

PUBLIC SCHOOL CODE OF 1949 - OMNIBUS AMENDMENTS

Act of Jul. 11, 1996, P.L. 633, No. 107

Cl. 24

Session of 1996

No. 1996-107

HB 837

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," further providing for certain contracts and payments; providing for a standard employment application form for school districts for certain applicants and for grants relating to computers in education; and further providing for school subsidies, for eligible lists of persons qualified to teach, for special education, for reports related to special education payments and for certain court-ordered payments.

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

Section 1. Section 914.1-A(b) and (e) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended or added June 30, 1980 (P.L.279, No.80) and October 20, 1988 (P.L.827, No.110), are amended to read:

Section 914.1-A. Contracts with Private Residential Rehabilitative Institutions.--* * *

(b) [The actual cost, not to exceed one and one-quarter times the tuition charges of the school district in which such private residential rehabilitative institution is located, shall be borne as follows:

(1) The full tuition charge of the school district in which the private residential rehabilitative institution is located shall be paid by the school district of the child's residence.

(2) Any additional charges not to exceed one-quarter of the tuition charge under clause (1) shall be paid by the Commonwealth. In the event that the funds appropriated for payments by the Commonwealth are insufficient to provide for full payment of any additional charges, the amount per school shall be prorated.] **The cost of the educational services as provided in subsection (c) shall be determined under section 2561(6) of this act.** If the school district of residence of the child cannot be determined, the costs shall be borne by the Department of Education. The department shall promulgate audit standards which shall be used by the contracting parties in determining the actual costs which are subject to reimbursement to the private residential rehabilitative institution. The audit standards, promulgated by the department, shall specify as reasonable costs associated with the operation of the educational program offered. The department shall effectuate necessary procedures for the transfer of funds from the school district of residence to the school district or intermediate unit in which the private residential rehabilitative institution is located. In effectuating the transfer of funds, the department may deduct the appropriate amount from the basic instructional subsidy of any school district which had resident students that were provided educational services by a private residential rehabilitative institution.

* * *

[(e) If a private residential rehabilitative institution enters into a contract contemplated by this section for 1980-1981 with its intermediate unit, payments to such institution may be made for educational expenses for the entire 1979-1980 fiscal year from the appropriation made to the Department of Public Welfare contained in the act of July 4, 1979 (P.L.626, No.9A), known as the "General Appropriation Act of 1979," under the item "for payment of costs for basic education programs to be conducted at selected approved private facilities." Notwithstanding any automatic or general lapsing provisions of the "General Appropriation Act of 1979" to the contrary, such line item appropriation shall not lapse until June 30, 1981. If such appropriation is not sufficient to reimburse the actual expenses of all eligible institutions, total reimbursement to each institution shall be proportionately reduced so that the total amount of the reimbursements falls within the limits of the appropriation.]

Section 2. Section 917.1-A of the act, amended July 10, 1986 (P.L.1270, No.117), is amended to read:

Section 917.1-A. Commonwealth Payments.--(a) For the school year 1977-1978 through the school year 1985-1986, the Commonwealth shall pay to intermediate units an amount equal to the product of the Statewide median actual instruction expense per weighted average daily membership (WADM) by the product of forty-five one-hundredths of one percent (0.45%) and the average daily membership of all school districts in the Commonwealth, as determined by the Secretary of Education according to the latest available actual data. For the school year 1986-1987 and each school year thereafter, the Commonwealth shall pay to intermediate units an amount equal to the product of the Statewide median actual instruction expense per weighted average daily membership (WADM) by the product of forty one-hundredths of one percent (0.40%) and the average daily membership of all school districts in the Commonwealth, as determined by the Secretary of Education according to the latest available data.

(b) For the school year 1977-1978 and each school year thereafter, each intermediate unit shall be paid the amount it received from the Commonwealth for the 1976-1977 school year.

