

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 101

Session of
2009

INTRODUCED BY LONGIETTI, BAKER, BARRAR, BEAR, BOYD, BRENNAN, CALTAGIRONE, CARROLL, CAUSER, COHEN, CREIGHTON, DENLINGER, FABRIZIO, FAIRCHILD, FLECK, FRANKEL, FREEMAN, GEIST, GIBBONS, GRUCELA, HALUSKA, HENNESSEY, HESS, HORNAMAN, W. KELLER, KIRKLAND, KORTZ, KOTIK, MANN, McILVAINE SMITH, MELIO, MENSCH, MICCARELLI, MILLER, M. O'BRIEN, PASHINSKI, PICKETT, READSHAW, SANTONI, SEIP, SIPTROTH, STERN, STEVENSON, STURLA, VULAKOVICH, WALKO, WHEATLEY, YUDICHAK, WANSACZ, PAYTON, REED, K. SMITH, MURT, DALLY, BENNINGHOFF, BROOKS, PEIFER, BRIGGS, MATZIE, M. SMITH AND SAMUELSON, JANUARY 28, 2009

SENATOR PICCOLA, EDUCATION, IN SENATE, AS AMENDED, SEPTEMBER 21, 2010

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 development of economic~~ ←
6 ~~education and personal financial literacy programs; and~~
7 ~~establishing the Economic Education and Personal Financial~~
8 ~~Literacy Fund~~ IN SCHOOL DISTRICTS, FURTHER PROVIDING FOR ←
9 REPORTS TO DEPARTMENT OF EDUCATION AND PROVIDING FOR VALUE-
10 ADDED ASSESSMENT SYSTEM AND FOR DROP-OUT DATA COLLECTION; IN
11 INTERMEDIATE UNITS, FURTHER PROVIDING FOR FINANCIAL REPORTS;
12 PROVIDING FOR PAYMENT OF FEES ASSOCIATED WITH CERTIFICATION
13 BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS; IN
14 CERTIFICATION OF TEACHERS, FURTHER PROVIDING FOR
15 DISQUALIFICATIONS RELATING TO TEACHER'S CERTIFICATE; IN
16 PUPILS AND ATTENDANCE, FURTHER PROVIDING FOR RESIDENCE AND
17 RIGHT TO FREE SCHOOL PRIVILEGES AND PROVIDING FOR EMERGENCY
18 PERMITS AT APPROVED PRIVATE SCHOOLS AND CHARTERED SCHOOLS FOR
19 THE DEAF AND BLIND; IN PROVISIONS RELATING TO SAFE SCHOOLS,
20 FURTHER PROVIDING FOR DEFINITIONS AND FOR THE OFFICE FOR SAFE
21 SCHOOLS; PROVIDING FOR REGULATIONS; AND FURTHER PROVIDING FOR
22 REPORTING BY SCHOOL ENTITIES; IN SCHOOL HEALTH SERVICES,
23 FURTHER PROVIDING FOR POSSESSION AND USE OF ASTHMA INHALERS
24 AND EPINEPHRINE AUTO-INJECTORS, FOR MEDICAL EXAMINATIONS OF

1 TEACHERS AND OTHER PERSONS AND FOR DUTIES OF DEPARTMENT OF
2 EDUCATION; IN TERMS AND COURSES OF STUDY, PROVIDING FOR
3 ECONOMIC EDUCATION AND PERSONAL FINANCIAL LITERACY PROGRAMS,
4 FOR STATE STANDARDS FOR BUSINESS, COMPUTER AND INFORMATION
5 TECHNOLOGY COURSES AND FOR DATING VIOLENCE EDUCATION;
6 ESTABLISHING THE SCIENCE TECHNOLOGY PARTNERSHIP PROGRAM; IN
7 HIGH SCHOOLS, FURTHER PROVIDING FOR ACADEMIC DEGREES; IN
8 CHARTER SCHOOLS, FURTHER PROVIDING FOR FACILITIES; PROVIDING
9 FOR THE OLDER PENNSYLVANIAN HIGHER EDUCATION PROGRAM, FOR
10 COURSE MATERIALS AT INSTITUTIONS OF HIGHER EDUCATION AND FOR
11 SEXUAL VIOLENCE EDUCATION AT INSTITUTIONS OF HIGHER
12 EDUCATION; IN REIMBURSEMENTS BY COMMONWEALTH AND BETWEEN
13 SCHOOL DISTRICTS, FURTHER PROVIDING FOR EFFECT OF FAILURE TO
14 FILE REPORTS; AND MAKING EDITORIAL CHANGES AND RELATED
15 REPEALS.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

