

**PUBLIC SCHOOL CODE OF 1949 - OMNIBUS AMENDMENTS**

**Act of Jun. 30, 2011, P.L. 112, No. 24**

**Cl. 24**

Session of 2011

No. 2011-24

HB 1352

**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," in preliminary provisions, further providing for background checks of prospective employees and conviction of employees of certain offenses; providing for collection of identifying information of students attending institutions of higher education, for moratorium on certain data collection systems and data sets and for certified safety committees; in school finances, providing for reopening of 2011-2012 budget; in grounds and buildings, providing for acquisition of buildings, sites for school buildings and playgrounds and disposing thereof; further providing for approval by department of plans of buildings and exceptions and for approval of lease agreements; in intermediate units, further providing for subsidies for services and for financial reports; in district and assistant superintendents, further providing for purpose and for eligibility; in professional employees, providing for professional and temporary professional employees of schools formerly operated by the Commonwealth; in certification of teachers, further providing for certificates qualifying persons to teach, for kinds of State certificates, for continuing professional development, for program of continuing professional education, for continuing professional education for school or system leaders and for certificates issued by other states; providing for postbaccalaureate certification; in pupils and attendance, further providing for admission of beginners, for cost of tuition and maintenance of certain exceptional children in approved institutions; in safe schools, further providing for reporting, for safe schools advocate in school districts of the first class, for standing and for enforcement; in interscholastic athletics accountability, further providing for council recommendations and standards; in opportunities for educational excellence, further providing for definitions, for responsibilities of school entities, for concurrent enrollment committees, for concurrent enrollment agreements and for enrollment in concurrent courses; in charter schools, further providing for school staff; in community colleges, further providing for financial program and reimbursement of payments; in transfers of credits between institutions of higher education, further providing for duties of public institutions of higher education; providing for participation by State-related institutions; in funding for public libraries, providing for State aid for 2011-2012; in reimbursements by Commonwealth and between school districts, further providing for definitions, for basic education funding for student achievement and for accountability to Commonwealth taxpayers; providing for basic education funding for 2010-2011 school year; and further providing for payments to intermediate units, for special

education payments to school districts, for payments on account of homebound children, for payments on account of pupil transportation and for Pennsylvania Accountability Grants.

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

Section 1. Section 111(e), (f) and (h) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended December 19, 1990 (P.L.1362, No.211) and December 23, 2003 (P.L.304, No.48), are amended and the section is amended by adding subsections to read:

Section 111. Background Checks of Prospective Employees; Conviction of Employees of Certain Offenses.--\* \* \*

(e) No person subject to this act shall be employed in a public or private school, intermediate unit or area vocational-technical school where the report of criminal history record information indicates the applicant has been convicted[, within five (5) years immediately preceding the date of the report,] of any of the following offenses:

(1) An offense under one or more of the following provisions of Title 18 of the Pennsylvania Consolidated Statutes:

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

[Former section 2709(b) (relating to stalking).]

Section 2709.1 (relating to stalking).

Section 2901 (relating to kidnapping).

Section 2902 (relating to unlawful restraint).

**Section 2910 (relating to luring a child into a motor vehicle or structure).**

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

**Section 3124.2 (relating to institutional sexual assault).**

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 3127 (relating to indecent exposure).

**Section 3129 (relating to sexual intercourse with animal).**

Section 4302 (relating to incest).

Section 4303 (relating to concealing death of child).

Section 4304 (relating to endangering welfare of children).

Section 4305 (relating to dealing in infant children).

A felony offense under section 5902(b) (relating to prostitution and related offenses).

Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).

Section [6301] **6301(a)(1)** (relating to corruption of minors).

Section 6312 (relating to sexual abuse of children).

**Section 6318 (relating to unlawful contact with minor).**

**Section 6319 (relating to solicitation of minors to traffic drugs).**

**Section 6320 (relating to sexual exploitation of children).**

(2) An offense designated as a felony under the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act."

(3) An [out-of-State or Federal] offense similar in nature to those crimes listed in clauses (1) and (2) **under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.**

[(f) The requirements of this section shall not apply to employes of public and private schools, intermediate units and area vocational-technical schools who meet all the following requirements:

(1) The employes are under twenty-one (21) years of age.

(2) They are employed for periods of ninety (90) days or less.

(3) They are a part of a job development and/or job training program funded in whole or in part by public or private sources. Once employment of a person who meets these conditions extends beyond ninety (90) days, all requirements of this section shall take effect.]

**(f.1) (1) If the report of criminal history record information indicates the person has been convicted of a felony offense of the first, second or third degree other than those enumerated under subsection (e), the person shall be eligible for prospective employment only if a period of ten years has elapsed from the date of expiration of the sentence for the offense.**

**(2) If the conviction is for a misdemeanor of the first degree, the person shall be eligible for prospective employment only if a period of five years has elapsed from the date of expiration of the sentence for the offense.**

**(3) If the report of criminal history record information indicates the person has been convicted more than once for an offense under 75 Pa.C.S. § 3802(a), (b), (c) or (d) (relating to driving under influence of alcohol or controlled substance) and the offense is graded as a misdemeanor of the first degree under 75 Pa.C.S. § 3803 (relating to grading), the person shall be eligible for prospective employment only if a period of three years has elapsed from the date of expiration of the sentence for the most recent offense.**

**(f.2) Nothing in this section shall be construed to interfere with the ability of a public or private school, intermediate unit or area vocational-technical school to make employment, discipline or termination decisions.**

\* \* \*

(h) [No person employed in a public or private school on the effective date of this section shall be required to obtain the information required herein as a condition of continued employment.] Any person who has once obtained the information required under this section may transfer to **or provide services to** another school in the same district , **diocese or religious judicatory** or established and supervised by the same organization and shall not be required to obtain additional reports before making such transfer.

\* \* \*

**(j) (1) The department shall develop a standardized form to be used by current and prospective employes of public and private schools, intermediate units and area vocational-technical schools for the written reporting by current and prospective employes of any arrest or conviction for an offense enumerated under subsection (e). The form shall**

provide a space in which a current or prospective employee who has not been convicted of or arrested for any such offense will respond "no conviction" and "no arrest." The form also shall provide that failure to accurately report any arrest or conviction for an offense enumerated under subsection (e) shall subject the current or prospective employee to criminal prosecution under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). The department shall publish the form on its publicly accessible Internet website and in the Pennsylvania Bulletin.

(2) Within ninety (90) days of the effective date of this subsection, all current employees of a public or private school, intermediate unit or area vocational-technical school shall complete the form described in clause (1), indicating whether or not they have been convicted of an offense enumerated under subsection (e).

(3) If, as required in clause (2), an employee refuses to submit the form described in clause (1), the administrator or other person responsible for employment decisions in a school or other institution shall immediately require the employee to submit to the administrator a current report of criminal history record information as required under subsections (a.1), (b) and (c.1).

(4) If the arrest or conviction for an offense enumerated under subsection (e) occurs after the effective date of this subsection, the employee shall provide the administrator or designee with written notice utilizing the form provided for in clause (1) not later than seventy-two (72) hours after an arrest or conviction.

(5) If an administrator or other person responsible for employment decisions in a school or other institution has a reasonable belief that an employee was arrested or has a conviction for an offense required to be reported under clause (2) or (4) and the employee or prospective employee has not notified the administrator as required under this section, the administrator or other person responsible for employment decisions in a school or other institution shall immediately require the employee to submit to the administrator a current report of criminal history record information as required under subsections (a.1), (b) and (c.1). The cost of the criminal background check shall be borne by the employing entity.

(6) (i) An employee who willfully fails to disclose a conviction or an arrest for an offense enumerated under subsection (e)(1) shall be subject to discipline up to and including termination or denial of employment and may be subject to criminal prosecution under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(ii) An employee who willfully fails to disclose a conviction of any other offense required to be reported by this section may be subject to discipline and may be subject to criminal prosecution under 18 Pa.C.S. § 4904.

Section 2. The act is amended by adding sections to read:

Section 118. Collection of Identifying Information of Students Attending Institutions of Higher Education.--(a) The following provisions shall apply to the Department of Education's collection of identifying information of students:

(1) The department may collect identifying information of students only if the department is specifically required to do so under Federal statute or regulation or under another provision of this act.

(2) To the extent the department may collect identifying information of a student under clause (1), the following shall apply:

(i) Before collecting any identifying information from an institution of higher education, the department shall provide the institution of higher education with written notice of the identifying information the department seeks to collect and the date by which a student who wishes to do so may opt out of the department's information collection.

(ii) Upon receiving the notice required under subparagraph (i), the institution of higher education shall provide those students who are subject to the request for identifying information with electronic notice of the department's request and of the students' ability to opt out of the department's collection of identifying information by the date identified by the department in subparagraph (i). The notice shall direct students to an Internet website maintained by the department which shall contain the following information:

(A) A description of the identifying information the department seeks to collect.

(B) A statement of the department's legal authority to collect the identifying information.

(C) A statement informing students that, by the date identified by the department in subparagraph (i), they may opt out of the department's collection of identifying information.

(D) An electronic link the student may use to opt out of the department's collection of identifying information.

(iii) Following the opt-out date identified by the department in subparagraph (i), the department shall provide the institution of higher education with a list of those students who have opted out of the department's collection of identifying information.

(iv) The institution of higher education may provide the department with identifying information for only those students who have not opted out of the department's collection of identifying information.

(3) Notwithstanding clause (1), the department may collect student information in an aggregated format that does not reveal the identifying information of an individual student.

(4) To the extent the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) or a successor Federal statute requires an institution of higher education to obtain a student's written consent to the disclosure of identifying information, those provisions shall apply.

