

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2969 Session of  
2004

INTRODUCED BY NICKOL, BARRAR, CREIGHTON, FAIRCHILD, FLEAGLE,  
FLICK, GEIST, GOOD, HESS, MAITLAND, SAYLOR, B. SMITH, FEESE,  
CAPPELLI, DALEY, GILLESPIE, RUBLEY, PICKETT, R. MILLER, BOYD  
AND WILT, NOVEMBER 9, 2004

REFERRED TO COMMITTEE ON EDUCATION, NOVEMBER 9, 2004

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," defining "cyber alternative education  
6 program"; and providing for the use of the Internet for  
7 delivery of programs for disruptive students.

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

10 Section 1. Section 1901-C of the act of March 10, 1949  
11 (P.L.30, No.14), known as the Public School Code of 1949,  
12 amended or added June 25, 1997 (P.L.297, No.30) and June 29,  
13 2002 (P.L.524, No.88), is amended to read:

14 Section 1901-C. Definitions.--For purposes of this article,  
15 the following terms shall have the following meanings:

16 [(1)] "Alternative education program" or "program." Any  
17 applicant's program applying for funds under this article, which  
18 program is implemented by a school district, an area vocational-  
19 technical school, a group of school districts or an intermediate

1 unit, which removes disruptive students from regular school  
2 programs in order to provide those students with a sound  
3 educational course of study and counseling designed to modify  
4 disruptive behavior and return the students to a regular school  
5 curriculum. Notwithstanding section 1502, alternative education  
6 programs may operate outside the normal school day of the  
7 applicant district, including Saturdays. School districts and  
8 private alternative education institutions operating pursuant to  
9 the provisions of Article XIX-E shall adopt a policy for  
10 periodic review of those students placed in their respective  
11 alternative education program for disruptive students. This  
12 review shall occur, at a minimum, at the end of every semester  
13 the student is in the program or more frequently at the  
14 district's or private alternative education institution's  
15 discretion. The purpose of this review is to determine whether  
16 or not the student is ready to return to the regular school  
17 curriculum. Programs may include services for students returning  
18 from placements or who are on probation resulting from being  
19 adjudicated delinquent in a proceeding under 42 Pa.C.S. Ch. 63  
20 (relating to juvenile matters) or who have been judged to have  
21 committed a crime under an adult criminal proceeding.

22 [(2)] "Applicant." A school district or a combination of  
23 school districts which applies for funds under this article.

24 [(3)] "Community resources." Those agencies and services  
25 for children and youth provided by the juvenile court and the  
26 Department of Health and the Department of Public Welfare and  
27 other public or private institutions.

28 "Cyber alternative education program." An alternative  
29 education program which uses technology in order to provide a  
30 significant portion of its curriculum and to deliver a

1 significant portion of instruction to its students through the  
2 Internet or other electronic means.

3 [(4)] "Department." The Department of Education of the  
4 Commonwealth.

5 [(5)] "Disruptive student." A student who poses a clear  
6 threat to the safety and welfare of other students or the school  
7 staff, who creates an unsafe school environment or whose  
8 behavior materially interferes with the learning of other  
9 students or disrupts the overall educational process. The  
10 disruptive student exhibits to a marked degree any or all of the  
11 following conditions:

12 (i) Disregard for school authority, including persistent  
13 violation of school policy and rules.

14 (ii) Display or use of controlled substances on school  
15 property or during school-affiliated activities.

16 (iii) Violent or threatening behavior on school property or  
17 during school-affiliated activities.

18 (iv) Possession of a weapon on school property, as defined  
19 under 18 Pa.C.S. § 912 (relating to possession of weapon on  
20 school property).

21 (v) Commission of a criminal act on school property or  
22 during school-affiliated activities.

23 (vi) Misconduct that would merit suspension or expulsion  
24 under school policy.

25 (vii) Habitual truancy.

26 No student who is eligible for special education services  
27 pursuant to the Individuals with Disabilities Education Act  
28 (Public Law 91-230, 20 U.S.C. § 1400 et seq.) shall be deemed a  
29 disruptive student for the purposes of this act, except as  
30 provided for in 22 Pa. Code § 14.35 (relating to discipline).

1        [(6)] "School." Any school classified by the Department of  
2 Education as a middle school, junior high school, senior high  
3 school or area vocational-technical school.

4        [(7)] "Secretary." The Secretary of Education of the  
5 Commonwealth.

6        Section 2. The act is amended by adding a section to read:

7        Section 1906-C. Cyber Alternative Education Programs.--(a)  
8 An applicant may establish a cyber alternative education  
9 program. Such program shall be considered an alternative  
10 education program for the purposes of applying for grant funding  
11 under the provisions of section 1903-C and shall comply with all  
12 provisions of section 1902-C.

13        (b) (1) An applicant seeking funding for a cyber  
14 alternative education program may:

15        (i) operate the program;

16        (ii) contract with a private alternative education  
17 institution for disruptive students approved pursuant to Article  
18 XIX-E; or

19        (iii) contract with a cyber charter school approved and  
20 operating pursuant to Article XVII-A.

21        (2) The placement of a student in a cyber alternative  
22 education program shall satisfy the provisions governing  
23 exclusions from school, in-school suspension and hearings  
24 related thereto as set forth in 22 Pa. Code Ch. 12 (relating to  
25 students).

26        (3) An applicant choosing to establish a cyber alternative  
27 education program shall be considered in the same manner as a  
28 parent or guardian for purposes of enrollment in a cyber charter  
29 school under the provisions of Article XVII-A.

30        Section 3. This act shall take effect immediately.