
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 8

Session of
1995

INTRODUCED BY STAIRS, RYAN, PERZEL, BARLEY, FARGO, PITTS,
PHILLIPS, E. Z. TAYLOR, D. W. SNYDER, DEMPSEY, FARMER,
CHADWICK, LYNCH, EGOLF, SCHRODER, PETTIT, LEH, GLADECK,
CLARK, MERRY, BROWN, DENT, ROHRER, CORNELL, HERMAN, NYCE,
STERN, HARHART, WAUGH, FLICK, GODSHALL, DURHAM, HUTCHINSON,
M. N. WRIGHT, RAYMOND, STRITTMATTER, MARSICO, FLEAGLE,
J. TAYLOR, HABAY, KENNEY, SCHULER, BROWNE, BIRMELIN,
FAIRCHILD, FICHTER, MILLER, KING, HENNESSEY, SEMMEL, GEIST,
HERSHEY, SAYLOR, KIRKLAND, STISH, RUDY, TULLI, COWELL,
BATTISTO, SHEEHAN, MUNDY AND BAKER, JANUARY 19, 1995

SENATOR RHOADES, EDUCATION, IN SENATE, AS AMENDED, MAY 7, 1996

AN ACT

1 Establishing programs for the education of disruptive students.

2 The General Assembly of the Commonwealth of Pennsylvania

3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the ~~Disruptive~~ <—

6 ~~Student~~ ALTERNATIVE EDUCATION Program Act. <—

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall

9 have the meanings given to them in this section unless the

10 context clearly indicates otherwise:

11 "ALTERNATIVE EDUCATION PROGRAM." ANY APPLICANT'S PROGRAM <—

12 APPLYING FOR FUNDS UNDER THIS ACT, WHICH PROGRAM IS IMPLEMENTED

1 BY A SCHOOL DISTRICT, AN AREA VOCATIONAL-TECHNICAL SCHOOL, A
2 GROUP OF SCHOOL DISTRICTS OR AN INTERMEDIATE UNIT, WHICH REMOVES
3 DISRUPTIVE STUDENTS FROM REGULAR SCHOOL PROGRAMS IN ORDER TO
4 PROVIDE THOSE STUDENTS WITH A SOUND EDUCATIONAL PROGRAM AND A
5 COUNSELING PROGRAM DESIGNED TO MODIFY DISRUPTIVE BEHAVIOR AND
6 RETURN THE STUDENTS TO A REGULAR SCHOOL PROGRAM. NOTWITHSTANDING
7 SECTION 1502 OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN
8 AS THE PUBLIC SCHOOL CODE OF 1949, ALTERNATIVE EDUCATION
9 PROGRAMS MAY OPERATE OUTSIDE OF THE NORMAL SCHOOL DAY OF THE
10 APPLICANT DISTRICT, INCLUDING SATURDAYS. SCHOOL DISTRICTS SHALL
11 ADOPT A POLICY FOR PERIODIC REVIEW OF STUDENTS PLACED IN THE
12 ALTERNATIVE EDUCATION PROGRAM FOR DISRUPTIVE STUDENTS. THIS
13 REVIEW SHALL OCCUR, AT A MINIMUM, AT THE END OF EVERY SEMESTER
14 THE STUDENT IS IN THE PROGRAM OR MORE FREQUENTLY AT THE
15 DISTRICT'S DISCRETION. THE PURPOSE OF THIS REVIEW IS TO
16 DETERMINE WHETHER OR NOT THE STUDENT IS READY TO RETURN TO THE
17 REGULAR SCHOOL PROGRAM. SUCH PROGRAMS MAY INCLUDE SERVICES FOR
18 STUDENTS RETURNING FROM PLACEMENTS 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 "Applicant." A school district or a combination of school
23 districts which applies for funds under this act.

24 "Community resources." Those agencies and services for
25 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 "Department." The Department of Education of the
29 Commonwealth.