(5) An institution of higher education that discloses identifying information to the department at the department's request shall not be held liable in any court of law for any breach of confidentiality pertaining to such identifying information that resulted from actions of the department or the department's staff, contractors or researchers, whether paid or unpaid.

(b) The Secretary of Education shall establish an advisory committee to offer recommendations to the Department of Education concerning the department's collection of identifying information and other data from institutions of higher education. The following shall apply to the advisory committee established under this section:

(1) The secretary shall appoint six (6) members to the advisory committee, including the following:

(i) A representative of a community college operating under Article XIX-A.

(ii) A representative of the State System of Higher Education.

(iii) A representative of an institution of higher education that is designated as "State-related" by the Commonwealth.

(iv) A representative of an accredited private or independent college or university.

(v) A representative of a private licensed school.

(vi) A representative of the department's information technology staff.

(2) The advisory committee shall meet at least quarterly at the call of the secretary or the secretary's designee, who shall serve as chairperson. The first meeting of the advisory committee shall occur within sixty (60) days of the effective date of this section.

(3) Members of the advisory committee shall serve without compensation.

(c) For purposes of this section, the following words and phrases shall have the following meanings:

"Identifying information" shall mean any document, photographic, pictorial or computer image of another person or any fact used to establish identity, including, but not limited to, a name, birth date, Social Security number, driver's license number, nondriver governmental identification number, telephone number, checking account number, savings account number, student identification number, employe or payroll number, residence address, mailing address, e-mail address or electronic signature.

"Institution of higher education" includes any of the following:

(1) A community college operating under Article XIX-A.

(2) A university within the State System of Higher Education.

(3) The Pennsylvania State University.

(4) The University of Pittsburgh.

(5) Temple University.

(6) Lincoln University.

(7) Any other institution that is designated as "State-related" by the Commonwealth.

(8) Any accredited private or independent college or university.

(9) Any private licensed school as defined in the act of December 15, 1986 (P.L.1585, No.174), known as the "Private Licensed Schools Act."

"Student" shall mean a person who attends an institution of higher education, whether enrolled on a full-time, part-time, credit or noncredit basis.

Section 221.1. Moratorium on Certain Data Collection Systems and Data Sets.--(a) For the school years 2011-2012 and 2012-2013, the Department of Education and the Department of Public Welfare shall suspend the collection of data through Pennsylvania's Enterprise to Link Information for Children Across Network (PELICAN) and the Pennsylvania Information Management System (PIMS) except as follows:

(1) Information required to meet Federal mandates in the following:

(i) The Elementary and Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C. § 6301 et seq.).

(ii) The Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.).

(iii) The Educational Technical Assistance Act of 2002 (Public Law 107-279, 116 Stat. 1975).

(iv) Title VI of the America COMPETES Act or the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act (Public Law 110-69, 121 Stat. 572).

(v) The American Recovery and Reinvestment Act of 2009 (Public Law 111-5, 123 Stat. 115).

(vi) The Head Start Act (Public Law 97-35, 42 U.S.C. § 9831 et seq.).

(vii) The Child Care and Development Block Grant Act of 1990 (Public Law 101-508, 42 U.S.C. § 9858 et seq.).

(viii) The Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et seq.).

(ix) Any data pursuant to other Federal requirements and to meet eligibility requirements for Federal funds.

(2) Pennsylvania Value-Added Assessment System (PVAAS), including any revisions or improvements made to the system.

(3) Information required by the Department of Public Welfare to supervise, license or register a child-care provider under Articles IX and X of the act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code."

(4) Information relating to background checks required in section 111 and in 23 Pa.C.S. §§ 6344 (relating to information relating to prospective child-care personnel) and 6344.1 (relating to information relating to family day-care home residents).

(5) Information necessary for all payments or reimbursement by the Commonwealth.

(6) Information required to be reported pursuant to Article XIII-A of this act.

(b) The Department of Education and the Department of Public Welfare shall notify their affected program participants no later than August 1, 2011, of the data elements required to comply with the laws and programs identified in subsection (a).

(c) By February 1, 2012, the Department of Education and the Department of Public Welfare shall provide a report to the Education Committee of the Senate, the Public Health and Welfare Committee of the Senate, the Education Committee of the House of Representatives and the Children and Youth Committee of the House of Representatives which shall include the following:

(1) Category of the data to include the child, family, program and staff.

(2) Data elements to be collected and the law requiring the data and its intended use.

(3) Total funding expended as of December 2011, including funding source to develop, implement and maintain the system.

(4) Long-term cost projections to administer and maintain the information systems. The projections shall include costs to the Commonwealth and the program participants.

(5) Any law needed to authorize the departments to collect, use and distribute the information.

(d) The Department of Education and the Department of Public Welfare shall not be required to complete reports that include data elements within the moratorium of this section.

Section 223. Certified Safety Committees.--(a) The board of directors of each school district shall take such steps as necessary in order to have or maintain a certified safety committee by June 30, 2011, or the effective date of this section, whichever occurs later, for the purposes of section 1002(b) of the act of June 2, 1915 (P.L.736, No.338), known as the "Workers' Compensation Act."

(b) The Department of Labor and Industry shall provide the Department of Education with the list of school districts that have certified safety committees.

(c) In the case of a school district that does not submit evidence to the Department of Education that complies with this section, the Department of Education shall deduct from any allocation from the Commonwealth to which the school district is entitled the amount of the discount the school district would otherwise receive under section 1002(b) of the "Workers' Compensation Act."

(d) This section shall not apply to a school district that cannot receive a premium discount under section 1002(b) of the "Workers' Compensation Act," or an equivalent reduction in contribution rates, by establishing and maintaining a certified safety committee because it is authorized to self-insure its liabilities under section 305 of the "Workers' Compensation Act" or pool its liabilities under section 802 of the "Workers' Compensation Act."

**Section 615. Reopening of 2011-2012 Budget.--Notwithstanding any other provision of law, a board of school directors of a school district may reopen its 2011-2012 budget to reflect Federal and State allocations for fiscal years 2010-2011 and 2011-2012 provided by the act of June 30, 2011 (P.L.633, No.1A), known as the General Appropriation Act of 2011.**

Section 3. Section 703 of the act, amended June 1, 1972 (P.L.325, No.89), is amended to read:

Section 703. Acquisition of Buildings, Sites for School Buildings and Playgrounds, and Disposing Thereof.--In order to comply with the provisions of this act, and subject to the conditions thereof, the board of school directors of each district is hereby vested with the necessary power and authority to acquire, in the name of the district, by purchase, lease, gift, devise, agreement, condemnation, or otherwise, any and all schools and real estate, either vacant or occupied, including lands theretofore occupied by streets and alleys which have been vacated by municipal authorities, and to acquire by purchase, lease, gift or devise, other buildings approved for school use by the Department of Education as the board of school directors may deem necessary to furnish school buildings or other suitable sites for proper school purposes for said district or to enlarge the grounds of any school property held by such district, and to sell, convey, transfer, dispose of, or abandon the same, or any part thereof, as the board of school directors may determine. **Approval of the Department of Education shall not be required for school buildings and playgrounds on any school construction project for which State reimbursement is not requested.**

Section 4. Section 731(1) of the act, amended June 27, 1973 (P.L.75, No.34), is amended to read:

Section 731. Approval by Department of Plans, etc., of Buildings; Exceptions.--The Department of Education, with respect to construction or reconstruction of public school buildings, shall have the power and its duties shall be:

(1) To review all projects, plans and specifications for school building construction or reconstruction, and to make recommendations thereon to the General Assembly and the Governor[;]: **Provided, however, That approval of the Department of Education shall not be required for projects, plans and specifications for school construction projects for which reimbursement from the Commonwealth is not requested;**

\* \* \*

Section 5. Section 731.1 of the act, added December 6, 1972 (P.L.1445, No.323), is amended to read:

Section 731.1. Approval of Lease Agreements.--No building facilities for school use authorized under the provisions of section 703.1, shall be leased by any school district until such lease agreement has been approved by the Department of Education. Such approval shall not be given unless the building facilities to be leased meet the standards required to operate public school buildings in use in the Commonwealth: **Provided, however, That Department of Education approval of any lease agreement shall not be required for any lease agreement for which Commonwealth reimbursement is not requested.**

Section 6. Section 907-A of the act, added May 4, 1970 (P.L.311, No.102), is amended to read:

Section 907-A. Subsidies for Services.--(a) Intermediate units shall receive subsidies from the Commonwealth as herein provided only for services performed pursuant to and authorized by law, as hereinafter provided. Nothing contained herein shall prohibit intermediate units from receiving funds from school districts and other sources including nonpublic nonprofit schools and expending such funds to provide additional services not included in the approved program of services.

(b) **No later than February 1, 2012, and by February 1 of each year thereafter, an intermediate unit shall submit to the Department of Education a report on subsidies and funds received in accordance with this section.**

(1) The report shall include, but not be limited to, the following information:

(i) A listing of all contracts, interagency agreements, intergovernmental agreements, purchase orders, memoranda of understanding, agreements and other arrangements between a Commonwealth agency and an intermediate unit or between intermediate units in an amount greater than \$50,000.

(ii) With respect to each item listed under subparagraph (i), the following:

(A) The total amount and duration of the item, including the annual amount if the item covers multiple years.

(B) The sources and amounts of funds needed to cover the entire cost of the item.

(C) A description of programs or services, or both, being provided, including performance measures by which the intermediate unit will be assessed and penalties for nonperformance.

(D) A description of the selection process used in entering into the item.

(E) A listing of all employees, contractors and agents covered under the item, the duties of each individual and the remuneration provided to each individual.

(2) The Department of Education shall develop the format to be used by the intermediate units preparing the report required under paragraph (1).

