTION 2608-J OF THE ACT, AMENDED JUNE 5, 2020
6 (P.L.223, NO.30), IS AMENDED TO READ:

7 SECTION 2608-J. APPLICABILITY.

8 THIS ARTICLE SHALL APPLY TO PROJECTS FOR WHICH APPROVAL AND
9 REIMBURSEMENT IS SOUGHT AND TO THE MAINTENANCE PROJECT GRANT
10 PROGRAM BEGINNING JULY 1, [2021] 2022.

11 SECTION 12. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.