

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1403 Session of
2000

INTRODUCED BY RHOADES, JUBELIRER, MELLOW, ROBBINS, O'PAKE,
GERLACH, SLOCUM, LAVALLE, COSTA, TOMLINSON, BELL, WHITE,
SALVATORE, TARTAGLIONE, GREENLEAF, STOUT, MURPHY, KASUNIC,
KITCHEN, MUSTO, FUMO, WOZNIAK, HUGHES, HELFRICK, BRIGHTBILL,
DENT, HART, HOLL, THOMPSON AND LEMMOND, MARCH 28, 2000

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 21, 2000

AN ACT

1 ~~Providing for interscholastic athletic accountability;~~ <—
2 ~~establishing the Pennsylvania Athletic Oversight Council;~~
3 ~~providing for powers and duties of the State Board of~~
4 ~~Education; establishing eligibility appeal boards; and making~~
5 ~~a repeal.~~
6 ~~PROVIDING FOR INTERSCHOLASTIC ATHLETIC ACCOUNTABILITY; AND~~ <—
7 ~~ESTABLISHING THE PENNSYLVANIA ATHLETIC OVERSIGHT COUNCIL.~~
8 AMENDING THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), ENTITLED "AN <—
9 ACT RELATING TO THE PUBLIC SCHOOL SYSTEM, INCLUDING CERTAIN
10 PROVISIONS APPLICABLE AS WELL TO PRIVATE AND PAROCHIAL
11 SCHOOLS; AMENDING, REVISING, CONSOLIDATING AND CHANGING THE
12 LAWS RELATING THERETO," PROVIDING FOR CPR INSTRUCTION;
13 FURTHER PROVIDING FOR ATTENDANCE IN DISTRICT TO WHICH
14 TERRITORY OF RESIDENCE FORMERLY ATTACHED; PROVIDING FOR SAFE
15 SCHOOLS ADVOCATES AND FOR SAFE SCHOOLS STANDING TO SUE AND
16 ENFORCEMENT; FURTHER PROVIDING FOR AGRICULTURAL EDUCATION;
17 ESTABLISHING THE PENNSYLVANIA ATHLETIC OVERSIGHT COUNCIL;
18 PROVIDING FOR INTERSCHOLASTIC ATHLETICS ACCOUNTABILITY;
19 FURTHER PROVIDING FOR TRANSPORTATION FOR EDUCATION <—
20 EMPOWERMENT DEFINITIONS AND FOR LISTS AND DISTRICTS; AND
21 PROVIDING FOR AN EDUCATION EMPOWERMENT PILOT PROGRAM.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 ~~Section 1. Short title.~~ <—

~~This act shall be known and may be cited as the Pennsylvania Interscholastic Athletics Accountability Act.~~

~~Section 2. Findings and declarations.~~

<—

~~Interscholastic athletics is inextricably connected with the provision of education in this Commonwealth. Therefore, it is in the interest of Pennsylvania's student athletes and their families that any organization governing interscholastic athletics for school entities in this Commonwealth be accountable to the Commonwealth. Notwithstanding any other provisions of law, regulation or contract to the contrary, responsibility for overseeing interscholastic athletics shall rest with the:~~

~~(1) Pennsylvania Athletic Oversight Council. The council shall have authority to annually determine whether the Pennsylvania Interscholastic Athletic Association has complied with the provisions of this act and to award a license to a qualified nonprofit entity for the administration of certain aspects of interscholastic athletics if the Pennsylvania Interscholastic Athletic Association has failed to comply with the provisions of this act.~~

~~(2) The Pennsylvania Interscholastic Athletic Association. The association shall be designated as the governing organization of interscholastic athletics for school entities in this Commonwealth, provided that it has complied with the provisions of this act.~~

~~(3) The State Board of Education. The State board shall have authority to promulgate regulations governing the eligibility of student athletes to participate in interscholastic athletics.~~

~~(4) The Pennsylvania Athletic Eligibility Appeal Board.~~
~~The appeal board shall have authority to hear all appeals~~
~~from regional appeal boards regarding the eligibility of~~
~~student athletes to participate in interscholastic athletics~~
~~and to establish rules of procedure for the hearing of those~~
~~appeals.~~

~~(5) Regional athletic eligibility boards. The regional~~
~~boards shall have the authority to hear all appeals in their~~
~~specified region regarding the eligibility of student~~
~~athletes to participate in interscholastic athletics.~~

~~Section 3 2. Definitions.~~

~~The following words and phrases when used in this act shall~~
~~have the meanings given to them in this section unless the~~
~~context clearly indicates otherwise:~~

~~"Appeal board." The Pennsylvania Athletic Eligibility Appeal~~
~~Board as established in section 5.1.~~

~~"Association." The Pennsylvania Interscholastic Athletic~~
~~Association.~~

~~"Committee." The Legislative Budget and Finance Committee.~~

~~"Council." The Pennsylvania Athletic Oversight Council as~~
~~established in section 4 3.~~

~~"Interscholastic athletics." All athletic contests or~~
~~competitions conducted between or among school entities situated~~
~~in counties of the second class, second class A, third class,~~
~~fourth class, fifth class, sixth class, seventh class and eighth~~
~~class.~~

~~"Licensee." A nonprofit organization licensed by the~~
~~Pennsylvania Athletic Oversight Council pursuant to section 7 or~~
~~an applicant for licensure under section 7.~~

~~"Regional board." One of seven regional athletic eligibility~~

1 ~~appeal boards as established in section 6.~~

2 ~~"NONPUBLIC SCHOOL." A SCHOOL, OTHER THAN A PUBLIC SCHOOL~~ <—
3 ~~WITHIN THIS COMMONWEALTH, WHEREIN A RESIDENT OF THIS~~
4 ~~COMMONWEALTH MAY LEGALLY FULFILL THE COMPULSORY SCHOOL~~
5 ~~ATTENDANCE REQUIREMENTS OF THE ACT OF MARCH 10, 1949 (P.L.30,~~
6 ~~NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, AND TITLE VI OF~~
7 ~~THE CIVIL RIGHTS ACT OF 1964 (PUBLIC LAW 88-352, 78 STAT. 241).~~

8 ~~"School entity." Any public school, school district,~~
9 ~~nonpublic school or private school in this Commonwealth other~~
10 ~~than a private or nonpublic school which elects not to become a~~
11 ~~member of the association or a licensee organization.~~ <—

12 ~~"State board." The State Board of Education.~~ <—

13 ~~Section 4-3. The Pennsylvania Athletic Oversight Council.~~ <—

14 ~~(a) Establishment. The Pennsylvania Athletic Oversight~~
15 ~~Council is hereby established.~~

16 ~~(b) Composition. The council shall have 21-17 voting~~ <—
17 ~~members, appointed as follows:~~

18 ~~(1) Four members appointed by TWO MEMBERS OF the Senate,~~ <—
19 ~~of which two ONE shall be appointed by the President pro~~ <—
20 ~~tempore of the Senate and two ONE shall be appointed by the~~ <—
21 ~~Minority Leader of the Senate. Appointees shall have some~~ <—
22 ~~experience in THE SENATE. TO THE GREATEST EXTENT POSSIBLE,~~ <—
23 ~~APPOINTEES SHOULD HAVE SOME EXPERIENCE IN interscholastic~~
24 ~~athletics or shall be parents of students involved in~~
25 ~~interscholastic athletics.~~

26 ~~(2) Four members appointed by TWO MEMBERS OF the House~~ <—
27 ~~of Representatives, of which two ONE shall be appointed by~~ <—
28 ~~the Speaker of the House of Representatives and two ONE shall~~ <—
29 ~~be appointed by the Minority Leader of the House of~~
30 ~~Representatives. Appointees shall have some experience in~~ <—

1 ~~REPRESENTATIVES. TO THE GREATEST EXTENT POSSIBLE, APPOINTEES~~ <—
2 ~~SHOULD HAVE SOME EXPERIENCE IN interscholastic athletics or~~
3 ~~shall be parents of students involved in interscholastic~~
4 ~~athletics.~~

5 ~~(3) The Secretary of Education or his designee.~~

6 ~~(4) The chairman of the State board or his designee.~~ <—

7 ~~(5) The chairman of the State Athletic Commission or his~~
8 ~~designee.~~

9 ~~(6) The following ten members shall be nominated by the~~
10 ~~Governor and confirmed by a majority of the Senate. They~~
11 ~~shall include:~~

12 ~~(i) One member representing athletic directors.~~

13 ~~(ii) One member representing officials.~~

14 ~~(iii) One member representing coaches.~~

15 ~~(iv) One member representing school superintendents.~~

16 ~~(v) Two members representing parents.~~

17 ~~(vi) One member representing private schools.~~

18 ~~(vii) Two members representing school building~~
19 ~~principals.~~

20 ~~(viii) One member representing school boards of~~
21 ~~directors.~~

22 ~~(c) Terms.—~~

23 ~~(1) Initial terms of the members nominated by the~~
24 ~~Governor shall be designated by the Governor at the time of~~
25 ~~nomination as follows:~~

26 ~~(i) Three members for terms of two years each.~~

27 ~~(ii) Three members for terms of three years each.~~

28 ~~(iii) One member for a term of four years.~~

29 ~~(2) Thereafter, terms of members nominated by the~~
30 ~~Governor and members appointed by the General Assembly shall~~

1 ~~be staggered for a period of four years. No member nominated~~
2 ~~by the Governor shall serve more than two terms.~~

3 ~~(4) TWELVE MEMBERS SHALL BE APPOINTED AS FOLLOWS:~~ <—

4 ~~(I) THE FOLLOWING ORGANIZATIONS SHALL EACH SUBMIT~~
5 ~~THREE NOMINATIONS TO THE GOVERNOR, WHO SHALL THEN SELECT~~
6 ~~TWO OF THE NAMES SUBMITTED FROM EACH OF THE ORGANIZATIONS~~
7 ~~TO SERVE ON THE COUNCIL. TO THE GREATEST EXTENT POSSIBLE,~~
8 ~~THESE APPOINTMENTS SHALL BE REPRESENTATIVE OF ALL OF THE~~
9 ~~PENNSYLVANIA INTERSCHOLASTIC ATHLETIC ASSOCIATION'S~~
10 ~~ATHLETIC DISTRICTS:~~

11 ~~(A) THE PENNSYLVANIA ASSOCIATION OF SECONDARY~~
12 ~~SCHOOL PRINCIPALS.~~

13 ~~(B) THE PENNSYLVANIA ASSOCIATION OF SCHOOL~~
14 ~~ADMINISTRATORS.~~

15 ~~(C) THE PENNSYLVANIA SCHOOL BOARDS ASSOCIATION.~~

16 ~~(D) THE PENNSYLVANIA STATE ATHLETIC DIRECTORS~~
17 ~~ASSOCIATION.~~

18 ~~(II) THE FOLLOWING ORGANIZATIONS SHALL EACH SUBMIT~~
19 ~~TWO NOMINATIONS TO THE GOVERNOR, WHO SHALL THEN SELECT~~
20 ~~ONE OF THE NAMES SUBMITTED FROM EACH OF THE ORGANIZATIONS~~
21 ~~TO SERVE ON THE COUNCIL. TO THE GREATEST EXTENT POSSIBLE,~~
22 ~~THESE APPOINTMENTS SHALL BE REPRESENTATIVE OF ALL OF THE~~
23 ~~PENNSYLVANIA INTERSCHOLASTIC ATHLETIC ASSOCIATION'S~~
24 ~~ATHLETIC DISTRICTS:~~

25 ~~(A) THE PENNSYLVANIA CONGRESS OF PARENTS AND~~
26 ~~TEACHERS.~~

27 ~~(B) THE PENNSYLVANIA COACHES ASSOCIATION.~~

28 ~~(C) THE OFFICIALS COUNCIL.~~

29 ~~(III) ONE MEMBER, AS SELECTED BY THE GOVERNOR,~~
30 ~~REPRESENTING THOSE NONPUBLIC SCHOOLS THAT ARE MEMBERS OF~~

1 ~~THE ASSOCIATION.~~

2 ~~(C) TERMS.~~

3 ~~(1) MEMBERS APPOINTED BY THE GOVERNOR SHALL SERVE FOR~~
4 ~~THE DURATION OF THE EXISTENCE OF THE COUNCIL.~~

5 ~~(2) LEGISLATIVE MEMBERS APPOINTED BY THE SENATE AND THE~~
6 ~~HOUSE OF REPRESENTATIVES SHALL SERVE AT THE PLEASURE OF THE~~
7 ~~APPOINTING AUTHORITY.~~

8 ~~(d) Vacancy. Vacancies occurring on the council by~~
9 ~~expiration of term, death, resignation, removal or any other~~ <—
10 ~~reason shall be filled within 30 days of the creation of the~~
11 ~~vacancy in the manner in which that position was originally~~
12 ~~filled. An individual appointed to fill a vacancy other than by~~ <—
13 ~~the expiration of a term of office shall be appointed for the~~
14 ~~unexpired term of the member he succeeds and is eligible for~~ <—
15 ~~appointment to full, four year terms thereafter.~~

16 ~~(e) Compensation; expenses. The members of the council~~
17 ~~shall receive no actual compensation for their services.~~
18 ~~However, all expenses reasonably necessary for the members of~~
19 ~~the council to perform their duties shall be paid by the State~~ <—
20 ~~Athletic Commission DEPARTMENT OF EDUCATION.~~ <—

21 ~~(f) Duties. The duties and responsibilities of the council~~
22 ~~shall be as follows:~~

23 ~~(1) To meet no less than four times a year, at the call~~
24 ~~of the chair. ALL SUCH MEETINGS SHALL BE CONDUCTED IN~~ <—
25 ~~ACCORDANCE WITH THE REQUIREMENTS OF 65 PA.C.S. CH. 7~~
26 ~~(RELATING TO OPEN MEETINGS).~~

27 ~~(2) To make recommendations concerning Statewide changes~~ <—
28 ~~to the administration of interscholastic athletics to the~~ <—
29 ~~General Assembly.~~

30 ~~(3) To review and comment on any and all regulations~~

1 ~~that may be promulgated by the State board concerning~~
2 ~~eligibility for interscholastic athletics.~~

3 ~~(4) To appoint members of the appeal board as defined in~~
4 ~~section 5.1 and advise the appeal board on the adoption of~~
5 ~~rules governing its proceedings.~~

6 ~~(5) To divide this Commonwealth into seven~~
7 ~~administrative regions for the purpose of establishing~~
8 ~~regional boards as defined in section 6.~~

9 ~~(6) To appoint members of the regional boards as defined~~
10 ~~in section 6.~~