(3) The Department of Education shall post the reports on its publicly accessible Internet website.

(4) The first report shall cover fiscal years 2009-2010 and 2010-2011. Each future report shall cover the previous fiscal year.

Section 7. Section 921-A of the act is amended by adding a subsection to read:

Section 921-A. Financial reports.--\* \* \*

(a.1) The Department of Education shall post on its publicly accessible Internet website information included in the intermediate units' annual financial reports. In posting the information, the Department of Education shall use a format consistent with the format the Department of Education uses when posting the annual financial report information of other local education agencies.

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Section 8. Article X heading and section 1001 of the act, amended January 14, 1970 (1969 P.L.468, No.192), are amended to read:

ARTICLE X.

DISTRICT **SUPERINTENDENTS** AND  
ASSISTANT **DISTRICT SUPERINTENDENTS.**

Section 1001. Purpose.--For the superintendence and supervision of the public schools of this Commonwealth, there shall be elected or appointed, in the manner herein provided, district superintendents, and assistant **district** superintendents.

Section 9. Section 1003 of the act, amended July 20, 2007 (P.L.278, No.45), is amended to read:

Section 1003. Eligibility.--[No] **(a) Except as otherwise provided in subsection (b), no person shall [be eligible for election or appointment] receive a letter of eligibility or be elected or appointed as a district[, ] superintendent or assistant district superintendent, unless--**

(1) He holds a diploma from a college or other institution approved by the Department of Education;

(2) He has had six (6) years' successful teaching experience, not less than three of which shall have been in a supervisory or administrative capacity;

(3) He has completed in a college or university a graduate program in education approved by the Department of Education that includes the Pennsylvania school leadership standards under section 1217. Completion of the program shall not be subject to waiver under section 1714-B unless the candidate provides to the Secretary of Education evidence that the candidate has successfully completed an equivalent leadership development program that addresses the school leadership standards under section 1217.

(4) Provided that in school districts of the first class, five (5) years of administrative experience at the level of assistant, associate or deputy superintendent, may be substituted for prescribed graduate administrative courses, and which shall be the responsibility of the Secretary of Education to review these equivalences to conform with State board regulations.

[Serving either as county, district, or assistant county or district superintendent, or associate superintendent, in this Commonwealth, at the time this act becomes effective, shall, irrespective of the foregoing requirements, be considered sufficient qualification for any of the aforesaid offices.]

**(b) Notwithstanding the requirements of subsection (a), a person shall be eligible for election or appointment as a district superintendent or assistant district superintendent if he holds a graduate degree from an accredited higher education institution in business or finance and has at least four (4) years of relevant experience in business, finance or management.**

**(c) Notwithstanding the provisions of sections 1205.1(f), 1205.2(n.1) and 1205.5(h), a person elected or appointed as a district superintendent or assistant district superintendent**

for the first time in this Commonwealth under subsection (b) shall successfully complete a leadership development program that meets the Pennsylvania school leadership standards under section 1217.

Section 10. The act is amended by adding a section to read:

**Section 1134. Professional and Temporary Professional Employees of Schools Formerly Operated by the Commonwealth.--(a)**  
The following provisions shall apply to professional and temporary professional employees of a school formerly operated by the Commonwealth:

(1) The Commonwealth shall create a pool for each school comprised of the professional and temporary professional employees who have received formal notice of suspension from the Commonwealth as a result of the Commonwealth's decision to cease Commonwealth operation of the school.

(2) For the three school years immediately following the formal notice of suspension from the Commonwealth, employees in a pool created under clause (1) shall be offered employment by each eligible school entity as determined under clause (4) associated with the applicable pool created under clause (1), when that eligible school entity has a vacancy for a position that an employee in the applicable pool is properly certified to fill, provided that no employee of the eligible school entity in which the vacancy exists, including a suspended or demoted employee, has a right to the vacancy under this act or the collective bargaining agreement of the respective eligible school entity.

(3) For the three school years immediately following the formal notice of suspension from the Commonwealth, no new employee shall be hired by an eligible school entity as determined under clause (4) associated with the applicable pool created under clause (1), until the position has been offered, in order of seniority, to all properly certified members of the applicable pool created under clause (1).

(4) For the purpose of clauses (2) and (3), an "eligible school entity" shall be determined as follows:

(i) a school district, vocational-technical school or intermediate unit, the administration building of which is seventeen (17) miles or less from the administration building of a school formerly operated by the Commonwealth or a school district which is adjacent to the school district in which a school formerly operated by the Commonwealth was situate; or

(ii) a school district with average daily membership greater than or equal to eight thousand (8,000), the administration building of which is forty-five (45) miles or less from the administration building of a school formerly operated by the Commonwealth, and which relies on State revenue for not less than fifty per centum (50%) of the school district's total budget in one of the two most recent years for which data has been published on the Department of Education's publicly accessible Internet website.

(b) (1) Employees hired from a pool under subsection (a) (2) and former employees of a school formerly operated by the Commonwealth who resigned from a school formerly operated by the Commonwealth within the six (6) months prior to October 9, 2009, and who accepted employment at a school district, intermediate unit or vocational-technical school shall be credited by the hiring school district, intermediate unit or vocational-technical school for all sick leave accumulated in the school and shall be credited for years of service in the school for purposes of salary schedule placement.

(2) Such employes shall further be credited for their years of service in the school for purposes of sabbatical leave eligibility, suspension and realignment rights and eligibility for any retirement incentives or severance payments in a hiring school district, intermediate unit or vocational-technical school.

(3) Nothing in this clause shall be construed to supersede or preempt any provision of an individual employment agreement between a school district, intermediate unit or vocational-technical school and an employe entered into prior to October 9, 2009, or any provision of a collective bargaining agreement in effect as of October 9, 2009, and negotiated by a school entity and an exclusive representative of the employes in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act."

(c) This section shall expire on June 30, 2012.

Section 11. Section 1201 of the act, amended January 14, 1970 (1969 P.L.468, No.192), is amended to read:

Section 1201. Certificates Qualifying Persons to Teach.--Only those persons holding one of the following certificates shall be qualified to teach in the public schools of this Commonwealth--(1) Permanent college certificate, (2) provisional college certificate, (3) normal school diploma, (4) normal school certificate, (5) special permanent certificate, (6) special temporary certificate, (7) permanent State certificate, (8) **residency certificate**, (9) **intern certificate**, (10) certificates which are permanent licenses to teach by virtue of the provisions of section one thousand three hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws 309), as amended, which is repealed hereby, or [(9)] **(11)** such other kinds of certificates as are issued under the standards prescribed by the State Board of Education. The State Board of Education shall also provide for issuance of certificates by district superintendents to meet such emergencies or shortage of teachers as may occur.

Section 12. Section 1203 of the act is amended to read:

Section 1203. Kinds of State Certificates.--(a) State certificates hereafter granted shall include the following:

Provisional College Certificates,  
Permanent College Certificates,  
Certificates issued by other states and validated by the Superintendent of Public Instruction,  
Special Temporary Certificates,  
Special Permanent Certificates[.],  
**Residency Certificates,**  
**Intern Certificates.**

(b) All persons receiving any of such certificates shall have qualifications not less than graduation from a State Teachers' College of this Commonwealth, or equivalent training. **Postbaccalaureate certification programs, including residency, intern and administrative certification programs completed under section 1207.1 are equivalent training for purposes of this act.**

(c) Every college certificate shall set forth the names of the college or university from which its holder was graduated. State certificates shall entitle their holders to teach in every part of this Commonwealth for the terms herein specified.

Section 13. Section 1205.1 of the act is amended by adding a subsection to read:

Section 1205.1. Continuing Professional Development.--\* \*

\*

(f) (1) Beginning on the effective date of this subsection, the requirements under this section shall be suspended until June 30, 2013.

(2) Notwithstanding this subsection, the provisions of sections 1003(a)(3) and (c) and 1207.1(d)(1)(iv) requiring that candidates for appointment as a district superintendent or assistant district superintendent and candidates for administrative and vocational director certificates complete a leadership development program that meets the Pennsylvania school leadership standards under section 1217 shall not be suspended.

Section 14. Section 1205.2(a) and (f) of the act, amended July 13, 2005 (P.L.226, No.46) and February 2, 2006 (P.L.19, No.5), are amended and the section is amended by adding a subsection to read:

Section 1205.2. Program of Continuing Professional Education.--(a) A continuing professional education program is hereby established for professional educators, the satisfactory completion of which is required to maintain active certification. Except as provided in subsection [(j.1)] **(n.1)**, the continuing professional education program shall require the satisfactory completion of continuing professional education every five (5) years, which shall include:

(1) six (6) credits of collegiate study;

(2) six (6) credits of continuing professional education courses;

(3) one hundred eighty (180) hours of continuing professional education programs, activities or learning experiences; or

(4) any combination of collegiate studies, continuing professional education courses, or other programs, activities or learning experiences equivalent to one hundred eighty (180) hours.

\* \* \*

(f) [The] **Except as provided in subsection (n.1)**, the department shall annually provide a minimum of forty (40) hours of continuing professional education courses, programs, activities or learning experiences at no charge to professional educators. In providing these courses, the department shall seek to use the most efficient and cost-effective means possible, including the use of advanced technology such as CD-ROM, the Internet and distance communication.

