

AMENDMENTS TO SENATE BILL NO. 757

Sponsor: SENATOR MARTIN

Printer's No. 826

1 Amend Bill, page 1, lines 1 through 35; page 2, line 1; by
2 striking out all of said lines on said pages and inserting
3 Amending the act of April 9, 1929 (P.L.343, No.176), entitled
4 "An act relating to the finances of the State government;
5 providing for cancer control, prevention and research, for
6 ambulatory surgical center data collection, for the Joint
7 Underwriting Association, for entertainment business
8 financial management firms, for private dam financial
9 assurance and for reinstatement of item vetoes; providing for
10 the settlement, assessment, collection, and lien of taxes,
11 bonus, and all other accounts due the Commonwealth, the
12 collection and recovery of fees and other money or property
13 due or belonging to the Commonwealth, or any agency thereof,
14 including escheated property and the proceeds of its sale,
15 the custody and disbursement or other disposition of funds
16 and securities belonging to or in the possession of the
17 Commonwealth, and the settlement of claims against the
18 Commonwealth, the resettlement of accounts and appeals to the
19 courts, refunds of moneys erroneously paid to the
20 Commonwealth, auditing the accounts of the Commonwealth and
21 all agencies thereof, of all public officers collecting
22 moneys payable to the Commonwealth, or any agency thereof,
23 and all receipts of appropriations from the Commonwealth,
24 authorizing the Commonwealth to issue tax anticipation notes
25 to defray current expenses, implementing the provisions of
26 section 7(a) of Article VIII of the Constitution of
27 Pennsylvania authorizing and restricting the incurring of
28 certain debt and imposing penalties; affecting every
29 department, board, commission, and officer of the State
30 government, every political subdivision of the State, and
31 certain officers of such subdivisions, every person,
32 association, and corporation required to pay, assess, or
33 collect taxes, or to make returns or reports under the laws
34 imposing taxes for State purposes, or to pay license fees or
35 other moneys to the Commonwealth, or any agency thereof,
36 every State depository and every debtor or creditor of the
37 Commonwealth," in Treasury Department, establishing the
38 Pennsylvania Award for Student Success Scholarship Program

1 and the Pennsylvania Award for Student Success Scholarship
2 Fund; in bonus and tax reports and returns and reports and
3 records relating to tax collections, further providing for
4 confidential information; in tax credits, further providing
5 for Department of Community and Economic Development; in
6 2022-2023 budget implementation, further providing for
7 Department of Education; and making a repeal.

8 The General Assembly finds and declares as follows:

9 (1) The intent of this act is to provide for the
10 implementation of the 2023-2024 Commonwealth budget.

11 (2) The Constitution of Pennsylvania confers numerous
12 express duties upon the General Assembly, including the
13 passage of a balanced budget for the Commonwealth.

14 (3) Section 24 of Article III of the Constitution of
15 Pennsylvania requires the General Assembly to adopt all
16 appropriations for the operation of government in this
17 Commonwealth, regardless of their source. The Supreme Court
18 has repeatedly affirmed that "It is fundamental within
19 Pennsylvania's tripartite system that the General Assembly
20 enacts the legislation establishing those programs which the
21 State provides for its citizens and appropriates the funds
22 necessary for their operation."

23 (4) Pursuant to section 13 of Article VIII of the
24 Constitution of Pennsylvania, the General Assembly is
25 explicitly required to adopt a balanced Commonwealth budget.
26 Given the unpredictability and potential insufficiency of
27 revenue collections, various changes in State law relating to
28 sources of revenue, the collection of revenue and the
29 implementation of statutes which impact revenue may be
30 required to discharge this constitutional obligation.

31 (5) Section 11 of Article III of the Constitution of
32 Pennsylvania requires the adoption of a general appropriation
33 act that embraces "nothing but appropriations." While actual
34 items of appropriation can be contained in a General
35 Appropriation Act, the achievement and implementation of a
36 comprehensive budget involves more than subjects of
37 appropriations and dollar amounts. Ultimately, the budget has
38 to be balanced under section 13 of Article VIII of the
39 Constitution of Pennsylvania. This may necessitate changes to
40 sources of funding and enactment of statutes to achieve full
41 compliance with these constitutional provisions.

42 (6) For the reasons under paragraphs (1), (2), (3), (4)
43 and (5), it is the intent of the General Assembly through
44 this act to provide for the implementation of the 2023-2024
45 Commonwealth budget.