30 "Disruptive student." A student who poses a clear threat to

1 the safety and welfare of other students or the school staff,
2 creates an unsafe school environment or whose behavior
3 materially interferes with the learning of other students or
4 disrupts the overall educational process. The disruptive student
5 exhibits to a marked degree any or all of the following
6 conditions:

7 (1) Disregard for school authority, including persistent
8 violation of school policy and rules.

9 (2) Display of or use of controlled substances on school
10 property or during school-affiliated activities.

11 (3) Violent or threatening behavior.

12 (4) Possession of a weapon on school property, as
13 defined under 18 Pa.C.S. § 912 (relating to possession of
14 weapon on school property).

15 (5) Commission of a criminal act on school property.

16 (6) Misconduct that would merit suspension or expulsion
17 under school policy.

18 (7) Habitual truancy.

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

24 ~~"Disruptive student program." Any applicant's program~~ <—
25 ~~applying for funds under this act, which program is implemented~~
26 ~~by a school district, an area vocational technical school, a~~
27 ~~group of school districts or an intermediate unit, which removes~~
28 ~~disruptive students from regular school programs in order to~~
29 ~~provide those students with a sound educational program and a~~
30 ~~counseling program designed to modify disruptive behavior and~~

~~1 return the students to a regular school program. School
2 districts shall adopt a policy for periodic review of students
3 placed in the alternative education program for disruptive
4 students. This review shall occur, at a minimum, at the end of
5 every semester the student is in the program or more frequently
6 at the district's discretion. The purpose of this review is to
7 determine whether or not the student is ready to return to the
8 regular school program. Such programs may include transition
9 services for pupils returning from placement in juvenile
10 detention centers or from adult proceedings.~~

11 "School." Any school classified by the Department of
12 Education as a middle school, junior high school, senior high
13 school or area vocational-technical school.

14 "Secretary." The Secretary of Education of the Commonwealth.
15 Section 3. Applications.

16 Applicants shall submit applications at the time, in the
17 manner and containing or accompanied by such information as the
18 department may prescribe but, in any case, shall document the
19 following:

20 (1) The program is developed in consultation with the
21 faculty and administrative staff of the school AND PARENTS <—
22 AND MEMBERS OF THE COMMUNITY.

23 (2) The school board or boards of those entities forming
24 a consortium have established policies to determine those
25 students who are eligible for placement in the disruptive
26 student program, which policies shall include a procedure for
27 informing the student and the parents or guardians of the
28 student of the reasons for the placement and an opportunity
29 for the student and the parents or guardians of the student
30 to respond before the placement becomes effective. However,

1 in the case of an assault, or other serious offense, by a
2 student the offending student shall be transferred
3 immediately into the ~~disruptive student~~ ALTERNATIVE EDUCATION <—
4 program, absent any legal action against the student by the
5 district. The opportunity to respond to such placement shall
6 be provided to the student and the parents or guardians of
7 the student as soon thereafter as is practical UNDER 22 PA. <—
8 CODE § 12.6 (RELATING TO EXCLUSIONS FROM SCHOOL).

9 (3) That school personnel involved in the program are
10 properly certificated: <—

11 (I) FOR ALTERNATIVE, INNOVATIVE AND EXPERIMENTAL
12 ASSIGNMENTS AS DETERMINED BY THE DEPARTMENT; OR

13 (II) FOR PROGRAMS AUTHORIZED BY THIS ACT.

14 (4) The program provides participating students with a
15 program of instruction which recognizes their special needs
16 and qualifies the students for graduation.

17 (5) The program is used only when other established
18 methods of discipline have been utilized and have failed
19 unless the seriousness of the student's behavior warrants
20 immediate placement.

21 (6) A determination of the scope, type and severity of
22 student disruption and a survey of community and school
23 resources available to the applicant for the remediation of
24 student disruption.