(c) In addition to the amount paid to each intermediate unit under subsection (b), each intermediate unit shall be paid for the 1977-1978 school year through the 1985-1986 school year an amount determined by subtracting the total payments under subsection (b) from the total allocation under subsection (a) divided by the average daily membership (ADM) of all school districts in the Commonwealth multiplied by the average daily membership (ADM) of all component school districts in the intermediate unit, as determined by the Secretary of Education according to the latest actual data available. In addition to the amount paid to each intermediate unit under subsection (b), each intermediate unit shall be paid for the 1986-1987 school year [and each year thereafter] **through the 1995-1996 school year** an amount determined by subtracting the total payments under subsection (b) from the total allocation under subsection (a). One-half of that amount shall be divided by twenty-nine and the amount derived paid to each intermediate unit. The remaining one-half shall be divided by the average daily membership (ADM) of all school districts in the Commonwealth and multiplied by the average daily membership (ADM) of all component school districts in the intermediate unit, as determined by the Secretary of Education according to the latest actual available data, and the amount derived paid to each intermediate unit.

[(d) In January of each year, the Secretary of Education shall determine for each intermediate unit the amount to be received for the succeeding fiscal year.

(e) Any funds expended by intermediate units on special education instruction shall be added to the special education base allocation for purposes of calculating the base increase for special education programs.]

(f) For the 1996-1997 school year, each intermediate unit shall receive fifty percent (50%) of its amount received under this section for the 1995-1996 school year.

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

Section 1204.1. Standard Employment Application.--(a) The Secretary of Education, in consultation with organizations representing school administrators, including personnel administrators, teachers and school boards, shall develop a standard employment application form for use by individuals eligible for or in possession of instructional, vocational instructional, intern or vocational intern teaching certificates, in making application for employment with school districts within this Commonwealth.

(b) School districts shall use these standard employment application forms for applicants for teaching positions; however, in no case shall the provisions of this section preclude a school district from establishing and implementing other application requirements.

(c) The form shall be made available to approved colleges and universities of teacher education. The form may be duplicated by these institutions and distributed to graduates of the institution seeking employment in school districts of this Commonwealth.

Section 4. The act is amended by adding an article to read:

ARTICLE XV-A.

PROJECT LINK TO LEARN.

Section 1501-A. Legislative Findings.--The General Assembly finds as follows:

(1) Pennsylvania's ability to compete in an increasingly global economy depends upon its students being equipped with the skills needed for the twenty-first century which includes technology skills.

(2) Technologies such as computers, educational software, satellite dishes and access to telecommunications networks have the potential to significantly improve the education provided to students in this Commonwealth and to enhance their ability to participate in the increasingly technological and information-driven economy of the twenty-first century.

(3) A well-trained and well-educated work force is essential to the economic well-being of this Commonwealth.

(4) Many schools do not have sufficient financial resources to provide students with access to advanced technologies, and many school district teachers and staff do not have sufficient training to effectively utilize technology in schools.

(5) There is a need for a widely accessible Statewide telecommunications infrastructure in order to enable Pennsylvania schools to receive and benefit from existing and expected educational services and applications.

Section 1502-A. Definitions.--As used in this article,

"Community college" shall mean a public college or technical institute which is established and operated under Article XIX-A and all branch campuses of a community college or technical institute.

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

"Independent institution of higher education" shall mean an institution of higher education which is operated not-for-profit, located in and incorporated or chartered by the Commonwealth, entitled to confer degrees as set forth in section 211 of the act of May 5, 1933 (P.L.289, No.105), known as the "Nonprofit Corporation Law," or under 24 Pa.C.S. Ch. 65 (relating to private

colleges, universities and seminaries) and entitled to apply to itself the designation "college" or "university" as provided for by standards and qualifications prescribed under 24 Pa.C.S. Ch. 65.

"The Pennsylvania Education Network" or "PEN" shall mean the Statewide telecommunications network which will be developed by building upon and integrating, where appropriate, existing telecommunications infrastructures and resources. Educational institutions will be able to connect to this network to be linked to other teachers, administrators, students, experts and other information resources.

"State-owned institution" shall mean an institution which is part of the State System of Higher Education under Article XX-A and all branches and campuses of a State-owned institution.

"State-related institution" shall mean The Pennsylvania State University, including the Pennsylvania College of Technology, the University of Pittsburgh, Temple University and Lincoln University and their branch campuses.