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

21 ~~Section 1551. Economic Education and Personal Financial~~
22 ~~Literacy Programs. (a) The General Assembly declares it is the~~
23 ~~purpose of this section to require the department to gather and~~
24 ~~disseminate curriculum materials for school entities or private,~~
25 ~~nonpublic, elementary or secondary schools in this Commonwealth~~
26 ~~related to teaching economics and personal finance curriculum as~~
27 ~~identified in the Pennsylvania Academic Standards for Economics,~~
28 ~~Family and Consumer Science, and Career Education and Work. The~~
29 ~~materials shall incorporate concepts of economics and personal~~
30 ~~financial literacy into the K-12 school curricula and shall be~~
31 ~~designed to educate the general student population who need to~~
32 ~~understand our economic system and the role the individual~~
33 ~~citizen, consumer and saver plays within that system. In~~
34 ~~gathering materials for use in schools, the department shall~~
35 ~~consider materials and resources currently available through~~
36 ~~international, national, Statewide and local economic and~~
37 ~~personal finance education organizations.~~

~~(b) The department shall have the power and its duty shall be to:~~

~~(1) Provide resource information on economics, economic education and personal financial literacy to educators and public and private schools and organizations.~~

~~(2) Provide for the distribution through the department's Internet website to school entities or private, nonpublic, elementary or secondary schools in this Commonwealth, teacher curriculum materials and other available resources, including economic education partnership programs, on economic education and personal finance concepts. In distributing materials and resources for use in schools, the department shall consider those currently available through international, national, Statewide and local economic, banking trade and personal finance education organizations. Such materials may include curriculum on issues related to our economic system, including, but not limited to, the concepts identified in the Pennsylvania Academic Standards for Economics, Family and Consumer Science, and Career Education and Work.~~

~~(3) Identify and recognize Commonwealth schools that implement exemplary economic and economic education and personal financial literacy curricula at each benchmark identified by the Pennsylvania Academic Standards for Economics, Family and Consumer Science, and Career Education and Work.~~

~~(4) Maintain an inventory of economic education and personal financial literacy materials, programs and resources available in Commonwealth agencies.~~

~~(c) The secretary shall prepare and submit an annual report to the Governor and the General Assembly on the status of economic education and personal financial literacy programs in~~

~~this Commonwealth. The report shall outline economic education and personal financial literacy programs and achievements, highlight new initiatives and recommend future program needs.~~

~~(d) (1) The secretary shall consult, at least annually, with a representative cross section of the economic, personal financial literacy, banking and education communities of this Commonwealth. The cross section shall include, but not be limited to:~~

~~(i) Statewide and local economic and personal finance education organizations.~~

~~(ii) Faculty and staff members of this Commonwealth's higher education community, each of whom must have a background in or knowledge of economics and personal financial literacy.~~

~~(iii) Teachers involved in economic education or personal financial literacy.~~

~~(iv) Administrators of school entities who conduct an economic or personal financial literacy education program.~~

~~(2) The consultation process shall:~~

~~(i) Assess the trends and needs in economic education and personal financial literacy.~~

~~(ii) Consider the manner in which any funds are used to support economic education and personal financial literacy activities.~~

~~(iii) Make recommendations to the Governor and the General Assembly regarding legislative or regulatory changes to improve economic education and personal financial literacy, pursuant to the preparation and submittal of the report required by subsection (c).~~

~~(e) There is hereby established a separate fund in the State Treasury to be known as the Economic Education and Personal~~

~~Financial Literacy Fund. All non State moneys in the fund are appropriated to the department on a continuing basis. At the end of each fiscal year, unencumbered State moneys shall lapse to the General Fund. The moneys in the fund shall be used solely for the purpose of implementing and continuing the provisions of this section, including program administration.~~

~~(1) The department is authorized, for purposes of implementing and administering this section:~~

~~(i) To accept and expend, on behalf of the Commonwealth, any appropriations from the General Assembly or Federal Government, gifts, donations, legacies and usages of money from individuals, organizations, public or private corporations and similar entities.~~

~~(ii) To apply for, accept and expend any and all Federal, State or other grants that may be available for the purposes of this section.~~

~~(iii) To pursue and establish partnerships with organizations, public and private corporations and similar entities through which it may raise money for the purposes of this section.~~

~~(2) All money received or raised under this subsection shall be paid into the State Treasury and credited to the fund.~~

~~(f) The following words and phrases when used in this section shall have the meanings given to them in this subsection:~~

~~"Department." The Department of Education of the Commonwealth.~~

~~"Fund." The Economic Education and Personal Financial Literacy Fund.~~

~~"Personal financial literacy." The integration of various~~

~~factors relating to personal financial management, including understanding financial institutions, using money, learning to manage personal assets and liabilities, creating budgets and any other factors that may assist an individual in this Commonwealth to be financially responsible.~~

~~"School entity." A public school district, intermediate unit or area vocational technical school.~~

~~"Secretary." The Secretary of Education of the Commonwealth.~~

~~Section 2. This act shall take effect immediately.~~

SECTION 1. SECTION 218 OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, ADDED MAY 10, 2000 (P.L.44, NO.16), IS AMENDED TO READ:

