

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2322 Session of 2012

INTRODUCED BY ROEBUCK, CARROLL, LONGIETTI, K. SMITH, WHEATLEY, BRADFORD, BRENNAN, CALTAGIRONE, COHEN, D. COSTA, DALEY, DAVIDSON, DEASY, DePASQUALE, FABRIZIO, FRANKEL, GERBER, GROVE, HALUSKA, HORNAMAN, JOSEPHS, MIRABITO, MURT, PASHINSKI, PRESTON, SCAVELLO, STABACK, STERN, THOMAS, VULAKOVICH, WATERS AND GABLER, APRIL 18, 2012

REFERRED TO COMMITTEE ON EDUCATION, APRIL 18, 2012

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," providing for educational improvement  
6 tax credit and for All Students Can Succeed programs; and  
7 making a related repeal.

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

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
11 as the Public School Code of 1949, is amended by adding an  
12 article to read:

13 ARTICLE XXV-B

14 EDUCATIONAL IMPROVEMENT TAX CREDIT

15 (a) Preliminary Provisions.

16 Section 2501-B. Scope of article.

17 This article establishes the educational improvement tax  
18 credit and provides for All Students Can Succeed programs.

1                   (b) Educational Improvement Tax Credit.

2   Section 2502-B. Definitions.

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

6       "All Students Can Succeed program." A program implemented by  
7   a school district under section 2522-B.

8       "Business firm." An entity authorized to do business in this  
9   Commonwealth and subject to taxes imposed under Article III, IV,  
10   VI, VII, VIII, IX or XV of the act of March 4, 1971 (P.L.6,  
11   No.2), known as the Tax Reform Code of 1971. The term includes a  
12   pass-through entity.

13       "Contribution." A donation of cash, personal property or  
14   services, the value of which is the net cost of the donation to  
15   the donor or the pro rata hourly wage, including benefits, of  
16   the individual performing the services.

17       "Department." The Department of Community and Economic  
18   Development of the Commonwealth.

19       "Educational improvement organization." A nonprofit entity  
20   which:

21           (1) is exempt from Federal taxation under section 501(c)  
22           (3) of the Internal Revenue Code of 1986 (Public Law 99-514,  
23           26 U.S.C. § 1 et seq.); and

24           (2) contributes at least 80% of its annual receipts as  
25           grants to a public school for innovative educational programs  
26           or for an All Students Can Succeed program.

27   For purposes of this definition, a nonprofit entity

28   "contributes" its annual cash receipts when it expends or  
29   otherwise irrevocably encumbers those funds for expenditure  
30   during the then current fiscal year of the nonprofit entity or

1 during the next succeeding fiscal year of the nonprofit entity.

2 "Eligible pre-kindergarten student." A student, including an  
3 eligible student with a disability, who is enrolled in a pre-  
4 kindergarten program and is a member of a household with a  
5 maximum annual household income as increased by the applicable  
6 income allowance.

7 "Eligible student." A school-age student, including an  
8 eligible student with a disability, who is enrolled in a school  
9 and is a member of a household with a maximum annual household  
10 income as increased by the applicable income allowance.

11 "Eligible student with a disability." A pre-kindergarten  
12 student or a school-age student who meets all of the following:

13 (1) Is either enrolled in a special education school or  
14 has otherwise been identified, in accordance with 22 Pa. Code  
15 Ch. 14 (relating to special education services and programs),  
16 as a "child with a disability," as defined in 34 CFR § 300.8  
17 (relating to child with a disability).

18 (2) Needs special education and related services.

19 (3) Is enrolled in a pre-kindergarten program or in a  
20 school.

21 (4) Is a member of a household with a household income  
22 of not more than the maximum annual household income.

23 "Household." An individual living alone or with the  
24 following: a spouse, parent and their unemancipated minor  
25 children, other unemancipated minor children who are related by  
26 blood or marriage or other adults or unemancipated minor  
27 children living in the household who are dependent upon the  
28 individual.