11 ~~(7) To, no sooner than 30 days after its receipt,~~
12 ~~annually review the report completed by the committee~~
13 ~~pursuant to section 5(c) for the purpose of determining~~
14 ~~whether the association has complied with section 5(b).~~
15 ~~Should the council determine that the association has~~
16 ~~complied with section 5(b), it shall vote to continue the~~
17 ~~association's designation as the governing organization of~~
18 ~~interscholastic athletics for school entities in this~~
19 ~~Commonwealth. Should the council determine that the~~
20 ~~association has failed to comply with section 5(b), it shall~~
21 ~~vote to rescind the association's designation as the~~
22 ~~governing organization of interscholastic athletics for~~
23 ~~school entities in this Commonwealth.~~

24 ~~(8) Subject to the determination that the association~~
25 ~~has failed to comply with section 5(b), the council shall~~
26 ~~immediately initiate the licensure procedures pursuant to~~
27 ~~section 7. In such event, the council shall:~~

28 ~~(i) determine the extent of the administrative~~
29 ~~authority of the single organization to be licensed under~~
30 ~~section 7;~~

~~(ii) set the qualifications of the single organization to be licensed under section 7;~~

~~(iii) issue a single license to a qualified nonprofit organization for the administration of interscholastic athletics as defined by section 7;~~

~~(iv) conduct periodic reviews of the single organization licensed under section 7; and~~

~~(v) review and approve all contracts dealing with the terms and conditions of employment of employees of the single organization licensed under section 7. THE~~

~~ASSOCIATION. THE COUNCIL SHALL MAKE RECOMMENDATIONS ON ISSUES INCLUDING, BUT NOT LIMITED TO:~~

~~(I) APPEALS.~~

~~(II) ATHLETIC ELIGIBILITY.~~

~~(III) TRANSFERS OF STUDENTS.~~

~~(3) TO REVIEW AND MONITOR THE EFFORTS OF THE ASSOCIATION TO MEET THE CRITERIA LISTED IN SECTION 4(A) AND (B).~~

~~(4) TO HOLD PUBLIC HEARINGS, SUBJECT TO THE REQUIREMENTS OF 65 PA.C.S. CH. 7, ON ANY ISSUE CONCERNING INTERSCHOLASTIC ATHLETICS. THESE ISSUES SHALL INCLUDE, BUT NOT BE LIMITED TO:~~

~~(I) APPEALS.~~

~~(II) ATHLETIC ELIGIBILITY.~~

~~(III) TRANSFERS OF STUDENTS.~~

~~(VI) HAVE (5) TO HAVE access to all books, papers, documents and records of the licensee ASSOCIATION in order to complete the annual report required under paragraph (9) and for the purposes of conducting and completing periodic reviews of the licensee as required under section 7(c).~~

~~(vii) Review the performance of any and all employees of the licensee in order to complete the annual~~

1 ~~report required under paragraph (9) and for purposes of~~
2 ~~conducting and completing periodic reviews of the~~
3 ~~licensee as required under section 7(c).~~

4 ~~(9) To issue an annual report to the Governor, the~~
5 ~~Secretary of Education, the chairman of the State board, the~~
6 ~~chairman of the appeal board, PARAGRAPH (6).~~ <—

7 ~~(6) TO ISSUE AN ANNUAL REPORT TO the chairman and~~
8 ~~minority chairman of the Education Committee of the Senate,~~
9 ~~the chairman and minority chairman of the Education Committee~~
10 ~~of the House of Representatives and either the president of~~ <—
11 ~~the association or the president of the single organization~~ <—
12 ~~licensed under the provisions of section 7 summarizing:~~

13 ~~(i) the council's meetings (I) THE COUNCIL'S~~ <—
14 ~~MEETINGS, PUBLIC HEARINGS and other action taken by the~~
15 ~~council.~~

16 ~~(ii) the report forwarded to the council pursuant to~~ <—
17 ~~section 5(c) and copies of the meeting minutes and~~
18 ~~council vote taken pursuant to section 4(f)(7);~~

19 ~~(iii) the performance of the organization licensed~~
20 ~~under the provisions of section 7 if the association's~~
21 ~~designation as the governing organization of~~
22 ~~interscholastic athletics for school entities in this~~
23 ~~Commonwealth has been rescinded under section 4(f)(7);~~
24 ~~and~~

25 ~~(iv) the decisions rendered by the appeal board~~
26 ~~under section 5.1 and the regional boards under section~~
27 ~~6.~~

28 ~~(II) THE RECOMMENDATIONS OF THE COUNCIL MADE DURING~~ <—
29 ~~THE YEAR AND THE ASSOCIATION'S RESPONSE TO EACH~~
30 ~~RECOMMENDATION.~~

~~(III) THE EFFORTS OF THE ASSOCIATION TO MEET THE
CRITERIA LISTED IN SECTION 4(A) AND (B).~~

~~(7) TO ISSUE A FINAL REPORT THREE YEARS AFTER THE
GOVERNOR HAS MADE THE FINAL APPOINTMENTS TO THE COUNCIL TO
THE CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE
OF THE SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
PRESIDENT OF THE ASSOCIATION SUMMARIZING ALL OF THE COUNCIL'S
ACTIONS AND RECOMMENDATIONS OVER THE PREVIOUS THREE YEARS AND
THE ASSOCIATION'S RESPONSE TO EACH.~~

~~(10) (8) To elect a chairman and a vice chairman.~~ <—

~~(g) Staff. The State Athletic Commission shall provide~~ <—

~~(9) TO, AT THE COUNCIL'S DISCRETION, REQUEST THE
COMMITTEE TO PERFORM AN AUDIT ON ANY PHASE OF THE
ASSOCIATION'S COMPLIANCE WITH THE CRITERIA LISTED IN SECTION
4(A) OR (B), AS NECESSARY FOR THE PURPOSES OF COMPLETING ITS
ANNUAL OR FINAL REPORT.~~ <—

~~(G) EXPIRATION OF COUNCIL.~~

~~(1) IF, BY A MAJORITY VOTE, THE COUNCIL FINDS THAT THE
ASSOCIATION HAS MET THE CRITERIA LISTED IN SECTION 4(A) AND
(B) TO ITS SATISFACTION, THE ASSOCIATION SHALL CONTINUE TO
OVERSEE THE OPERATION OF INTERSCHOLASTIC ATHLETICS IN THIS
COMMONWEALTH AND THE COUNCIL SHALL EXPIRE. THE COUNCIL SHALL
PUBLISH A NOTICE OF ITS EXPIRATION IN THE PENNSYLVANIA
BULLETIN.~~

~~(2) IF, BY A MAJORITY VOTE, THE COUNCIL FINDS THAT THE
ASSOCIATION HAS FAILED TO MEET THE CRITERIA LISTED IN SECTION
4(A) AND (B) TO ITS SATISFACTION, THE COUNCIL SHALL, WITHIN
ONE YEAR OF ITS FINDING, SUBMIT A PROPOSAL FOR THE SELECTION
OF A NEW ENTITY TO OVERSEE THE OPERATION OF INTERSCHOLASTIC~~

1 ~~ATHLETICS IN THIS COMMONWEALTH TO THE CHAIRMAN AND MINORITY~~
2 ~~CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE AND THE~~
3 ~~CHAIRMAN AND THE MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE~~
4 ~~OF THE HOUSE OF REPRESENTATIVES. UPON SUBMISSION OF THE~~
5 ~~PROPOSAL, THE COUNCIL SHALL EXPIRE AND THE COUNCIL SHALL~~
6 ~~PUBLISH A NOTICE OF ITS EXPIRATION IN THE PENNSYLVANIA~~
7 ~~BULLETIN. THE ASSOCIATION SHALL BE ALLOWED TO CONTINUE TO~~
8 ~~OVERSEE THE OPERATION OF INTERSCHOLASTIC ATHLETICS IN THIS~~
9 ~~COMMONWEALTH ONLY UNTIL SUCH TIME AS A NEW ENTITY IS~~
10 ~~AUTHORIZED TO DO SO.~~

11 ~~(H) STAFF. THE PENNSYLVANIA DEPARTMENT OF EDUCATION SHALL~~
12 ~~PROVIDE support staff as needed to the council.~~

13 ~~Section 5. Governing organization.~~ <—

14 ~~(a) Provisional designation. The Pennsylvania~~
15 ~~Interscholastic Athletic Association is hereby designated as the~~
16 ~~governing organization of interscholastic athletics for school~~
17 ~~entities in this Commonwealth, provided that the council~~
18 ~~determines, pursuant to section 4(f)(7), that the association~~
19 ~~has complied with the provisions of this section by December 31,~~
20 ~~2000, and each year thereafter.~~

21 ~~(b) Required compliance. To be designated as the governing~~
22 ~~organization of interscholastic athletics for school entities in~~
23 ~~this Commonwealth, the association shall:~~

24 ~~(1) Adopt and adhere to policies governing the conduct~~
25 ~~of open meetings that conform with the requirements of 65~~
26 ~~Pa.C.S. Ch. 7 (relating to open meetings).~~

27 ~~(2) Adopt and adhere to a policy establishing a~~
28 ~~competitive bidding process for the purchase of nonincidental~~
29 ~~merchandise and services that conforms with the requirements~~
30 ~~of the act of March 10, 1949 (P.L.30, No.14), known as the~~

1 ~~Public School Code of 1949.~~

2 ~~(3) Adopt and adhere to a policy establishing a~~
3 ~~competitive process for the selection of sites for~~
4 ~~championship competitions.~~

5 ~~(4) Agree to an annual financial, management and~~
6 ~~employee performance review conducted by the committee. Such~~
7 ~~reviews shall indicate whether the association has:~~

8 ~~(i) conformed with accepted accounting practices;~~

9 ~~(ii) conformed with all Federal and State statutes~~
10 ~~governing the administration of nonprofit organizations;~~

11 ~~(iii) conformed with accepted administrative and~~
12 ~~management practices;~~

13 ~~(iv) contracted with employees who have fulfilled~~
14 ~~the duties for which they were contracted and act in the~~
15 ~~best interests of interscholastic athletics; and~~

16 ~~(v) enforced any and all remedial actions against~~
17 ~~employees found to be in violation of their employment~~
18 ~~contracts.~~

19 ~~(5) Expand the membership of its board of directors to~~
20 ~~include the following who shall be full, voting members:~~

21 ~~(i) One member representing school boards of~~
22 ~~directors who is an elected member of a school board of~~
23 ~~directors at the time of appointment.~~

24 ~~(ii) One member representing athletic directors who~~
25 ~~is employed as an athletic director at the time of~~
26 ~~appointment.~~

27 ~~(iii) One member representing coaches who is~~
28 ~~employed as a coach at the time of appointment.~~

29 ~~(iv) One member representing officials who is an~~
30 ~~active official at the time of appointment.~~

1 ~~(v) One member representing the Department of~~
2 ~~Education.~~

3 ~~(vi) One member representing school administrators~~
4 ~~who is employed as a school administrator at the time of~~
5 ~~appointment.~~

6 ~~(vii) One member representing women's athletics.~~

7 ~~(viii) One member representing private schools.~~

8 ~~(ix) Two members representing parents.~~

9 ~~(6) Not require any member school entity to reimburse~~
10 ~~the association for legal fees and expenses incurred by the~~
11 ~~association or any of its personnel in defending a legal~~
12 ~~action authorized by a member school entity and brought~~
13 ~~against the association or any of its personnel and repeal~~
14 ~~any present rule or policy authorizing such reimbursement~~
15 ~~prior to July 1, 2001.~~

16 ~~(7) Adopt an evaluation system for game officials at~~
17 ~~district, interdistrict and championship competitions and~~
18 ~~utilize that evaluation system in the selection of~~
19 ~~individuals to officiate those contests.~~

20 ~~(8) Adopt and adhere to a policy prohibiting conflicts~~
21 ~~of interest and setting forth rules of ethics to be followed~~
22 ~~by association board members and employees.~~

23 ~~(9) Employ in house counsel.~~

24 ~~(10) Evaluate the performance of the association's~~
25 ~~contracted employees to determine whether association~~
26 ~~employees have complied with the provisions of their~~
27 ~~contracts and to determine whether termination is appropriate~~
28 ~~for any association employees who have violated the~~
29 ~~provisions of their contracts. Such evaluations shall be~~
30 ~~submitted to the committee.~~

~~(c) No later than December 31 of each year, the committee shall evaluate the association's compliance with the provisions of subsection (b) and complete a report of its findings. Such report shall be forwarded to the association and to the council for its consideration pursuant to section 4(f)(7).~~

~~Section 5.1. Pennsylvania Athletic Eligibility Appeal Board.~~

~~(a) Establishment. The Pennsylvania Athletic Eligibility Appeal Board is hereby established.~~

~~(b) Membership. The appeal board shall be composed of seven members, appointed by the council. Members shall include:~~

~~(1) One member representing school boards of directors.~~

~~(2) One member representing private schools.~~

~~(3) One member representing principals.~~

~~(4) One member representing coaches.~~

~~(5) Three members representing parents.~~

~~(c) Duties. The appeal board shall have the following duties:~~

~~(1) To hear all appeals from regional boards related to the compliance of a student athlete with State board regulations governing the eligibility of student athletes to compete in interscholastic athletics and issue written opinions on their findings and conclusions.~~

~~(2) To meet monthly to consider any and all appeals filed with the appeal board within the preceding 30 days.~~

~~(3) To adopt a procedure to immediately consider appeals from regional boards that are referred to the appeal board seeking an emergency hearing.~~

~~(4) In conformity with 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) to adopt, with the advice of the council, rules of procedure~~

governing the conduct of hearings. Such rules shall include,
but are not limited to, the following:

(i) Direct notification of the parents of student athletes involved. Such notification shall include a summary of the rules of procedure, identification of the party bringing the appeal, a summary of the appeal and notice of the student athlete's right to be represented by counsel at the hearing.

(ii) Procedures for the admission and presentation of relevant evidence.

(iii) Procedures for the calling and examination of witnesses.

(iv) Procedures for the recording or transcription of the proceedings.

(v) A rule stating that the party bringing the appeal shall have the burden of proof in any proceeding before the appeal board.

(vi) A rule establishing the standard of proof the party bringing the appeal must meet in any proceeding before the appeal board.

(vii) The association designated as the governing organization of interscholastic athletics for school entities in this Commonwealth or the single organization licensed under section 7 shall have no standing to bring an appeal.

(d) Terms. Members of the appeal board shall serve for terms of four years and shall serve no more than two terms.