"Technology" shall mean any technical or scientific method of sending, receiving, storing, packaging or assimilating audio, video, graphics, data or any combination thereof by means of electromagnetic signal and any equipment, processes and facilities used for that purpose.

Section 1503-A. Basic Education Grants.--(a) Grants shall be allocated to school districts by the department from funds appropriated for this purpose. A nonpublic school, an area vocational-technical school, an intermediate unit or local library may participate in the grant process through a partnership with a school district.

(b) Grants shall be used to:

(1) Improve the quality and quantity of technology within the school by purchasing technology and software in accordance with standards developed by the department and the Office of Administration.

(2) Equip schools with the appropriate local area networking (LAN) and wide area network (WAN) technologies so that schools can connect to the Pennsylvania Education Network.

(3) Provide for the training of teachers and staff in ways to effectively integrate the technology with the curriculum.

(c) (1) Grants shall be allocated through a grant review process established by the Secretary of Education.

(2) The secretary shall establish matching requirements for grant recipients with a market value/income aid ratio, as defined in section 2501 of this act, which is less than .4000. Grant recipients with a market value/income aid ratio which is equal to or greater than .7000 shall be eligible for larger grant awards as determined by the secretary. A school district of the first class shall be eligible for a grant award which shall not exceed three million dollars (\$3,000,000), and a school district of the first class A shall be eligible for a grant award which shall not exceed six hundred thousand dollars (\$600,000), unless the grant awards are included within a partnership.

(3) The application for a grant shall be made at such time and in such form as the Secretary of Education may require.

(4) Priority will be given to those applications which consist of partnerships.

Section 1504-A. Higher Education Funding.--(a) The department and the Office of Administration shall establish management teams to provide direction and oversight and to distribute funds appropriated for the researching, planning and development of the Pennsylvania Education Network which shall include, but not be limited to, the following focus areas:

(1) Documenting public and private technology resources, including, but not limited to, existing telecommunications networks, video conferencing capabilities and distance education courses and identifying technology transfer opportunities that can be leveraged for the Pennsylvania Education Network.

(2) Establishing technology test-bed sites to develop educational content and evaluate competing technologies and methodologies.

(3) Developing a shared Statewide vision and strategic plan for building the Pennsylvania Education Network.

(b) The management teams shall be comprised of representatives from State-owned institutions, State-related institutions, community colleges and independent colleges and universities in Pennsylvania, intermediate units and representatives from the Commonwealth.

(c) Each team shall be responsible for defining the scope of work, goals, objectives, task assignments and budget for its respective focus area.

(d) (1) Funds shall be distributed through a request for proposal process which will be scored based on merit.

(2) Eligible applicants shall include the State System of Higher Education, the State-related universities, including the Pennsylvania College of Technology, community colleges and independent colleges and universities.

(3) Priority shall be given to applications consisting of partnerships.

(e) Each team manager shall report to and shall be held accountable by the Secretary of Education and the Secretary of Administration or their designee, the form and manner to be determined by the Secretary of Education.

Section 5. Section 1913-A(b) (1.4) of the act, amended June 30, 1995 (P.L.220, No.26), is amended to read:

Section 1913-A. Financial Program; Reimbursement or Payments.--*
* *

(b) * * *

(1.4) The equivalent full-time student reimbursement of a community college shall be the sum of credit course, noncredit course and stipend reimbursements. These reimbursements shall be calculated using a reimbursement factor of one thousand and forty dollars (\$1,040) for the 1993-1994 fiscal year, of one thousand eighty dollars (\$1,080) for the 1994-1995 fiscal year and of one thousand one hundred eighty dollars (\$1,180) for the 1995-1996 fiscal year **and one thousand and two hundred and ten dollars (\$1,210) for the 1996-1997 fiscal year** and for each year thereafter and shall be determined as follows:

(i) Credit course reimbursement shall be calculated by multiplying the reimbursement factor by the number of equivalent full-time students enrolled in credit courses as determined by an audit to be made in a manner prescribed by the State Board of Education.