46 (7) Every provision of this act relates to the
47 implementation of the operating budget of the Commonwealth
48 for this fiscal year, addressing in various ways the fiscal
49 operations, revenues and potential liabilities of the
50 Commonwealth. To that end, this act is intended to implement
51 the 2023-2024 Commonwealth budget without specifically

1 appropriating public money from the General Fund. This act
2 provides accountability for spending and makes transfers or
3 other changes necessary to impact the availability of revenue
4 in order to meet the requirements of section 13 of Article
5 VIII of the Constitution of Pennsylvania and to implement the
6 act of August 3, 2023 (P.L. , No.1A), known as the General
7 Appropriation Act of 2023.

8 Amend Bill, page 2, lines 4 through 20, by striking out all
9 of said lines and inserting

10 Section 1. Article III of the act of April 9, 1929 (P.L.343,
11 No.176), known as The Fiscal Code, is amended by adding a
12 subarticle heading immediately after the article heading to
13 read:

14 SUBARTICLE A
15 GENERAL PROVISIONS

16 Section 2. Article III of the act is amended by adding a
17 subarticle to read:

18 SUBARTICLE B
19 PENNSYLVANIA AWARD FOR STUDENT
20 SUCCESS SCHOLARSHIP PROGRAM

21 Section 321. Scope of subarticle.

22 This subarticle relates to the Pennsylvania Award for Student
23 Success Scholarship Program.

24 Section 322. Definitions.

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

28 "Applicant." A parent who applies for participation in the
29 program under section 324 on behalf of an eligible student.

30 "Attendance boundary." As defined in section 2002-B of the
31 act of March 10, 1949 (P.L.30, No.14), known as the Public
32 School Code of 1949.

33 "Department." The Department of Education of the
34 Commonwealth.

35 "Eligible student." A school-age child who:

36 (1) Is a resident of this Commonwealth.

37 (2) Has not received a high school diploma.

38 (3) Resides, as determined under section 1302 of the
39 Public School Code of 1949, within the attendance boundary of
40 a low-achieving school or resided, as determined under
41 section 1302 of the Public School Code of 1949, within the
42 attendance boundary of a low-achieving school at the time the
43 State Treasury received written confirmation that the child
44 accepted an offer of enrollment under section 324.

45 (4) Lives in a household with a household income below
46 250% of the Federal poverty guidelines or lived in a
47 household with a household income below 250% of the Federal
48 poverty guidelines at the time the State Treasury received
49 written confirmation that the child accepted an offer of

1 enrollment under section 324.

2 (5) Satisfies one of the following:

3 (i) Attended a public school in this Commonwealth in
4 the preceding school year.

5 (ii) Received a scholarship from the program in the
6 preceding school year.

7 (iii) Will attend kindergarten for the first time in
8 the next school year.

9 "Fund." The Pennsylvania Award for Student Success
10 Scholarship Fund established in section 328.

11 "Kindergarten." A one-year formal educational program,
12 whether part time or full time, that occurs during the school
13 year immediately prior to first grade.

14 "Low-achieving school." As defined in section 2002-B of the
15 Public School Code of 1949.

16 "Nonpublic school." A nonprofit school, other than a public
17 school, located in this Commonwealth where a resident of this
18 Commonwealth may legally fulfill the compulsory attendance
19 requirements of the Public School Code of 1949.

20 "Parent." An individual who is a resident of this
21 Commonwealth and:

22 (1) has legal custody or guardianship of an eligible
23 student; or

24 (2) keeps in the individual's home an eligible student
25 and supports the student gratis as if the student were a
26 lineal descendant of the individual.

27 "Participating nonpublic school." A nonpublic school
28 offering a program of instruction for kindergarten through grade
29 twelve, or a combination of grades, that notifies the State
30 Treasury of the nonpublic school's desire to participate in the
31 program and provides certification to the State Treasury that
32 the nonpublic school meets the criteria under section 331.

33 "PASS scholarship account." A spending account established
34 and administered by the State Treasury, and directed by a parent
35 for a scholarship recipient, that may be used for tuition,
36 school-related fees and special education services fees to
37 attend a participating nonpublic school.

38 "Program." The Pennsylvania Award for Student Success
39 Scholarship Program established under section 323(a).

40 "Public school." A school operated by a school district, an
41 intermediate unit, area career and technical school, a charter
42 school, regional charter school or cyber charter school.

