

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 118 Session of  
1989

INTRODUCED BY BURNS, COWELL, WASS, LANGTRY, BLACK, HERMAN,  
SCHULER AND DAVIES, JANUARY 25, 1989

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 25, 1989

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," providing for a disruptive student  
6 education program.

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 an  
11 article to read:

12 ARTICLE XIII-A.

13 PROGRAMS TO ELIMINATE STUDENT DISRUPTION.

14 Section 1301-A. Definitions.--For purposes of this article  
15 the following terms shall have the following meanings:

16 (1) "Applicant" shall mean a school district or intermediate  
17 unit or a combination of school districts, area vocational-  
18 technical schools and intermediate units which apply for grants  
19 under this article.

1     (2) "Community resources" shall mean those agencies and  
2     services for children and youth provided by the juvenile court  
3     and the Department of Health and the Department of Public  
4     Welfare.

5     (3) "Curriculum" shall mean those planned courses and  
6     instructional and counseling methods approved by the secretary  
7     which are designed to eliminate disruptive behavior.

8     (4) "Eligible student" shall mean a student who exhibits any  
9     or all of the conditions listed below to such an extent that  
10    they either interfere significantly with the learning of the  
11    student or disrupt the learning of other students in the class  
12    or school:

13       (i) Chronic truancy.

14       (ii) Rebelliousness toward school officials.

15       (iii) Physical disruptiveness while in school or on school  
16       grounds.

17       (iv) Persistent violation of school rules and regulations.

18       (v) Display or misuse of drugs or alcohol during school  
19       hours.

20     (5) "Program to eliminate disruption" shall mean any program  
21     requesting funds under the provisions of this article, which  
22     program is implemented by a school district, or intermediate  
23     unit, or a combination of school districts, area vocational-  
24     technical schools and intermediate units, which provides  
25     students with a sound educational program and/or a school  
26     counseling program designed to modify disruptive behavior and  
27     maintain the students in or return the students to a regular  
28     school program.

29     (6) "School" shall mean any school classified by the  
30     Department of Education as a middle school, junior high school,

1 senior high school or area vocational-technical school.

2 (7) "Secretary" shall mean the Secretary of Education.

3 Section 1302-A. Programs.--School districts may develop and  
4 implement a program to eliminate disruption in accordance with  
5 this article. School districts may pool monetary and personnel  
6 resources with other school districts, intermediate units and  
7 area vocational-technical schools to provide these programs.

8 Section 1303-A. Eligibility.--Students who are not eligible  
9 for placement in classes for exceptional children, as defined in  
10 section 1371 of this act, are eligible for programs designed to  
11 eliminate disruption.

12 Section 1304-A. Local Planning Requirements.--Applicants  
13 seeking funds under this article shall include the following  
14 information in the application for a grant:

15 (1) A needs assessment to determine the scope, type and  
16 severity of student disruption.

17 (2) Assessment of existing strategies and services designed  
18 to eliminate, prevent or remediate disruptive behavior.

19 (3) A resource assessment to indicate community and school  
20 resources available to the applicant for the remediation of  
21 student disruption.

22 (4) A curriculum using school and community resources  
23 designed to meet student needs determined through the needs  
24 assessment.

25 Section 1305-A. Applications.--Applicants shall submit  
26 applications at the time, in the manner, and containing or  
27 accompanied by such information as the secretary may prescribe  
28 but, in any case, shall document the following:

29 (1) The program is developed in consultation with the  
30 faculty and administrative staff of the school.

1     (2) The school board has established policies to determine  
2 those students who are eligible for programs to eliminate  
3 disruption, which policies shall include a procedure for  
4 informing the student and the parents or guardians of the  
5 student of the reasons for the program to be offered and an  
6 opportunity for the student and the parents or guardians of the  
7 student to respond before the program becomes effective.  
8 However, in the case of an assault by a student, or other  
9 serious offense, the offending student shall be transferred  
10 immediately into the disruptive student education program,  
11 absent any legal action against the student by the district. The  
12 opportunity to respond to such placement shall be provided to  
13 the student as soon thereafter as is practical.

14     (3) The program utilizes appropriate certificated school  
15 personnel to teach and to help modify disruptive behavior.

16     (4) The program provides participating students with the  
17 courses of instruction which recognize their special needs and  
18 qualify the students for graduation.

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

23     (6) The program shall provide for timely evaluation of  
24 program effectiveness for each student.

25     Section 1306-A. State Assistance.--(a) School districts  
26 shall be reimbursed by the Commonwealth one hundred and twenty-  
27 five dollars (\$125) per pupil for each nine (9) weeks a student  
28 is enrolled in the program to eliminate disruption, up to a  
29 maximum of five hundred dollars (\$500) per year. The  
30 Commonwealth shall not provide funding for more than two

1 percentum (2%) of the average daily membership of students  
2 enrolled in grades seven through twelve of the school district.

3 (b) The Department of Education shall reimburse programs  
4 operating during the school year 1988-1989 under the provisions  
5 of subsection (a) of this section. Programs requesting funding  
6 shall comply with the provisions of sections 1302-A, 1303-A,  
7 1304-A and 1305-A.

8 Section 2. This act shall take effect July 1, 1989.