(ii) Noncredit course reimbursement shall be calculated as follows:

(A) eighty percent (80%) of the reimbursement factor multiplied by the number of equivalent full-time students enrolled in eligible noncredit courses for the 1993-1994 fiscal year, as determined by the audit referred to in paragraph (i);

(B) seventy percent (70%) of the reimbursement factor multiplied by the number of equivalent full-time students enrolled in eligible noncredit courses for the 1994-1995 fiscal year and for each year thereafter, as determined by the audit referred to in paragraph (i); or

(C) one hundred percent (100%) of the reimbursement factor multiplied by the number of equivalent full-time students enrolled in eligible noncredit public safety courses that provide training

for volunteer firefighters and emergency medical services for the 1995-1996 fiscal year and for each year thereafter, as determined by the audit referred to in paragraph (i).

(iii) Stipend reimbursement on account of a community college's operating costs for all equivalent full-time students enrolled in the following categories of two-year or less than two-year occupational or technical programs, shall be the sum of the following:

(A) One thousand one hundred dollars (\$1,100) per full-time equivalent student enrolled in advanced technology programs. For the fiscal year 1995-1996 and each year thereafter, the reimbursement rate shall be calculated at one thousand one hundred seventy-five dollars (\$1,175) per full-time equivalent student enrolled in advanced technology programs. Advanced technology programs are programs using new or advanced technologies which hold promise for creating new job opportunities, including such fields as robotics, biotechnology, specialized materials and engineering and engineering-related programs.

(B) One thousand dollars (\$1,000) per full-time equivalent student enrolled in programs designated as Statewide programs. For the fiscal year 1995-1996 and each year thereafter, the reimbursement rate shall be calculated at one thousand seventy-five dollars (\$1,075) per full-time equivalent student enrolled in programs designated as Statewide programs. A Statewide program is a program which meets one or more of the following criteria:

(I) Program enrollment from out-of-sponsor area is twenty per cent or more of the enrollment for the program.

(II) A consortial arrangement exists with another community college to cooperatively operate a program or share regions in order to avoid unnecessary program duplication.

(C) Five hundred dollars (\$500) per full-time equivalent student enrolled in other occupational or technical programs. For the fiscal year 1995-1996 and each year thereafter, the reimbursement rate shall be calculated at five hundred seventy-five dollars (\$575) per full-time equivalent student enrolled in other occupational or technical programs.

* * *

Section 6. Section 2110 of the act is amended to read:

Section 2110. Eligible Lists of Persons Qualified to Teach; Appointments.--(a) Eligible lists, properly classified containing the names of persons who have received certificates of qualifications to teach, and arranged as nearly as possible in the order of rank or standing, shall be kept in the office of the superintendent of schools, and shall be open to inspection by members of the board of public education, associate and district superintendents, and principals.

(b) Except as superintendent of schools, associate superintendent, assistant district superintendent, director of a special branch, or as a principal of a high school, junior high school, state teachers' college, or vocational school, no person shall be appointed, promoted, or transferred to any educational position in the public school system, in school districts of the first class, whose name does not appear among the three highest names upon the proper eligible list[, and in school districts of the first class A, whose name does not appear among the top five names upon the proper eligible list, or within the top ten per centum (10%) of the names upon the list, whichever is greater. No person holding a position at the time of the passage of this act shall be displaced by the above provisions.

Section 7. Section 2502.27 of the act, added June 7, 1993 (P.L.49, No.16), is amended to read:

Section 2502.27. Discretionary Funds to Assist School Districts Experiencing Extreme Financial Difficulty.--(a) A sum of one

million dollars (\$1,000,000) from the amount appropriated in the act of May 28, 1993 (P.L.589, No.1A), known as the General Appropriation Act of 1993, for the equity supplement, and any remainder if the sum appropriated for the 1993-1994 fiscal year for payments in section 2502.20 exceeds the amounts to which all qualifying school districts are entitled, shall be set aside as discretionary funds to assist school districts that have been declared distressed pursuant to section 691 and/or school districts in need of additional support because of extreme financial difficulties. The Secretary of Education shall establish guidelines for school districts' applications for these funds, department approval of applications for funds, department distribution of funds and school districts' expenditure of these funds. The Secretary of Education shall report to the General Assembly on such expenditures.