43 "Resident school district." The school district in which an
44 eligible student resides.

45 "Scholarship." A scholarship that is awarded to an eligible
46 student under the program.

47 "Scholarship recipient." An eligible student that is awarded
48 a scholarship under the program.

49 "School-age child." A child enrolling in kindergarten or in
50 grade one through grade twelve.

51 "School-related fee." A fee charged by a participating

1 nonpublic school to all students for books, instructional
2 materials, technology equipment and services, uniforms,
3 activities and concurrent enrollment programs under Article XVI-
4 B of the Public School Code of 1949.

5 "School year." A school term as defined in section 102 of
6 the Public School Code of 1949.

7 "Special education services fee." A fee charged by a
8 participating nonpublic school for special education services
9 for a student with special needs as agreed to by the parent and
10 the participating nonpublic school.

11 "State Treasury." The Treasury Department of the
12 Commonwealth.

13 "Student with special needs." A child who is subject to an
14 individualized education program under 20 U.S.C. Ch. 33
15 (relating to education of individuals with disabilities) and 22
16 Pa. Code Ch. 14 (relating to special education services and
17 programs).

18 Section 323. Pennsylvania Award for Student Success Scholarship
19 Program.

20 (a) Establishment.--Beginning with the 2024-2025 school
21 year, the Pennsylvania Award for Student Success Scholarship
22 Program is established as a program in the State Treasury to
23 provide scholarships to help eligible students pay tuition,
24 school-related fees and special education services fees for
25 attendance at a participating nonpublic school. The program may
26 be referred to as the PASS Scholarship Program.

27 (b) Notice to parents.--

28 (1) Within 15 days of receipt of a notice under section
29 2010-B of the act of March 10, 1949 (P.L.30, No.14), known as
30 the Public School Code of 1949, a school district with at
31 least one school designated as a low-achieving school shall
32 notify the parent of a student who is attending or residing
33 within the attendance boundary of a low-achieving school
34 during the school year of the school's designation.

35 (2) The notice shall be in a form provided by the State
36 Treasury, in consultation with the department, and shall
37 provide the following information regarding the program:

38 (i) A description of the program.

39 (ii) Instructions for obtaining information about
40 applying for a scholarship under the program.

41 (iii) A list of schools in the school district that
42 have been designated as low-achieving schools.

43 (iv) Notice of the parent's responsibilities
44 regarding application to a participating nonpublic school
45 if the parent seeks to enroll an eligible student in a
46 participating nonpublic school.

47 (3) The notice shall be posted on the school district's
48 publicly accessible Internet website.

49 (c) Notice to State Treasury.--A school district required to
50 submit a notice to parents under subsection (b) shall provide
51 the State Treasury with a list of students whose parents were

1 provided the notice. The notification shall be made in a manner
2 and form established by the State Treasury.

3 Section 324. Application.

4 (a) Application form.--By March 1, 2024, the State Treasury
5 shall develop an application form that can be accessed from and
6 submitted electronically on the State Treasury's publicly
7 accessible Internet website.

8 (b) Application and approval process.--

9 (1) By April 1, 2024, and by April 1 of each year
10 thereafter, the applicant may apply to the State Treasury for
11 a scholarship for the following school year according to
12 guidelines developed by the State Treasury under section 329.
13 An application shall be approved by the State Treasury if the
14 student meets the eligibility requirements of this
15 subarticle.

16 (1.1) A renewal application shall be approved by the
17 State Treasury if the student meets the eligibility
18 requirements of this subarticle, notwithstanding the
19 residence and income criteria specified in paragraphs (3) and
20 (4) of the definition of "eligible student" in section 322.

21 (2) By May 1, 2024, and by May 1 of each year
22 thereafter, the State Treasury shall notify the applicant
23 whether a scholarship will be awarded for the following
24 school year.

25 (3) For the 2024-2025 school year, scholarships shall be
26 awarded on a first-come, first-served basis considering money
27 available in the fund.

28 (4) For the 2025-2026 school year and each school year
29 thereafter, priority for scholarships shall be given to prior
30 year scholarship recipients. New applicants shall be awarded
31 a scholarship on a first-come, first-served basis considering
32 money available in the fund.

33 (5) Upon notification by the State Treasury that a
34 scholarship has been awarded, the applicant shall apply for
35 enrollment of the scholarship recipient directly to the
36 participating nonpublic school under an application procedure
37 developed by the participating nonpublic school.