29 "Household income." All moneys or property received of  
30 whatever nature and from whatever source derived. The term does

1 not include the following:

2 (1) Periodic payments for sickness and disability other  
3 than regular wages received during a period of sickness or  
4 disability.

5 (2) Disability, retirement or other payments arising  
6 under workers' compensation acts, occupational disease acts  
7 and similar legislation by any government.

8 (3) Payments commonly recognized as old-age or  
9 retirement benefits paid to persons retired from service  
10 after reaching a specific age or after a stated period of  
11 employment.

12 (4) Payments commonly known as public assistance or  
13 unemployment compensation payments by a governmental agency.

14 (5) Payments to reimburse actual expenses.

15 (6) Payments made by employers or labor unions for  
16 programs covering hospitalization, sickness, disability or  
17 death, supplemental unemployment benefits, strike benefits,  
18 Social Security and retirement.

19 (7) Compensation received by United States servicemen  
20 serving in a combat zone.

21 "Income allowance."

22 (1) As follows:

23 (i) Before July 1, 2011, \$10,000 for each eligible  
24 student, eligible pre-kindergarten student and dependent  
25 member of the household.

26 (ii) After June 30, 2011, \$12,000 for each eligible  
27 student, eligible pre-kindergarten student and dependent  
28 member of the household.

29 (2) Beginning July 1, 2012, the Department of Community  
30 and Economic Development shall annually adjust the income

allowance amounts under paragraph (1) to reflect any upward changes in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area in the preceding 12 months and shall immediately submit the adjusted amounts to the Legislative Reference Bureau for publication as a notice in the Pennsylvania Bulletin.

"Innovative educational program." An advanced academic or similar program that is not part of the regular academic program of a public school but that enhances the curriculum or academic program of the public school or provides pre-kindergarten programs to public school students.

"Maximum annual household income."

(1) Except as set forth in paragraph (2), as follows:

(i) Before July 1, 2011, not more than \$50,000.

(ii) After June 30, 2011, not more than \$60,000.

(2) With respect to an eligible student with a disability, as calculated by multiplying:

(i) the sum of:

(A) the applicable amount under paragraph (1);

and

(B) the applicable income allowance; by

(ii) the applicable support level factor according to the following table:

| <u>Support Level</u> | <u>Support Level Factor</u> |
|----------------------|-----------------------------|
| <u>1</u>             | <u>1.50</u>                 |
| <u>2</u>             | <u>2.993</u>                |

(3) Beginning July 1, 2012, the Department of Community and Economic Development shall annually adjust the income amounts under paragraphs (1) and (2) to reflect any upward changes in the Consumer Price Index for All Urban Consumers

1 for the Pennsylvania, New Jersey, Delaware and Maryland area  
2 in the preceding 12 months and shall immediately submit the  
3 adjusted amounts to the Legislative Reference Bureau for  
4 publication as a notice in the Pennsylvania Bulletin.

5 "Pass-through entity." A partnership as defined in section  
6 301(n.0) of the act of March 4, 1971 (P.L.6, No.2), known as the  
7 Tax Reform Code of 1971, a single-member limited liability  
8 company treated as a disregarded entity for Federal income tax  
9 purposes or a Pennsylvania S corporation as defined in section  
10 301(n.1) of the Tax Reform Code of 1971.

11 "Pre-kindergarten program." A program of instruction for  
12 three-year-old or four-year-old students that utilizes a  
13 curriculum aligned with the curriculum of the school with which  
14 it is affiliated and which provides one of the following:

15 (1) A minimum of two hours of instructional and  
16 developmental activities per day at least 60 days per school  
17 year.

18 (2) A minimum of two hours of instructional and  
19 developmental activities per day at least 20 days over the  
20 summer recess.