SECTION 218. REPORTS TO DEPARTMENT OF EDUCATION.--(A) AN ANNUAL FINANCIAL REPORT SHALL BE SUBMITTED TO THE SECRETARY OF EDUCATION BY EACH SCHOOL DISTRICT, CHARTER SCHOOL, CYBER CHARTER SCHOOL AND AREA VOCATIONAL-TECHNICAL SCHOOL NOT LATER THAN THE 31ST DAY OF OCTOBER. ALL FINANCIAL ACCOUNTING AND REPORTING BY SCHOOL DISTRICTS, CHARTER SCHOOLS, CYBER CHARTER SCHOOLS AND AREA VOCATIONAL-TECHNICAL SCHOOLS TO THE DEPARTMENT OF EDUCATION SHALL BE IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING AND REPORTING STANDARDS, EXCEPT THAT MANAGEMENT DISCUSSION AND ANALYSIS AND RELATED NOTES AND THE FOLLOWING FINANCIAL STATEMENTS SHALL NOT BE REQUIRED COMPONENTS OF THE ANNUAL FINANCIAL REPORT: ENTITY-WIDE FINANCIAL STATEMENTS, INCLUDING THE STATEMENT OF ACTIVITIES AND THE STATEMENT OF NET ASSETS; THE RECONCILIATION OF THE BALANCE SHEET - GOVERNMENTAL FUNDS TO STATEMENT OF NET ASSETS; AND THE RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS TO STATEMENT OF ACTIVITIES. THE DEPARTMENT OF EDUCATION SHALL ESTABLISH A REPORTING STANDARD FOR THE ANNUAL

1 FINANCIAL REPORT.

2 (B) THE CHIEF SCHOOL ADMINISTRATOR AND BOARD SECRETARY OF A
3 SCHOOL DISTRICT, CHARTER SCHOOL, CYBER CHARTER SCHOOL OR AREA
4 VOCATIONAL-TECHNICAL SCHOOL SHALL SUBMIT A SIGNED STATEMENT TO
5 THE DEPARTMENT OF EDUCATION NOT LATER THAN THE 31ST DAY OF
6 DECEMBER OF EACH YEAR CERTIFYING THAT: THE AUDITED FINANCIAL
7 STATEMENTS OF THE SCHOOL DISTRICT, CHARTER SCHOOL, CYBER CHARTER
8 SCHOOL OR AREA VOCATIONAL-TECHNICAL SCHOOL HAVE BEEN PROPERLY
9 AUDITED PURSUANT TO ARTICLE XXIV AND THAT IN THE INDEPENDENT
10 AUDITOR'S PROFESSIONAL OPINION, THE FINANCIAL INFORMATION
11 SUBMITTED IN THE ANNUAL FINANCIAL REPORT WAS MATERIALLY
12 CONSISTENT WITH THE AUDITED FINANCIAL STATEMENTS.

13 (C) IF THE FINANCIAL INFORMATION SUBMITTED IN THE ANNUAL
14 FINANCIAL REPORT WAS NOT MATERIALLY CONSISTENT WITH THE AUDITED
15 FINANCIAL STATEMENTS, THE SCHOOL DISTRICT, CHARTER SCHOOL, CYBER
16 CHARTER SCHOOL OR AREA VOCATIONAL-TECHNICAL SCHOOL SHALL SUBMIT
17 A REVISED ANNUAL FINANCIAL REPORT TO THE DEPARTMENT OF EDUCATION
18 NOT LATER THAN THE 31ST DAY OF DECEMBER.

19 (D) THE DEPARTMENT OF EDUCATION SHALL ORDER THE FORFEITURE
20 PENALTIES PROVIDED FOR UNDER SECTION 2552.1(A.1) AGAINST A
21 SCHOOL DISTRICT, CHARTER SCHOOL, CYBER CHARTER SCHOOL OR AREA
22 VOCATIONAL-TECHNICAL SCHOOL FOR FAILURE TO TIMELY SUBMIT AN
23 ANNUAL FINANCIAL REPORT OR REVISED ANNUAL FINANCIAL REPORT.

24 SECTION 2. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

25 SECTION 221. VALUE-ADDED ASSESSMENT SYSTEM.--(A) BEGINNING
26 ON THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT OF
27 EDUCATION SHALL MAKE AVAILABLE ON ITS PUBLICLY ACCESSIBLE
28 INTERNET WEBSITE THE FOLLOWING:

29 (1) VALUE-ADDED ASSESSMENT SYSTEM DATA FOR THE SCHOOL
30 DISTRICT LEVEL AND THE SCHOOL LEVEL. THE DEPARTMENT OF

EDUCATION'S DISCLOSURE OF VALUE-ADDED ASSESSMENT SYSTEM DATA
SHALL BE SUBJECT TO THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY
ACT OF 1974 (PUBLIC LAW 90-247, 20 U.S.C. § 1232G) OR A
SUCCESSOR FEDERAL STATUTE.

(2) INSTRUCTIONS THAT MAY ASSIST THE PUBLIC IN UNDERSTANDING
AND INTERPRETING THE DATA PROVIDED UNDER PARAGRAPH (1).