(e) Vacancy. Vacancies occurring on the appeal board by expiration of term, death, resignation, removal or any other reason shall be filled within 30 days of the creation of the

~~vacancy. An individual appointed to fill a vacancy other than by the expiration of a term of office shall be appointed for the unexpired term of the member he succeeds and is eligible for appointment to two full, four year terms thereafter.~~

~~(f) Compensation; expenses. The members of the appeal board shall receive no actual compensation for their services; however, all expenses reasonably necessary for the members of the appeal board to perform their duties shall be paid by the State Athletic Commission.~~

~~(g) Administrative agency law. Proceedings under this section are subject to 2 Pa.C.S. Chs. 5 Subch. A and 7 Subch. A (relating to judicial review of Commonwealth agency action).~~

~~(h) Appeals. Appeals taken from decisions rendered by the appeal board shall be limited to questions of jurisdiction, the regularity of the proceedings and whether individual rights ordained or guaranteed by the Federal or State Constitution have been violated.~~

~~(i) Staff. The State Athletic Commission shall provide support staff as needed to the appeal board.~~

~~Section 6. Regional athletic eligibility appeal boards.~~

~~(a) Establishment. Seven regional athletic eligibility appeal boards are hereby established, one situated in each administrative region established by the council.~~

~~(b) Membership. Each regional board shall be composed of five members, appointed by the council. Members shall include:~~

~~(1) One member representing school boards of directors.~~

~~(2) One member representing private schools.~~

~~(3) One member representing principals.~~

~~(4) One member representing coaches.~~

~~(5) One member representing parents.~~

~~(c) Duties. The regional boards shall have the following duties:~~

~~(1) To hear all appeals from school entity decisions related to the compliance of a student athlete with State board regulations governing the eligibility of student athletes to compete in interscholastic athletics and issue written opinions on their findings and conclusions.~~

~~(2) To meet monthly to consider any and all appeals filed with the regional board within the preceding 30 days.~~

~~(3) To adopt a procedure to immediately consider appeals from school entities that are referred to a regional board seeking an emergency hearing.~~

~~(4) To adopt the rules of procedure adopted by the appeal board.~~

~~(5) To adjudicate disputes between school entities related to the compliance of a student athlete with State board regulations governing the eligibility of student athletes to compete in interscholastic athletics and issue written opinions on their findings and conclusions.~~

~~(d) Terms. Members of the regional boards shall serve for terms of four years and may be reappointed by the council.~~

~~(e) Vacancy. Vacancies occurring on the regional appeal boards by expiration of term, death, resignation, removal or any other reason shall be filled within 30 days of the creation of the vacancy. An individual appointed to fill a vacancy other than by the expiration of a term of office shall be appointed for the unexpired term of the member he succeeds and is eligible for appointment to full, four year terms thereafter.~~

~~(f) Compensation; expenses. The members of the regional boards shall receive no actual compensation for their services;~~

1 ~~however, all expenses reasonably necessary for the members of~~
2 ~~the regional boards to perform their duties shall be paid by the~~
3 ~~State Athletic Commission.~~

4 ~~(g) Administrative agency law. Proceedings under this~~
5 ~~section are subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to~~
6 ~~practice and procedure of Commonwealth agencies).~~

7 ~~Section 7. Licensure of qualified organizations.~~

8 ~~(a) Licensure. Upon a determination that the association~~
9 ~~has failed to comply with section 5(b) and subsequent to a vote~~
10 ~~by the council to rescind the association's designation as the~~
11 ~~governing organization for interscholastic athletics for school~~
12 ~~entities in this Commonwealth, the council shall license a~~
13 ~~single qualified nonprofit organization to administer the~~
14 ~~functions of interscholastic athletics in this Commonwealth not~~
15 ~~specifically delegated to the council, the State board, the~~
16 ~~appeal board or the regional boards. Upon the rescission of the~~
17 ~~association's designation as the governing organization for~~
18 ~~interscholastic athletics for school entities in this~~
19 ~~Commonwealth, no school entity engaging in interscholastic~~
20 ~~athletics as defined by this act may enroll as a member of an~~
21 ~~organization for the administration of interscholastic athletics~~
22 ~~that does not hold a license issued by the council.~~

23 ~~(1) The license shall be valid for a period of three~~
24 ~~years from the date of issuance.~~

25 ~~(2) The license shall state the extent of the licensee's~~
26 ~~authorities over the administration of interscholastic~~
27 ~~athletics and shall state that such license may be revoked~~
28 ~~upon a finding that the licensee has violated the licensee's~~
29 ~~authorities.~~

30 ~~(3) The license shall state that it may be revoked for~~

1 ~~cause shown subsequent to a periodic review authorized by~~
2 ~~subsection (c) concluding that the licensee has acted~~
3 ~~contrary to any of the qualifications stated in subsection~~
4 ~~(b).~~

5 ~~(4) The license shall state the council:~~

6 ~~(i) Shall have access to all books, papers,~~
7 ~~documents and records of the licensee in order to effect~~
8 ~~the periodic reviews required in subsection (c).~~

9 ~~(ii) Shall have the authority to review the~~
10 ~~performance of any and all employees of the licensee in~~
11 ~~order to effect the periodic reviews required in~~
12 ~~subsection (c).~~

13 ~~(b) Required qualifications. The council shall determine~~
14 ~~the qualifications required for the issuance or renewal of a~~
15 ~~license. To be qualified for licensure or license renewal, the~~
16 ~~licensee shall:~~

17 ~~SECTION 4. COUNCIL RECOMMENDATIONS AND STANDARDS.~~

<—

18 ~~(A) GENERAL RULE. THE ASSOCIATION SHALL TAKE ALL STEPS~~
19 ~~NECESSARY TO COMPLY WITH THE RECOMMENDATIONS OF THE COUNCIL,~~
20 ~~INCLUDING RECOMMENDATIONS CONCERNING APPEALS, ATHLETIC~~
21 ~~ELIGIBILITY AND TRANSFERS OF STUDENTS.~~

22 ~~(B) STANDARDS. THE ASSOCIATION SHALL TAKE ALL STEPS~~
23 ~~NECESSARY TO COMPLY WITH THE FOLLOWING STANDARDS:~~

24 ~~(1) Adopt and adhere to policies governing the conduct~~
25 ~~of open meetings that conform with the requirements of 65~~
26 ~~Pa.C.S. Ch. 7 (relating to open meetings).~~

27 ~~(2) Adopt and adhere to a policy establishing a~~
28 ~~competitive bidding process for the purchase of nonincidental~~
29 ~~merchandise and services that conforms with the requirements~~
30 ~~of the act of March 10, 1949 (P.L.30, No.14), known as the~~

1 ~~Public School Code of 1949.~~

2 ~~(3) Adopt and adhere to a policy establishing a~~
3 ~~competitive process for the selection of sites for~~
4 ~~championship competitions.~~

5 ~~(4) Agree to an annual financial, management and~~ <—
6 ~~employee performance AND MANAGEMENT review conducted by the~~ <—
7 ~~committee. Such reviews shall indicate whether the licensee~~ <—
8 ~~ASSOCIATION has:~~ <—

9 ~~(i) conformed with accepted accounting practices;~~

10 ~~(ii) conformed with all Federal and State statutes~~
11 ~~governing the administration of nonprofit organizations;~~

12 ~~(iii) conformed with accepted administrative and~~
13 ~~management practices;~~

14 ~~(iv) contracted with employees who have fulfilled~~
15 ~~the duties for which they were contracted and act in the~~
16 ~~best interests of interscholastic athletics.; and~~ <—

17 ~~(v) enforced any and all remedial actions against~~
18 ~~employees found to be in violation of their employment~~
19 ~~contracts.~~

20 ~~THE COMMITTEE SHALL REPORT ITS FINDINGS FROM THIS REVIEW TO~~ <—
21 ~~THE COUNCIL, WHICH SHALL MAKE ANY APPROPRIATE RECOMMENDATIONS~~
22 ~~TO THE ASSOCIATION.~~

23 ~~(5) Ensure that the membership of its board of directors~~
24 ~~includes the following who shall be full, voting members:~~

25 ~~(i) One member representing school boards of~~
26 ~~directors who is an elected member of a school board of~~
27 ~~directors at the time of appointment.~~

28 ~~(ii) One member representing athletic directors who~~
29 ~~is employed as an athletic director at the time of~~
30 ~~appointment.~~

1 ~~(iii) One member representing coaches who is~~
2 ~~employed as a coach at the time of appointment.~~

3 ~~(iv) One member representing officials who is an~~
4 ~~active official at the time of appointment.~~

5 ~~(v) One member representing the Department of~~
6 ~~Education.~~

7 ~~(vi) One member representing school administrators~~
8 ~~who is employed as a school administrator at the time of~~
9 ~~appointment.~~

10 ~~(vii) One member representing women's athletics.~~

11 ~~(viii) One member representing private NONPUBLIC~~ <—
12 ~~schools.~~

13 ~~(ix) Two members representing parents.~~

14 ~~(6) Not require any member school entity to reimburse~~
15 ~~the licensee ASSOCIATION for legal fees and expenses incurred~~ <—
16 ~~by the licensee ASSOCIATION or any of its personnel in~~ <—
17 ~~defending a legal action authorized by a member school entity~~
18 ~~and brought against the licensee or any of its personnel and~~ <—
19 ~~repeal any present rule or policy authorizing such~~
20 ~~reimbursement prior to July 1, 2001. ASSOCIATION OR ANY OF~~ <—
21 ~~ITS PERSONNEL AND TAKE ACTION TO REPEAL ANY PRESENT RULE OR~~
22 ~~POLICY AUTHORIZING SUCH REIMBURSEMENT PRIOR TO THE FINAL~~
23 ~~REPORT OF THE COUNCIL.~~

24 ~~(7) Adopt an evaluation system for game officials at~~
25 ~~district, interdistrict and championship competitions and~~
26 ~~utilize that evaluation system in the selection of~~
27 ~~individuals to officiate those contests.~~

28 ~~(8) Adopt and adhere to a policy prohibiting conflicts~~
29 ~~of interest and setting forth rules of ethics to be followed~~
30 ~~by licensee ASSOCIATION board members and employees.~~ <—

~~(9) Employ in house counsel.~~

~~(10) Evaluate the performance of the licensee's ITS
contracted employees to determine whether licensee employees
THEY have complied with the provisions of their contracts and
to determine whether termination is appropriate for any
licensee ASSOCIATION employees who have violated the
provisions of their contracts. Such evaluations shall be
submitted to the committee.~~

~~(11) Agree to adopt ADOPT no rules restricting media
access to interscholastic athletic competitions or
restricting the substance of any commentary offered by media
reporting of interscholastic athletic competitions.~~

~~(12) Adopt rules intended to discourage its member
school entities from recruiting student athletes, provided
that:~~

~~(i) Such rules and any penalties levied for their
breach shall be directed at the licensee's ASSOCIATION'S
member school entities SCHOOLS and not at individual
student athletes who may have been the subject of
recruiting.~~

~~(ii) Any and all procedures established to gather
evidence related to the enforcement of such rules shall
place the burden of proof of the breach of such rules on
the licensee ASSOCIATION, and shall afford any member
school entity due process rights in defending itself
against the allegations, including a right to a hearing
on the charges before the imposition of penalties.~~

~~(iii) The licensee ASSOCIATION is specifically
prohibited from identifying individual student athletes
as subjects or targets of such procedures.~~

1 ~~(iv) Nothing in this paragraph shall be construed as~~ <—
2 ~~vesting with the licensee the power to determine the~~
3 ~~eligibility of student athletes to participate in~~
4 ~~interscholastic athletics within this Commonwealth.~~

5 ~~(c) Periodic review. The council shall periodically review~~
6 ~~the performance of the licensee and its employees in order to~~
7 ~~ensure that the licensee continues to comply with the terms of~~
8 ~~its license during the course of the license term.~~

9 ~~Section 8. State Board of Education.~~

10 ~~(a) Regulations. The State board shall promulgate~~
11 ~~regulations governing student athletes' participation in~~
12 ~~interscholastic athletics for school entities in this~~
13 ~~Commonwealth. Such regulations shall include, but not be limited~~
14 ~~to:~~

15 ~~(1) School attendance necessary to make a student~~
16 ~~eligible for participation in interscholastic athletics.~~

17 ~~(2) The ages through which a student athlete is eligible~~
18 ~~to participate in interscholastic athletics.~~

19 ~~(3) The number of years a student may participate in~~
20 ~~interscholastic athletics.~~

21 ~~(4) The academic performance necessary to make a student~~
22 ~~eligible to participate in interscholastic athletics.~~

23 ~~(5) The standards of health and physical fitness~~
24 ~~necessary to make a student eligible to participate in~~
25 ~~interscholastic athletics.~~

26 ~~(6) Residency requirements and transfers, provided that:~~

27 ~~(i) To be eligible to participate in interscholastic~~
28 ~~athletics in a public school, a student must enroll in~~
29 ~~the public school district 30 days prior to the~~
30 ~~commencement of the athletic season in which he or she~~

1 ~~will participate.~~

2 ~~(ii) To be eligible to participate in~~
3 ~~interscholastic athletics in a nonpublic or private~~
4 ~~school, a student must enroll in the nonpublic or private~~
5 ~~school 30 days prior to the commencement of the athletic~~
6 ~~season in which he or she will participate.~~

7 ~~(iii) A student who is not enrolled in a public~~
8 ~~school as required by subparagraph (i) or who is not~~
9 ~~enrolled in a nonpublic or private school as required by~~
10 ~~subparagraph (ii) shall, except for good cause shown, be~~
11 ~~ineligible to participate in the athletic season.~~

12 ~~(b) Principles of athletic eligibility. Such regulations~~
13 ~~shall, to every extent possible, embody the following principles~~
14 ~~of athletic eligibility:~~

15 ~~(1) Participation in interscholastic athletics has a~~
16 ~~positive effect on academic performance.~~

17 ~~(2) Restrictions placed on participation in~~
18 ~~interscholastic athletics should be limited.~~

19 ~~(c) Savings clause. All aspects of eligibility not~~
20 ~~regulated by the State board under this section may be addressed~~
21 ~~by a board of school directors of a school entity.~~

22 ~~(d) Participation requirements. Nothing in this section~~
23 ~~shall be construed as prohibiting a board of directors of a~~
24 ~~school entity from imposing more stringent requirements for~~
25 ~~participation in interscholastic athletics than those~~
26 ~~promulgated by the State board under this section.~~

27 ~~Section 9. Repeal.~~

28 ~~Section 511(b) and (b.1) of the act of March 10, 1949~~
29 ~~(P.L.30, No.14), known as the Public School Code of 1949, is~~
30 ~~repealed insofar as it is inconsistent with this act.~~

1 ~~Section 10. Effective date.~~

2 ~~This act shall take effect as follows:~~

3 ~~(1) Section 4 and this section shall take effect~~
4 ~~immediately.~~

5 ~~(2) The remainder of this act shall take effect in 90~~
6 ~~days.~~

7 ~~SECTION 5. EFFECTIVE DATE.~~

<—

8 ~~THIS ACT SHALL TAKE EFFECT AS FOLLOWS:~~

9 ~~(1) SECTION 4 SHALL TAKE EFFECT IN 90 DAYS.~~

10 ~~(2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT~~
11 ~~IMMEDIATELY.~~

12 SECTION 1. THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN
13 AS THE PUBLIC SCHOOL CODE OF 1949, IS AMENDED BY ADDING A
14 SECTION TO READ:

<—

15 SECTION 1205.4. CPR INSTRUCTION.--(A) SCHOOL ENTITIES SHALL
16 BE REQUIRED TO OFFER A CARDIOPULMONARY RESUSCITATION TRAINING
17 (CPR) CLASS ON SCHOOL PREMISES AT LEAST ONCE EVERY THREE YEARS.
18 THE COURSE SHALL BE OFFERED AS AN OPTION TO ALL EMPLOYEES OF THE
19 SCHOOL ENTITY.