21 "Pre-kindergarten scholarship organization." A nonprofit  
22 entity which:

23 (1) either is exempt from Federal taxation under section  
24 501(c)(3) of the Internal Revenue Code of 1986 (Public Law  
25 99-514, 26 U.S.C. § 1 et seq.) or is operated as a separate  
26 segregated fund by a scholarship organization that has been  
27 qualified under section 2503-B; and

28 (2) contributes at least 80% of its annual cash receipts  
29 to a pre-kindergarten scholarship program by expending or  
30 otherwise irrevocably encumbering those funds for

1 distribution during the then current fiscal year of the  
2 organization or during the next succeeding fiscal year of the  
3 organization.

4 "Pre-kindergarten scholarship program." A program to provide  
5 tuition to eligible pre-kindergarten students to attend a pre-  
6 kindergarten program operated by or in conjunction with a school  
7 located in this Commonwealth and that includes an application  
8 and review process for the purpose of making awards to eligible  
9 pre-kindergarten students and awards scholarships to eligible  
10 pre-kindergarten students without limiting availability to only  
11 students of one school.

12 "Public school." A public pre-kindergarten where compulsory  
13 attendance requirements do not apply or a public kindergarten,  
14 elementary school or secondary school at which the compulsory  
15 attendance requirements of this Commonwealth may be met and  
16 which meets the applicable requirements of Title VI of the Civil  
17 Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

18 "Scholarship organization." A nonprofit entity which:

19 (1) is exempt from Federal taxation under section 501(c)  
20 (3) of the Internal Revenue Code of 1986 (Public Law 99-514,  
21 26 U.S.C. § 1 et seq.); and

22 (2) contributes at least 80% of its annual cash receipts  
23 to a scholarship program.

24 For purposes of this definition, a nonprofit entity  
25 "contributes" its annual cash receipts to a scholarship program  
26 when it expends or otherwise irrevocably encumbers those funds  
27 for distribution during the then current fiscal year of the  
28 nonprofit entity or during the next succeeding fiscal year of  
29 the nonprofit entity.

30 "Scholarship program." A program to provide tuition to

eligible students to attend a school located in this  
Commonwealth. A scholarship program must include an application  
and review process for the purpose of making awards to eligible  
students. The award of scholarships to eligible students shall  
be made without limiting availability to only students of one  
school.

"School." A public or nonpublic pre-kindergarten,  
kindergarten, elementary school or secondary school at which the  
compulsory attendance requirements of the Commonwealth may be  
met and which meets the applicable requirements of Title VI of  
the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

"School age." Children from the earliest admission age to a  
school's pre-kindergarten or kindergarten program or, when no  
pre-kindergarten or kindergarten program is provided, the  
school's earliest admission age for beginners, until the end of  
the school year the student attains 21 years of age or  
graduation from high school, whichever occurs first.

"Special education school." A school or program within a  
school that is designated specifically and exclusively for  
students with any of the disabilities listed in 34 CFR § 300.8  
(relating to child with a disability) and meets one of the  
following:

(1) Is licensed under the act of January 28, 1988  
(P.L.24, No.11), known as the Private Academic Schools Act.

(2) Is accredited by an accrediting association approved  
by the State Board of Education.

(3) Is a school for the blind or deaf receiving  
Commonwealth appropriations.

(4) Is operated by or under the authority of a bona fide  
religious institution or by the Commonwealth or any political



subdivision thereof.

"Support level." The level of support needed by an eligible student with a disability, as set forth in the following matrix:

Support Level 1 - The student is not enrolled in a special education school.

Support Level 2 - The student is enrolled as a student in a special education school.

Section 2503-B. Qualification and application.

(a) Establishment.--In accordance with section 14 of Article III of the Constitution of Pennsylvania, an educational improvement tax credit program is hereby established to enhance the educational opportunities available to all students in this Commonwealth.