(B) FOR PURPOSES OF THIS SECTION:

"VALUE-ADDED ASSESSMENT SYSTEM" SHALL MEAN A STATISTICAL
ANALYSIS OF RESULTS ON THE PENNSYLVANIA SYSTEM OF SCHOOL
ASSESSMENT TEST OR ANY OTHER TEST ESTABLISHED BY THE STATE BOARD
OF EDUCATION TO MEET THE REQUIREMENTS OF SECTION 2603-B(D) (10)

(I) PURSUANT TO 22 PA. CODE § 403.3 (RELATING TO SINGLE
ACCOUNTABILITY SYSTEM) THAT USES MEASURES OF STUDENT LEARNING TO
ENABLE THE ESTIMATION OF SCHOOL OR SCHOOL DISTRICT STATISTICAL
DISTRIBUTIONS.

SECTION 222. DROP-OUT DATA COLLECTION.-- (A) THE DEPARTMENT
SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

(1) TO REPORT THE GRADUATION RATES AND DROP-OUT RATES IN
THIS COMMONWEALTH.

(2) TO IMPLEMENT AND MAINTAIN A DATA COLLECTION AND
REPORTING SYSTEM THAT ACCOUNTS FOR ALL STUDENTS AND CALCULATES
GRADUATION RATES AND DROP-OUT RATES IN ALL SCHOOL ENTITIES IN
ACCORDANCE WITH FEDERAL REGULATIONS OR GUIDELINES. THE
DEPARTMENT MAY COMPLY WITH THIS SECTION BY MODIFYING A CURRENTLY
EXISTING DATA COLLECTION AND REPORTING SYSTEM TO PROVIDE THE
INFORMATION REQUIRED UNDER SUBSECTION (B).

(3) TO REQUIRE SCHOOL ENTITIES TO REPORT STUDENT GRADUATION
AND DROP-OUT DATA TO THE DEPARTMENT USING THE DEPARTMENT'S DATA
COLLECTION SYSTEM.

(B) (1) BEGINNING IN THE 2011-2012 SCHOOL YEAR AND IN EACH

SCHOOL YEAR THEREAFTER, THE DEPARTMENT SHALL ANNUALLY PREPARE A
REPORT AND PROVIDE A COPY OF THE REPORT TO THE EDUCATION
COMMITTEE OF THE SENATE AND THE EDUCATION COMMITTEE OF THE HOUSE
OF REPRESENTATIVES AND SHALL POST A COPY OF THE REPORT ON THE
DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE BY DECEMBER 1
OF EACH YEAR. THE REPORT SHALL CONTAIN, AT A MINIMUM, THE
FOLLOWING:

(I) ALL DROP-OUT RATES AND GRADUATION RATES REPORTED BY
SCHOOL ENTITIES, INCLUDING SCHOOL-LEVEL DATA, DISAGGREGATED BY
THE FACTORS USED TO IDENTIFY AN AT-RISK STUDENT AND THE
FOLLOWING CLASSIFICATIONS:

(A) LIMITED ENGLISH PROFICIENCY.

(B) LOW INCOME.

(C) SPECIAL EDUCATION.

(D) GIFTED EDUCATION.

(E) RACE/ETHNICITY.

(F) GENDER.

(G) SCHOOL ENTITY.

(H) GEOGRAPHIC AREA.

(II) HIGHEST GRADE LEVEL COMPLETED AND AGE PRIOR TO DROPPING
OUT.

(2) SCHOOL ENTITIES SHALL USE THE DEFINITIONS AND FORMULAS
ESTABLISHED BY THE DEPARTMENT IF NO FEDERAL STATUTE, REGULATION
OR GUIDELINE EXISTS WHEN REPORTING THE GRADUATION RATES AND
DROP-OUT RATES TO THE DEPARTMENT. SCHOOL ENTITIES SHALL REPORT
THESE RATES ANNUALLY IN A MANNER REQUIRED BY THE DEPARTMENT.

(3) THE DEPARTMENT MAY DEVELOP ANY GUIDELINES OR STANDARDS
NECESSARY TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

(C) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES
SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION UNLESS

1 THE CONTEXT CLEARLY INDICATES OTHERWISE:

2 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
3 COMMONWEALTH.

4 "SCHOOL ENTITY." A PUBLIC SCHOOL DISTRICT, CHARTER SCHOOL,
5 CYBER CHARTER SCHOOL OR AREA VOCATIONAL-TECHNICAL SCHOOL.