\* \* \*

**(n.1) (1) Beginning on the effective date of this subsection, the requirements under subsections (a) and (f) shall be suspended until June 30, 2013. During that time, the Legislative Budget and Finance Committee shall conduct a study of the costs and benefits of the continuing professional education program which shall be due on March 1, 2013. On July 1, 2013, each professional educator shall have the same number of hours of continuing professional education and the same amount of time in which to complete those hours as existed for the professional educator on the effective date of this subsection: Provided, however, That any continuing professional education credits or hours completed by a professional educator during the period of suspension under this subsection shall be credited to the professional educator's continuing professional education record.**

(2) Notwithstanding this subsection, the provisions of sections 1003(a)(3) and (c) and 1207.1(d)(1)(iv) requiring that candidates for appointment as a district superintendent or assistant district superintendent and candidates for

administrative and vocational director certificates complete a leadership development program that meets the Pennsylvania school leadership standards under section 1217 shall not be suspended.

\* \* \*

Section 15. Section 1205.5 of the act is amended by adding a subsection to read:

Section 1205.5. Continuing Professional Education for School or System Leaders.--\* \* \*

(h) (1) Beginning on the effective date of this subsection, the requirements of subsections (a), (c) and (d) shall be suspended until June 30, 2013.

(2) Notwithstanding this subsection, the provisions of sections 1003(a)(3) and (c) and 1207.1(d)(1)(iv) requiring that candidates for appointment as a district superintendent or assistant district superintendent and candidates for administrative and vocational director certificates complete a leadership development program that meets the Pennsylvania school leadership standards under section 1217 shall not be suspended.

Section 16. Section 1206 of the act is amended to read:

Section 1206. Certificates Issued by Other States.--[The Superintendent of Public Instruction may validate in this Commonwealth teachers' certificates issued by other states, or by the State normal schools or colleges of other states, whose requirements are equivalent to those of this Commonwealth. Such validation of certificates may be revoked by the Superintendent of Public Instruction at any time.] (a) Candidates holding a valid instructional certificate issued by another state may be eligible for comparable Pennsylvania certification provided that the candidate meets the following requirements:

(1) Holds a bachelor's degree from an accredited college or university.

(2) Has at least two (2) years of successful classroom experience.

(3) Demonstrates subject matter competency in the applicable area of Pennsylvania certification.

(4) Satisfies the requirements of section 1209.

(b) The Secretary of Education shall adopt standards and guidelines as necessary to implement this section.

(c) Nothing in this section shall be construed to prohibit the Secretary of Education from certifying out-of-State applicants in accordance with regulations of the Department of Education or the State Board of Education.

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

Section 1207.1. Postbaccalaureate Certification.--(a) Notwithstanding any other provision of law to the contrary, the Secretary of Education shall have all of the following powers and duties with regard to postbaccalaureate certification programs:

(1) Evaluate and approve, in accordance with this section, all postbaccalaureate certification programs, including accelerated programs, leading to the certification of professional personnel including intern certification programs, residency certification programs and administrative certification programs.

(2) Evaluate and approve qualified providers of postbaccalaureate certification programs, which may include providers other than institutions of higher education, and ensure that the approval process designed for program providers which are not institutions of higher education enables

high-quality, nontraditional program providers to seek and gain approval.

(3) Develop guidelines for the approval of flexible postbaccalaureate instructional certification programs. Such program guidelines shall address:

- (i) Instruction and training in the following:
  - (A) Educational strategies for the designated subject area.
  - (B) Child development specifically related to the level of the certificate sought.
  - (C) Professional ethics and responsibilities.
  - (D) Pennsylvania academic standards.
  - (E) Assessment knowledge and skills.
  - (F) Accommodations and adaptations for students with disabilities in an inclusive setting.
  - (G) Strategies for meeting instructional needs of English language learners.
- (ii) Requirements for candidate oversight and mentoring that may include field placement, student teaching, classroom observations and ongoing support for novice educators in partnership with local education agencies during their induction period, including observation, consultation and assessment that includes close supervision by a professional employee.

(4) Issue certificates in accordance with this section to qualified candidates.

(5) Adopt standards and guidelines as necessary to implement this section.

(b) (1) The Secretary of Education may make a one-time issuance of a residency certificate for service in a specific shortage area of instruction in public schools of this Commonwealth to an applicant who meets all of the following:

- (i) Satisfies the requirements specified under section 1209.
- (ii) Meets one of the following:
  - (A) Holds a doctoral degree or master's degree from an accredited college or university in the subject area of shortage.
  - (B) Holds a bachelor's degree from an accredited college or university in the subject area of shortage and has at least three (3) years of work experience in the subject area or related field.
- (iii) Is continuously enrolled in an approved residency program.

(iv) Presents evidence of satisfactory achievement on the appropriate subject area content test.

(2) A residency certificate shall be valid for three (3) years of teaching in the public schools of this Commonwealth in the area for which it applies.

(3) The Secretary of Education shall have all of the following powers and duties related to the issuance of residency certificates:

- (i) Identify areas of certification in which there is a Statewide or regional shortage of qualified teachers.
- (ii) Develop guidelines for the residency program in accordance with subsection (a).
- (iii) Issue residency certificates to qualified applicants.
- (iv) Report annually to the State Board of Education on the number of residency certificates issued under this section.

(4) A residency certificate may be converted to an Instructional I Certificate upon the completion of all residency program requirements under Department of Education guidelines and the completion of three (3) years of satisfactory teaching in the public schools of this Commonwealth.

(c) (1) Postbaccalaureate instructional intern certification programs shall provide flexible and accelerated pedagogical training to teachers who have demonstrated subject matter competency in a subject area related to their certification.

(2) The Secretary of Education may make a one-time issuance of a postbaccalaureate instructional intern certificate for service in a specific area of instruction to candidates who, in addition to meeting the requirements of section 1209, present evidence of satisfactory achievement on the department-prescribed subject matter assessments related to the area of certification and hold a bachelor's degree from an accredited college or university. This certificate shall require continuing enrollment in an approved postbaccalaureate instructional intern certification program.

(3) A postbaccalaureate instructional intern certificate shall be valid for three (3) years of teaching in the public schools of this Commonwealth and may not be renewed.

(4) A candidate shall be issued an Instructional I Certificate upon successful completion of the approved postbaccalaureate instructional intern program provided that the candidate has satisfied the requirements of section 1209.

(d) (1) Notwithstanding any other provision of law, no person shall be granted an administrative certificate or a vocational director certificate by the Department of Education unless:

(i) The candidate holds a bachelor's degree from an accredited college or university.

(ii) The candidate has had three (3) years of relevant professional experience.

(iii) The candidate satisfies the requirements of section 1209.

(iv) Notwithstanding the provisions of sections 1205.1(f), 1205.2(n.1) and 1205.5(h), the candidate has completed in a college or university a graduate program in education approved by the Department of Education or has provided to the Secretary of Education, within two (2) years of employment in the school or system leadership position for which the candidate was certified, satisfactory evidence that the candidate has successfully completed a leadership development program that meets the Pennsylvania school leadership standards under section 1217 and has demonstrated knowledge of basic school laws and regulations.

(2) The Secretary of Education may adopt standards and guidelines as necessary to implement this section.

(e) Notwithstanding any other provision of law, no candidate for certification or admission into a certification preparation program who holds a bachelor's degree from a regionally accredited college or university shall be required to complete the academic preparation requirements of 22 Pa. Code Ch. 354 (relating to preparation of professional educators).

(f) Nothing in this section shall be construed to prohibit the State Board of Education from authorizing certification programs in accordance with State law, nor shall this section be construed to impact any programs that have been authorized by the State Board of Education prior to the effective date of this section.

Section 18. Section 1304 of the act, amended January 14, 1970 (1969 P.L.468, No.192), is amended to read:

Section 1304. Admission of Beginners.--[The admission of]  
**(a) School districts shall admit** beginners to the public schools [shall be confined to] **during at least** the first two

weeks of the annual school term in districts operating on an annual promotion basis[,] and [to] **during** the first two weeks of either the first or the second semester of the school term in districts operating on a semi-annual promotion basis; **thereafter, the admission of beginners shall be at the discretion of each school district.**

(b) Admission shall be limited to beginners who have attained the age of five years and seven months before the first day of September if they are to be admitted in the fall, and to those who have attained the age of five years and seven months before the first day of February if they are to be admitted at the beginning of the second semester. The board of school directors of any school district may admit beginners who are less than five years and seven months of age, in accordance with standards prescribed by the State Board of Education. The board of school directors may refuse to accept or retain beginners who have not attained a mental age of five years, as determined by the supervisor of special education or a properly certificated public school psychologist in accordance with standards prescribed by the State Board of Education.

(c) The term "beginners," as used in this section, shall mean any child that should enter the lowest grade of the primary school or the lowest primary class above the kindergarten level.

Section 19. Section 1376(c.1) of the act, amended July 4, 2004 (P.L.536, No.70), is amended to read:

Section 1376. Cost of Tuition and Maintenance of Certain Exceptional Children in Approved Institutions.--\* \* \*

[(c.1) Any funds remaining from the appropriation line items "for special education - approved private schools" or for Pennsylvania Charter Schools for the Deaf and Blind from the general appropriations acts for fiscal years 1978-1979 and each fiscal year thereafter shall be transferred by the State Treasurer into a restricted account (continuing appropriation) for audit resolution which is hereby established. The Department of Education shall also deposit into this restricted account any funds returned to or recovered by the department from approved private schools or chartered schools for overpayments during fiscal years 1978-1979 and each fiscal year thereafter. The funds in the restricted account are hereby appropriated upon approval of the Governor to the Department of Education for payments to approved private schools for audit resolutions for fiscal years 1978-1979 through 2003-2004. During the 1995-1996 fiscal year and during each fiscal year thereafter, the Department of Education shall review the activity in the restricted account and may recommend that the Governor authorize the lapsing into the General Fund of any funds that are estimated not to be needed for audit resolution.]