(b) For the 1996-1997 fiscal year, the sum of one million four hundred fifty thousand dollars (\$1,450,000) shall be allocated by the Secretary of Education to school districts which previously received payments under subsection (a) and which do not receive funding under section 2502.30 of this act. The allocation shall be made from undistributed funds not expended, encumbered or committed from appropriations for any fiscal year from grants and subsidies made to the Department of Education. The school districts shall receive an amount equal to the amount previously received pursuant to subsection (a).

(c) Payments made pursuant to subsection (b) shall be paid from a restricted receipt account, which is hereby established, for such payments. Funds shall be transferred by the Secretary of the Budget to the restricted account only to the extent necessary to make the payments authorized by this section. The money in the restricted account is hereby appropriated from the account for purposes of this section.

Section 8. Sections 2502.29(b) and 2502.30 of the act, added June 30, 1995 (P.L.220, No.26), are amended to read:

Section 2502.29. Basic Education Funding.--* * *

(b) (1) For 1994-1995 **school year**, each school district shall receive the amount calculated pursuant to clause (2) or (3), whichever is greater.

(2) The base amount of the district divided by the average daily membership of the district during the 1993-1994 school year multiplied by one hundred three per centum (103%) multiplied by the average daily membership of the district during the 1994-1995 school year.

(3) The base amount of the district multiplied by one hundred one per centum (101%) if the market value/income aid ratio (MV/PIAR) is less than five thousand ten-thousandths (0.5000), the base amount of the district multiplied by one hundred two per centum (102%) if the market value/income aid ratio (MV/PIAR) is greater than or equal to five thousand ten-thousandths (0.5000) and less than seven thousand ten-thousandths (0.7000), and the base amount of the district multiplied by one hundred four per centum (104%) if the market value/income aid ratio (MV/PIAR) is greater than or equal to seven thousand ten-thousandths (0.7000).

Section 2502.30. Temporary Special Aid to School Districts Suffering Loss of Tax Revenue Due to Reduction in Assessed Valuation of Taxable Property.--**(a)** Temporary special aid shall be paid in fiscal years 1994-1995, 1995-1996, 1996-1997 and 1997-1998 to school districts experiencing a severe reduction in local revenue due to a decline in the assessed value of taxable properties. The allocation to these districts shall be determined by multiplying the reduction in assessed value between 1985-1986 and 1992-1993 by the 1992-1993 real estate millage rate. This aid shall be paid from undistributed funds not expended, encumbered or committed from

appropriations for grants and subsidies made to the Department of Education. No other funds shall be used for assistance under this section. These funds shall be sufficient to provide temporary relief to seven school districts **in fiscal year 1995-1996** at seventy-five per centum (75%) of the funds received in fiscal year 1994-1995, **in fiscal year 1996-1997** at fifty per centum (50%) of the funds received in fiscal year [1995-1996] **1994-1995** and **in fiscal year 1997-1998** at twenty-five per centum (25%) of the funds received in fiscal year [1996-1997] **1994-1995**. This section shall expire October 1, 1998.

(b) **Payments made pursuant to subsection (a) shall be paid from a restricted receipt account, which is hereby established, for such payments. Funds shall be transferred by the Secretary of the Budget to the restricted account only to the extent necessary to make the payments authorized by this section. The money in the restricted account is hereby appropriated from the account for purposes of this section.**

Section 9. The act is amended by adding sections to read:

Section 2502.31. Basic Education Funding.--For the 1995-1996 school year, the Commonwealth shall pay to each school district a basic education funding allocation which shall equal the amount that the school district was entitled to receive, prior to any adjustments made under the provisions of this act, for the 1994-1995 school year pursuant to sections 2502.13 and 2502.29 but which shall be subject to all adjustment provisions of this act for the 1995-1996 school year.

Section 2502.32. For Court-Ordered Payments to Woodland Hills School District.--The Secretary of the Budget shall determine the amount necessary to make court-ordered payments to the Woodland Hills School District. The Secretary of the Budget shall transfer the amount necessary from any funds not expended, encumbered or committed from appropriations for grants and subsidies made to the Department of Education in any fiscal year to a restricted account which is hereby established. The money in the restricted account is hereby appropriated from the account for the purposes of this section.