6 SECTION 3. SECTION 921-A OF THE ACT, AMENDED JULY 11, 2006
7 (P.L.1092, NO.114), IS AMENDED TO READ:

8 SECTION 921-A. FINANCIAL REPORTS.--(A) AN ANNUAL FINANCIAL
9 REPORT SHALL BE SUBMITTED TO THE SECRETARY OF EDUCATION BY EACH
10 INTERMEDIATE UNIT NOT LATER THAN THE 31ST DAY OF OCTOBER,
11 TOGETHER WITH AN AUDITOR'S REPORT PREPARED BY AN INDEPENDENT
12 AUDITOR WHO SHALL BE A CERTIFIED PUBLIC ACCOUNTANT OR OTHER
13 COMPETENT PUBLIC ACCOUNTANT. THE FINANCIAL INFORMATION SUBMITTED
14 IN THE ANNUAL FINANCIAL REPORT SHALL BE MATERIALLY CONSISTENT
15 WITH THE AUDITED FINANCIAL STATEMENTS. ALL FINANCIAL ACCOUNTING
16 AND REPORTING BY INTERMEDIATE UNITS TO THE DEPARTMENT OF
17 EDUCATION SHALL BE IN ACCORDANCE WITH GENERALLY ACCEPTED
18 ACCOUNTING AND REPORTING STANDARDS, EXCEPT THAT MANAGEMENT
19 DISCUSSION AND ANALYSIS AND RELATED NOTES AND THE FOLLOWING
20 FINANCIAL STATEMENTS SHALL NOT BE REQUIRED COMPONENTS OF THE
21 ANNUAL FINANCIAL REPORT: ENTITY-WIDE FINANCIAL STATEMENTS,
22 INCLUDING THE STATEMENT OF ACTIVITIES AND THE STATEMENT OF NET
23 ASSETS; THE RECONCILIATION OF THE BALANCE SHEET - GOVERNMENTAL
24 FUNDS TO STATEMENT OF NET ASSETS; AND THE RECONCILIATION OF THE
25 STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND
26 BALANCES - GOVERNMENTAL FUNDS TO STATEMENT OF ACTIVITIES. THE
27 DEPARTMENT OF EDUCATION SHALL ESTABLISH A REPORTING STANDARD FOR
28 THE ANNUAL FINANCIAL REPORT.

29 (B) THE DEPARTMENT OF EDUCATION SHALL ORDER THE FORFEITURE
30 PENALTIES PROVIDED FOR UNDER SECTION 2552.1(A.1) AGAINST AN

1 INTERMEDIATE UNIT FOR FAILURE TO TIMELY SUBMIT AN ANNUAL
2 FINANCIAL REPORT.

3 SECTION 4. ARTICLE XI OF THE ACT IS AMENDED BY ADDING A
4 SUBDIVISION TO READ:

5 (I) PROGRAMS.

6 SECTION 1194.1. (RESERVED).

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

8 ARTICLE XI-B

9 CERTIFICATION OF TEACHERS BY THE NATIONAL BOARD FOR

10 PROFESSIONAL TEACHING STANDARDS

11 SECTION 1101-B. DEFINITIONS.

12 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
13 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
14 CONTEXT CLEARLY INDICATES OTHERWISE:

15 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
16 COMMONWEALTH.

17 "ELIGIBLE TEACHER." A TEACHER WHO:

18 (1) IS A CURRENT PENNSYLVANIA RESIDENT.

19 (2) CURRENTLY HOLDS A VALID PENNSYLVANIA TEACHING
20 CERTIFICATION IN GOOD STANDING.

21 (3) HAS COMPLETED THREE FULL YEARS OF TEACHING OR SCHOOL
22 COUNSELING IN A PENNSYLVANIA PUBLIC SCHOOL.

23 (4) HOLDS A CURRENT, FULL-TIME TEACHING OR SCHOOL
24 COUNSELING POSITION IN A PENNSYLVANIA PUBLIC SCHOOL.

25 (5) HAS NOT PREVIOUSLY RECEIVED COMMONWEALTH FUNDS FOR
26 PARTICIPATING IN THE NBPTS CERTIFICATION PROCESS.

27 (6) HAS NOT REPAID ANY COMMONWEALTH FUNDS PREVIOUSLY
28 RECEIVED FOR THE NBPTS CERTIFICATION PROCESS.

29 (7) HAS NOT RECEIVED A WAIVER OF REPAYMENT FROM THE
30 DEPARTMENT OF EDUCATION.

1 "NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS" OR
2 "NBPTS." THE INDEPENDENT, NONPROFIT ORGANIZATION ESTABLISHED IN
3 1987 TO ESTABLISH HIGH STANDARDS FOR TEACHERS' KNOWLEDGE AND
4 PERFORMANCE AND FOR DEVELOPMENT AND OPERATION OF A NATIONAL
5 VOLUNTARY SYSTEM TO ASSESS AND CERTIFY TEACHERS WHO MEET THOSE
6 STANDARDS.

7 "PUBLIC SCHOOL." A SCHOOL OPERATED BY A SCHOOL DISTRICT,
8 INTERMEDIATE UNIT, CHARTER SCHOOL, CYBER CHARTER SCHOOL OR AN
9 AREA VOCATIONAL-TECHNICAL SCHOOL.

10 SECTION 1102-B. PAYMENT OF FEES.

11 TO THE EXTENT FUNDS ARE AVAILABLE, THE COMMONWEALTH SHALL DO
12 ALL OF THE FOLLOWING:

13 (1) PAY ALL OR A PORTION OF THE COST OF NBPTS ASSESSMENT
14 FEES ON BEHALF OF AN ELIGIBLE TEACHER TO BECOME NBPTS
15 CERTIFIED OR RECERTIFIED.