20 (B) COMPLETION OF TRAINING, INCLUDING TESTING OF SKILLS AND
21 KNOWLEDGE, SHALL BE DOCUMENTED BY THE SIGNATURE AND TITLE OF A
22 REPRESENTATIVE OF THE TRAINING ENTITY AND SHALL INCLUDE THE DATE
23 TRAINING WAS COMPLETED. DOCUMENTATION SHALL BE RETAINED IN THE
24 FACILITY IN THAT EMPLOYEE'S FILE. TRAINING SHALL BE CONDUCTED BY:

25 (1) THE AMERICAN RED CROSS;

26 (2) THE AMERICAN HEART ASSOCIATION;

27 (3) AN INDIVIDUAL CERTIFIED TO CONDUCT CPR TRAINING BY THE
28 AMERICAN RED CROSS, AMERICAN HEART ASSOCIATION OR OTHER
29 CERTIFYING AGENCY, APPROVED BY THE DEPARTMENT OF HEALTH; OR

30 (4) OTHER CERTIFYING AGENCY APPROVED BY THE DEPARTMENT OF

1 HEALTH.

2 (C) SCHOOL DISTRICTS MAY INCLUDE THIS TRAINING IN THE
3 CONTINUING EDUCATION PLAN SUBMITTED BY THE DISTRICT TO THE
4 DEPARTMENT OF EDUCATION UNDER SECTION 1205.1.

5 (D) FOR PURPOSES OF THIS SECTION, A SCHOOL ENTITY SHALL BE
6 DEFINED AS A LOCAL SCHOOL DISTRICT, INTERMEDIATE UNIT OR AREA
7 VOCATIONAL-TECHNICAL SCHOOL.

8 SECTION 2. SECTION 1314 OF THE ACT IS AMENDED TO READ:

9 SECTION 1314. ATTENDANCE IN DISTRICT TO WHICH TERRITORY OF
10 RESIDENCE FORMERLY ATTACHED.--(A) ALL PUPILS RESIDING IN ANY
11 TERRITORY BELONGING TO ANY SCHOOL DISTRICT ESTABLISHED BY THE
12 ACT, APPROVED THE EIGHTEENTH DAY OF MAY, ONE THOUSAND NINE
13 HUNDRED ELEVEN (PAMPHLET LAWS 309), WHICH TERRITORY AT THE TIME
14 OF THE APPROVAL OF SAID ACT WAS ATTACHED TO ANOTHER SCHOOL
15 DISTRICT FOR SCHOOL PURPOSES, MAY, IF THEY SO DESIRE, ATTEND
16 DURING THE ENTIRE SCHOOL TERM OF EACH YEAR THE PUBLIC SCHOOLS IN
17 THE DISTRICT TO WHICH THE TERRITORY IN WHICH THEY RESIDE WAS
18 FORMERLY ATTACHED. THE DISTRICT IN WHICH THEY RESIDE SHALL PAY
19 TO THE DISTRICT IN WHICH THEY ATTEND THE TUITION CHARGE PROVIDED
20 FOR BY THIS ACT: PROVIDED, THAT IF THE SCHOOL DISTRICTS IN WHICH
21 SUCH PUPILS NOW RESIDE HAS OR SHALL HEREAFTER, BY THE
22 ESTABLISHMENT OF NEW SCHOOLS OR OTHERWISE, PROVIDE WITHIN
23 REASONABLE DISTANCE PROPER SCHOOL FACILITIES OF LIKE GRADES TO
24 THOSE IN THE DISTRICT TO WHICH THEY WERE FORMERLY ATTACHED, THEN
25 IN ANY SUCH CASE, SUCH PUPILS SHALL ATTEND THE SCHOOLS IN THE
26 DISTRICT IN WHICH THEY RESIDE. IN CASE OF DISPUTE, THE DECISION
27 OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION AS TO SUFFICIENCY
28 AND REASONABLENESS OF THE SCHOOL FACILITIES PROVIDED BY THE
29 SCHOOL DISTRICT IN WHICH SUCH PUPILS RESIDE SHALL BE FINAL.

30 (B) PUPILS AND THEIR YOUNGER SIBLINGS UNDER THE AGE OF

1 TWENTY-ONE (21) YEARS, BORN OR YET UNBORN OF A FAMILY THAT
2 RESIDES IN THE TERRITORY, THAT IS LOCATED IN A COUNTY OF THE
3 SECOND CLASS, THAT HAS BEEN TRANSFERRED FROM A TOWNSHIP OF THE
4 FIRST CLASS WHICH HAS ADOPTED A HOME RULE CHARTER UNDER THE
5 FORMER ACT OF APRIL 13, 1972 (P.L.184, NO.62), KNOWN AS THE
6 "HOME RULE CHARTER AND OPTIONAL PLANS LAW," OR UNDER 53 PA.C.S.
7 PT. III, SUBPT. E LOCATED IN A SCHOOL DISTRICT OF THE SECOND
8 CLASS, TO A TOWNSHIP OF THE FIRST CLASS LOCATED IN A SCHOOL
9 DISTRICT OF THE SECOND CLASS, FOR SCHOOL PURPOSES MAY, IF THEY
10 SO DESIRE, CONTINUE TO ATTEND THE PUBLIC SCHOOLS IN THE DISTRICT
11 TO WHICH THE TERRITORY IN WHICH THEY RESIDE WAS FORMERLY
12 ATTACHED FOR THE DURATION OF THEIR ATTENDANCE IN PUBLIC SCHOOLS.
13 THE DISTRICT IN WHICH THEY RESIDE SHALL PAY TO THE DISTRICT IN
14 WHICH THEY ATTEND THE LESSER OF THE STATE SUBSIDY OF THE
15 DISTRICT OF RESIDENCE OR THE DISTRICT OF ATTENDANCE IN
16 ACCORDANCE WITH PROVISIONS REGARDING BASIC EDUCATION FUNDING.

17 SECTION 3. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

18 SECTION 1310-A. SAFE SCHOOLS ADVOCATE IN SCHOOL DISTRICTS OF
19 THE FIRST CLASS.--(A) THE SECRETARY OF EDUCATION SHALL
20 ESTABLISH, WITHIN THE OFFICE, A SAFE SCHOOLS ADVOCATE FOR EACH
21 SCHOOL DISTRICT OF THE FIRST CLASS. THE ADVOCATE SHALL NOT BE
22 SUBJECT TO THE ACT OF AUGUST 5, 1941 (P.L.752, NO.286), KNOWN AS
23 THE "CIVIL SERVICE ACT." THE ADVOCATE SHALL ESTABLISH AND
24 MAINTAIN AN OFFICE WITHIN THE SCHOOL DISTRICT.

25 (B) THE SAFE SCHOOLS ADVOCATE SHALL HAVE THE POWER AND ITS
26 DUTIES SHALL BE:

27 (1) TO MONITOR THE SCHOOL DISTRICT'S COMPLIANCE WITH ARTICLE
28 XIII-A, INCLUDING:

29 (I) THE SCHOOL DISTRICT'S REPORTING TO THE OFFICE OF
30 INCIDENTS INVOLVING ACTS OF VIOLENCE, POSSESSION OF A WEAPON OR

POSSESSION, USE OR SALE OF CONTROLLED SUBSTANCES AS DEFINED IN
THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS "THE
CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," OR
POSSESSION, USE OR SALE OF ALCOHOL OR TOBACCO BY ANY PERSON ON
SCHOOL PROPERTY;

(II) OBTAINING COPIES OF THE SCHOOL DISTRICT'S REPORTS TO
THE OFFICE AND REVIEWING AND ANALYZING THEM;

(III) THE SCHOOL DISTRICT'S COMPLIANCE WITH THE PROCEDURES
SET FORTH IN THE MEMORANDUM OF UNDERSTANDING WITH THE
APPROPRIATE POLICE DEPARTMENT REGARDING INCIDENTS INVOLVING ACTS
OF VIOLENCE AND POSSESSION OF WEAPONS; AND

(IV) OBTAINING DOCUMENTATION, ON A WEEKLY BASIS DURING THOSE
TIMES WHEN SCHOOL IS IN SESSION, OF ALL WRITTEN OR VERBAL
CONTACTS BY SCHOOL DISTRICT PERSONNEL WITH THE APPROPRIATE
POLICE DEPARTMENT CONSISTENT WITH THE REQUIREMENTS OF THE
MEMORANDUM OF UNDERSTANDING.

(2) TO MONITOR THE SCHOOL DISTRICT'S COMPLIANCE WITH THE
MANDATORY EXPULSION REQUIREMENTS OF SECTION 1317.2.

(3) TO RECEIVE INQUIRIES FROM SCHOOL STAFF AND PARENTS OR
GUARDIANS OF STUDENTS WHO ARE VICTIMS OF ACTS OF VIOLENCE ON
SCHOOL PROPERTY.

(4) TO ESTABLISH A PROTOCOL, IN CONSULTATION WITH THE
JUVENILE COURT JUDGES' COMMISSION, TO ASSURE TIMELY RECEIPT BY
THE SCHOOL DISTRICT OF INFORMATION REGARDING STUDENTS WHO HAVE
BEEN ADJUDICATED DELINQUENT PURSUANT TO 42 PA.C.S. § 6341(B.1)
(RELATING TO ADJUDICATION) AND TO MONITOR THE SCHOOL DISTRICT'S
USE OF THAT INFORMATION TO ENSURE THAT VICTIMS OF ACTS OF
VIOLENCE BY A STUDENT ARE PROTECTED.

(5) TO ESTABLISH A PROGRAM TO ASSURE EXTENSIVE AND
CONTINUING PUBLIC AWARENESS OF INFORMATION REGARDING THE ROLE OF

1 THE ADVOCATE ON BEHALF OF VICTIMS OF ACTS OF VIOLENCE ON SCHOOL
2 PROPERTY, WHICH MAY INCLUDE THE MAILING OF INFORMATION TO THE
3 PARENTS OR GUARDIANS OF STUDENTS IN THE SCHOOL DISTRICT OR OTHER
4 FORMS OF COMMUNICATION.

5 (6) TO REVIEW AND ANALYZE FEDERAL AND STATE STATUTES WHICH
6 MAY BE AN IMPEDIMENT TO SCHOOL SAFETY AND THE IMPOSITION OF
7 DISCIPLINE FOR THE COMMISSION OF ACTS OF VIOLENCE ON SCHOOL
8 PROPERTY AND TO PREPARE, BY APRIL 30, 2001, AND AS NECESSARY
9 FROM TIME TO TIME THEREAFTER, REPORTS MAKING RECOMMENDATIONS FOR
10 CHANGES TO THE STATUTES WHICH WOULD PROMOTE SCHOOL SAFETY AND
11 FACILITATE EFFECTIVE AND EXPEDIENT DISCIPLINARY ACTION. THE
12 REPORTS SHALL BE SUBMITTED TO THE SECRETARY.

13 (7) TO REVIEW AND ANALYZE COURT DECISIONS APPLICABLE TO THE
14 SCHOOL DISTRICT'S DISCIPLINARY PROCESS AND PROCEDURES, TO MAKE
15 RECOMMENDATIONS TO THE SCHOOL DISTRICT REGARDING ANY NEGATIVE
16 IMPACT THESE DECISIONS HAVE UPON THE EFFECTIVE MAINTENANCE OF
17 SCHOOL SAFETY AND TO MAKE RECOMMENDATIONS RELATING TO THE
18 EXISTING PROVISIONS OF CONSENT DECREES.

19 (8) TO PREPARE AN ANNUAL REPORT REGARDING THE ACTIVITIES OF
20 THE ADVOCATE DURING THE PRIOR FISCAL YEAR, AND ANY
21 RECOMMENDATIONS FOR REMEDIAL LEGISLATION, REGULATIONS OR SCHOOL
22 DISTRICT ADMINISTRATIVE REFORMS, WHICH SHALL BE SUBMITTED TO THE
23 SCHOOL DISTRICT SUPERINTENDENT, THE SECRETARY, THE CHAIRPERSON
24 OF THE EDUCATION COMMITTEE OF THE SENATE AND THE CHAIRPERSON OF
25 THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES BY
26 AUGUST 15 OF EACH YEAR.

27 (9) TO MONITOR INFRACTIONS OF THE SCHOOL DISTRICT'S CODE OF
28 CONDUCT TO IDENTIFY STUDENTS WHOSE CONDUCT WOULD CONSTITUTE AN
29 OFFENSE UNDER 18 PA.C.S. § 2701 (RELATING TO SIMPLE ASSAULT).

30 (C) THE SAFE SCHOOLS ADVOCATE SHALL, ON BEHALF OF VICTIMS OF

ACTS OF VIOLENCE ON SCHOOL PROPERTY, VICTIMS OF CONDUCT THAT
WOULD CONSTITUTE AN ACT OF VIOLENCE AND VICTIMS OF STUDENTS WHO
HAVE COMMITTED TWO OR MORE INFRACTIONS AS SET FORTH IN
SUBSECTION (B)(9):

(1) PROVIDE ASSISTANCE AND ADVICE, INCLUDING INFORMATION ON
SUPPORT SERVICES PROVIDED BY VICTIM ASSISTANCE OFFICES OF THE
APPROPRIATE DISTRICT ATTORNEY AND THROUGH LOCAL COMMUNITY-BASED
VICTIM SERVICE AGENCIES;

(2) PROVIDE INFORMATION TO THE PARENT OR GUARDIAN OF THE
STUDENT VICTIM REGARDING THE DISCIPLINARY PROCESS AND ANY ACTION
ULTIMATELY TAKEN AGAINST THE STUDENT ACCUSED OF COMMITTING THE
ACT OF VIOLENCE;

(3) IN CASES INVOLVING THE POSSESSION OR USE OF A WEAPON,
ADVISE THE PARENT OR GUARDIAN OF THE VICTIM WHETHER THE SCHOOL
DISTRICT PROPERLY EXERCISED ITS DUTY UNDER SECTION 1317.2;

(4) IN CASES WHERE THE ADVOCATE HAS RECEIVED A REQUEST BY
THE PARENT OR GUARDIAN OF THE VICTIM, TO ATTEND FORMAL
DISCIPLINARY PROCEEDINGS;

(5) WITH THE CONSENT OF THE PARENT OR GUARDIAN OF THE
VICTIM, PRESENT INFORMATION IN THE DISCIPLINARY PROCEEDING,
WHICH MAY INCLUDE ORAL OR WRITTEN PRESENTATIONS, INCLUDING
TESTIMONY BY THE VICTIM OR THE PARENT OR GUARDIAN OF THE VICTIM,
REGARDING THE IMPACT ON THE VICTIM AND THE VICTIM'S FAMILY AND
THE APPROPRIATE DISCIPLINARY ACTION AND WHICH MAY INCLUDE DIRECT
OR CROSS-EXAMINATION OF WITNESSES;

(6) WHERE THE PERPETRATOR OF AN ACT OF VIOLENCE IS RETURNING
TO SCHOOL AFTER PLACEMENT UNDER A CONSENT DECREE, ADJUDICATION
OF DELINQUENCY OR CONVICTION OF A CRIMINAL OFFENSE, ASSIST THE
PARENT OR GUARDIAN OF THE VICTIM IN PROVIDING INPUT TO THE
SCHOOL DISTRICT AND THE APPROPRIATE JUVENILE OR CRIMINAL JUSTICE

AUTHORITY TO INSURE THE VICTIM'S SAFETY ON SCHOOL PROPERTY;

(7) IN CASES WHERE THE DISTRICT HAS FAILED TO REPORT THE ACT OF VIOLENCE TO THE APPROPRIATE POLICE DEPARTMENT AS REQUIRED BY THE MEMORANDUM OF UNDERSTANDING, TO REPORT SUCH ACT OF VIOLENCE DIRECTLY; AND

(8) PROVIDE INFORMATION AND MAKE RECOMMENDATIONS TO THE OFFICE OF THE DISTRICT ATTORNEY REGARDING THE IMPACT OF THE ACT OF VIOLENCE ON THE VICTIM AND THE VICTIM'S FAMILY.