(b) Information.--In order to qualify under this subarticle, a scholarship organization, a pre-kindergarten scholarship organization or an educational improvement organization must submit information to the department that enables the department to confirm that the organization is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

(c) Scholarship organizations and pre-kindergarten scholarship organizations.--A scholarship organization or pre-kindergarten scholarship organization must certify to the department that the organization is eligible to participate in the program established under this subarticle and must agree to annually report the following information to the department by September 1 of each year:

(1) (i) The number of scholarships awarded during the immediately preceding school year to eligible pre-kindergarten students.

1           (ii) The total and average amounts of the  
2           scholarships awarded during the immediately preceding  
3           school year to eligible pre-kindergarten students.

4           (iii) The number of scholarships awarded during the  
5           immediately preceding school year to eligible students in  
6           grades kindergarten through eight.

7           (iv) The total and average amounts of the  
8           scholarships awarded during the immediately preceding  
9           school year to eligible students in grades kindergarten  
10          through eight.

11          (v) The number of scholarships awarded during the  
12          immediately preceding school year to eligible students in  
13          grades nine through 12.

14          (vi) The total and average amounts of the  
15          scholarships awarded during the immediately preceding  
16          school year to eligible students in grades nine through  
17          12.

18          (vii) Where the scholarship organization or pre-  
19          kindergarten scholarship organization collects  
20          information on a county-by-county basis, the total number  
21          and the total amount of scholarships awarded during the  
22          immediately preceding school year to residents of each  
23          county in which the scholarship organization or pre-  
24          kindergarten scholarship organization awarded  
25          scholarships.

26          (2) The information required under paragraph (1) shall  
27          be submitted on a form provided by the department. No later  
28          than May 1 of each year, the department shall annually  
29          distribute such sample forms, together with the forms on  
30          which the reports are required to be made, to each listed

1 scholarship organization and pre-kindergarten scholarship  
2 organization.

3 (3) The department may not require any other information  
4 to be provided by scholarship organizations or pre-  
5 kindergarten scholarship organizations, except as expressly  
6 authorized in this subarticle.

7 (d) Educational improvement organization.--

8 (1) An application submitted by an educational  
9 improvement organization must describe its proposed  
10 innovative educational program or programs in a form  
11 prescribed by the department. The department shall consult  
12 with the Department of Education as necessary. The department  
13 shall review and approve or disapprove the application. In  
14 order to be eligible to participate in the program  
15 established under this subarticle, an educational improvement  
16 organization must agree to annually report the following  
17 information to the department by September 1 of each year:

18 (i) The name of the innovative educational program  
19 or programs and the total amount of the grant or grants  
20 made to those programs during the immediately preceding  
21 school year.

22 (ii) A description of how each grant was utilized  
23 during the immediately preceding school year and a  
24 description of any demonstrated or expected innovative  
25 educational improvements.

26 (iii) The names of the public schools and school  
27 districts where innovative educational programs that  
28 received grants during the immediately preceding school  
29 year were implemented.

30 (iv) Where the educational improvement organization

1 collects information on a county-by-county basis, the  
2 total number and the total amount of grants made during  
3 the immediately preceding school year for programs at  
4 public schools in each county in which the educational  
5 improvement organization made grants.

6 (2) The information required under paragraph (1) shall  
7 be submitted on a form provided by the department. No later  
8 than May 1 of each year, the department shall annually  
9 distribute such sample forms, together with the forms on  
10 which the reports are required to be made, to each listed  
11 educational improvement organization.

12 (3) The department may not require any other information  
13 to be provided by educational improvement organizations,  
14 except as expressly authorized in this subarticle.

15 (e) Notification.--The department shall notify the  
16 scholarship organization, pre-kindergarten scholarship  
17 organization or educational improvement organization that the  
18 organization meets the requirements of this subarticle for that  
19 fiscal year no later than 60 days after the organization has  
20 submitted the information required under this section.

