

## 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, REINARD AND  
LESCOVITZ, MARCH 14, 1983

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, FEBRUARY 6, 1984

## 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~~ AN ARTICLE 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~~

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

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

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

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

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

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

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

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

~~\* \* \*~~

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

~~Kindergarten 0.50, if attending one~~

~~\_\_\_\_\_ session per day;~~

~~\_\_\_\_\_ 1.00, if attending two~~

~~\_\_\_\_\_ sessions per day.~~

~~Elementary 1.00~~

Secondary-----1.36

Secondary in

alternative

education

program 1.86

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

~~\* \* \*~~

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

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

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

~~programs which will start July 1, 1984.~~

ARTICLE XIX-A

ALTERNATIVE EDUCATION PROGRAMS

SECTION 1901-A. DEFINITIONS.--FOR PURPOSES OF THIS ARTICLE  
THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(1) "DISRUPTIVE STUDENT." A STUDENT WHO EXHIBITS ANY OR ALL  
OF THE CONDITIONS LISTED BELOW TO SUCH AN EXTENT THAT THEY  
EITHER INTERFERE SIGNIFICANTLY WITH THE LEARNING OF THE STUDENT  
OR DISRUPT THE LEARNING OF OTHER STUDENTS IN THE CLASS OR  
SCHOOL:

(I) CHRONIC TRUANCY.

(II) REBELLIOUSNESS TOWARD SCHOOL OFFICIALS.

(III) PHYSICAL DISRUPTIVENESS WHILE IN SCHOOL OR ON SCHOOL  
GROUPS.

(IV) PERSISTENT VIOLATION OF LEGALLY ADOPTED SCHOOL RULES  
AND REGULATIONS.

(V) DISPLAY OF MISUSE OF DRUGS OR ALCOHOL DURING SCHOOL  
HOURS.

(2) "ALTERNATIVE EDUCATION PROGRAM." ANY PROGRAM REQUESTING  
FUNDS UNDER THE PROVISIONS OF THIS ACT, WHICH PROGRAM IS  
IMPLEMENTED BY A SCHOOL DISTRICT, AREA VOCATIONAL-TECHNICAL  
SCHOOL, GROUP OF SCHOOL DISTRICTS OR INTERMEDIATE UNIT, WHICH  
REMOVES DISRUPTIVE STUDENTS FROM REGULAR SCHOOL PROGRAMS IN  
ORDER TO PROVIDE THOSE STUDENTS WITH A SOUND EDUCATIONAL PROGRAM  
AND A SCHOOL COUNSELING PROGRAM DESIGNED TO MODIFY DISRUPTIVE  
BEHAVIOR AND RETURN THE STUDENTS TO A REGULAR SCHOOL PROGRAM.

(3) "SCHOOL." ANY SCHOOL CLASSIFIED BY THE DEPARTMENT OF  
EDUCATION AS A MIDDLE SCHOOL, JUNIOR HIGH SCHOOL, SENIOR HIGH  
SCHOOL OR AREA VOCATIONAL-TECHNICAL SCHOOL.

(4) "CURRICULUM." THOSE PLANNED COURSES AND INSTRUCTIONAL

1 AND COUNSELING METHODS APPROVED BY THE SECRETARY WHICH ARE  
2 DESIGNED TO ELIMINATE DISRUPTIVE BEHAVIOR.

3 (5) "APPLICANT." A SCHOOL DISTRICT OR INTERMEDIATE UNIT OR  
4 A COMBINATION OF SCHOOL DISTRICTS, AREA VOCATIONAL-TECHNICAL  
5 SCHOOLS AND INTERMEDIATE UNITS WHICH APPLY FOR GRANTS UNDER THIS  
6 ARTICLE.

7 (6) "COMMUNITY RESOURCES." THOSE AGENCIES AND SERVICES FOR  
8 CHILDREN AND YOUTH PROVIDED BY THE JUVENILE COURT AND THE  
9 DEPARTMENTS OF HEALTH AND PUBLIC WELFARE.

10 (7) "SECRETARY." THE SECRETARY OF EDUCATION.

11 SECTION 1902-A. PROGRAMS.--SCHOOL DISTRICTS MAY DEVELOP AND  
12 IMPLEMENT AN ALTERNATIVE EDUCATION PROGRAM IN ACCORDANCE WITH  
13 THIS ARTICLE. SCHOOL DISTRICTS MAY POOL MONETARY AND PERSONNEL  
14 RESOURCES WITH OTHER SCHOOL DISTRICTS, INTERMEDIATE UNITS AND  
15 AREA VOCATIONAL-TECHNICAL SCHOOLS TO PROVIDE ALTERNATE EDUCATION  
16 PROGRAMS.

17 SECTION 1903-A. ELIGIBILITY.--DISRUPTIVE STUDENTS WHO ARE  
18 NOT ELIGIBLE FOR PLACEMENT IN CLASSES FOR EXCEPTIONAL CHILDREN,  
19 AS DEFINED IN SECTION 1371 OF THIS ACT, ARE ELIGIBLE FOR  
20 PLACEMENT IN AN ALTERNATIVE EDUCATION PROGRAM.