38 (6) By June 1, 2024, and by June 1 each year thereafter,
39 a participating nonpublic school shall provide written
40 confirmation to the State Treasury of scholarship recipients
41 who have accepted an offer of enrollment for the following
42 school year and provide the State Treasury with the amounts
43 to be charged to the scholarship recipient for tuition,
44 school-related fees and special education services fees. The
45 notification shall be made in a manner and form established
46 by the State Treasury.

47 (7) The State Treasury may establish a waiting list for
48 eligible students with approved applications and who did not
49 receive awards due to availability of money in the fund and,
50 if, after July 1, 2024, and by July 1 each year thereafter,
51 additional money is available in the fund for scholarships,

1 may award scholarships to the eligible students on a first-
2 come, first-served basis.

3 Section 325. Agreement.

4 (a) Authorization.--Upon receipt of written confirmation
5 that the scholarship recipient has accepted an offer of
6 enrollment under section 324, the State Treasury shall enter
7 into or renew an agreement with the applicant. The agreement
8 shall provide the following:

9 (1) The scholarship recipient shall enroll in a
10 participating nonpublic school for the school year for which
11 the agreement applies.

12 (2) A certain sum of money shall be deposited into a
13 PASS scholarship account under section 326 on behalf of the
14 scholarship recipient.

15 (3) The money in the PASS scholarship account may be
16 expended only as authorized under this subarticle.

17 (4) The parent shall notify the State Treasury if the
18 scholarship recipient no longer resides in this Commonwealth
19 or withdraws or is forced to withdraw from the participating
20 nonpublic school within 15 days of the change of residency or
21 withdrawal.

22 (b) Term of agreement.--Except as otherwise provided under
23 this subarticle, an agreement entered into under subsection (a)
24 shall be valid for one school year.

25 (c) Termination.--

26 (1) An agreement entered into under subsection (a) may
27 be terminated early by the parent for any reason.

28 (2) An agreement entered into under subsection (a) shall
29 be terminated by the State Treasury for the following
30 reasons:

31 (i) The parent is found to have engaged in
32 fraudulent misuse of the PASS scholarship account. In
33 such case, the scholarship recipient shall be ineligible
34 for future participation in the program. The parent may
35 appeal the State Treasury's decision regarding
36 termination and student eligibility within 30 days of
37 issuance of the decision. The appeal shall be governed by
38 2 Pa.C.S. Chs. 1 (relating to general provisions), 5
39 (relating to practice and procedure) and 7 (relating to
40 judicial review).

41 (ii) The scholarship recipient no longer resides in
42 this Commonwealth.

43 (iii) The scholarship recipient withdraws or is
44 forced to withdraw from a participating nonpublic school
45 prior to the completion of the school year.

46 (3) If an agreement is terminated early under this
47 subsection, the following shall apply:

48 (i) All available money in the PASS scholarship
49 account shall revert to the fund.

50 (ii) The participating nonpublic school shall repay
51 to the State Treasury for deposit into the fund the full

1 amount of the scholarship payment, reduced on a pro rata
2 basis by the tuition, school related fees and special
3 education services fees owed for the portion of the
4 school year in which the scholarship recipient was
5 enrolled.

6 (iii) The participating nonpublic school may not
7 require a parent to reimburse the participating nonpublic
8 school for the amount of the scholarship returned to the
9 State Treasury.

10 (d) Renewal.--An agreement entered into under subsection (a)
11 may be renewed for each school year for the same student.

12 (e) Multiple agreements.--A parent may enter into separate
13 agreements under subsection (a) for each child of the parent who
14 is a scholarship recipient.

15 (f) Explanation.--Upon entering into an agreement under
16 subsection (a) or renewing an agreement under subsection (d),
17 the State Treasury shall provide the parent with a written
18 explanation of the authorized uses of the money in the PASS
19 scholarship account and, a notice that students with
20 disabilities who participate in the program are "parentally
21 placed private school children with disabilities" under 20
22 U.S.C. § 1412 (relating to state eligibility) and an explanation
23 of the rights of parentally placed private school children under
24 20 U.S.C. Ch. 33 (relating to Education of Individuals with
25 Disabilities) ("Individuals with Disabilities Education Act")
26 and any applicable State law and regulation.