(D) UPON DISCOVERY OF THE COMMISSION OF AN ACT OF VIOLENCE UPON A STUDENT, THE SCHOOL DISTRICT OF THE FIRST CLASS SHALL IMMEDIATELY NOTIFY THE VICTIM'S PARENT OR GUARDIAN OF THE SAFE SCHOOLS ADVOCATE. THE FORM OF THIS NOTICE SHALL BE DEVELOPED BY THE ADVOCATE AND PROVIDED TO THE SCHOOL DISTRICT. THIS FORM SHALL INCLUDE THE ADDRESS AND TELEPHONE NUMBER OF THE ADVOCATE AND A BRIEF DESCRIPTION OF THE PURPOSES AND FUNCTIONS OF THE SAFE SCHOOLS ADVOCATE. THE PRINCIPAL OF EACH SCHOOL WITHIN THE SCHOOL DISTRICT SHALL POST A NOTICE NOT LESS THAN 8 1/2 BY 11 INCHES ENTITLED "SAFE SCHOOLS ADVOCATE" AT A PROMINENT LOCATION WITHIN EACH SCHOOL BUILDING, WHERE SUCH NOTICES ARE USUALLY POSTED. THE FORM OF THIS NOTICE SHALL ALSO BE DEVELOPED BY THE ADVOCATE AND PROVIDED TO THE SCHOOL DISTRICT.

(E) IT SHALL BE THE DUTY OF EACH SCHOOL ADMINISTRATOR IN A SCHOOL DISTRICT OF THE FIRST CLASS TO COOPERATE WITH THE SAFE SCHOOLS ADVOCATE TO IMPLEMENT THIS SECTION AND TO PROVIDE THE ADVOCATE, UPON REQUEST, WITH ALL AVAILABLE INFORMATION AUTHORIZED BY STATE LAW. IN REGARD TO INDIVIDUAL CASES OF ACTS OF VIOLENCE, ONLY INFORMATION PERMITTED TO BE SHARED UNDER SUBSECTION (F) SHALL BE DISCLOSED.

(F) THE ADVOCATE AND ALL EMPLOYES AND AGENTS OF THE SAFE SCHOOLS ADVOCATE SHALL BE SUBJECT TO AND BOUND BY SECTION 444 OF

THE GENERAL EDUCATION PROVISIONS ACT (PUBLIC LAW 90-247, 20
U.S.C. § 1232G) AND 34 CFR PT. 99 (RELATING TO FAMILY
EDUCATIONAL RIGHTS AND PRIVACY).

(G) THIS SECTION SHALL NOT APPLY TO THE EXTENT THAT IT WOULD
CONFLICT WITH THE REQUIREMENTS OF THE INDIVIDUALS WITH
DISABILITIES EDUCATION ACT (PUBLIC LAW 103-382, 20 U.S.C. § 1400
ET SEQ.) OR OTHER APPLICABLE FEDERAL STATUTE OR REGULATION.

(H) AS USED IN THIS SECTION:

"ACT OF VIOLENCE" SHALL MEAN THE POSSESSION OF A WEAPON ON
SCHOOL PROPERTY OR AN OFFENSE, INCLUDING THE ATTEMPT,
SOLICITATION OR CONSPIRACY TO COMMIT THE OFFENSE, UNDER ANY OF
THE FOLLOWING PROVISIONS OF 18 PA.C.S.:

(1) § 2501 (RELATING TO CRIMINAL HOMICIDE).

(2) § 2702 (RELATING TO AGGRAVATED ASSAULT).

(3) § 3121 (RELATING TO RAPE).

(4) § 3122.1 (RELATING TO STATUTORY SEXUAL ASSAULT).

(5) § 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
INTERCOURSE).

(6) § 3124.1 (RELATING TO SEXUAL ASSAULT).

(7) § 3125 (RELATING TO AGGRAVATED INDECENT ASSAULT).

(8) § 3126 (RELATING TO INDECENT ASSAULT).

(9) § 3301 (RELATING TO ARSON AND RELATED OFFENSES)

(10) § 3701 (RELATING TO ROBBERY).

(11) § 3702 (RELATING TO ROBBERY OF MOTOR VEHICLE).

"SCHOOL DISTRICT" SHALL MEAN SCHOOL DISTRICT OF THE FIRST
CLASS.

SECTION 1311-A. STANDING.--(A) IF A STUDENT IN A SCHOOL
DISTRICT OF THE FIRST CLASS IS A VICTIM OF AN ACT OF VIOLENCE
INVOLVING A WEAPON ON SCHOOL PROPERTY AND THE STUDENT WHO
POSSESSED THE WEAPON WAS NOT EXPELLED UNDER SECTION 1317.2, THE

PARENT OR GUARDIAN OF THE VICTIM SHALL HAVE STANDING TO
INSTITUTE A LEGAL PROCEEDING TO OBTAIN EXPULSION OF THE STUDENT.

(B) THE OFFICE OF GENERAL COUNSEL SHALL HAVE STANDING TO
BRING AN ACTION ON BEHALF OF A VICTIM OR THE PARENT OR GUARDIAN
OF A VICTIM OF AN ACT OF VIOLENCE IN A SCHOOL IN A SCHOOL
DISTRICT OF THE FIRST CLASS TO MODIFY, CLARIFY OR ELIMINATE A
CONSENT DECREE THAT IS RELATED TO DISCIPLINE IN THE DISTRICT IF,
IN CONSULTATION WITH THE ADVOCATE, THE OFFICE OF GENERAL COUNSEL
BELIEVES THAT THE ACTION IS IN THE BEST INTERESTS OF THE
STUDENTS OF THE SCHOOL DISTRICT.

(C) THE SECRETARY OF THE BUDGET MAY DESIGNATE A PORTION OF
THE FUNDS PROVIDED FOR THE SAFE SCHOOLS ADVOCATES FOR CONTRACTS
FOR LEGAL SERVICES TO ASSIST LOW-INCOME PARENTS OR GUARDIANS OF
VICTIMS TO OBTAIN LEGAL SERVICES FOR PROCEEDINGS UNDER
SUBSECTION (A). THE SECRETARY OF THE BUDGET MAY DESIGNATE A
PORTION OF THE FUNDS PROVIDED FOR THE ADVOCATE TO CHALLENGE A
CONSENT DECREE UNDER SUBSECTION (B) OR TO BRING AN ACTION UNDER
SECTIONS 1310-A(C)(5) AND 1312-A(A). THE DESIGNATION OF
ATTORNEYS TO RECEIVE FUNDS UNDER THIS SUBSECTION SHALL BE WITHIN
THE DISCRETION OF THE OFFICE OF GENERAL COUNSEL AFTER
CONSULTATION WITH THE SAFE SCHOOLS ADVOCATE. DESIGNATED FUNDS
WHICH ARE NOT EXPENDED UNDER THIS SUBSECTION SHALL LAPSE TO THE
GENERAL FUND.

(D) LEGAL PROCEEDINGS UNDER THIS SECTION SHALL BE CONDUCTED
BY AN ATTORNEY DESIGNATED BY THE OFFICE OF GENERAL COUNSEL IN
CONSULTATION WITH THE SAFE SCHOOLS ADVOCATE. THE ATTORNEY MUST
BE A MEMBER OF THE BAR IN GOOD STANDING.

(E) THE APPROPRIATION FOR THE OFFICE OF SCHOOL VICTIM
ADVOCATE IN SECTION 202 OF THE ACT OF MAY 24, 2000 (P.L. _____,
NO.21A), KNOWN AS THE "GENERAL APPROPRIATION ACT OF 2000," SHALL

1 BE USED TO IMPLEMENT THIS SECTION AND SECTIONS 1310-A AND 1312-A
2 OF THIS ACT.

3 (F) AS USED IN THIS SECTION:

4 "LOW-INCOME PARENT OR GUARDIAN" SHALL MEAN A PARENT WHOSE
5 FAMILY INCOME IS NO GREATER THAN TWO HUNDRED FIFTY PER CENTUM
6 (250%) OF THE FEDERAL POVERTY LEVEL.

7 SECTION 1312-A. ENFORCEMENT.--(A) IF THE SCHOOL DISTRICT OF
8 THE FIRST CLASS FAILS TO COMPLY WITH REQUIREMENTS TO PROVIDE
9 INFORMATION TO THE SAFE SCHOOLS ADVOCATE UNDER SECTION 1310-A,
10 THE ADVOCATE SHALL PROVIDE DOCUMENTATION OF THE FAILURE TO THE
11 DEPARTMENT OF EDUCATION. IF THE DEPARTMENT DETERMINES THAT THERE
12 IS NONCOMPLIANCE, THE DEPARTMENT SHALL NOTIFY THE ADVOCATE AND
13 THE OFFICE OF GENERAL COUNSEL. THE OFFICE OF GENERAL COUNSEL, IN
14 CONSULTATION WITH THE SAFE SCHOOLS ADVOCATE, SHALL DESIGNATE AN
15 ATTORNEY TO BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION
16 TO ENFORCE SECTION 1310-A.

17 (B) LEGAL PROCEEDINGS UNDER SUBSECTION (A) SHALL BE
18 CONDUCTED BY AN ATTORNEY DESIGNATED BY THE OFFICE OF GENERAL
19 COUNSEL IN CONSULTATION WITH THE SAFE SCHOOLS ADVOCATE. THE
20 ATTORNEY MUST BE A MEMBER OF THE BAR IN GOOD STANDING.

21 SECTION 1313-A. CONSTRUCTION OF ARTICLE AND OTHER LAWS.--
22 NOTHING IN THIS ARTICLE OR ANY OTHER PROVISION OF LAW SHALL BE
23 CONSTRUED AS GRANTING A RIGHT OF STATUS FOR OR PARTICIPATION BY
24 THE SAFE SCHOOLS ADVOCATE IN A GRIEVANCE OR ARBITRATION
25 PROCEEDING ARISING OUT OF A COLLECTIVE BARGAINING AGREEMENT.

26 SECTION 4. SECTION 1549(B) AND (C) OF THE ACT, ADDED JUNE
27 30, 1995 (P.L.220, NO.26), ARE AMENDED TO READ:

28 SECTION 1549. AGRICULTURAL EDUCATION.--* * *

29 (B) THE DEPARTMENT SHALL HAVE THE POWER AND ITS DUTY SHALL
30 BE TO:

1 (1) PROVIDE, IN CONJUNCTION WITH THE DEPARTMENT OF
2 AGRICULTURE, RESOURCE INFORMATION TO EDUCATORS AND PUBLIC AND
3 PRIVATE SCHOOLS AND ORGANIZATIONS ON AGRICULTURAL EDUCATION.

4 (2) PROVIDE [FOR], IN CONJUNCTION WITH THE DEPARTMENT OF
5 AGRICULTURE, FOR THE DEVELOPMENT AND DISTRIBUTION TO SCHOOL
6 ENTITIES OR PRIVATE OR NONPUBLIC KINDERGARTENS, ELEMENTARY OR
7 SECONDARY SCHOOLS IN THIS COMMONWEALTH MATERIALS ON AGRICULTURAL
8 EDUCATION. SUCH MATERIALS MAY INCLUDE INSTRUCTION ON ISSUES
9 RELATED TO AGRICULTURE, INCLUDING, BUT NOT LIMITED TO, FOOD
10 SAFETY, PESTICIDES, FARMLAND PRESERVATION, WASTE MANAGEMENT,
11 WETLANDS, NUTRIENT MANAGEMENT, FOOD PRODUCTION AND FOOD
12 PROCESSING, ANIMAL HEALTH AND STATUTORY AND REGULATORY
13 PROTECTIONS OF THE RIGHT TO FARM.

14 (3) IDENTIFY, RECOGNIZE AND ESTABLISH, IN CONJUNCTION WITH
15 THE DEPARTMENT OF AGRICULTURE, AWARDS FOR EXEMPLARY AGRICULTURAL
16 EDUCATION CURRICULA DEVELOPED IN COMMONWEALTH SCHOOLS.

17 (4) USE LOCAL SCHOOL DISTRICT OCCUPATIONAL ADVISORY
18 COMMITTEES, AS WELL AS THE FACILITIES AND EQUIPMENT OF THE
19 DEPARTMENT OF AGRICULTURE, TO SERVE AS THE CONDUIT TO BRING
20 YOUTH AND ADULT EDUCATION PROGRAMS INTO COMMUNITIES AND SCHOOLS,
21 FOCUSING ON AGRICULTURAL INDUSTRY ISSUES OF IMPORTANCE TO THIS
22 COMMONWEALTH.

23 (5) MAINTAIN, IN CONJUNCTION WITH THE DEPARTMENT OF
24 AGRICULTURE, AN INVENTORY OF AGRICULTURAL EDUCATION MATERIALS,
25 PROGRAMS AND RESOURCES AVAILABLE IN COMMONWEALTH AGENCIES.