Section 10. Section 2509.1(b.1) of the act, amended June 30, 1995 (P.L.220, No.26), is amended and the section is amended by adding a subsection to read:

Section 2509.1. Payments to Intermediate Units.--* * *

(b.1) For programs operated during the 1992-1993 school year [and the 1993-1994 school year,] and each school year thereafter, the Commonwealth shall pay intermediate units, based on their costs of operating and administering classes or schools for institutionalized children, an amount to be determined by the Department of Education following review of annual reports of the costs of such classes or schools for the immediately preceding year. To qualify for such payments, each intermediate unit that operates and administers classes or schools for institutionalized children annually shall submit to the Department of Education on or before the first day of July a report of the cost of operating and administering such classes or schools. Notwithstanding the foregoing, intermediate units may submit their annual reports for the 1991-1992 school year until June 30, 1993, although this date may be extended as deemed necessary by the Secretary of Education provided that for programs operated during the 1992-1993 school year and the 1993-1994 school year the aggregate amounts paid on this account shall not exceed twenty million six hundred thousand dollars (\$20,600,000) per year.

*** * ***

(b.4) Up to twenty million dollars (\$20,000,000) may be utilized for programs operated during the 1996-1997 school year for

institutionalized children by intermediate units as established in subsection (b.1).

* * *

Section 11. Section 2509.5(f) and (g) of the act, added June 7, 1993 (P.L.49, No.16), are amended and the section is amended by adding a subsection to read:

Section 2509.5. Special Education Payments to School Districts.--* * *

(f) The Secretary of Education shall develop a definition of severely classified exceptional students by [September 20, 1993] **September 20, 1996**. This definition may include the primary exceptionality, level of intervention, type of support and related services requirements elements currently collected through the PennData system. This definition shall not include students who are institutionalized, in approved private school placements, in detention home programs, in mentally gifted programs or in early intervention programs operated under the provisions of the act of December 19, 1990 (P.L.1372, No.212), known as the "Early Intervention Services System Act." This definition shall be submitted to the majority chairman and the minority chairman of the **Appropriations Committee and the** Education Committee of the Senate and the majority chairman and the minority chairman of the **Appropriations Committee and the** Education Committee of the House of Representatives for review and comment no later than [September 20, 1993] **September 20, 1996**. No sooner than fifteen (15) days and not later than thirty (30) days after submission of the proposed definition to the committees, the Secretary of Education shall approve a definition of severely classified exceptional students.

(g) The Secretary of Education shall modify the PennData system to collect for each school district an average daily membership count of those exceptional students classified as severe. The Secretary of Education shall use the approved definition of severely classified exceptional **students** in the development of the PennData report "Representation of Students with Severe Disabilities in Special Education." The Secretary of Education shall provide the [1993-1994] **1994-1995** PennData report "Representation of Students with Severe Disabilities in Special Education" detailing the average daily membership by category of exceptionality for each school district for the [1993-1994] **1994-1995** academic year to the majority chairman and the minority chairman of the **Appropriations Committee and the** Education Committee of the Senate and the majority chairman and the minority chairman of the **Appropriations Committee and the** Education Committee of the House of Representatives by [February 1, 1994] **February 1, 1997**, and shall annually thereafter provide the PennData report "Representation of Students with Severe Disabilities in Special Education" detailing the average daily membership by category of exceptionality for each school district for the current school year to the committees by the first day of February of each year.

* * *

(k) During the 1996-1997 school year, each school district shall be paid:

(1) an amount to be determined by multiplying fifteen percent (15%) of its school-age average daily membership by one thousand one hundred fifteen dollars (\$1,115); and

(2) an amount to be determined by multiplying one percent (1%) of its school-age average daily membership by thirteen thousand one hundred twenty-five dollars (\$13,125).

No district shall, however, receive less than the amount received during the 1995-1996 school year under subsection (i).

Section 12. This act shall take effect as follows:

(1) The addition of section 1204.1(b) and (c) of the act shall take effect January 1, 1997.

(2) The remainder of this act shall take effect July 1, 1996, or immediately, whichever is later.

APPROVED--The 11th day of July, A. D. 1996.

THOMAS J. RIDGE