27 Section 326. Pennsylvania Award for Student Success Scholarship
28 Account.

29 (a) Establishment.--If an agreement is entered into under
30 section 325(a), the State Treasury shall establish a
31 Pennsylvania Award for Student Success Scholarship Account for
32 the scholarship recipient. The PASS scholarship account shall be
33 administered by the State Treasury in accordance with this
34 subarticle.

35 (b) Deposit.--

36 (1) Upon establishment of a PASS scholarship account,
37 the State Treasury shall deposit a sum of money for the
38 applicable school year in the PASS scholarship account for
39 the scholarship recipient in accordance with this section.

40 (2) For the 2024-2025 school year, the sum shall be as
41 follows:

42 (i) for a student in half-day kindergarten, \$2,500;

43 (ii) for a student in full-day kindergarten through
44 grade eight, \$5,000;

45 (iii) for a student in grade nine through grade
46 twelve, \$10,000; or

47 (iv) for a student with special needs regardless of
48 grade level, \$15,000.

49 (3) Beginning with the 2025-2026 school year, and each
50 school year thereafter, the amounts in paragraph (2) shall be
51 increased by the greater of the average percentage increase

1 in the index as defined in section 302 of the act of June 27,
2 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer
3 Relief Act, for all school districts for the prior school
4 year and the percentage increase in the appropriation for
5 basic education for the prior fiscal year. The State Treasury
6 shall calculate the increases on an annual basis and shall
7 submit a notice of the increases to the Legislative Reference
8 Bureau for publication in the next available issue of the
9 Pennsylvania Bulletin.

10 (c) Installments.--The State Treasury shall deposit the
11 money for each scholarship into a PASS scholarship account on a
12 schedule determined by the State Treasury in consultation with
13 the department.

14 (d) Payments to participating nonpublic schools.--A parent
15 may direct payments from the PASS scholarship account to a
16 participating nonpublic school on behalf of the scholarship
17 recipient via an electronic money transfer system or other
18 method approved by the State Treasury under section 329.
19 Section 327. Qualified education expenses.

20 (a) General rule.--Money deposited into a PASS scholarship
21 account may be used only to pay for the following qualified
22 expenses incurred by or associated with the scholarship
23 recipient:

24 (1) Tuition required by a participating nonpublic
25 school.

26 (2) School-related fees.

27 (3) Special education services fees.

28 (b) Prohibition.--A participating nonpublic school that
29 receives a payment for qualified education expenses authorized
30 under subsection (a) may not refund, rebate or otherwise
31 directly share any portion of the payment with the parent who
32 made the payment.

33 (c) Tax consequences and status of awards.--

34 (1) The money in a PASS scholarship account is not
35 taxable income to the parent or scholarship recipient under
36 State law.

37 (2) An award made to, or payment from, a PASS
38 scholarship account may not be construed to be an
39 appropriation or financial assistance to a participating
40 nonpublic school.

41 Section 328. Pennsylvania Award for Student Success Scholarship
42 Fund.

43 (a) Establishment.--The Pennsylvania Award for Student
44 Success Scholarship Fund is established in the State Treasury.
45 All interest and earnings received from investment or deposit of
46 the money in the fund shall be paid into the fund and used for
47 scholarships. Any unexpended money and interest or earnings on
48 the money in the fund may not be transferred or revert to the
49 General Fund but shall remain in the fund.

50 (b) Deposits.--Deposits in the fund shall consist of the
51 following:

1 (1) Money that is appropriated, given, granted or
2 donated by the Commonwealth or any other government or
3 private agency or person for the purpose established under
4 this subarticle.

5 (2) \$100,000,000 transferred from funds received under
6 the authority of Article III of the act of March 4, 1971
7 (P.L.6, No.2), known as the Tax Reform Code of 1971. This
8 transfer shall occur no later than 15 days after the
9 effective date of this section and each August 1 thereafter.

10 (c) Continuing appropriation.--The money in the fund is
11 appropriated on a continuing basis to the State Treasury for
12 scholarships.

13 Section 329. Duties of State Treasury.

14 (a) General rule.--The State Treasury shall:

15 (1) Develop guidelines, in consultation with the
16 department, as necessary for the administration of this
17 subarticle.

18 (2) Make payments to PASS scholarship accounts as
19 provided in this subarticle.

20 (3) Develop a system that enables a parent to direct
21 payment to a participating nonpublic school in accordance
22 with this subarticle.