21 SECTION 1904-A. LOCAL PLANNING REQUIREMENTS.--APPLICANTS  
22 SEEKING FUNDS UNDER THIS ARTICLE SHALL INCLUDE THE FOLLOWING  
23 INFORMATION IN THE APPLICATION FOR A GRANT:

24 (1) A NEEDS ASSESSMENT TO DETERMINE THE SCOPE, TYPE AND  
25 SEVERITY OF STUDENT DISRUPTION.

26 (2) A RESOURCE ASSESSMENT TO INDICATE COMMUNITY AND SCHOOL  
27 RESOURCES AVAILABLE TO THE APPLICANT FOR THE REMEDIATION OF  
28 STUDENT DISRUPTION.

29 (3) A CURRICULUM USING SCHOOL AND COMMUNITY RESOURCES  
30 DESIGNED TO REMEDIATE STUDENT NEEDS DETERMINED THROUGH THE NEEDS

1 ASSESSMENT.

2 SECTION 1905-A. APPLICATIONS.--APPLICANTS SHALL SUBMIT  
3 APPLICATIONS AT THE TIME, IN THE MANNER, AND CONTAINING OR  
4 ACCOMPANIED BY SUCH INFORMATION AS THE SECRETARY MAY PRESCRIBE  
5 BUT, IN ANY CASE, SHALL DOCUMENT THE FOLLOWING:

6 (1) THE PROGRAM IS DEVELOPED IN CONSULTATION WITH THE  
7 FACULTY AND ADMINISTRATIVE STAFF OF THE SCHOOL.

8 (2) THE SCHOOL BOARD HAS ESTABLISHED POLICIES TO DETERMINE  
9 THOSE STUDENTS WHO ARE ELIGIBLE FOR PLACEMENT IN THE ALTERNATIVE  
10 EDUCATION PROGRAM, WHICH POLICIES SHALL INCLUDE A PROCEDURE FOR  
11 INFORMING THE STUDENT OF THE REASONS FOR THE PLACEMENT AND AN  
12 OPPORTUNITY FOR THE STUDENT TO RESPOND BEFORE THE PLACEMENT  
13 BECOMES EFFECTIVE. HOWEVER, IN THE CASE OF AN ASSAULT BY A  
14 STUDENT, OR OTHER SERIOUS OFFENSE, THE OFFENDING STUDENT SHALL  
15 BE TRANSFERRED IMMEDIATELY INTO THE ALTERNATE EDUCATION PROGRAM,  
16 ABSENT ANY LEGAL ACTION AGAINST THE STUDENT BY THE DISTRICT. THE  
17 OPPORTUNITY TO RESPOND TO SUCH PLACEMENT SHALL BE PROVIDED TO  
18 THE STUDENT AS SOON THEREAFTER AS IS PRACTICAL.

19 (3) THE PROGRAM UTILIZES APPROPRIATE CERTIFICATED SCHOOL  
20 PERSONNEL TO HELP MODIFY DISRUPTIVE BEHAVIOR.

21 (4) THE PROGRAM PROVIDES PARTICIPATING STUDENTS WITH THE  
22 COURSES OF INSTRUCTION WHICH RECOGNIZE THEIR SPECIAL NEEDS AND  
23 QUALIFY THE STUDENTS FOR GRADUATION.

24 (5) THE PROGRAM IS ONLY USED WHEN OTHER ESTABLISHED METHODS  
25 OF DISCIPLINE HAVE BEEN UTILIZED AND HAVE FAILED UNLESS THE  
26 SERIOUSNESS OF THE STUDENT'S BEHAVIOR WARRANTS IMMEDIATE  
27 PLACEMENT.

28 SECTION 1906-A. STATE ASSISTANCE.--(A) SCHOOL DISTRICTS  
29 SHALL BE REIMBURSED BY THE COMMONWEALTH ONE HUNDRED AND TWENTY-  
30 FIVE DOLLARS (\$125) PER PUPIL FOR EACH NINE (9) WEEKS A STUDENT

1 IS ENROLLED IN THE ALTERNATIVE EDUCATION PROGRAM UP TO A MAXIMUM  
2 OF FIVE HUNDRED DOLLARS (\$500) PER YEAR. THE COMMONWEALTH SHALL  
3 NOT PROVIDE FUNDING FOR MORE THAN TWO PER CENTUM (2%) OF THE  
4 AVERAGE DAILY MEMBERSHIP OF STUDENTS ENROLLED IN GRADES 7  
5 THROUGH 12.

6 (B) THE DEPARTMENT OF EDUCATION SHALL REIMBURSE PROGRAMS  
7 OPERATING DURING THE 1984-1985 SCHOOL YEAR UNDER THE PROVISIONS  
8 OF SUBSECTION (A) OF THIS SECTION. PROGRAMS REQUESTING FUNDING  
9 SHALL COMPLY WITH THE PROVISIONS OF SECTIONS 1902-A, 1903-A,  
10 1904-A AND 1905-A.

11 SECTION 2. THIS ACT SHALL APPLY TO EXISTING PROGRAMS  
12 REQUESTING FUNDING FOR THE 1984-1985 SCHOOL YEAR.

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

19 Section 5 4. This act shall take effect ~~in 60 days~~ JULY 1, <—  
20 1984.