

AMENDMENTS TO HOUSE BILL NO. 1254

Sponsor: REPRESENTATIVE SONNEY

Printer's No. 1328

1 Amend Bill, page 1, lines 1 through 7, by striking out all of
2 said lines and inserting

3 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
4 act relating to the public school system, including certain
5 provisions applicable as well to private and parochial
6 schools; amending, revising, consolidating and changing the
7 laws relating thereto," adding provisions relating to COVID-
8 19; and establishing the COVID-19 Tuition Grant Program Fund.

9 Amend Bill, page 1, lines 11 and 12, by striking out "a
10 section" and inserting
11 an article

12 Amend Bill, page 1, lines 13 through 20; page 2, lines 1
13 through 12; by striking out all of said lines on said pages and
14 inserting

ARTICLE XIV-CPROVISIONS RELATING TO COVID-19Section 1401-C. Definitions.

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

21 "COVID-19 health and safety policy." A measure for the
22 prevention or control of the 2019 novel coronavirus, known as
23 COVID-19, which applies within a public school or a nonpublic
24 school.

25 "Department." The Department of Education of the
26 Commonwealth.

27 "Local board or department of health." As defined in section
28 201(f) of the act of April 23, 1956 (1955 P.L.1510, No.500),
29 known as the Disease Prevention and Control Law of 1955.

30 "Nonpublic school." A nonprofit school, other than a public
31 school, within this Commonwealth, in which a resident of this
32 Commonwealth may legally fulfill the compulsory school
33 attendance requirements of this act and which meets the

1 requirements of Title VI of the Civil Rights Act of 1964 (Public
2 Law 88-352, 78 Stat. 241).

3 "Parent or legal guardian." An individual who:

4 (1) is a resident of this Commonwealth; and

5 (2) has control or charge of a qualified student and the
6 legal right to direct the education of the qualified student.

7 "Public school." A school district, charter school, cyber
8 charter school, regional charter school, intermediate unit or
9 area career and technical school.

10 "Qualified student." A child of compulsory school age who
11 resides in this Commonwealth and is currently enrolled in the
12 child's school district of residence.

13 "Resident school district." The school district in which a
14 qualified student resides.

15 Section 1402-C. COVID-19 tuition grants for 2021-2022 school
16 year.

17 (a) General rule.--A one-time tuition grant program is
18 established in the department for the 2021-2022 school year. The
19 purpose of the program is to provide for the education of
20 qualified students who apply to attend a public school other
21 than the resident school district or a nonpublic school on a
22 tuition-paying basis due to COVID-19 outbreaks or a COVID-19
23 health and safety policy imposed by the Commonwealth, a
24 municipality, a local board or department of health or the
25 resident school district.

26 (b) Grant program.--

27 (1) A parent or legal guardian of a qualified student
28 may apply to the department beginning five business days
29 after the effective date of this section, for a one-time
30 grant for each qualified student of the parent to attend a
31 public school other than the resident school district or a
32 nonpublic school due to COVID-19 outbreaks or a COVID-19
33 health and safety policy imposed by the Commonwealth, a local
34 board or department of health or the resident school
35 district.

36 (2) The department may not limit the number of tuition
37 grants available.

38 (3) The department shall notify a parent or legal
39 guardian of an approved or denied application within five
40 business days after receiving an application. If denied, the
41 notification shall include an explanation of the denial, an
42 opportunity to cure deficiencies and a deadline for
43 resubmission.

44 (4) Grant amounts shall be as follows:

45 (i) The amount of a grant awarded to a qualified
46 student who transfers to a public school shall be equal
47 to the most recent tuition rate of the selected school
48 district published on the department's publicly
49 accessible Internet website. The tuition grant may not be
50 in addition to a charter school, regional charter school
51 or cyber charter school district tuition payment.

1 (ii) The amount of a grant awarded to a qualified
2 student who transfers to a nonpublic school shall be
3 equal to the tuition rate of the nonpublic school for the
4 2021-2022 school year or the most recent tuition rate of
5 the resident school district published on the
6 department's publicly accessible Internet website,
7 whichever is less.