25 ~~Section 4. State incentive.~~ <—

26 ~~(a) Reimbursement. School districts shall be reimbursed by~~
27 ~~the Commonwealth \$125 per pupil for each nine weeks a student at~~
28 ~~or beyond the middle level of education, as provided for in 22~~
29 ~~Pa. Code § 5.212 (relating to middle level education), is~~
30 ~~enrolled in the disruptive student program, up to a maximum of~~

~~\$500 per year. The Commonwealth shall not provide funding for more than 2% of the school district's average daily membership of students enrolled in grades 7 through 12.~~

~~(b) Procedure. The department shall reimburse programs operating during the 1994-1995 school year, and each school year thereafter, under the provisions of subsection (a). Programs requesting funding shall comply with the provisions of section 3.~~

~~(c) Undistributed funds. Notwithstanding the limitations imposed under subsection (a), the department shall award any appropriated but undistributed funds authorized under subsection (b) to school districts or consortiums of school districts which have to the satisfaction of the secretary demonstrated need for additional funding.~~

~~(d) Disruptive student program. School districts initiating a disruptive student program in the 1995-1996 school year shall be eligible for current year funding, as a result of costs incurred in developing the program, of \$125 per pupil for each nine weeks a student at or beyond the middle level of education, as provided for in 22 Pa. Code § 5.212, is enrolled in the program, up to a maximum of \$500 per year. The Commonwealth shall not provide funding for more than 2% of the school district's average daily membership of students enrolled in grades 7 through 12. The district shall submit sufficient information to the department by April 1, 1996, to determine the appropriate level of funding. The information shall be submitted on a form developed by the department. Payments to the school district shall be made on the first day of June in conjunction with payments for the equalized subsidy for basic education and supplements thereto as provided for in Article XXV of the act of~~

1 ~~March 10, 1949 (P.L.30, No.14), known as the Public School Code~~
2 ~~of 1949. School districts receiving payments under this~~
3 ~~subsection shall also be eligible for reimbursement payments~~
4 ~~provided in this section for programs operated in the 1995-1996~~
5 ~~school year.~~

6 ~~Section 5. Payment schedule.~~

7 ~~For the 1994-1995 school year, and each school year~~
8 ~~thereafter, the amount apportioned and allotted to each school~~
9 ~~district shall be divided into six payments and the Secretary of~~
10 ~~Education shall draw his requisition six times upon the State~~
11 ~~Treasurer in favor of each district for the amount to which it~~
12 ~~is entitled. The first five payments shall be estimates based on~~
13 ~~but not to exceed 15% each of the total net amount apportioned~~
14 ~~and allocated to the district for the payment year. The final~~
15 ~~payment shall be the balance of the apportionment due for the~~
16 ~~applicable school year. Payment thereof shall be made to all~~
17 ~~eligible districts on the last Thursday of August, October,~~
18 ~~December, February and April and the first day of June.~~

19 (7) APPLICANTS SHALL DESCRIBE THE EDUCATIONAL PROGRAM TO <—
20 BE PROVIDED. THE PROGRAM MAY MODIFY THE REQUIREMENTS
21 ESTABLISHED IN SECTIONS 1327, 1501 AND 1504 OF THE ACT OF
22 MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL
23 CODE OF 1949, INsofar AS THEY ARE RELATED TO THE NUMBER OF
24 DAYS OR HOURS OF INSTRUCTION. THE APPLICATION SHALL DESCRIBE
25 HOW THE STUDENT WILL MAKE NORMAL ACADEMIC PROGRESS AND MEET
26 REQUIREMENTS FOR GRADUATION.

27 SECTION 4. ALTERNATIVE SCHOOL GRANTS.

28 THE DEPARTMENT SHALL ESTABLISH A GRANT PROGRAM FOR
29 ALTERNATIVE SCHOOL PROGRAMS WHICH MEET THE REQUIREMENTS OF THIS
30 ACT TO INCLUDE THE FOLLOWING:

