

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 381

Session of  
1983

INTRODUCED BY BURNS, GALLAGHER, COWELL, COLAFELLA, COY,  
KOSINSKI, FATTAH, EVANS, DAVIES, E. Z. TAYLOR AND REINARD,  
MARCH 15, 1983

REFERRED TO COMMITTEE ON EDUCATION, MARCH 15, 1983

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," establishing alternative education  
6 programs for the education of disruptive students.

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

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

12 Section 1338.1. Alternative Education Programs.--(a) As  
13 used in this section:

14 (1) "Alternative education program" shall mean any program  
15 implemented by a school district which removes disruptive,  
16 delinquent or chronically truant students from the traditional  
17 school environment in order to provide those students with a  
18 sound educational program and a school counseling program  
19 designed to help modify disruptive or delinquent behavior or

1 chronic truancy.

2 (2) "School" shall mean any secondary public school in any  
3 school district in the Commonwealth.

4 (b) In order to provide disruptive, delinquent and  
5 chronically truant students with a sound education and  
6 counseling, every school district shall develop and implement an  
7 alternative education program. The alternative education program  
8 shall be designed as a means of dealing with disruptive,  
9 delinquent or chronically truant students. No program of  
10 alternative education shall be eligible for State funds unless  
11 that program meets the minimum requirements as set forth in  
12 subsection (d). The program shall be developed in consultation  
13 with the faculty and administrative staff of the school  
14 district. The board shall establish a policy to determine which  
15 students are eligible for placement in an alternative education  
16 program. No student shall be placed in the program unless he has  
17 been informed of the reasons for the placement and has been  
18 given an opportunity to respond before the placement becomes  
19 effective. However, in the case of an assault by a student, or  
20 other serious offense, the offending student shall be  
21 transferred immediately into the alternate education program,  
22 absent any legal action against the student by the district. The  
23 opportunity to respond to such placement shall be provided to  
24 the student as soon thereafter as is practical.

25 (c) School districts may:

26 (1) Pool monetary and manpower resources among the other  
27 districts or with their respective intermediate unit if it is in  
28 the best interests of the students and the alternative education  
29 program.

30 (2) Work with vocational-technical schools in providing an

1 alternative education program if it is in the best interest of  
2 the student and the program.

3 (d) In order to qualify for State funding, any alternative  
4 education program shall meet the following minimum requirements:

5 (1) The program shall utilize appropriate certificated  
6 school personnel to help modify disruptive or delinquent  
7 behavior or chronic truancy.

8 (2) The program shall provide participating students with  
9 the courses of instruction which recognize their special needs  
10 and to qualify the students for graduation.

11 (3) The program shall only be used when other established  
12 methods of discipline have been utilized and have failed unless  
13 the seriousness of the student's behavior warrants immediate  
14 placement.

15 (e) The department shall adopt such rules and regulations  
16 and require the completion of such forms as are necessary to  
17 administer the program of alternative education.

18 Section 2. Section 2501(10.1) and (10.2) of the act, added  
19 February 1, 1966 (1965 P.L.1642, No.580), are amended to read:

20 Section 2501. Definitions.--For the purposes of this article  
21 the following terms shall have the following meanings:

22 \* \* \*

23 (10.1) "Weighted Pupil" shall mean a value placed upon  
24 district pupils in average daily membership at various levels of  
25 instruction. Such values shall be as follows:

|                 |                        |
|-----------------|------------------------|
| 26 Kindergarten | 0.50, if attending one |
| 27              | session per day;       |
| 28              | 1.00, if attending two |
| 29              | sessions per day.      |
| 30 Elementary   | 1.00                   |

|   |                     |             |
|---|---------------------|-------------|
| 1 | Secondary           | 1.36        |
| 2 | <u>Secondary in</u> |             |
| 3 | <u>alternative</u>  |             |
| 4 | <u>education</u>    |             |
| 5 | <u>program</u>      | <u>1.86</u> |

6 (10.2) "Weighted Average Daily Membership" (WADM). The  
7 average daily membership for all resident pupils in the various  
8 levels of instruction shall be multiplied by the weight for that  
9 level as indicated to obtain the weighted average daily  
10 membership. The sum of the products so obtained shall be the  
11 weighted average daily membership for the district. The weighted  
12 average daily membership used in computing the aid ratio shall  
13 include kindergarten, elementary [and], secondary pupils and  
14 secondary pupils in alternative education programs.

15 \* \* \*

16 Section 3. (a) For those school districts with programs  
17 already planned, and which meet the requirements set forth in  
18 section 1338.1, funding, in accordance with current WADM  
19 reimbursement procedures, shall begin July 1, 1983.

20 (b) School districts which do not currently have an  
21 alternative education program shall develop one by July 1, 1984.

22 (c) In order to fund new programs the Department of  
23 Education shall prepare projections in the category of  
24 alternative education for use in the WADM reimbursement formula.  
25 The Commonwealth shall advance funds to these schools based on  
26 the projections prepared by the Department of Education. These  
27 projections shall be used for the first year only, after which  
28 standard WADM reimbursement procedures, based on the number of  
29 students in the program, shall be used. The Department of  
30 Education shall prepare these projections in time to fund those

1 programs which will start July 1, 1984.

2 Section 4. Nothing contained in this act shall be construed  
3 to supersede or preempt any provisions of a collective  
4 bargaining agreement negotiated by a school entity and an  
5 exclusive representative of the employees in accordance with the  
6 act of July 23, 1970 (P.L.563, No.195), known as the Public  
7 Employe Relations Act.

8 Section 5. This act shall take effect in 60 days.