23 (4) Develop a process by which a nonpublic school may
24 inform the State Treasury of the nonpublic school's interest
25 to participate in the program and demonstrate compliance with
26 the requirements of this subarticle.

27 (5) Ensure that eligible students and their parents are
28 informed annually of the participating nonpublic schools in
29 the program by posting a list of participating nonpublic
30 schools on the State Treasury's publicly accessible Internet
31 website by April 1, 2024, and by April 1 of each year
32 thereafter.

33 (6) At such time and in such form and manner as may be
34 directed by the State Treasury, request and receive
35 information and data from a public school, resident school
36 district, participating nonpublic school or applicant
37 determined to be necessary by the State Treasury to
38 administer this subarticle.

39 (b) Third-party administration.--The State Treasury may
40 contract with a third party to administer the program.

41 (c) Contracting.--

42 (1) Notwithstanding any provision of 62 Pa.C.S. Pt. I
43 (relating to Commonwealth Procurement Code), to the contrary
44 and in order to facilitate the prompt implementation of this
45 subarticle, a contract may be awarded for a supply or service
46 without competition if the State Treasury determines in
47 writing that the contract is necessary for the implementation
48 of any provision of this subarticle and is in the best
49 interest of the Commonwealth. The State Treasury shall
50 provide and make publicly available a written justification
51 of any procurement under this section.

1 (2) Paragraph (1) shall expire no later than two years
2 following the issuance of the procurement under paragraph
3 (1). Procurements issued after this period shall be issued as
4 provided by law.

5 (d) Regulations.--

6 (1) In order to facilitate the prompt implementation of
7 this chapter, regulations determined to be necessary and
8 promulgated by the State Treasury shall be deemed temporary
9 regulations and shall expire no later than two years
10 following the publication of temporary regulations. The State
11 Treasury may promulgate temporary regulations not subject to:

12 (i) Section 612 of the act of April 9, 1929
13 (P.L.177, No.175), known as The Administrative Code of
14 1929.

15 (ii) Sections 201, 202, 203, 204 and 205 of the act
16 of July 31, 1968 (P.L.769, No.240), referred to as the
17 Commonwealth Documents Law.

18 (iii) Section 204(b) of the act of October 15, 1980
19 (P.L.950, No.164), known as the Commonwealth Attorneys
20 Act.

21 (iv) The act of June 25, 1982 (P.L.633, No.181),
22 known as the Regulatory Review Act.

23 (2) The authority provided to the State Treasury to
24 adopt temporary regulations in this subsection shall expire
25 no later than two years following the publication of the
26 temporary regulations. Regulations adopted after this period
27 shall be promulgated as provided by law.

28 Section 330. Duties of Auditor General.

29 The Auditor General may:

30 (1) Conduct a random audit of PASS scholarship accounts.

31 (2) Refer cases of suspected fraudulent misuse of PASS
32 scholarship accounts to the Inspector General for
33 investigation. If the investigation results in a finding that
34 risks to the level of criminal activity, the Inspector
35 General shall refer the matter to the appropriate law
36 enforcement agency for prosecution.

37 (3) Notify the State Treasury of cases of suspected
38 fraudulent misuse that are referred to the Inspector General.

39 Section 331. Duties of participating nonpublic schools.

40 (a) Notification requirement.--A nonpublic school that
41 desires to participate in the program shall notify the State
42 Treasury by a date and in a manner and form established by the
43 State Treasury. The notification shall include certification by
44 the nonpublic school that:

45 (1) The nonpublic school is a nonprofit entity exempt
46 from Federal taxation under 26 U.S.C. § 501(c)(3) (relating
47 to exemption from tax on corporations, certain trusts, etc.).

48 (2) The nonpublic school complies with the
49 nondiscrimination policies specified in 42 U.S.C. § 1981
50 (relating to equal rights under the law).

51 (3) The nonpublic school complies with the provisions of

1 sections 111 and 111.1 of the act of March 10, 1949 (P.L.30,
2 No.14), known as the Public School Code of 1949.

3 (b) Prohibition.--A participating nonpublic school may not
4 charge a Pennsylvania award for student success scholarship
5 recipient a tuition rate, student-related fees or special
6 education services fees that are higher than the rates the
7 participating nonpublic school would have charged to a student
8 who had not received a Pennsylvania award for student success
9 scholarship.