26 (C) THE SECRETARY SHALL PREPARE AND SUBMIT, IN CONJUNCTION
27 WITH THE DEPARTMENT OF AGRICULTURE, AN ANNUAL REPORT TO THE
28 GOVERNOR AND THE GENERAL ASSEMBLY [OUTLINING] ON THE STATUS OF
29 AGRICULTURAL EDUCATION IN THIS COMMONWEALTH. THE REPORT SHALL
30 OUTLINE AGRICULTURAL EDUCATION PROGRAMS AND ACHIEVEMENTS,

[HIGHLIGHTING] HIGHLIGHT NEW INITIATIVES AND [RECOMMENDING]
RECOMMEND FUTURE PROGRAM NEEDS.

* * *

SECTION 5. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

ARTICLE XVI-A

INTERSCHOLASTIC ATHLETICS ACCOUNTABILITY

SECTION 1601-A. SCOPE.--THIS ARTICLE DEALS WITH
INTERSCHOLASTIC ATHLETICS ACCOUNTABILITY.

SECTION 1602-A. DEFINITIONS.--THE FOLLOWING WORDS AND
PHRASES WHEN USED IN THIS ARTICLE SHALL HAVE THE MEANINGS GIVEN
TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES
OTHERWISE:

"ASSOCIATION." THE PENNSYLVANIA INTERSCHOLASTIC ATHLETIC
ASSOCIATION.

"COMMITTEE." THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE.

"COUNCIL." THE PENNSYLVANIA ATHLETIC OVERSIGHT COUNCIL AS
ESTABLISHED IN SECTION 1603-A.

"INTERSCHOLASTIC ATHLETICS." ALL ATHLETIC CONTESTS OR
COMPETITIONS CONDUCTED BETWEEN OR AMONG SCHOOL ENTITIES SITUATED
IN COUNTIES OF THE SECOND CLASS, SECOND CLASS A, THIRD CLASS,
FOURTH CLASS, FIFTH CLASS, SIXTH CLASS, SEVENTH CLASS AND EIGHTH
CLASS.

"NONPUBLIC SCHOOL." A SCHOOL, OTHER THAN A PUBLIC SCHOOL
WITHIN THIS COMMONWEALTH, WHEREIN A RESIDENT OF THIS
COMMONWEALTH MAY LEGALLY FULFILL THE COMPULSORY SCHOOL
ATTENDANCE REQUIREMENTS OF THIS ACT AND TITLE VI OF THE CIVIL
RIGHTS ACT OF 1964 (PUBLIC LAW 88-352, 78 STAT. 241).

"SCHOOL ENTITY." A PUBLIC SCHOOL, SCHOOL DISTRICT, NONPUBLIC
SCHOOL OR PRIVATE SCHOOL IN THIS COMMONWEALTH OTHER THAN A
PRIVATE OR NONPUBLIC SCHOOL WHICH ELECTS NOT TO BECOME A MEMBER

1 OF THE ASSOCIATION.

2 SECTION 1603-A. PENNSYLVANIA ATHLETIC OVERSIGHT COUNCIL.--

3 (A) THE PENNSYLVANIA ATHLETIC OVERSIGHT COUNCIL IS ESTABLISHED.

4 (B) THE COUNCIL SHALL HAVE SEVENTEEN VOTING MEMBERS,

5 APPOINTED AS FOLLOWS:

6 (1) TWO MEMBERS OF THE SENATE, OF WHICH ONE SHALL BE
7 APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND ONE
8 SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE. TO THE
9 GREATEST EXTENT POSSIBLE, APPOINTEES SHOULD HAVE SOME EXPERIENCE
10 IN INTERSCHOLASTIC ATHLETICS OR SHALL BE PARENTS OF STUDENTS
11 INVOLVED IN INTERSCHOLASTIC ATHLETICS.

12 (2) TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES, OF WHICH
13 ONE SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF
14 REPRESENTATIVES AND ONE SHALL BE APPOINTED BY THE MINORITY
15 LEADER OF THE HOUSE OF REPRESENTATIVES. TO THE GREATEST EXTENT
16 POSSIBLE, APPOINTEES SHOULD HAVE SOME EXPERIENCE IN
17 INTERSCHOLASTIC ATHLETICS OR SHALL BE PARENTS OF STUDENTS
18 INVOLVED IN INTERSCHOLASTIC ATHLETICS.

19 (3) THE SECRETARY OF EDUCATION OR A DESIGNEE.

20 (4) TWELVE MEMBERS SHALL BE APPOINTED AS FOLLOWS:

21 (I) THE FOLLOWING ORGANIZATIONS SHALL EACH SUBMIT THREE
22 NOMINATIONS TO THE GOVERNOR, WHO SHALL THEN SELECT TWO OF THE
23 NAMES SUBMITTED FROM EACH OF THE ORGANIZATIONS TO SERVE ON THE
24 COUNCIL. TO THE GREATEST EXTENT POSSIBLE, THESE APPOINTMENTS
25 SHALL BE REPRESENTATIVE OF ALL OF THE PENNSYLVANIA
26 INTERSCHOLASTIC ATHLETIC ASSOCIATION'S ATHLETIC DISTRICTS:

27 (A) THE PENNSYLVANIA ASSOCIATION OF SECONDARY SCHOOL
28 PRINCIPALS.

29 (B) THE PENNSYLVANIA ASSOCIATION OF SCHOOL ADMINISTRATORS.

30 (C) THE PENNSYLVANIA SCHOOL BOARDS ASSOCIATION.

1 (D) THE PENNSYLVANIA STATE ATHLETIC DIRECTORS ASSOCIATION.

2 (II) THE FOLLOWING ORGANIZATIONS SHALL EACH SUBMIT TWO
3 NOMINATIONS TO THE GOVERNOR, WHO SHALL THEN SELECT ONE OF THE
4 NAMES SUBMITTED FROM EACH OF THE ORGANIZATIONS TO SERVE ON THE
5 COUNCIL. TO THE GREATEST EXTENT POSSIBLE, THESE APPOINTMENTS
6 SHALL BE REPRESENTATIVE OF ALL OF THE PENNSYLVANIA
7 INTERSCHOLASTIC ATHLETIC ASSOCIATION'S ATHLETIC DISTRICTS:

8 (A) THE PENNSYLVANIA CONGRESS OF PARENTS AND TEACHERS.

9 (B) THE PENNSYLVANIA COACHES ASSOCIATION.

10 (C) THE OFFICIALS COUNCIL.

11 (III) ONE MEMBER, AS SELECTED BY THE GOVERNOR, REPRESENTING
12 THOSE NONPUBLIC SCHOOLS THAT ARE MEMBERS OF THE ASSOCIATION.

13 (5) AT LEAST ONE MEMBER APPOINTED UNDER PARAGRAPH (4) MUST
14 BE ASSOCIATED WITH WOMEN'S ATHLETICS, INCLUDING A COACH OF A
15 WOMEN'S ATHLETICS TEAM OR THE PARENT OF A PARTICIPANT IN WOMEN'S
16 ATHLETICS.

17 (C) TERMS ARE AS FOLLOWS:

18 (1) MEMBERS APPOINTED BY THE GOVERNOR SHALL SERVE FOR THE
19 DURATION OF THE EXISTENCE OF THE COUNCIL.

20 (2) LEGISLATIVE MEMBERS APPOINTED BY THE SENATE AND THE
21 HOUSE OF REPRESENTATIVES SHALL SERVE AT THE PLEASURE OF THE
22 APPOINTING AUTHORITY.

23 (D) VACANCIES OCCURRING ON THE COUNCIL BY DEATH,
24 RESIGNATION, REMOVAL OR ANY OTHER REASON SHALL BE FILLED WITHIN
25 THIRTY (30) DAYS OF THE CREATION OF THE VACANCY IN THE MANNER IN
26 WHICH THAT POSITION WAS ORIGINALLY FILLED. AN INDIVIDUAL
27 APPOINTED TO FILL A VACANCY SHALL BE APPOINTED FOR THE UNEXPIRED
28 TERM OF THE MEMBER HE SUCCEEDS.

29 (E) THE MEMBERS OF THE COUNCIL SHALL RECEIVE NO ACTUAL
30 COMPENSATION FOR THEIR SERVICES. HOWEVER, ALL EXPENSES

1 REASONABLY NECESSARY FOR THE MEMBERS OF THE COUNCIL TO PERFORM
2 THEIR DUTIES SHALL BE PAID BY THE DEPARTMENT OF EDUCATION.

3 (F) THE DUTIES AND RESPONSIBILITIES OF THE COUNCIL SHALL BE
4 AS FOLLOWS:

5 (1) TO MEET NO LESS THAN FOUR TIMES A YEAR, AT THE CALL OF
6 THE CHAIR. ALL SUCH MEETINGS SHALL BE CONDUCTED IN ACCORDANCE
7 WITH THE REQUIREMENTS OF 65 PA.C.S. CH. 7 (RELATING TO OPEN
8 MEETINGS).

9 (2) TO MAKE RECOMMENDATIONS CONCERNING CHANGES TO THE
10 ADMINISTRATION OF INTERSCHOLASTIC ATHLETICS TO THE ASSOCIATION.
11 THE COUNCIL SHALL MAKE RECOMMENDATIONS ON ISSUES INCLUDING, BUT
12 NOT LIMITED TO:

13 (I) APPEALS.

14 (II) ATHLETIC ELIGIBILITY.

15 (III) TRANSFERS OF STUDENTS.

16 (3) TO REVIEW AND MONITOR THE EFFORTS OF THE ASSOCIATION TO
17 MEET THE CRITERIA LISTED IN SECTION 1604-A(A) AND (B).

18 (4) TO HOLD PUBLIC HEARINGS, SUBJECT TO THE REQUIREMENTS OF
19 65 PA.C.S. CH. 7, ON ANY ISSUE CONCERNING INTERSCHOLASTIC
20 ATHLETICS. THESE ISSUES SHALL INCLUDE, BUT NOT BE LIMITED TO:

21 (I) APPEALS.

22 (II) ATHLETIC ELIGIBILITY.

23 (III) TRANSFERS OF STUDENTS.

24 (5) TO HAVE ACCESS TO ALL BOOKS, PAPERS, DOCUMENTS AND
25 RECORDS OF THE ASSOCIATION IN ORDER TO COMPLETE THE ANNUAL
26 REPORT REQUIRED UNDER CLAUSE (6).

27 (6) TO ISSUE AN ANNUAL REPORT TO THE CHAIRMAN AND MINORITY
28 CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE, THE CHAIRMAN
29 AND MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE HOUSE OF
30 REPRESENTATIVES AND THE PRESIDENT OF THE ASSOCIATION

1 SUMMARIZING:

2 (I) THE COUNCIL'S MEETINGS, PUBLIC HEARINGS AND OTHER ACTION
3 TAKEN BY THE COUNCIL.

4 (II) THE RECOMMENDATIONS OF THE COUNCIL MADE DURING THE YEAR
5 AND THE ASSOCIATION'S RESPONSE TO EACH RECOMMENDATION.

6 (III) THE EFFORTS OF THE ASSOCIATION TO MEET THE CRITERIA
7 LISTED IN SECTION 1604-A(A) AND (B).

8 (7) TO ISSUE A FINAL REPORT TWO (2) YEARS AFTER THE GOVERNOR
9 HAS MADE THE FINAL APPOINTMENTS TO THE COUNCIL TO THE CHAIRMAN
10 AND MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE
11 AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION
12 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF
13 THE ASSOCIATION SUMMARIZING ALL OF THE COUNCIL'S ACTIONS AND
14 RECOMMENDATIONS OVER THE PREVIOUS TWO (2) YEARS AND THE
15 ASSOCIATION'S RESPONSE TO EACH.

16 (8) TO ELECT A CHAIRMAN AND A VICE CHAIRMAN.

17 (9) TO, AT THE COUNCIL'S DISCRETION, REQUEST THE COMMITTEE
18 TO PERFORM AN AUDIT ON ANY PHASE OF THE ASSOCIATION'S COMPLIANCE
19 WITH THE CRITERIA LISTED IN SECTION 1604-A(A) OR (B), AS
20 NECESSARY FOR THE PURPOSES OF COMPLETING ITS ANNUAL OR FINAL
21 REPORT.

22 (G) EXPIRATION OF COUNCIL IS AS FOLLOWS:

23 (1) IF, BY A MAJORITY VOTE, THE COUNCIL FINDS THAT THE
24 ASSOCIATION HAS MET THE CRITERIA LISTED IN SECTION 1604-A(A) AND
25 (B) TO ITS SATISFACTION, THE ASSOCIATION SHALL CONTINUE TO
26 OVERSEE THE OPERATION OF INTERSCHOLASTIC ATHLETICS IN THIS
27 COMMONWEALTH AND THE COUNCIL SHALL EXPIRE. THE COUNCIL SHALL
28 PUBLISH A NOTICE OF ITS EXPIRATION IN THE PENNSYLVANIA BULLETIN.

29 (2) IF, BY A MAJORITY VOTE, THE COUNCIL FINDS THAT THE
30 ASSOCIATION HAS FAILED TO MEET THE CRITERIA LISTED IN SECTION

1 1604-A(A) AND (B) TO ITS SATISFACTION, THE COUNCIL SHALL, WITHIN
2 ONE (1) YEAR OF ITS FINDING, SUBMIT A PROPOSAL FOR THE SELECTION
3 OF A NEW ENTITY TO OVERSEE THE OPERATION OF INTERSCHOLASTIC
4 ATHLETICS IN THIS COMMONWEALTH TO THE CHAIRMAN AND MINORITY
5 CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE AND THE
6 CHAIRMAN AND THE MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF
7 THE HOUSE OF REPRESENTATIVES. UPON SUBMISSION OF THE PROPOSAL,
8 THE COUNCIL SHALL EXPIRE AND THE COUNCIL SHALL PUBLISH A NOTICE
9 OF ITS EXPIRATION IN THE PENNSYLVANIA BULLETIN. THE ASSOCIATION
10 SHALL BE ALLOWED TO CONTINUE TO OVERSEE THE OPERATION OF
11 INTERSCHOLASTIC ATHLETICS IN THIS COMMONWEALTH ONLY UNTIL SUCH
12 TIME AS A NEW ENTITY IS AUTHORIZED TO DO SO.

13 (H) STAFF.--THE PENNSYLVANIA DEPARTMENT OF EDUCATION SHALL
14 PROVIDE SUPPORT STAFF AS NEEDED TO THE COUNCIL.

15 SECTION 1604-A. COUNCIL RECOMMENDATIONS AND STANDARDS.--(A)
16 THE ASSOCIATION SHALL TAKE ALL STEPS NECESSARY TO COMPLY WITH
17 THE RECOMMENDATIONS OF THE COUNCIL, INCLUDING RECOMMENDATIONS
18 CONCERNING APPEALS, ATHLETIC ELIGIBILITY AND TRANSFERS OF
19 STUDENTS.

20 (B) THE ASSOCIATION SHALL TAKE ALL STEPS NECESSARY TO COMPLY
21 WITH THE FOLLOWING STANDARDS:

22 (1) ADOPT AND ADHERE TO POLICIES GOVERNING THE CONDUCT OF
23 OPEN MEETINGS THAT CONFORM WITH THE REQUIREMENTS OF 65 PA.C.S.
24 CH. 7 (RELATING TO OPEN MEETINGS).