\* \* \*

Section 20. Section 1303-A(c)(1) of the act, amended November 17, 2010 (P.L.996, No.104), is amended to read:

Section 1303-A. Reporting.--\* \* \*

(c) Each chief school administrator shall form an advisory committee composed of relevant school staff, including, but not limited to, principals, security personnel, school resource officers, guidance counselors and special education administrators, to assist in the development of a memorandum of understanding pursuant to this section. In consultation with the advisory committee, each chief school administrator shall enter into a memorandum of understanding with police departments having jurisdiction over school property of the school entity. Each chief school administrator shall submit a copy of the memorandum of understanding to the office by June 30, 2011, and

biennially update and re-execute a memorandum of understanding with local law enforcement and file such memorandum with the office on a biennial basis. The memorandum of understanding shall be signed by the chief school administrator, the chief of police of the police department with jurisdiction over the relevant school property and principals of each school building of the school entity. The memorandum of understanding shall comply with the regulations promulgated by the State Board of Education under section 1302.1-A and shall also include:

(1) The procedure for police department review of the [semiannual] **annual** report required under subsection (b) prior to the chief school administrator filing the report required under subsection (b) with the office.

\* \* \*

Section 21. Section 1310-A(a) and (b)(6) and (8) of the act, added November 22, 2000 (P.L.672, No.91), are amended to read:

Section 1310-A. Safe Schools Advocate in School Districts of the First Class.--(a) The [Secretary of Education] **Executive Director of the Pennsylvania Commission on Crime and Delinquency** shall establish, within the [office] **commission**, a safe schools advocate for each school district of the first class. The advocate shall not be subject to the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act." The advocate shall establish and maintain an office within the school district.

(b) The safe schools advocate shall have the power and its duties shall be:

\* \* \*

(6) To review and analyze Federal and State statutes which may be an impediment to school safety and the imposition of discipline for the commission of acts of violence on school property and to prepare, by April 30, 2001, and as necessary from time to time thereafter, reports making recommendations for changes to the statutes which would promote school safety and facilitate effective and expedient disciplinary action. The reports shall be submitted to the secretary **and the Executive Director of the Pennsylvania Commission on Crime and Delinquency**

.

\* \* \*

(8) To prepare an annual report regarding the activities of the advocate during the prior fiscal year and any recommendations for remedial legislation, regulations or school district administrative reforms, which shall be submitted to the school district superintendent, the secretary, **the Executive Director of the Pennsylvania Commission on Crime and Delinquency**, the chairperson of the Education Committee of the Senate and the chairperson of the Education Committee of the House of Representatives by August 15 of each year.

\* \* \*

Section 22. Section 1311-A of the act, amended June 22, 2001 (P.L.530, No.35), is amended to read:

Section 1311-A. Standing.--(a) If a student in a school district of the first class is a victim of an act of violence involving a weapon on school property and the student who possessed the weapon was not expelled under section 1317.2, the parent or guardian of the victim shall have standing to institute a legal proceeding to obtain expulsion of the student.

(b) The Office of General Counsel shall have standing to bring an action on behalf of a victim or the parent or guardian of a victim of an act of violence in a school in a school district of the first class to modify, clarify or eliminate a

consent decree that is related to discipline in the district if, in consultation with the advocate, the Office of General Counsel believes that the action is in the best interests of the students of the school district.

(c) **(1)** The [Secretary of Education] **Executive Director of the Pennsylvania Commission on Crime and Delinquency** in consultation with the General Counsel may designate a portion of the funds provided for the safe schools advocate [for]:

**(i)** For contracts for legal services to assist low-income parents or guardians of victims to obtain legal services for proceedings under subsection (a). [The Secretary of Education in consultation with the General Counsel may designate a portion of the funds provided for the advocate to]

**(ii)** To challenge a consent decree under subsection (b) or to bring an action under sections 1310-A(c)(5) and 1312-A(a).

**(2)** The designation of attorneys to receive funds under this subsection shall be within the discretion of the Office of General Counsel after consultation with the safe schools advocate.

**(3)** Designated funds which are not expended under this subsection shall lapse to the General Fund.

(d) Legal proceedings under this section shall be conducted by an attorney designated by the Office of General Counsel in consultation with the safe schools advocate. The attorney must be a member of the bar in good standing.

[(e) The appropriation for the Office of School Victim Advocate in section 202 of the act of May 24, 2000 (P.L.1086, No.21A), known as the "General Appropriation Act of 2000," shall be used to implement this section and sections 1310-A and 1312-A.]

(f) As used in this section, "low-income parent or guardian" shall mean a parent whose family income is no greater than two hundred fifty per centum (250%) of the Federal poverty level.

Section 23. Section 1312-A of the act, added November 22, 2000 (P.L.672, No.91), is amended to read:

Section 1312-A. Enforcement.--(a) **(1)** If the school district of the first class fails to comply with requirements to provide information to the safe schools advocate under section 1310-A, the advocate shall provide documentation of the failure to the [Department of Education] **Secretary of Education and the Pennsylvania Commission on Crime and Delinquency**.

**(2)** If the [department] **secretary** determines that there is noncompliance, the [department] **secretary** shall notify the advocate and the Office of General Counsel. The Office of General Counsel, in consultation with the safe schools advocate, shall designate an attorney to bring an action in a court of competent jurisdiction to enforce section 1310-A.

**(3)** If the **secretary** determines that the school district of the first class has complied with the requirements to provide information to the safe schools advocate under section 1310-A, the **secretary** shall convene a public hearing at which the safe schools advocate shall be permitted to testify regarding the alleged noncompliance.

(b) Legal proceedings under subsection (a) shall be conducted by an attorney designated by the Office of General Counsel in consultation with the safe schools advocate. The attorney must be a member of the bar in good standing.

Section 24. Section 1604-A(b) of the act is amended by adding a paragraph to read:

Section 1604-A. Council Recommendations and Standards.--\*

\* \*

(b) The association shall take all steps necessary to comply with the following standards:

\* \* \*

(14) By August 8, 2011, establish a policy requiring that students who in the current or prior school year attended a school entity that has abolished its program of interscholastic athletics in whole or in part shall be eligible to participate without penalty in the program of interscholastic athletics of another school entity in which they are currently enrolled, provided that:

(i) If the association fails to establish and enforce the policy, no school entity may be a member of the association and may not pay dues to the association directly or indirectly through an affiliated organization.

(ii) No school entity that is a member of the association may recruit to participate in its program of interscholastic athletics any students who attend a school entity that has abolished its program of interscholastic athletics.

(iii) If a school entity that has abolished its program of interscholastic athletics in whole or in part reinstates its program of interscholastic athletics in whole or in part in a subsequent year, a student who is currently or was previously enrolled in the school entity but who has participated in the program of interscholastic athletics of another school entity under this section shall be eligible to participate without penalty in the program of interscholastic athletics of the school entity that reinstated its previously abolished program in whole or in part.

Section 25. The definition of "concurrent enrollment committee" in section 1602-B of the act, added July 13, 2005 (P.L.226, No.46), is amended to read:

Section 1602-B. Definitions.

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

\* \* \*

["Concurrent enrollment committee." A committee comprised of representatives from a school entity and eligible postsecondary institutions with which it offers a concurrent enrollment program.]

\* \* \*

Section 26. Section 1611-B(a) of the act, amended July 11, 2006 (P.L.1092, No.114), is amended to read:

Section 1611-B. Responsibilities of school entities.

(a) Concurrent enrollment program.--A school entity seeking a grant under section 1603-B(c) shall do all of the following:

(1) Enter into a concurrent enrollment agreement with an eligible postsecondary institution or institutions as required under section 1613-B.

[(2) Form a concurrent enrollment committee as required under section 1612-B.]

(3) (i) Except as provided in subparagraph (ii), provide, no later than 90 days prior to the date on which an application is submitted pursuant to subsection (c), written notice of the availability of the concurrent enrollment program to:

(A) Any nonpublic or private school for which the school entity provides free transportation as required under section 1361.

(B) Any charter school approved to operate within the school entity.

(C) The parents of students enrolled in a home education program under section 1327.1.

(ii) For the 2006-2007 school year, a school entity shall provide the information required under this subparagraph no later than 30 days prior to the date on which an application is submitted under subsection (c).

\* \* \*

Section 27. Section 1612-B of the act, added July 13, 2005 (P.L.226, No.46), is repealed:

[Section 1612-B. Concurrent enrollment committees.

(a) Composition.--

(1) (i) Subject to the provisions of subparagraph (ii), in order to be eligible for grant funds under section 1603-B(c), a school entity shall form a concurrent enrollment committee, which shall include no fewer than six members.

(ii) The number of committee members appointed under paragraph (3) or (4) shall not exceed the number of committee members appointed under paragraph (2).

(2) At least four members shall be appointed by the board of school directors of the school entity. At a minimum, the members shall include:

(i) A parent of a high school student enrolled in the school entity.

(ii) A teacher employed by the school entity and selected by the teachers of the school entity.

(iii) An administrator employed by the school entity and selected by the superintendent of the school entity.

(iv) A member of the board of school directors of the school entity, who shall be the chairman.

(3) At least two members shall be appointed by each eligible postsecondary institution participating in the concurrent enrollment program, of which at least one shall be a faculty member representing a department with administrative authority over one or more approved concurrent courses.

(4) Where more than three eligible postsecondary institutions participate in the concurrent enrollment program, one member shall be appointed by each eligible postsecondary institution.

(b) Duties.--The concurrent enrollment committee shall do all of the following:

(1) Develop a proposed concurrent enrollment agreement, which may include separate, individual agreements with each eligible postsecondary institution with members appointed to the concurrent enrollment committee.

(2) Present the proposed concurrent enrollment agreement to the board of school directors of the school entity for approval.