21 (f) Publication.--The department shall annually publish a  
22 list of each scholarship organization, pre-kindergarten  
23 scholarship organization or educational improvement organization  
24 qualified under this section in the Pennsylvania Bulletin. The  
25 list shall also be posted and updated as necessary on the  
26 publicly accessible Internet website of the department.

27 Section 2504-B. Application.

28 (a) Scholarship organization or pre-kindergarten scholarship  
29 organization.--A business firm shall apply to the department for  
30 a tax credit under section 2505-B. A business firm shall receive

a tax credit under this subarticle if the scholarship organization or pre-kindergarten scholarship organization that receives the contribution appears on the list established under section 2503-B(f).

(b) Educational improvement organization.--A business firm must apply to the department for a credit under section 2505-B. A business firm shall receive a tax credit under this subarticle if the department has approved the program provided by the educational improvement organization that receives the contribution.

(c) Availability of tax credits.--Tax credits under this subarticle shall be made available by the department on a first-come, first-served basis within the limitation established under section 2506-B(a).

(d) Contributions.--A contribution by a business firm to a scholarship organization, pre-kindergarten scholarship organization or educational improvement organization shall be made no later than 60 days following the approval of an application under subsection (a) or (b).

Section 2505-B. Tax credit.

(a) Scholarship or educational improvement organizations.--In accordance with section 2506-B(a), the Department of Revenue shall grant a tax credit against any tax due under Article III, IV, VI, VII, VIII, IX or XV of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, to a business firm providing proof of a contribution to a scholarship organization or educational improvement organization in the taxable year in which the contribution is made which shall not exceed 75% of the total amount contributed during the taxable year by the business firm. Such credit shall not exceed \$300,000 annually per

business firm for contributions made to scholarship organizations or educational improvement organizations.

(b) Additional amount.--The Department of Revenue shall grant a tax credit of up to 90% of the total amount contributed during the taxable year if the business firm provides a written commitment to provide the scholarship organization or educational improvement organization with the same amount of contribution for two consecutive tax years. The business firm must provide the written commitment under this subsection to the department at the time of application.

(c) Pre-kindergarten scholarship organizations.--In accordance with section 2506-B(a), the Department of Revenue shall grant a tax credit against any tax due under Article III, IV, VI, VII, VIII, IX or XV of the Tax Reform Code of 1971 to a business firm providing proof of a contribution to a pre-kindergarten scholarship organization in the taxable year in which the contribution is made which shall be equal to 100% of the first \$10,000 contributed during the taxable year by the business firm, and which shall not exceed 90% of the remaining amount contributed during the taxable year by the business firm. Such credit shall not exceed \$150,000 annually per business firm for contributions made to pre-kindergarten scholarship organizations.

(c.1) Contributions to All Students Can Succeed program.--Notwithstanding the provisions of subsections (a) and (b), business firms may receive tax credits in any tax year up to an additional \$100,000 for contributions to educational improvement organizations that contribute to an All Students Can Succeed program.

(d) Combination of tax credits.--A business firm may receive

1 tax credits from the Department of Revenue in any tax year for  
2 any combination of contributions under subsection (a) or (b) or  
3 (c). In no case may a business firm receive tax credits in any  
4 tax year in excess of \$300,000 for contributions under  
5 subsections (a) and (b). In no case shall a business firm  
6 receive tax credits in any tax year in excess of \$150,000 for  
7 contributions under subsection (c). In no case shall a business  
8 firm receive tax credits in any tax year in excess of \$100,000  
9 for contributions under subsection (c.1).

10 (e) Pass-through entity.--

11 (1) If a pass-through entity does not intend to use all  
12 approved tax credits under this section, it may elect in  
13 writing to transfer all or a portion of the credit to  
14 shareholders, members or partners in proportion to the share  
15 of the entity's distributive income to which the shareholder,  
16 member or partner is entitled for use in the taxable year in  
17 which the contribution is made or in the taxable year  
18 immediately following the year in which the contribution is  
19 made. The election shall designate the year in which the  
20 transferred credits are to be used and shall be made  
21 according to procedures established by the Department of  
22 Revenue.