16 (2) REIMBURSE SCHOOL DISTRICTS FOR ALL OR A PORTION OF
17 SUBSTITUTE FEES FOR EACH DAY THE ELIGIBLE TEACHER
18 PARTICIPATES IN PREPARATION FOR NBPTS CERTIFICATION, UP TO
19 THREE DAYS.

20 SECTION 1103-B. PRIORITY.

21 (A) SCHOOLS IN SCHOOL IMPROVEMENT OR CORRECTIVE ACTION.--
22 ELIGIBLE TEACHERS WHO TEACH IN SCHOOLS IDENTIFIED BY THE
23 DEPARTMENT AS IN SCHOOL IMPROVEMENT OR CORRECTIVE ACTION SHALL
24 RECEIVE FIRST PRIORITY FOR PAYMENT OF ASSESSMENT FEES UNDER THIS
25 ARTICLE. THE ELIGIBLE TEACHERS' DISTRICTS SHALL ALSO RECEIVE
26 FIRST PRIORITY FOR SUBSTITUTE FEES REIMBURSEMENT.

27 (B) OTHER PRIORITY.--ELIGIBLE TEACHERS WHO TEACH EARLY
28 CHILDHOOD EDUCATION, WHO TEACH MATHEMATICS OR SCIENCE AT THE
29 MIDDLE OR SECONDARY LEVEL OR WHO TEACH SPECIAL EDUCATION OR
30 FOREIGN LANGUAGES SHALL RECEIVE SECOND PRIORITY FOR PAYMENT OF

1 ASSESSMENT FEES UNDER THIS ARTICLE. THE ELIGIBLE TEACHERS'
2 DISTRICTS SHALL ALSO RECEIVE SECOND PRIORITY FOR SUBSTITUTE FEES
3 REIMBURSEMENT.

4 SECTION 1104-B. DUTIES OF ELIGIBLE TEACHERS.

5 (A) COMPLETION OF PROCESS.--AN ELIGIBLE TEACHER ON WHOSE
6 BEHALF THE ASSESSMENT FEE IS PAID SHALL AGREE TO COMPLETE THE
7 CERTIFICATION PROCESS OR BE SUBJECT TO REPAYMENT AS SET FORTH IN
8 SECTION 1105-B(A).

9 (B) THREE-YEAR COMMITMENT.--AN ELIGIBLE TEACHER ON WHOSE
10 BEHALF THE ASSESSMENT FEE IS PAID AND WHO RECEIVES NBPTS
11 CERTIFICATION SHALL, IN ADDITION TO THE REQUIREMENT UNDER
12 SUBSECTION (A), AGREE TO SERVE AS A TEACHER OR ADMINISTRATOR IN
13 A PENNSYLVANIA PUBLIC SCHOOL FOR A PERIOD OF AT LEAST THREE
14 YEARS OR BE SUBJECT TO REPAYMENT AS SET FORTH IN SECTION 1105-
15 B(B). ELIGIBLE TEACHERS WHO RECEIVE PRIORITY UNDER SECTION 1103-
16 B AND WHO RECEIVE NBPTS CERTIFICATION SHALL TEACH IN THAT
17 PRIORITY CLASS FOR THE THREE-YEAR COMMITMENT PERIOD. IF AN
18 ELIGIBLE TEACHER RECEIVES PRIORITY UNDER SECTION 1103-B(A) AND
19 THE SCHOOL IS REMOVED FROM IMPROVEMENT OR CORRECTIVE ACTION
20 DURING THE THREE-YEAR COMMITMENT PERIOD, SERVICE IN THE SAME
21 SCHOOL OR IN ANOTHER SCHOOL IDENTIFIED BY THE DEPARTMENT AS IN
22 SCHOOL IMPROVEMENT OR CORRECTIVE ACTION SHALL CONTINUE TO
23 FULFILL THE REQUIREMENTS OF THIS SUBSECTION.

24 SECTION 1105-B. REPAYMENT.

25 (A) FAILURE TO COMPLETE THE CERTIFICATION PROCESS.--WHEN AN
26 ELIGIBLE TEACHER FOR WHOM THE COMMONWEALTH HAS PAID THE
27 ASSESSMENT FEE FAILS TO COMPLETE THE CERTIFICATION PROCESS, THE
28 TEACHER SHALL REIMBURSE THE COMMONWEALTH FOR THE AMOUNT OF THE
29 ASSESSMENT FEE. A CANDIDATE WHO COMPLETES THE CERTIFICATION
30 PROCESS BUT IS DENIED NBPTS CERTIFICATION SHALL NOT BE SUBJECT

1 TO REPAYMENT PURSUANT TO THIS SUBSECTION.

2 (B) FAILURE TO CONTINUE TEACHING.--WHEN AN ELIGIBLE TEACHER
3 FOR WHOM THE COMMONWEALTH HAS PAID THE ASSESSMENT FEE FAILS TO
4 MEET THE REQUIREMENTS OF SECTION 1104-B(B), THE TEACHER SHALL
5 REIMBURSE THE COMMONWEALTH FOR THE AMOUNT OF THE ASSESSMENT FEE.
6 THE TEACHER SHALL CERTIFY TO THE DEPARTMENT EACH YEAR THAT THE
7 TEACHER IS IN COMPLIANCE WITH SECTION 1104-B(B).