(3) Meet no less than quarterly to review the concurrent enrollment program.

(4) Recommend any changes to the concurrent enrollment program to the board of school directors of the school entity.

(5) Develop criteria to permit students who are not qualified under section 1614-B(a) to enroll in the concurrent enrollment program.]

Section 28. Sections 1613-B(a) and 1614-B(b) of the act, added July 13, 2005 (P.L.226, No.46), are amended to read: Section 1613-B. Concurrent enrollment agreements.

(a) Deadline.--In order to be eligible for funding under section 1603-B(c), a [concurrent enrollment committee] **school**

**entity** shall develop a concurrent enrollment agreement and present it to [the board of school directors of the school entity and to] each eligible postsecondary institution [with members appointed to the concurrent enrollment committee] **participating in the concurrent enrollment program** for approval prior to the submission of a grant application pursuant to section 1611-B(c).

\* \* \*

Section 1614-B. Enrollment in concurrent courses.

\* \* \*

(b) Optional enrollment.--A student enrolled in a school district, charter school, area vocational-technical school, nonpublic school, private school or home education program who does not qualify under subsection (a) may enroll in concurrent courses that are part of a concurrent enrollment program approved by the student's school district of residence or the area vocational-technical school in which the student is enrolled by meeting alternate criteria [established by the concurrent enrollment committee] **agreed upon by the school entity and the eligible postsecondary institution at which the student seeks to enroll in concurrent courses**, provided that the charter school, nonpublic school, private school or home education program awards secondary credit for a successfully completed concurrent course. The student shall be included in the number of students reported to the department under section 1611-B(b) and (c).

Section 29. Section 1724-A(c) of the act, added June 19, 1997 (P.L.225, No.22), is amended to read:

Section 1724-A. School Staff.--\* \* \*

(c) All employees of a charter school shall be enrolled in the Public School [Employee's] **Employees'** Retirement System in the same manner as set forth in 24 Pa.C.S. § 8301(a) (relating to mandatory and optional membership) unless at the time of the application for the charter school the sponsoring district or the board of trustees of the charter school has a retirement program which covers the employees or the employee is currently enrolled in another retirement program. The Commonwealth shall make contributions on behalf of charter school employees[, and the] **enrolled in the Public School Employees' Retirement System.**

**The** charter school shall be considered a school district and shall make payments by employers **to the Public School Employees' Retirement System** and payments on account of Social Security as established under 24 Pa.C.S. Pt. IV (relating to retirement for school employees). [For purposes of payments by employers, a charter school shall be considered a school district under 24 Pa.C.S. § 8329(a)(1) (relating to payments on account of social security deductions from appropriations).] The market value/income aid ratio used in calculating payments as prescribed in this subsection shall be the market value/income aid ratio for the school district in which the charter school is located or, in the case of a regional charter school, shall be a composite market value/income aid ratio for the participating school districts as determined by the department. Except as otherwise provided, employees of a charter school shall make regular member contributions as required for active members under 24 Pa.C.S. Pt. IV. If the employees of the charter school participate in another retirement plan, then those employees shall have no concurrent claim on the benefits provided to public school employees under 24 Pa.C.S. Pt. IV. For purposes of this subsection, a charter school shall be deemed to be a "public school" as defined in 24 Pa.C.S. § 8102 (relating to definitions).

\* \* \*

Section 30. Section 1913-A(b)(1.6) of the act, amended July 9, 2008 (P.L.846, No.61), is amended to read:

Section 1913-A. Financial Program; Reimbursement of Payments.--\* \* \*

(b) \* \* \*

(1.6) For the 2006-2007 fiscal year and each fiscal year thereafter, the payment for a community college shall consist of the following:

(i) Each community college shall receive an amount equal to the reimbursement for operating costs, base supplement and growth supplement amounts it received in the immediately preceding fiscal year.

(ii) Each community college shall receive an economic development stipend as calculated under clause (1.7). The amount available for economic development stipends shall increase each year by the percent increase in the State appropriation for payment of approved operating expenses of community colleges and may include any other private or public funds appropriated or otherwise made available to the Department of Education for that purpose.

(iii) Each community college shall receive a base supplement determined by:

(A) subtracting the total amount of funds determined under subclauses (i) and (ii) from the State appropriation for payment of approved operating expenses of community colleges;

(B) dividing the payment under subclause (i) by the sum of the amounts determined for all community colleges under subclause (i); and

(C) multiplying the quotient from paragraph (B) by an amount equal to seventy-five percent (75%) of the amount determined under paragraph (A).

(iv) Each community college with an equivalent full-time enrollment in credit, noncredit and workforce development courses for the year prior to the immediately preceding year greater than its equivalent full-time enrollment in credit, noncredit and workforce development courses for the second year prior to the immediately preceding year shall receive a growth supplement amount determined by:

(A) subtracting its equivalent full-time enrollment in credit, noncredit and workforce development courses for the second year prior to the immediately preceding year from its equivalent full-time enrollment in credit, noncredit and workforce development courses for the year prior to the immediately preceding year;

(B) dividing the difference from paragraph (A) by the sum of the differences from paragraph (A) for all community colleges; and

(C) multiplying the amount from paragraph (B) by an amount equal to twenty-five percent (25%) of the amount determined under subclause (iii)(A).

Secondary senior high school students enrolled in credit-bearing, nonremedial college courses shall be included in the calculation under paragraph (A). Calculations under this subclause shall be based upon the audited financial statements submitted by a community college pursuant to subsection (k.1).

**(v) Subclauses (i), (ii), (iii) and (iv) shall not apply to the 2011-2012 fiscal year.**

**(vi) For the 2011-2012 fiscal year, each community college shall receive an amount equal to the sum of the following:**

**(A) A reimbursement for operating costs determined by:**

(I) dividing the amount of funding that the community college received in fiscal year 2010-2011 under section 1722-L(a)(7) of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code," by the total amount of funding provided to all community colleges in fiscal year 2010-2011 under section 1722-L(a)(7) of "The Fiscal Code"; and

(II) multiplying the quotient under subparagraph (I) by \$168,167,000.

(B) An economic development stipend determined by:

(I) dividing the amount of funding that the community college received in fiscal year 2010-2011 under section 1722-L(a)(7) of "The Fiscal Code," by the total amount of funding provided to all community colleges in fiscal year 2010-2011 under section 1722-L(a)(7) of "The Fiscal Code"; and

(II) multiplying the quotient under subparagraph (I) by \$44,000,000.

\* \* \*

Section 31. Section 2002-C of the act is amended by adding a subsection to read:

Section 2002-C. Duties of public institutions of higher education.

\* \* \*

(c) Other duties.--Each public institution of higher education shall do all of the following:

(1) Agree to accept with full junior standing the associate of arts or associate of science degree into a parallel baccalaureate program as outlined in paragraph (3) by the timelines established by the Transfer and Articulation Oversight Committee but no later than December 31, 2011. For purposes of this paragraph, an associate of arts or associate of science degree is a degree designed primarily for transfer to a baccalaureate institution and must contain a minimum of 60 credits.

(2) Submit to the Department of Education interim reports outlining the actions that the public institution of higher education has undertaken or intends to undertake to comply with paragraph (1).

(3) As a member of the Transfer and Articulation Oversight Committee established in section 2004-C:

(i) Consult with the Department of Education on a process and timeline, subject to approval by the department, to identify the associate of arts or associate of science degree aligned with the graduation requirements of the parallel baccalaureate degree in all public institutions of higher education in consultation with faculty and personnel.

(ii) Identify associate of arts or associate of science degree programs for transfer with full junior standing into a parallel baccalaureate degree in consultation with faculty and personnel in those degree programs by December 31, 2011.

(iii) Identify modifications that may be required in existing associate or baccalaureate degrees to satisfy external accreditation or licensure requirements in consultation with faculty and personnel. Approved modifications shall recognize all competencies attained within either the associate or baccalaureate programs.

(iv) Define requirements, in consultation with faculty and personnel, for education degrees, including early childhood education degrees, leading to certification to be included in an associate degree and

to be accepted for transfer with full junior standing into a parallel baccalaureate degree program.

Section 32. The act is amended by adding sections to read:  
Section 2006.1-C. Participation by State-related institutions.

(a) Identification.--Each State-related institution shall identify 30 credit hours of course content from equivalent courses identified under this article that it will accept from a student accepted for transfer from an institution of higher education participating in this article. A State-related institution shall count a course in the same manner that it would count the same or equivalent course if taken by a student at the State-related institution. A State-related institution that previously identified 30 credit hours shall be deemed to have satisfied the provisions of this subsection.

(b) Posting.--Each State-related institution shall make the information identified under subsection (a) available to the department for posting on the department's publicly accessible Internet website.

(c) Construction.--Nothing in this section shall be construed to do any of the following:

(1) Require a State-related institution to apply a course to graduation or degree requirements if that course or its equivalent course would not be applied to graduation or degree requirements if taken at the State-related institution.

(2) Infringe on a State-related institution's sole authority to accept a student for transfer, to determine acceptance into a major, to determine the campus assignment of the student or to determine how many and which credit hours shall apply for the transfer student toward the completion of a degree. The manner in which accepted courses apply toward completion of a degree and whether they are counted for general education, major or free elective credit shall be subject to the requirements established by the accepting State-related institution for each individual major or program of study.

(3) Prohibit a State-related institution's ability to enter into discussions with the department to increase the number of credits under subsection (a).

Section 2318. State aid for fiscal year 2011-2012.