23 (2) A pass-through entity and a shareholder, member or  
24 partner of a pass-through entity shall not claim the credit  
25 under this section for the same contribution.

26 (3) The shareholder, member or partner may not carry  
27 forward, carry back, obtain a refund of or sell or assign the  
28 credit.

29 (f) Restriction on applicability of credits.--No credits  
30 granted under this section shall be applied against any tax

1 withheld by an employer from an employee under Article III of  
2 the Tax Reform Code of 1971.

3 (g) Time of application for credits.--

4 (1) Except as provided in paragraphs (2) and (3), the  
5 department may accept applications for tax credits available  
6 during a fiscal year no earlier than July 1 of each fiscal  
7 year.

8 (2) The application of any business firm for tax credits  
9 available during a fiscal year as part of the second year of  
10 a two-year commitment may be accepted no earlier than May 15  
11 preceding the fiscal year.

12 (3) The application under subsection (a) of any pass-  
13 through entity for approval of single-year tax credits  
14 available during a fiscal year against the taxes imposed  
15 under Article III of the Tax Reform Code of 1971 or under  
16 subsection (b) for approval of credits against such taxes for  
17 the first year of a two-year commitment may be accepted by  
18 the department no earlier than the first business day  
19 following July 7 of the fiscal year.

20 Section 2506-B. Limitations.

21 (a) Amount.--

22 (1) The total aggregate amount of all tax credits  
23 approved shall not exceed \$67,000,000 in a fiscal year. No  
24 less than \$44,666,667 of the total aggregate amount shall be  
25 used to provide tax credits for contributions from business  
26 firms to scholarship organizations. No less than \$22,333,333  
27 of the total aggregate amount shall be used to provide tax  
28 credits for contributions from business firms to educational  
29 improvement organizations.

30 (2) The total aggregate amount of all tax credits



1 approved for contributions from business firms to pre-  
2 kindergarten scholarship programs shall not exceed \$8,000,000  
3 in a fiscal year.

4 (3) For the fiscal year 2012-2013 and each fiscal year  
5 thereafter, the total aggregate amount of tax credits  
6 approved for educational improvement organizations that  
7 contribute to All Students Can Succeed programs shall be  
8 \$10,000,000.

9 (b) Activities.--No tax credit shall be approved for  
10 activities that are a part of a business firm's normal course of  
11 business.

12 (c) Tax liability.--

13 (1) Except as provided in paragraph (2), a tax credit  
14 granted for any one taxable year may not exceed the tax  
15 liability of a business firm.

16 (2) In the case of a credit granted to a pass-through  
17 entity which elects to transfer the credit according to  
18 section 2505-B(e), a tax credit granted for any one taxable  
19 year and transferred to a shareholder, member or partner may  
20 not exceed the tax liability of the shareholder, member or  
21 partner.

22 (d) Use.--A tax credit not used by the applicant in the  
23 taxable year the contribution was made or in the year designated  
24 by the shareholder, member or partner to whom the credit was  
25 transferred under section 2505-B(e) may not be carried forward  
26 or carried back and is not refundable or transferable.

27 (e) Nontaxable income.--A scholarship received by an  
28 eligible student or eligible pre-kindergarten student shall not  
29 be considered to be taxable income for the purposes of Article  
30 III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax

1 Reform Code of 1971.

2 Section 2507-B. Lists.

3 The Department of Revenue shall provide a list of all  
4 scholarship organizations, pre-kindergarten scholarship  
5 organizations and educational improvement organizations  
6 receiving contributions from business firms granted a tax credit  
7 under this subarticle to the General Assembly by June 30th of  
8 each year.

9 Section 2508-B. Guidelines.

10 The department in consultation with the Department of  
11 Education shall develop guidelines to determine the eligibility  
12 of an innovative educational program.