8 (C) WAIVER OF REPAYMENT.--UPON THE APPLICATION OF THE
9 ELIGIBLE TEACHER, THE DEPARTMENT:

10 (1) SHALL WAIVE THE REPAYMENT REQUIREMENT IF THE
11 DEPARTMENT FINDS THAT THE TEACHER WAS UNABLE TO COMPLETE THE
12 PROCESS OR MEET THE REQUIREMENTS OF SECTION 1104-B(B) DUE TO:

13 (I) ADMINISTRATIVE ACTION ON THE PART OF THE SCHOOL
14 DISTRICT OR AREA VOCATIONAL-TECHNICAL SCHOOL FOR OTHER
15 THAN CAUSES ENUMERATED IN SECTION 1122;

16 (II) ILLNESS OF THE TEACHER;

17 (III) THE DEATH OR CATASTROPHIC ILLNESS OF A MEMBER
18 OF THE TEACHER'S IMMEDIATE FAMILY; OR

19 (IV) PARENTAL LEAVE TO CARE FOR A NEWBORN OR NEWLY
20 ADOPTED CHILD.

21 (2) MAY WAIVE THE REPAYMENT REQUIREMENT IF THE
22 DEPARTMENT FINDS OTHER EXTRAORDINARY CIRCUMSTANCES.

23 SECTION 1106-B. DUTIES OF DEPARTMENT.

24 (A) GUIDELINES.--THE DEPARTMENT SHALL DEVELOP GUIDELINES
25 NECESSARY FOR THE IMPLEMENTATION OF THIS ARTICLE.

26 (B) TECHNICAL ASSISTANCE.--TO THE EXTENT FUNDS ARE
27 AVAILABLE, THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO
28 NBPTS APPLICANTS. THE DEPARTMENT MAY CONTRACT WITH ONE OR MORE
29 INSTITUTIONS OF HIGHER EDUCATION OR INTERMEDIATE UNITS IN ORDER
30 TO PROVIDE TECHNICAL ASSISTANCE.

SECTION 6. SECTION 1209 OF THE ACT, AMENDED APRIL 15, 1959 (P.L.41, NO.16) AND JUNE 24, 1959 (P.L.485, NO.110), IS AMENDED TO READ:

SECTION 1209. DISQUALIFICATIONS.--NO TEACHER'S CERTIFICATE SHALL BE GRANTED TO ANY PERSON WHO [HAS]:

(1) HAS NOT SUBMITTED, UPON A BLANK FURNISHED BY THE [SUPERINTENDENT OF PUBLIC INSTRUCTION] SECRETARY OF EDUCATION, A CERTIFICATE FROM A PHYSICIAN [LEGALLY QUALIFIED TO PRACTICE MEDICINE], CERTIFIED REGISTERED NURSE PRACTITIONER OR PHYSICIAN ASSISTANT LICENSED OR CERTIFIED IN THIS COMMONWEALTH, OR IN ANY OTHER STATE OR THE DISTRICT OF COLUMBIA, SETTING FORTH THAT [SAID] THE APPLICANT IS [NEITHER MENTALLY NOR PHYSICALLY DISQUALIFIED, BY REASON OF TUBERCULOSIS OR ANY OTHER COMMUNICABLE DISEASE OR BY REASON OF MENTAL DISORDER] NOT DISQUALIFIED BY REASON OF A MENTAL OR PHYSICAL DISABILITY OR A COMMUNICABLE DISEASE FROM THE SUCCESSFUL PERFORMANCE OF THE [DUTIES OF A TEACHER; NOR TO ANY PERSON WHO HAS NOT] ESSENTIAL FUNCTIONS OF A TEACHER WITH OR WITHOUT A REASONABLE ACCOMMODATION.

(2) DOES NOT HAVE A GOOD MORAL CHARACTER[, OR WHO IS].

(3) [IN THE HABIT OF USING OPIUM OR OTHER NARCOTIC DRUGS IN ANY FORM, OR ANY INTOXICATING DRINK AS A BEVERAGE, OR TO ANY APPLICANT WHO HAS A MAJOR PHYSICAL DISABILITY OR DEFECT UNLESS SUCH A PERSON SUBMITS A CERTIFICATE SIGNED BY AN OFFICIAL OF THE COLLEGE OR UNIVERSITY FROM WHICH HE WAS GRADUATED OR OF AN APPROPRIATE REHABILITATION AGENCY, CERTIFYING THAT IN THE OPINION OF SUCH OFFICIAL THE APPLICANT, BY HIS WORK AND ACTIVITIES, DEMONSTRATED THAT HE IS SUFFICIENTLY ADJUSTED, TRAINED AND MOTIVATED TO PERFORM THE DUTIES OF A TEACHER, NOTWITHSTANDING HIS IMPEDIMENT.] ENGAGES IN THE ILLEGAL USE OF

1 CONTROLLED SUBSTANCES OR ALCOHOLIC BEVERAGES. AN APPLICANT FOR
2 CERTIFICATION MAY OVERCOME THE DISQUALIFICATION UNDER THIS
3 PARAGRAPH AND RECEIVE A TEACHING CERTIFICATE IF THE APPLICANT IS
4 REVIEWED BY THE DEPARTMENT OF EDUCATION PURSUANT TO THE
5 REQUIREMENT OF PARAGRAPH (2) AND DETERMINED TO BE OF GOOD MORAL
6 CHARACTER.