Notwithstanding any other provision of law to the contrary, each library subject to the act of June 14, 1961 (P.L.324, No.188), known as The Library Code, shall be eligible for State aid for fiscal year 2011-2012, which shall consist of the following:

(1) Funds appropriated for libraries shall be distributed to each library under the following formula:

(i) Divide the amount of funding that the library received in fiscal year 2010-2011 under section 1722-L(12) of the act of April 9, 1929 (P.L.364, No.176), known as The Fiscal Code, by the total State-aid subsidy for fiscal year 2010-2011.

(ii) Multiply the quotient under subparagraph (i) by the total State-aid subsidy for 2011-2012.

(2) Following distribution of funds appropriated for State aid to libraries, any remaining funds may be distributed at the discretion of the State Librarian.

(3) If funds appropriated for State aid to libraries in fiscal year 2011-2012 are less than funds appropriated in fiscal year 2002-2003, the State Librarian may waive standards as prescribed in section 103 of The Library Code relating to hours of operation, continuing professional

development, collections, expenditures and other aspects of library operation.

(4) (i) Each library system receiving State aid under this section may distribute the local library share of that aid in a manner as determined by the board of directors of the library system.

(ii) Subparagraph (i) shall not apply to a library system operating in a county of the second class.

Section 33. The definition of "average daily membership" in section 2501(3) of the act, amended July 9, 2008 (P.L.846, No.61), is amended to read:

Section 2501. Definitions.--For the purposes of this article the following terms shall have the following meanings:

\* \* \*

(3) "Average Daily Membership" shall be computed in accordance with rules of procedure as established by the Secretary of Education. For the purpose of calculating the basic education funding allocation [under section 2502.48] **for the 2007-2008 school year and each school year thereafter**, the computation shall be adjusted for each level of instruction as follows:

(i) Half-time prekindergarten and half-time kindergarten: .50;

(ii) full-time prekindergarten, full-time kindergarten, elementary and secondary: 1.00.

A child on whose behalf payment is made under section 1514-D shall not be included in this calculation.

\* \* \*

Section 34. Section 2502.48(c)(2) of the act, added July 9, 2008 (P.L.846, No.61), is amended to read:

Section 2502.48. Basic Education Funding for Student Achievement.--\* \* \*

(c) \* \* \*

(2) [In furtherance of the General Assembly's long-standing commitment to providing adequate funding that will ensure equitable State and local investments in public education and in order to enable students to attain applicable Federal and State academic standards, it is the goal of this Commonwealth to review and meet State funding targets by fiscal year 2013-2014.] **(Reserved)**.

Section 35. Section 2502.49 of the act, added July 9, 2008 (P.L.846, No.61), is repealed:

[Section 2502.49. Accountability to Commonwealth Taxpayers.--(a) In any school district where the amount of basic education funding allocated pursuant to section 2502.48 exceeds the amount of basic education funding allocated to the school district in the prior fiscal year by more than the index, the board of school directors shall use one hundred percent (100%) of the portion of the increase that exceeds the index as follows:

(1) At least eighty percent (80%) of such funds shall be used to offer any of the following for the first time or to expand any of the following:

(i) Programs that increase the amount of student instructional time, which may include tutoring, an extension of the school day or school calendar or intensive support for students who have limited English proficiency.

(ii) Implementation of new curricula or course offerings that increase the number of students who graduate from high school prepared for college and high-skill careers.

(iii) Training of professional employees in the delivery of a curriculum that increases the number of students who graduate

from high school prepared for college and high-skill careers, in strategies for addressing the learning needs of students at risk of academic failure or needing remediation or in strategies to ensure that students stay in school until graduation and successfully transition to postsecondary education or the work force.

(iv) Reduction of class size.

(v) Prekindergarten or full-day kindergarten.

(vi) Incentives for the most effective highly qualified teachers and principals to work in a school identified for improvement or corrective action.

(vii) School library services, which may include the employment of school librarians or additional school library staff or the purchase of printed or electronic materials or other resources for the school library collection.

(2) No more than ten percent (10%) of such funds may be used to maintain existing programs that meet the criteria of paragraph (1) or for one-time costs necessary to the delivery of instruction that shall include books, materials or other supplies.

(3) No more than ten percent (10%) of such funds may be used for other programs or activities that are essential to achieving or maintaining academic performance targets and that are based on sound research or for one-time costs necessary to the delivery of instruction that shall include books, materials or other supplies.

(b) The following shall apply:

(1) A school district subject to this section shall submit a plan to the Department of Education no later than August 1, 2008, and no later than April 15 of each year thereafter, detailing its intended use of funds subject to this section in the subsequent fiscal year. If a general appropriation bill that includes basic education funding for the applicable fiscal year has not been enacted prior to the deadline, a school district shall base its plan on the amount of basic education funding proposed in an executive budget and posted on the department's Internet website.

(2) The department shall review all plans and may provide recommendations to school districts within forty-five (45) days of receipt of the plan.

(3) Within ninety (90) days of receipt of a plan submitted by a school district identified for warning, improvement or corrective action or a school district with one or more schools identified for improvement or corrective action, the department shall approve or disapprove the plan. The department shall provide a written explanation to the board of school directors of any school district whose plan is disapproved.

(4) A school district whose plan has been disapproved shall amend and resubmit its plan as necessary until approved by the department.

(c) The department shall approve any school district achievement plan that:

(1) meets the requirements of this section;

(2) addresses the academic challenges identified in the school district's most recent student achievement results, with specific focus on individual schools, grade levels and populations of students that demonstrate inadequate levels of student achievement; and

(3) in the determination of the department, describes programs and strategies that are most likely to improve student achievement in the school district.

(d) For any school district where approval of a plan is required pursuant to subsection (b), and notwithstanding any other provision of law to the contrary, the department shall withhold the portion of the increase in basic education funding which exceeds the index until such a time as a plan is approved.

(e) The Department of Education shall:

(1) Provide technical assistance to any school district upon request for the development of a plan pursuant to this section.

(2) Determine the form and manner in which school districts shall submit a plan pursuant to this section.

(3) Review all plans submitted to the department and approve or disapprove plans as required pursuant to this section.

(f) Nothing in this section shall supersede or preempt any provisions of a collective bargaining agreement between a school entity and an employee organization in effect on the effective date of this section.]

Section 36. The act is amended by adding a section to read:

**Section 2502.50. Basic Education Funding for 2010-2011 School Year.--(a) For the 2010-2011 school year, the Commonwealth shall determine the basic education funding allocation as follows:**

(1) Calculate a base supplement for each school district by multiplying its average daily membership by the base amount for the funding year.

(2) Calculate an English language learner supplement for each qualifying school district as follows:

(i) Determine the school district's English language learner concentration by dividing its number of enrolled students identified as limited English proficient by its average daily membership for the funding year.

(ii) Multiply the school district's number of students identified as limited English proficient for the funding year by the English language learner factor based on its English language learner concentration.

(3) Calculate a poverty supplement for each qualifying school district as follows:

(i) Determine the school district's poverty concentration by dividing its number of students eligible for free or reduced-price meals under the National School Lunch Program on October 31 in the funding year by its average daily membership for the funding year.

(ii) Multiply the school district's number of students eligible for free or reduced-price meals under the National School Lunch Program on October 31 in the funding year by the poverty factor based on its poverty concentration.

(4) Calculate a district size supplement for each qualifying school district by multiplying its average daily membership by the district size factor for the funding year.

(5) Add the amounts under clauses (1), (2), (3) and (4).

(6) Multiply the sum under clause (5) by the State share factor for the funding year.

(b) For the 2010-2011 school year, the Commonwealth shall pay to each school district a basic education funding allocation which shall consist of the following:

(1) An amount equal to its basic education funding allocation for the 2009-2010 school year from the State appropriation and Education Jobs Fund appropriation pursuant to section 2502.48 of this act and section 1722-L(a)(14)(i) and (ii) of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code."

(2) A student-focused funding supplement calculated with the following factors:

(i) A base amount equal to one hundred dollars (\$100).

(ii) An English language learner factor equal to:

(A) the base amount multiplied by three-tenths (0.3) if the school district's English language learner concentration for the 2009-2010 school year is less than one percent (1%); or

(B) the base amount multiplied by two-tenths (0.2) if the school district's English language learner concentration for the 2009-2010 school year is equal to or greater than one percent (1%).

(iii) A poverty factor equal to:

(A) the base amount multiplied by two-tenths (0.2) if the school district's poverty concentration for the 2009-2010 school year is less than forty percent (40%); or

(B) the base amount multiplied by three-tenths (0.3) if the school district's poverty concentration for the 2009-2010 school year is equal to or greater than forty percent (40%).

(iv) A district size factor equal to:

(A) the base amount multiplied by one-tenth (0.1) if the school district's average daily membership for the 2009-2010 school year is equal to or less than one thousand (1,000); or

(B) the base amount multiplied by five one-hundredths (0.05) if the average daily membership for the 2009-2010 school year is greater than one thousand (1,000) and less than two thousand three hundred (2,300).

(v) A State share factor equal to:

(A) the school district's 2011-2012 market value/income aid ratio if its market value/income aid ratio is greater than three thousand ten thousandths (0.3000); or

(B) the lesser of one (1) and the school district's 2009-2010 equalized millage divided by the equalized millage that represents the seventy-fifth percentile of the equalized millage of all school districts multiplied by the school district's 2011-2012 market value/income aid ratio if its market value/income aid ratio is less than or equal to three thousand ten-thousandths (0.3000).

(3) Each school district shall receive additional funding equal to the difference between:

(i) the sum of clauses (1) and (2); and

(ii) the amount of funding received by the school district under section 2502.48 for the 2007-2008 school year.

(4) An English language learner high incidence supplement calculated for qualifying school districts as follows:

(i) To qualify for the English language learner high incidence supplement, a school district's 2011-2012 market value/income aid ratio as of June 30, 2011, must be equal to or greater than seven thousand ten-thousandths (0.7000) and less than eight thousand ten-thousandths (0.8000), its 2009-2010 average daily membership must be less than twenty thousand (20,000) and its English language learner concentration must be equal to or greater than six percent (6%).