10 (c) Reporting requirements.--

11 (1) Each participating nonpublic school shall report in
12 a manner and form determined by the State Treasury, in
13 consultation with the department, information regarding
14 scholarship recipients enrolled in the participating
15 nonpublic school as follows:

16 (i) Enrollment and disenrollment.

17 (ii) Regular attendance.

18 (iii) Chronic absenteeism.

19 (iv) Academic progress as measured by advancement to
20 the next grade level.

21 (v) Indication of graduation.

22 (vi) Concurrent or dual enrollment course credits.

23 (2) The State Treasury shall report the information
24 regularly to the department on a schedule agreed to by the
25 State Treasury and the department.

26 (d) Construction.--

27 (1) For purposes of this subarticle, a participating
28 nonpublic school shall be autonomous and is not an agent of
29 the State Treasury, the department or the Commonwealth.

30 (2) Neither the State Treasury, the department nor other
31 State agency may regulate the educational program of a
32 participating nonpublic school that accepts money from a
33 scholarship recipient beyond what is necessary to administer
34 the program.

35 Section 332. Bar of certain participating nonpublic schools.

36 (a) General rule.--The State Treasury may bar a nonpublic
37 school from participation in the program if State Treasury
38 establishes that the nonpublic school has:

39 (1) routinely failed to comply with the requirements
40 established in section 331; or

41 (2) failed to provide a scholarship recipient with the
42 educational services funded by the recipient's PASS
43 scholarship account.

44 (b) Notice.--If the State Treasury bars a nonpublic school
45 from participation in the program, the State Treasury shall,
46 after any appeal is concluded and the State Treasury's decision
47 is upheld under subsection (c), post the decision on the State
48 Treasury's publicly accessible Internet website.

49 (c) Appeal.--A nonpublic school may appeal the State
50 Treasury's decision to bar its participation in the program
51 within 30 days of issuance of the decision. The appeal shall be

1 governed by 2 Pa.C.S. Chs. 1 (relating to general provisions), 5
2 (relating to practice and procedure) and 7 (relating to judicial
3 review).

4 Section 333. Duties of resident school districts.

5 A resident school district shall provide a participating
6 nonpublic school that has admitted a scholarship recipient with
7 a complete copy of the scholarship recipient's school record
8 within 10 days of the receipt of notice from the participating
9 nonpublic school of the scholarship recipient's enrollment.

10 Section 334. Report.

11 (a) Duty to prepare and submit.--Beginning January 31, 2025,
12 and each January 31 thereafter, the State Treasury, in
13 consultation with the department, shall prepare and submit to
14 the General Assembly an annual report on the program.

15 (b) Contents.--The report shall include the following:

16 (1) The total number of applications received for the
17 program.

18 (2) The total number of applications received for the
19 program, by resident school district.

20 (3) The total number of applications approved for the
21 program.

22 (4) The total number of applications approved for the
23 program, by resident school district.

24 (5) The total number of PASS scholarship accounts
25 terminated early.

26 (6) The total number of PASS scholarship accounts
27 investigated for fraud by the Inspector General.

28 (7) The total number of scholarships awarded to students
29 attending half-day kindergarten.

30 (8) The total number of scholarships awarded to students
31 attending full-day kindergarten through grade eight.

32 (9) The total number of scholarships awarded to students
33 attending grade nine through grade twelve.

34 (10) The total dollar amount of scholarships awarded.

35 (11) The total number of applications not approved due
36 to lack of funding.

37 (12) The cost of administration of the program.

38 (13) Other information the State Treasury deems helpful
39 to the General Assembly.

40 Section 3. Sections 731 and 1604-H(a) of the act are amended
41 to read:

42 Section 731. Confidential Information.--Except as provided
43 by law, any information gained by any administrative department,
44 board, or commission, as a result of any returns, reports,
45 correspondence, claims, investigations, hearings, certifications
46 or verifications required or authorized under the statutes of
47 the Commonwealth imposing taxes or bonus for State purposes, or
48 providing for the collection of the same, providing for credits
49 as administered by the Department of Revenue independently or in
50 conjunction with other agencies or revenue transfers to
51 improvement or economic development zones shall be confidential

1 except for official purposes, and except that such information
2 may be given to any other state or to the Government of the
3 United States, where such state or the United States by law
4 authorizes the furnishing of similar information to the
5 Commonwealth of Pennsylvania. Any person or agent divulging such
6 information shall be deemed guilty of a misdemeanor, and, upon
7 conviction thereof shall be sentenced to pay a fine not in
8 excess of five hundred dollars (\$500.00), or to undergo
9 imprisonment for not more than three (3) years, or both, in the
10 discretion of the court.