25 (2) ADOPT AND ADHERE TO A POLICY ESTABLISHING A COMPETITIVE
26 BIDDING PROCESS FOR THE PURCHASE OF NONINCIDENTAL MERCHANDISE
27 AND SERVICES THAT CONFORMS WITH THE REQUIREMENTS OF THIS ACT.

28 (3) ADOPT AND ADHERE TO A POLICY ESTABLISHING A COMPETITIVE
29 PROCESS FOR THE SELECTION OF SITES FOR CHAMPIONSHIP
30 COMPETITIONS.

1 (4) AGREE TO AN ANNUAL FINANCIAL AND MANAGEMENT REVIEW
2 CONDUCTED BY THE COMMITTEE.

3 (I) SUCH REVIEWS SHALL INDICATE WHETHER THE ASSOCIATION HAS:

4 (A) CONFORMED WITH ACCEPTED ACCOUNTING PRACTICES;

5 (B) CONFORMED WITH ALL FEDERAL AND STATE STATUTES GOVERNING
6 THE ADMINISTRATION OF NONPROFIT ORGANIZATIONS;

7 (C) CONFORMED WITH ACCEPTED ADMINISTRATIVE AND MANAGEMENT
8 PRACTICES; AND

9 (D) CONTRACTED WITH EMPLOYEES WHO HAVE FULFILLED THE DUTIES
10 FOR WHICH THEY WERE CONTRACTED AND ACT IN THE BEST INTERESTS OF
11 INTERSCHOLASTIC ATHLETICS.

12 (II) THE COMMITTEE SHALL REPORT ITS FINDINGS FROM THIS
13 REVIEW TO THE COUNCIL, WHICH SHALL MAKE ANY APPROPRIATE
14 RECOMMENDATIONS TO THE ASSOCIATION.

15 (5) ENSURE THAT THE MEMBERSHIP OF ITS BOARD OF DIRECTORS
16 INCLUDES THE FOLLOWING WHO SHALL BE FULL, VOTING MEMBERS:

17 (I) ONE MEMBER REPRESENTING SCHOOL BOARDS OF DIRECTORS WHO
18 IS AN ELECTED MEMBER OF A SCHOOL BOARD OF DIRECTORS AT THE TIME
19 OF APPOINTMENT.

20 (II) ONE MEMBER REPRESENTING ATHLETIC DIRECTORS WHO IS
21 EMPLOYED AS AN ATHLETIC DIRECTOR AT THE TIME OF APPOINTMENT.

22 (III) ONE MEMBER REPRESENTING COACHES WHO IS EMPLOYED AS A
23 COACH AT THE TIME OF APPOINTMENT.

24 (IV) ONE MEMBER REPRESENTING OFFICIALS WHO IS AN ACTIVE
25 OFFICIAL AT THE TIME OF APPOINTMENT.

26 (V) ONE MEMBER REPRESENTING THE DEPARTMENT OF EDUCATION.

27 (VI) ONE MEMBER REPRESENTING SCHOOL ADMINISTRATORS WHO IS
28 EMPLOYED AS A SCHOOL ADMINISTRATOR AT THE TIME OF APPOINTMENT.

29 (VII) ONE MEMBER REPRESENTING WOMEN'S ATHLETICS.

30 (VIII) ONE MEMBER REPRESENTING NONPUBLIC SCHOOLS.

1 (IX) TWO MEMBERS REPRESENTING PARENTS.

2 (6) NOT REQUIRE ANY MEMBER SCHOOL ENTITY TO REIMBURSE THE
3 ASSOCIATION FOR LEGAL FEES AND EXPENSES INCURRED BY THE
4 ASSOCIATION OR ANY OF ITS PERSONNEL IN DEFENDING A LEGAL ACTION
5 AUTHORIZED BY A MEMBER SCHOOL ENTITY AND BROUGHT AGAINST THE
6 ASSOCIATION OR ANY OF ITS PERSONNEL AND TAKE ACTION TO REPEAL
7 ANY PRESENT RULE OR POLICY AUTHORIZING SUCH REIMBURSEMENT PRIOR
8 TO THE FINAL REPORT OF THE COUNCIL.

9 (7) ADOPT AN EVALUATION SYSTEM FOR GAME OFFICIALS AT
10 DISTRICT, INTERDISTRICT AND CHAMPIONSHIP COMPETITIONS AND
11 UTILIZE THAT EVALUATION SYSTEM IN THE SELECTION OF INDIVIDUALS
12 TO OFFICIATE THOSE CONTESTS.

13 (8) ADOPT AND ADHERE TO A POLICY PROHIBITING CONFLICTS OF
14 INTEREST AND SETTING FORTH RULES OF ETHICS TO BE FOLLOWED BY
15 ASSOCIATION BOARD MEMBERS AND EMPLOYES.

16 (9) EMPLOY IN-HOUSE COUNSEL.

17 (10) EVALUATE THE PERFORMANCE OF ITS CONTRACTED EMPLOYES TO
18 DETERMINE WHETHER THEY HAVE COMPLIED WITH THE PROVISIONS OF
19 THEIR CONTRACTS AND TO DETERMINE WHETHER TERMINATION IS
20 APPROPRIATE FOR ANY ASSOCIATION EMPLOYES WHO HAVE VIOLATED THE
21 PROVISIONS OF THEIR CONTRACTS.

22 (11) ADOPT NO RULES RESTRICTING MEDIA ACCESS TO
23 INTERSCHOLASTIC ATHLETIC COMPETITIONS OR RESTRICTING THE
24 SUBSTANCE OF ANY COMMENTARY OFFERED BY MEDIA REPORTING OF
25 INTERSCHOLASTIC ATHLETIC COMPETITIONS.

26 (12) ADOPT RULES INTENDED TO DISCOURAGE ITS MEMBER SCHOOL
27 ENTITIES FROM RECRUITING STUDENT ATHLETES, PROVIDED THAT:

28 (I) SUCH RULES AND ANY PENALTIES LEVIED FOR THEIR BREACH
29 SHALL BE DIRECTED AT THE ASSOCIATION'S MEMBER SCHOOLS AND NOT AT
30 INDIVIDUAL STUDENT ATHLETES WHO MAY HAVE BEEN THE SUBJECT OF

1 RECRUITING.

2 (II) ANY AND ALL PROCEDURES ESTABLISHED TO GATHER EVIDENCE
3 RELATED TO THE ENFORCEMENT OF SUCH RULES SHALL PLACE THE BURDEN
4 OF PROOF OF THE BREACH OF SUCH RULES ON THE ASSOCIATION, AND
5 SHALL AFFORD ANY MEMBER SCHOOL ENTITY DUE PROCESS RIGHTS IN
6 DEFENDING ITSELF AGAINST THE ALLEGATIONS, INCLUDING A RIGHT TO A
7 HEARING ON THE CHARGES BEFORE THE IMPOSITION OF PENALTIES.

8 (III) THE ASSOCIATION IS SPECIFICALLY PROHIBITED FROM
9 IDENTIFYING INDIVIDUAL STUDENT ATHLETES AS SUBJECTS OR TARGETS
10 OF SUCH PROCEDURES.

11 (13) ESTABLISH A POLICY, INCLUDING A MECHANISM FOR
12 ENFORCEMENT, REQUIRING THAT PERSONS INVOLVED IN INTERSCHOLASTIC
13 ATHLETICS BE PROVIDED EQUALITY OF OPPORTUNITY AND TREATMENT
14 WITHOUT REGARD TO RACE, SEX, RELIGION, NATIONAL ORIGIN OR ETHNIC
15 BACKGROUND.

16 SECTION 6. SECTION 1726-A OF THE ACT, AMENDED JUNE 26, 1999 <—
17 (P.L.394, NO.36), IS AMENDED TO READ:

18 SECTION 1726-A. TRANSPORTATION.--(A) STUDENTS WHO RESIDE IN
19 THE SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED OR
20 WHO ARE RESIDENTS OF A SCHOOL DISTRICT WHICH IS PART OF A
21 REGIONAL CHARTER SCHOOL SHALL BE PROVIDED TRANSPORTATION TO THE
22 CHARTER SCHOOL ON THE SAME TERMS AND CONDITIONS AS
23 TRANSPORTATION IS PROVIDED TO STUDENTS ATTENDING THE SCHOOLS OF
24 THE DISTRICT. SCHOOL DISTRICTS OF THE FIRST CLASS SHALL ALSO
25 PROVIDE TRANSPORTATION TO THE STUDENTS IF THEY ARE THE SAME AGE
26 OR ARE ENROLLED IN THE SAME GRADE, GRADES OR THEIR GRADE
27 EQUIVALENTS AS ANY STUDENTS OF THE DISTRICT FOR WHOM
28 TRANSPORTATION IS PROVIDED UNDER ANY PROGRAM OR POLICY TO THE
29 SCHOOLS OF THE DISTRICT. SUCH TRANSPORTATION SHALL BE PROVIDED
30 TO CHARTER SCHOOL STUDENTS EACH SCHOOL DAY WHETHER OR NOT

1 TRANSPORTATION IS PROVIDED DURING THE SAME SCHOOL DAY TO
2 STUDENTS ATTENDING SCHOOLS OF THE DISTRICT. NONRESIDENT STUDENTS
3 SHALL BE PROVIDED TRANSPORTATION UNDER SECTION 1361. DISTRICTS
4 PROVIDING TRANSPORTATION TO A CHARTER SCHOOL OUTSIDE THE
5 DISTRICT SHALL BE ELIGIBLE FOR PAYMENTS UNDER SECTION 2509.3 FOR
6 EACH PUBLIC SCHOOL STUDENT TRANSPORTED.

7 (B) IN THE EVENT THAT THE SECRETARY OF EDUCATION DETERMINES
8 THAT A SCHOOL DISTRICT OF THE FIRST CLASS IS NOT PROVIDING THE
9 REQUIRED TRANSPORTATION TO STUDENTS TO THE CHARTER SCHOOL, THE
10 DEPARTMENT OF EDUCATION SHALL PAY DIRECTLY TO THE CHARTER SCHOOL
11 FUNDS FOR COSTS INCURRED IN THE TRANSPORTATION OF ITS STUDENTS.
12 PAYMENTS TO A CHARTER SCHOOL SHALL BE DETERMINED IN THE
13 FOLLOWING MANNER: FOR EACH ELIGIBLE STUDENT TRANSPORTED, THE
14 CHARTER SCHOOL SHALL RECEIVE A PAYMENT EQUAL TO THE TOTAL
15 EXPENDITURES FOR TRANSPORTATION OF THE SCHOOL DISTRICT DIVIDED
16 BY THE TOTAL NUMBER OF SCHOOL STUDENTS TRANSPORTED BY THE SCHOOL
17 DISTRICT UNDER ANY PROGRAM OR POLICY.

18 (C) THE DEPARTMENT SHALL DEDUCT THE AMOUNT PAID TO THE
19 CHARTER SCHOOL UNDER SUBSECTION (B) FROM ANY AND ALL PAYMENTS
20 MADE TO THE DISTRICT.

21 (D) A SCHOOL DISTRICT OF THE FIRST CLASS SHALL SUBMIT A COPY
22 OF ITS CURRENT TRANSPORTATION POLICY TO THE DEPARTMENT NO LATER
23 THAN AUGUST 1 OF EACH YEAR.

24 SECTION ~~6~~ 7. SECTION 1702-B OF THE ACT IS AMENDED BY ADDING <—
25 A DEFINITION TO READ:

26 SECTION 1702-B. DEFINITIONS.--FOR PURPOSES OF THIS ARTICLE,
27 THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

28 * * *

29 "HISTORY OF EXTRAORDINARILY LOW TEST PERFORMANCE." A
30 COMBINED AVERAGE OF SIXTY PER CENTUM (60%) OR MORE OF STUDENTS

1 SCORING IN THE BOTTOM MEASURED GROUP OF TWENTY-FIVE PER CENTUM
2 (25%) OR BELOW BASIC LEVEL OF PERFORMANCE ON THE PENNSYLVANIA
3 SYSTEM OF SCHOOL ASSESSMENT TESTS UNDER 22 PA. CODE CH. 4
4 (RELATING TO ACADEMIC STANDARDS AND ASSESSMENT) IN MATH AND
5 READING IN THE MOST RECENT TWO SCHOOL YEARS FOR WHICH SCORES ARE
6 AVAILABLE.

7 * * *

8 SECTION 7 8. SECTIONS 1703-B(A), 1705-B AND 1706-B(A) OF THE <—
9 ACT, ADDED MAY 10, 2000 (P.L.44, NO.16), ARE AMENDED TO READ:

10 SECTION 1703-B. EDUCATION EMPOWERMENT LIST.--(A) THE
11 DEPARTMENT SHALL PLACE A SCHOOL DISTRICT THAT HAS A HISTORY OF
12 LOW TEST PERFORMANCE ON AN EDUCATION EMPOWERMENT LIST. THE
13 DEPARTMENT SHALL IMMEDIATELY NOTIFY THE SCHOOL DISTRICT OF ITS
14 PLACEMENT ON THE EDUCATION EMPOWERMENT LIST AND SHALL PUBLISH
15 THE LIST IN THE PENNSYLVANIA BULLETIN. A SCHOOL DISTRICT MAY
16 PETITION THE DEPARTMENT TO EXCLUDE FROM ITS CALCULATION UNDER
17 THIS SUBSECTION OR SECTION 1707-B(A.1) THE PSSA TEST SCORE OF
18 ANY STUDENT WHO WAS ENROLLED IN THE DISTRICT FOR LESS THAN
19 NINETY (90) INSTRUCTIONAL DAYS OF THE SCHOOL YEAR IN WHICH THE
20 TEST WAS ADMINISTERED.

21 * * *

22 SECTION 1705-B. EDUCATION EMPOWERMENT DISTRICTS.--(A)
23 EXCEPT AS PROVIDED IN SUBSECTION (H), A SCHOOL DISTRICT ON THE
24 EDUCATION EMPOWERMENT LIST THAT DOES NOT MEET THE GOALS FOR
25 IMPROVING EDUCATIONAL PERFORMANCE SET FORTH IN THE SCHOOL
26 DISTRICT IMPROVEMENT PLAN AND MAINTAINS A HISTORY OF LOW TEST
27 PERFORMANCE AT THE END OF THE THIRD SCHOOL YEAR FOLLOWING THE
28 DATE OF ITS PLACEMENT ON THE LIST SHALL BE CERTIFIED BY THE
29 DEPARTMENT AS AN EDUCATION EMPOWERMENT DISTRICT, AND A BOARD OF
30 CONTROL SHALL BE ESTABLISHED. THE DEPARTMENT MAY ALLOW THE

1 SCHOOL DISTRICT TO REMAIN ON THE EDUCATION EMPOWERMENT LIST FOR
2 AN ADDITIONAL SCHOOL YEAR PRIOR TO CERTIFYING THE SCHOOL
3 DISTRICT AS AN EDUCATION EMPOWERMENT DISTRICT IF THE DEPARTMENT
4 DETERMINES THAT THE ADDITIONAL YEAR WILL ENABLE THE SCHOOL
5 DISTRICT TO IMPROVE TEST PERFORMANCE AND MEET OTHER GOALS SET
6 FORTH IN THE SCHOOL DISTRICT IMPROVEMENT PLAN.