(ii) The English language learner high incidence supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the qualifying school district's 2009-2010 average daily membership by thirteen million dollars (\$13,000,000).

(B) Divide the product from clause (A) by the sum of the 2009-2010 average daily membership for all qualifying school districts.

(5) Each school district with a 2011-2012 market value/income aid ratio as of June 30, 2011, equal to or greater

than eight thousand ten-thousandths (0.8000) and a 2009-2010 average daily membership less than ten thousand (10,000) shall receive additional funding as necessary equal to the difference between State subsidies paid to school districts in the 2010-2011 and 2011-2012 fiscal years minus eight percent (8%) of the school district's 2008-2009 total revenue. For the purpose of this clause, the difference between State subsidies paid to school districts in the 2010-2011 and 2011-2012 fiscal years shall be calculated by subtracting:

(i) the sum of the amounts paid to the school district in the 2011-2012 fiscal year under clauses (1), (2), (3) and (4) and section 2599.2 of this act; from

(ii) the sum of the amounts paid to the school district in the 2010-2011 fiscal year under sections 1603-B and 2591.1 of this act and section 1722-L(a)(9), (10), (14) and (17) of "The Fiscal Code," the appropriation to the Department of Education for basic education formula enhancements in section 212 of the act of July 6, 2010 (P.L.1367, No.1A), known as the General Appropriation Act of 2010.

(6) A second class school district supplement calculated for qualifying school districts as follows:

(i) To qualify for a second class school district supplement, a school district must have been classified as a second class school district during the 2000 census, must have received State reimbursements pursuant to section 2591.1 for the 2009-2010 school year greater than three million five hundred thousand dollars (\$3,500,000) and must have a 2009-2010 average daily membership greater than eight thousand (8,000).

(ii) The second class school district supplement shall be calculated for all qualifying school districts as follows:

(A) Multiply the qualifying school district's 2009-2010 average daily membership by one million dollars (\$1,000,000).

(B) Divide the product from clause (A) by the sum of the 2009-2010 average daily membership for all qualifying school districts.

(7) A personal income supplement calculated for qualifying school districts as follows:

(i) To qualify for the personal income supplement, school districts must meet all of the following criteria:

(A) Be eligible to receive a poverty supplement pursuant to subsection (a)(3) greater than thirty-five thousand dollars (\$35,000).

(B) Have an average daily membership for the 2009-2010 school year greater than five thousand five hundred (5,500).

(C) Have a 2011-2012 market value/income aid ratio as of June 30, 2011, greater than five thousand ten-thousandths (0.5000).

(D) Have equalized mills for the 2009-2010 school year greater than twenty-three (23).

(E) The amount of funding received by the school district under section 2502.48 for the year 2007-2008 was less than twenty million dollars (\$20,000,000).

(F) Had an adjusted personal income valuation for the 2008 tax year of less than nine hundred million dollars (\$900,000,000).

(ii) The personal income supplement shall be calculated for all qualifying school districts as follows:

(A) Multiply the qualifying school district's 2009-2010 average daily membership by its 2011-2012 market value/income aid ratio as of June 30, 2011.

(B) Multiply the product in clause (A) by one million dollars (\$1,000,000).

(C) Divide the product from clause (B) by the sum of products in clause (A).

(c) The Department of Education shall withhold up to twenty-five million (\$25,000,000) from the allocation made under this section to a school district of the first class to be used to pay costs to provide alternative education programs operated either by the district itself or under terms of any contract between the district and a private alternative education institution as defined pursuant to Article XIX-E.

Section 37. Section 2509.1(b.16) and (c) of the act, amended or added June 30, 1995 (P.L.220, No.26) and July 9, 2008 (P.L.846, No.61), are amended and the section is amended by adding subsections to read:

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

(b.16) Up to eleven million five hundred thousand dollars (\$11,500,000) may be utilized for programs administered and operated by intermediate units during the 2008-2009 **through the 2010-2011 school [year] years** for institutionalized children as established in subsection (b.1).

(b.17) Up to nine million dollars (\$9,000,000) may be utilized for programs administered and operated by intermediate units during the 2011-2012 school year and each school year thereafter for institutionalized children as established in subsection (b.1).

(c) For the 1991-1992 **through the 2010-2011 school [year and each school year thereafter] years**, five percent (5%) of the State special education appropriation shall be paid to the intermediate units on account of special education services. Of this five percent (5%), thirty-five percent (35%) shall be distributed equally among all twenty-nine (29) intermediate units. The remaining sixty-five percent (65%) shall be distributed to each intermediate unit in proportion to the number of average daily membership of the component school districts of each intermediate unit as compared to the Statewide total average daily membership.

(c.1) For the 2011-2012 school year, five and one-half percent (5.5%) of the State special education appropriation shall be paid to intermediate units on account of special education services. Of this five and one-half percent (5.5%), thirty-five percent (35%) shall be distributed equally among all intermediate units. The remaining sixty-five percent (65%) shall be distributed to each intermediate unit in proportion to the number of average daily membership of the component school districts of each intermediate unit as compared to the Statewide total average daily membership.

\* \* \*

Section 38. Section 2509.5 of the act is amended by adding a subsection to read:

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

(aaa) During the 2009-2010 through the 2011-2012 school years, each school district shall be paid the amount it received during the 2008-2009 school year under subsection (zz). If insufficient funds are appropriated, the payments shall be made on a pro rata basis.

Section 39. Section 2510.1 of the act, added February 1, 1966 (1965 P.L.1642, No.580), is amended to read:

Section 2510.1. Payments on Account of Homebound Children.--Every school district, regardless of classification, shall be paid by the Commonwealth for the school year 1966-1967, and for each school year thereafter, on account of the instruction of homebound children, an amount determined by

multiplying the mandated minimum hourly rate for instructing homebound children by the district's aid ratio. **Payments made to school districts for the instruction of homebound children shall only be made to the extent funds are appropriated for this purpose.**

Section 40. Section 2541(f) of the act, added July 20, 2007 (P.L.278, No.45), is amended to read:

Section 2541. Payments on Account of Pupil Transportation.--\* \* \*

(f) Effective for the 2007-2008 school year, any school district that is required to transport resident students of a distressed school district pursuant to section [1607.1(b)] **1607(b)** shall be reimbursed by the Commonwealth the additional sum of three hundred eighty-five dollars (\$385) for each student reassigned to a school district designated pursuant to [section 1607.1(a)(1)] **section 1607.**

Section 41. Section 2599.2(e) of the act is amended by adding a paragraph to read:

Section 2599.2. Pennsylvania Accountability Grants.--\* \* \*

(e) \* \* \*

**(8) For the 2010-2011 fiscal year, any funding remaining to be allocated to school districts from the appropriation for Pennsylvania Accountability Grants on or after July 1, 2011, shall be distributed as follows:**

**(i) Multiply the amount of funding that each school district received from the appropriation before July 1, 2011, by the amount of funding remaining to be allocated to school districts on or after July 1, 2011.**

**(ii) Divide the product from subparagraph (i) by the sum of the funds allocated from the appropriation to school districts before July 1, 2011. School districts may expend funds received under this paragraph in fiscal year 2010-2011 or fiscal year 2011-2012 on programs authorized under subsection (b).**

\* \* \*

Section 42. Nothing in the amendment or addition of sections 1205.1(f) and 1205.2(a), (f) and (n.1) of the act shall be construed to supersede or preempt any provision of a collective bargaining agreement relating to continuing professional development negotiated by a school entity and an exclusive representative of the employees in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the Public Employee Relations Act, which is in effect on the effective date of this section.

Section 42.1. For the 2011-2012 fiscal year, the Department of Education may utilize up to \$4,500,000 of undistributed funds not expended, encumbered or committed from appropriations for grants and subsidies made to the department to assist school districts certified on or before June 30, 2010, as an education empowerment district under section 1705-B(h)(3) of the act.

Section 43. Repeals are as follows:

(1) The General Assembly declares that the repeals under paragraph (2) are necessary to effectuate the addition of sections 2002-C(c) and 2006.1-C of the act.

(2) Sections 1737-J, 1737.1-J, 1737-L and 1737.1-L of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, are repealed.

Section 44. If the date of enactment of this act occurs on or after July 1, 2011, the amendment or addition of sections 223, 1134, 2002-C and 2006.1-C of the act shall apply retroactively to June 30, 2011.

Section 45. This act shall take effect as follows:

(1) The amendment of sections 703, 731 and 731.1 of the act shall take effect in 180 days.

(2) The amendment of section 111 of the act shall take effect in 90 days.

(3) The amendment or addition of sections 221.1, 907-A, 921-A(a.1), 1201, 1203, 1205.5, 1206, 1207.1 and 1604-A of the act shall take effect immediately.

(4) The amendment or addition of sections 223, 615, 1134, 1304, 1376(c.1), 1303-A(c)(1), 1913-A(b)(1.6), 2002-C(c), 2006.1-C, 2318, 2501(3), 2502.48(c)(2), 2502.50, 2509.1(b.16), (b.17), (c) and (c.1), 2509.5(aaa), 2510.1, 2541(f) and 2599.2(e)(8) of the act shall take effect July 1, 2011, or immediately, whichever is later.

(5) Sections 42.1, 43 and 44 of this act shall take effect July 1, 2011, or immediately, whichever is later.

(6) This section shall take effect immediately.

(7) The remainder of this act shall take effect in 60 days.

APPROVED--The 30th day of June, A.D. 2011.

TOM CORBETT