11 For purposes of this section, information regarding the
12 amounts of refunds or credits and the identity of the persons or
13 corporations entitled thereto, which is available for public
14 inspection under the provisions of this act, shall not be deemed
15 confidential. Information gained as a result of returns,
16 reports, correspondence, claims, investigations, certifications
17 or verifications required under Article XIX-B of the act of
18 March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of
19 1971, related to neighborhood improvement zones, shall not be
20 deemed confidential.

21 Section 1604-H. Department of Community and Economic
22 Development.

23 (a) Educational tax credits.--[Tax credits awarded under
24 Article XVII-F of the act of March 4, 1971 (P.L.6, No.2), known
25 as the Tax Reform Code of 1971, in fiscal year 2015-2016 to a
26 business firm making an approved contribution to a scholarship
27 organization, prekindergarten scholarship organization,
28 opportunity scholarship organization or educational improvement
29 organization may be used in the taxable year in which a
30 completed application was submitted by the business firm or the
31 taxable year in which the contribution was made by the business
32 firm, as determined by the business firm.]

33 (1) The total aggregate amount of all tax credits
34 approved under Article XX-B of the act of March 10, 1949
35 (P.L.30, No.14), known as the Public School Code of 1949, for
36 contributions from business firms to scholarship
37 organizations, educational improvement organizations and pre-
38 kindergarten scholarship organizations shall not exceed
39 \$480,000,000 in a fiscal year. The following shall apply:

40 (i) No less than \$355,000,000 of the total aggregate
41 amount shall be used to provide tax credits for
42 contributions from business firms to scholarship
43 organizations.

44 (ii) No less than \$44,500,000 of the total aggregate
45 amount shall be used to provide tax credits for
46 contributions from business firms to educational
47 improvement organizations.

48 (iii) The total aggregate amount of all tax credits
49 approved for contributions from business firms to pre-
50 kindergarten scholarship organizations shall not exceed
51 \$30,500,000 in a fiscal year.

1 (iv) No less than \$50,000,000 of the total aggregate
2 amount shall be used to provide tax credits for
3 contributions from business firms to increase the
4 scholarship or pre-kindergarten scholarship by up to
5 \$2,000 or, in the case of a scholarship for a student
6 attending a secondary school, by up to \$4,000, for a
7 student attending an economically disadvantaged school,
8 to the extent that the total amount of scholarships, pre-
9 kindergarten scholarships and opportunity scholarships
10 will not exceed the lesser of \$8,500 or the school's
11 tuition.

12 (2) The total aggregate amount of all tax credits
13 approved under Article XX-B of the Public School Code of 1949
14 for contributions from business firms to opportunity
15 scholarship organizations shall not exceed \$75,000,000 in a
16 fiscal year.

17 * * *

18 Section 4. Section 1723-F.1(5)(ii) of the act, added July
19 11, 2022 (P.L.540, No.54), is amended to read:

20 Section 1723-F.1. Department of Education.

21 The following shall apply to appropriations to the Department
22 of Education:

23 * * *

24 (5) From money appropriated for Pennsylvania Chartered
25 Schools for Deaf and Blind Children, the following apply:

26 * * *

27 (ii) \$1,000,000 is included for capital-related
28 costs and deferred maintenance to be divided equally
29 between each [approved private] school.

30 * * *

31 Section 5. Repeals are as follows:

32 (1) The General Assembly finds that the repeal under
33 paragraph (2) is necessary to effectuate the amendment of
34 section 1604-H(a) of the act.

35 (2) Section 2006-B(a) of the act of March 10, 1949
36 (P.L.30, No.14), known as the Public School Code of 1949, is
37 repealed.

38 Section 6. The amendment of section 1723-F.1(5)(ii) of the
39 act shall apply retroactively to July 1, 2022.

40 Section 7. Any reference in an act to former section 2006-
41 B(a) of the act of March 10, 1949 (P.L.30, No.14), known as the
42 Public School Code of 1949, or to the limitations in section
43 2006-B of the Public School Code of 1949, shall be deemed to be
44 a reference to section 1604-H(a) of the act.

45 Section 8. This act shall take effect immediately.