8 (iii) The amount of a grant shall be prorated based
9 on the number of school days remaining in the school year
10 at the time of transfer.

11 (5) Grants shall be paid by the department from the
12 COVID-19 Tuition Grant Program Fund. The selected school
13 shall send written confirmation of enrollment of the
14 qualified student to the department within five days of
15 enrollment. The department shall issue a check payable to a
16 parent or legal guardian of the qualified student which shall
17 be sent directly to the selected school. The parent or legal
18 guardian of the qualified student shall be required to
19 endorse the check to the selected school. The school that
20 accepts the tuition grant payment shall provide a receipt to
21 the parent or legal guardian for the payment. A copy of the
22 receipt shall be submitted by the parent or legal guardian to
23 the department.

24 (6) In the event that the qualified student is no longer
25 enrolled prior to the completion of the school term, the
26 selected school shall send written notice to the resident
27 school district within five business days of a qualified
28 student withdrawing from the selected school and shall refund
29 a prorated share of the tuition grant based on the number of
30 school days remaining in the school year at the time of
31 withdrawal.

32 (7) A parent or legal guardian of a qualified student
33 may not use a grant to transfer to public school or nonpublic
34 school more than once during the 2021-2022 school year.

35 (8) If a parent or legal guardian decides to keep the
36 qualified student enrolled in a selected public school or
37 nonpublic school other than the resident school district
38 beyond the 2021-2022 school year, the parent or legal
39 guardian shall be responsible for future tuition payments.

40 (c) Education records.--The resident school district shall
41 provide the selected school with a complete copy of the
42 qualified student's records maintained by the resident school
43 district upon request by the parent or guardian that the
44 qualified student is transferring to the selected school.

45 (d) Transportation.--The resident school district of a
46 student shall provide transportation to a qualified student who
47 receives a tuition grant to attend a public school or nonpublic
48 school in accordance with section 1361. The resident school
49 district may apply to the department for reimbursement of the
50 cost of providing transportation of the qualified student to the
51 selected public school or nonpublic school. The reimbursement

1 shall be paid from the COVID-19 Tuition Grant Program Fund.

2 (e) Duties of department.--The department shall:

3 (1) Establish an online application form and approval
4 process.

5 (2) Verify the accuracy of application information.

6 (3) Confirm enrollment at the selected school by a
7 qualified student who receives a tuition grant.

8 (4) Provide a transfer notification form for the parent
9 or guardian to submit to the resident school district.

10 (5) Establish a process for the selected school to
11 submit prorated refunds of tuition grants for qualified
12 students who withdraw during the school year.

13 (6) Establish a process and guidelines to reimburse
14 resident school districts for transportation costs under
15 subsection (d).

16 (7) Establish guidelines for a resident qualified
17 student to attend an area career and technical school through
18 a tuition grant.

19 (8) Establish a process for public schools and nonpublic
20 schools to participate in the tuition grant program and to
21 accept tuition grant students.

22 (f) Nontaxable.--Grants awarded to qualified students under
23 this section shall not:

24 (1) Be considered taxable income for purposes of a local
25 taxing ordinance or for purposes of Article III of the Tax
26 Reform Code of 1971.

27 (2) Constitute financial assistance or appropriations to
28 the school attended by the qualified students.

29 (g) Construction.--Nothing in this section shall be
30 construed to empower the Commonwealth or its agencies or
31 officers to do any of the following:

32 (1) Regulate the education program of the selected
33 school due to the admission of a qualified student who has
34 received a tuition grant under this section.

35 (2) Expand the regulatory authority of the Commonwealth
36 to impose additional regulation of nonpublic schools beyond
37 that necessary to enforce the requirements of this section.

38 (h) COVID-19 Tuition Grant Program Fund.--

39 (1) The COVID-19 Tuition Grant Program Fund is
40 established as a special fund in the State Treasury.

41 (2) Money in the fund is appropriated to the department
42 on a continuing basis for the purposes of providing grants
43 and transportation reimbursement under this section.

44 (3) The General Assembly may make appropriations to the
45 fund from money available for the purposes of this article.

46 Amend Bill, page 2, line 13, by striking out "in 60 days" and
47 inserting

48 immediately