7 (B) THE BOARD OF CONTROL SHALL BE COMPRISED OF THREE MEMBERS
8 AS FOLLOWS:

9 (1) THE SECRETARY, WHO SHALL SERVE AS CHAIRMAN, OR A
10 DESIGNEE; AND

11 (2) TWO MEMBERS WHO ARE RESIDENTS OF A COUNTY IN WHICH THE
12 SCHOOL DISTRICT IS LOCATED AND WHO SHALL BE APPOINTED BY THE
13 SECRETARY WITHIN FOURTEEN (14) DAYS OF THE SCHOOL DISTRICT'S
14 CERTIFICATION AS AN EDUCATION EMPOWERMENT DISTRICT.

15 (C) NO PERSON WHO IS AN OFFICER, BOARD MEMBER OR EMPLOYE OF
16 THE SCHOOL DISTRICT SHALL BE APPOINTED TO THE BOARD OF CONTROL.

17 (D) MEMBERS OF THE BOARD OF CONTROL WHO ARE NOT EMPLOYES OF
18 THE COMMONWEALTH OR A POLITICAL SUBDIVISION SHALL RECEIVE
19 COMPENSATION UNDER SECTION 692.2.

20 (E) VACANCIES ON THE BOARD OF CONTROL SHALL BE FILLED IN THE
21 SAME MANNER AS THE ORIGINAL APPOINTMENT.

22 (F) MEMBERS OF THE BOARD OF CONTROL SHALL SERVE AT THE
23 PLEASURE OF THE SECRETARY.

24 (G) ACTIONS OF THE BOARD OF CONTROL SHALL BE BY A MAJORITY
25 VOTE. A MAJORITY OF THE MEMBERS APPOINTED SHALL CONSTITUTE A
26 QUORUM.

27 (H) (1) A BOARD OF CONTROL ESTABLISHED UNDER SECTION 692
28 SHALL BE ABOLISHED UPON CERTIFICATION OF THE SCHOOL DISTRICT AS
29 AN EDUCATION EMPOWERMENT DISTRICT. THE SCHOOL DISTRICT SHALL BE
30 OPERATED BY A BOARD OF CONTROL ESTABLISHED UNDER SUBSECTION (A).

1 THE SECRETARY MAY APPOINT THE SAME INDIVIDUALS SERVING ON THE
2 BOARD OF CONTROL UNDER SECTION 692 TO THE BOARD OF CONTROL UNDER
3 SUBSECTION (B).

4 (2) SECTIONS 691 AND 692 SHALL NOT APPLY TO A SCHOOL
5 DISTRICT CERTIFIED AS AN EDUCATION EMPOWERMENT DISTRICT.

6 (3) FOR A SCHOOL DISTRICT WITH A HISTORY OF LOW TEST
7 PERFORMANCE THAT IS CERTIFIED AS DISTRESSED FOR A MINIMUM PERIOD
8 OF TWO (2) YEARS UNDER SECTIONS 691 AND 692 [ON THE EFFECTIVE
9 DATE OF THIS ARTICLE], THE DEPARTMENT SHALL WAIVE THE INCLUSION
10 OF THE SCHOOL DISTRICT ON THE EDUCATION EMPOWERMENT LIST UNDER
11 SECTION 1703-B(A) AND IMMEDIATELY CERTIFY THE SCHOOL DISTRICT AS
12 AN EDUCATION EMPOWERMENT DISTRICT.

13 SECTION 1706-B. POWERS AND DUTIES OF BOARD OF CONTROL.--(A)
14 EXCEPT FOR THE POWER TO LEVY TAXES, THE BOARD OF CONTROL MAY
15 EXERCISE ALL OTHER POWERS AND DUTIES CONFERRED BY LAW ON THE
16 BOARD OF SCHOOL DIRECTORS AND THE POWERS AND DUTIES CONFERRED BY
17 LAW ON A SPECIAL BOARD OF CONTROL UNDER SECTIONS 693, 694 AND
18 695. IN ADDITION TO THE POWERS SET FORTH IN SECTION 1704-B(A),
19 THE BOARD OF CONTROL SHALL HAVE THE POWER TO CLOSE A DISTRICT
20 SCHOOL.

21 * * *

22 SECTION 8 9. SECTIONS 1707-B AND 1708-B(B) OF THE ACT, ADDED <—
23 MAY 10, 2000 (P.L.44, NO.16), ARE AMENDED TO READ:

24 SECTION 1707-B. BOARDS OF CONTROL FOR CERTAIN SCHOOL
25 DISTRICTS.--(A) THE GENERAL ASSEMBLY FINDS AND DECLARES AS
26 FOLLOWS:

27 (1) IN ADDITION TO THE OPERATION OF FAILING SCHOOL DISTRICTS
28 BY A STATE, OTHER JURISDICTIONS ACROSS THE NATION ARE UTILIZING
29 OTHER MODELS TO REFORM FAILING URBAN SCHOOL DISTRICTS IN WHICH
30 THE CHIEF EXECUTIVE OF THE CITY GOVERNMENT IS EMPOWERED TO

1 CONTROL THE GOVERNANCE OF THE PUBLIC SCHOOLS SERVING THE CITY.
2 FOR EXAMPLE, CHICAGO HAS IMPLEMENTED A REFORM MODEL OPERATED BY
3 THE MAYOR.

4 (2) IN THIS COMMONWEALTH, THE MAYOR OF THE CITY OF
5 PHILADELPHIA, A CITY OF THE FIRST CLASS COTERMINOUS WITH A
6 SCHOOL DISTRICT OF THE FIRST CLASS, RECENTLY WAS EMPOWERED BY
7 AMENDMENTS TO THE HOME RULE CHARTER IMMEDIATELY TO APPOINT ALL
8 MEMBERS OF THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT OF
9 PHILADELPHIA TO SERVE AT HIS PLEASURE. IN NO OTHER SCHOOL
10 DISTRICT OF THE COMMONWEALTH IS THE MAYOR OR CHIEF EXECUTIVE OF
11 A MUNICIPALITY EMPOWERED TO CONTROL OR AFFECT THE GOVERNANCE OF
12 SCHOOL DISTRICTS. UNDER THE HOME RULE CHARTER AMENDMENTS, THE
13 MAYOR OF PHILADELPHIA WILL HAVE SIGNIFICANT INPUT INTO THE
14 DEVELOPMENT AND IMPLEMENTATION OF ANY SCHOOL DISTRICT
15 IMPROVEMENT PLAN ADOPTED UNDER SECTION 1703-B AND THE SCHOOL
16 DISTRICT GENERALLY.

17 (3) IN ORDER TO ASSESS THE EFFECTIVENESS OF A MAYOR-LED
18 SYSTEM OF SCHOOL GOVERNANCE IN OTHER LARGE CITY SCHOOL DISTRICTS
19 IN THIS COMMONWEALTH WHICH HAVE A HISTORY OF EXTRAORDINARILY LOW
20 TEST PERFORMANCE, A PILOT PROGRAM UNDER THIS SECTION SHALL BE
21 ESTABLISHED FOR CERTAIN SCHOOL DISTRICTS OF THE SECOND CLASS
22 COTERMINOUS WITH CITIES THAT HAVE OPTED UNDER THE ACT OF JULY
23 15, 1957 (P.L.901, NO.399), KNOWN AS THE "OPTIONAL THIRD CLASS
24 CITY CHARTER LAW," OR 53 PA.C.S. PT. III SUBPT. E (RELATING TO
25 HOME RULE AND OPTIONAL PLAN GOVERNMENT) TO BE GOVERNED BY A
26 MAYOR-COUNCIL FORM OF GOVERNMENT.

27 (A.1) FOR A SCHOOL DISTRICT OF THE SECOND CLASS [WITH] WHICH
28 HAS A HISTORY OF EXTRAORDINARILY LOW TEST PERFORMANCE, WHICH IS
29 COTERMINOUS WITH [THE] A CITY OF THE THIRD CLASS [WHICH CONTAINS
30 THE PERMANENT SEAT OF GOVERNMENT OF THIS COMMONWEALTH] THAT HAS

1 OPTED UNDER THE "OPTIONAL THIRD CLASS CITY CHARTER LAW" OR 53
2 PA.C.S. PT. III SUBPT. E TO BE GOVERNED BY A MAYOR-COUNCIL FORM
3 OF GOVERNMENT AND WHICH HAS A POPULATION IN EXCESS OF FORTY-FIVE
4 THOUSAND (45,000), THE SECRETARY SHALL WAIVE THE INCLUSION OF
5 THE SCHOOL DISTRICT ON THE EDUCATION EMPOWERMENT LIST UNDER
6 SECTION 1703-B(A) AND IMMEDIATELY CERTIFY THE SCHOOL DISTRICT AS
7 AN EDUCATION EMPOWERMENT DISTRICT. NO SCHOOL DISTRICT SHALL BE
8 CERTIFIED UNDER THIS SECTION LATER THAN DECEMBER 31, 2005.

9 (B) A BOARD OF CONTROL IN AN EDUCATION EMPOWERMENT DISTRICT
10 CERTIFIED UNDER [SUBSECTION (A)] THIS SECTION SHALL CONSIST OF
11 FIVE (5) RESIDENTS OF THE SCHOOL DISTRICT WHO SHALL BE APPOINTED
12 BY THE MAYOR OF THE COTERMINOUS CITY WITHIN FOURTEEN (14) DAYS
13 OF THE CERTIFICATION OF THE SCHOOL DISTRICT AS AN EDUCATION
14 EMPOWERMENT DISTRICT. MEMBERS OF THE BOARD OF CONTROL SHALL
15 SERVE AT THE PLEASURE OF THE MAYOR.

16 (C) THE AUTHORITY GRANTED TO A BOARD OF SCHOOL DIRECTORS
17 UNDER SECTION 1704-B(A) SHALL BE EXERCISED BY THE BOARD OF
18 CONTROL OF AN EDUCATION EMPOWERMENT DISTRICT CERTIFIED UNDER
19 [SUBSECTION (A)] THIS SECTION. THE PROVISIONS OF SECTIONS 1705-
20 B(C), (D), (E) AND (G), 1706-B AND 1708-B(A) SHALL BE APPLICABLE
21 TO A BOARD OF CONTROL APPOINTED UNDER SUBSECTION (B). THE
22 PROVISIONS OF SECTIONS 693, 694 AND 695 RELATING TO SPECIAL
23 BOARDS OF CONTROL SHALL APPLY TO A BOARD OF CONTROL UNDER THIS
24 SECTION.

25 (D) WITHIN THIRTY (30) DAYS OF THE CERTIFICATION OF AN
26 EDUCATION EMPOWERMENT DISTRICT UNDER [SUBSECTION (A)] THIS
27 SECTION, THE MAYOR SHALL APPOINT A SCHOOL DISTRICT EMPOWERMENT
28 TEAM UNDER SECTION 1703-B(D)(2) TO DEVELOP A SCHOOL DISTRICT
29 IMPROVEMENT PLAN UNDER SECTION 1703-B(E). THE MAYOR OR [HIS] A
30 DESIGNEE SHALL SERVE AS CHAIRMAN OF THE SCHOOL DISTRICT

1 EMPOWERMENT TEAM.

2 (E) THE SCHOOL DISTRICT IMPROVEMENT PLAN UNDER SUBSECTION
3 (D) SHALL BE TRANSMITTED BY THE BOARD OF CONTROL TO THE
4 DEPARTMENT WITHIN ONE HUNDRED TWENTY (120) DAYS OF THE
5 APPOINTMENT OF THE SCHOOL DISTRICT EMPOWERMENT TEAM. THE
6 DEPARTMENT SHALL RETURN THE SCHOOL DISTRICT IMPROVEMENT PLAN TO
7 THE BOARD OF CONTROL WITH ITS APPROVAL OR ANY REQUEST FOR
8 MODIFICATIONS WITHIN THIRTY (30) DAYS FOLLOWING ITS SUBMISSION.
9 ANY FURTHER MODIFICATIONS MADE BY THE SCHOOL DISTRICT
10 EMPOWERMENT TEAM SHALL BE TRANSMITTED TO THE DEPARTMENT BY THE
11 BOARD OF CONTROL.

12 (F) WHEN A SCHOOL DISTRICT CERTIFIED AS AN EDUCATION
13 EMPOWERMENT DISTRICT UNDER [SUBSECTION (A)] THIS SECTION NO
14 LONGER HAS A HISTORY OF LOW TEST PERFORMANCE AND HAS REACHED THE
15 GOALS SET FORTH IN THE SCHOOL DISTRICT IMPROVEMENT PLAN, THE
16 DEPARTMENT SHALL REMOVE THE CERTIFICATION AS AN EDUCATION
17 EMPOWERMENT DISTRICT AS PROVIDED UNDER SECTION 1710-B, EXCEPT
18 THAT NO CERTIFICATION REMOVAL OF A SCHOOL DISTRICT INITIALLY
19 CERTIFIED UNDER SUBSECTION (A) SHALL BE MADE FOR A PERIOD OF AT
20 LEAST FIVE (5) YEARS.

21 (G) A SCHOOL DISTRICT CERTIFIED AS AN EMPOWERMENT DISTRICT
22 UNDER THIS SECTION SHALL NOT HAVE ITS CERTIFICATION REMOVED AS A
23 RESULT OF THE REPORTS OF THE BUREAU OF THE CENSUS OR ANY CHANGE
24 IN CLASSIFICATION OF MUNICIPALITIES OR SCHOOL DISTRICTS.

25 SECTION 1708-B. CHARTER SCHOOLS.--* * *

26 (B) CHARTER SCHOOLS APPROVED PURSUANT TO THIS SECTION SHALL
27 NOT BE SUBJECT TO SECTIONS 1717-A(B), (C), (D), (E), (F) [AND] L
28 (G), (H) AND (I) AND 1722-A(C).

29 * * *

30 SECTION 9 10. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

<—

1 (1) THE AMENDMENT OR ADDITION OF SECTIONS 1205.4 AND
2 1549 OF THE ACT SHALL TAKE EFFECT IN 60 DAYS.

3 (2) THE ADDITION OF SECTION 1604-A OF THE ACT SHALL TAKE
4 EFFECT IN 90 DAYS.

5 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
6 IMMEDIATELY.