13 (c) All Students Can Succeed Programs.

14 Section 2521-B. List of low-achieving schools.

15 The Department of Education shall compile annually a list of  
16 low-achieving public elementary or secondary schools within this  
17 Commonwealth. To identify low-achieving schools, the Department  
18 of Education shall:

19 (1) Exclude the following:

20 (i) Charter schools.

21 (ii) Cyber charter schools.

22 (iii) Area vocational-technical schools.

23 (iv) Schools that do not draw its student body from  
24 a particular attendance boundary.

25 (v) Schools with a specialized academic program that  
26 have specific admissions criteria.

27 (vi) Schools that have made adequate yearly progress  
28 for at least one of the two most recent school years or  
29 that have not been measured for adequate yearly progress  
30 in one of the two most recent school years.

1       (2) For all remaining schools:

2           (i) Calculate the percentage of students attending  
3       the school who scored either proficient or advanced in  
4       the subject areas of mathematics and reading on the three  
5       most recent academic performance indicators for which  
6       data is posted on the Department of Education's publicly  
7       accessible Internet website for the subjects of  
8       mathematics and reading.

9           (ii) Add the percentages of students attending the  
10       school who scored either proficient or advanced in the  
11       subject areas of mathematics and reading under  
12       subparagraph (i) to obtain a total academic performance  
13       score of students attending the school.

14       (3) Include on the list of low-achieving schools any  
15       school that has an academic performance score less than 300  
16       points.

17 Section 2522-B. All Students Can Succeed programs.

18       A school district with a school on a list of low-achieving  
19       schools under section 2521-B may implement an All Students Can  
20       Succeed program to improve the academic performance of students  
21       in the low-achieving school through the following initiatives:

22           (1) Evidence-based, data-driven safe school programs  
23       designed to improve and promote a safe school climate, such  
24       as school-wide positive behavior support.

25           (2) Alternative education programs, meeting specific  
26       standards, that remove disruptive students from regular  
27       school programs in order to provide the students with a sound  
28       educational course of study and counseling designed to modify  
29       disruptive behavior and return the students to a regular  
30       school curriculum.

1       (3) Targeted interventions, both after-school and summer  
2       school programs, that include tutoring by Department of  
3       Education-approved providers, mentoring and family support  
4       for at-risk students addressing truancy, parenting skills and  
5       intensive social services.

6       (4) Targeted tutoring in reading and mathematics  
7       provided during the normal school day to increase student  
8       academic achievement on the Pennsylvania System of School  
9       Assessment (PSSA) test.

10       (5) Other programs or activities, as approved by the  
11       Department of Education, which the board of school directors  
12       of a school district determines are essential to improving  
13       academic performance of students in a low-achieving school.

14       Section 2. Repeals are as follows:

15               (1) The General Assembly declares that the repeal under  
16       paragraph (2) is necessary to effectuate the addition of  
17       Article XXV-B of the act.

18               (2) Article XVII-F of the act of March 4, 1971 (P.L.6,  
19       No.2), known as the Tax Reform Code of 1971, is repealed.

20       Section 3. The addition of Article XXV-B of the act is a  
21       continuation of Article XVII-F of the act of March 4, 1971  
22       (P.L.6, No.2), known as the Tax Reform Code of 1971. Except as  
23       otherwise provided in Article XXV-B of the act, all activities  
24       initiated under Article XVII-F of the Tax Reform Code of 1971  
25       shall continue and remain in full force and effect and may be  
26       completed under Article XXV-B of the act. Orders, regulations,  
27       rules and decisions which were made under Article XVII-F of the  
28       Tax Reform Code of 1971 and which are in effect on the effective  
29       date of section 2(2) of this act shall remain in full force and  
30       effect until revoked, vacated or modified under Article XXV-B of

1 the act.

2 Section 4. This act shall take effect in 60 days.