7 SECTION 7. SECTION 1302 OF THE ACT IS AMENDED BY ADDING A
8 SUBSECTION TO READ:

9 SECTION 1302. RESIDENCE AND RIGHT TO FREE SCHOOL
10 PRIVILEGES.--* * *

11 (D) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A), WHEN A
12 CHILD LIVES OUTSIDE OF PENNSYLVANIA AS A RESULT OF ONE OR BOTH
13 PARENTS BEING CALLED OR ORDERED TO ACTIVE MILITARY DUTY, OTHER
14 THAN ACTIVE DUTY TRAINING, THE CHILD SHALL CONTINUE TO BE
15 CONSIDERED A RESIDENT OF THE SCHOOL DISTRICT THAT WAS THE
16 CHILD'S RESIDENT SCHOOL DISTRICT IMMEDIATELY PRIOR TO THE PARENT
17 BEING STATIONED OUTSIDE OF PENNSYLVANIA, PROVIDED THAT THE
18 PARENT MAINTAINS THE RESIDENCE.

19 SECTION 8. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

20 SECTION 1377.2. EMERGENCY PERMITS AT APPROVED PRIVATE
21 SCHOOLS AND CHARTERED SCHOOLS FOR THE DEAF AND BLIND.--APPROVED
22 PRIVATE SCHOOLS AND CHARTERED SCHOOLS FOR THE DEAF AND BLIND
23 SHALL HAVE THE AUTHORITY TO APPLY FOR EMERGENCY PERMITS THROUGH
24 THE DEPARTMENT OF EDUCATION PURSUANT TO THE CRITERIA FOR
25 ELIGIBILITY ESTABLISHED UNDER 22 PA. CODE § 49.31 (RELATING TO
26 CRITERIA FOR ELIGIBILITY) AS IF THE TEACHERS WERE EMPLOYED BY A
27 PUBLIC SCHOOL ENTITY PROVIDED THAT ALL OTHER CONDITIONS FOR
28 OBTAINING AN EMERGENCY PERMIT ARE MET.

29 SECTION 9. SECTION 1301-A OF THE ACT, ADDED JUNE 30, 1995
30 (P.L.220, NO.26), IS AMENDED TO READ:

SECTION 1301-A. DEFINITIONS.--AS USED IN THIS ARTICLE,

"CHIEF SCHOOL ADMINISTRATOR" SHALL MEAN THE SUPERINTENDENT OF
A PUBLIC SCHOOL DISTRICT, SUPERINTENDENT OF AN AREA VOCATIONAL-
TECHNICAL SCHOOL, EXECUTIVE DIRECTOR OF AN INTERMEDIATE UNIT OR
CHIEF EXECUTIVE OFFICER OF A CHARTER SCHOOL.

"OFFICE" SHALL MEAN THE OFFICE FOR SAFE SCHOOLS WITHIN THE
DEPARTMENT OF EDUCATION.

"SCHOOL ENTITY" SHALL MEAN ANY PUBLIC SCHOOL DISTRICT,
INTERMEDIATE UNIT [OR], AREA VOCATIONAL-TECHNICAL SCHOOL OR
CHARTER SCHOOL.

"SCHOOL-BASED DIVERSION PROGRAMS" SHALL MEAN PROGRAMS THAT,
IN PARTNERSHIP WITH OTHER STAKEHOLDERS, DIVERT YOUTH OUT OF THE
JUVENILE JUSTICE SYSTEM. THESE PROGRAMS INCLUDE, BUT ARE NOT
LIMITED TO, YOUTH AID PANELS IN WHICH A PANEL OF COMMUNITY
MEMBERS DECIDE AN APPROPRIATE RESOLUTION TO HOLD THE STUDENT
ACCOUNTABLE FOR THE STUDENT'S ACTIONS BY, AMONG OTHER OPTIONS,
REQUIRING THE STUDENT TO COMPLETE EDUCATIONAL ACTIVITIES,
COMMUNITY SERVICE, RESTITUTION AND ANY OTHER RELATED PROGRAM OR
SERVICE.

"SCHOOL PROPERTY" SHALL MEAN ANY PUBLIC SCHOOL GROUNDS, ANY
SCHOOL-SPONSORED ACTIVITY OR ANY CONVEYANCE PROVIDING
TRANSPORTATION TO A SCHOOL ENTITY OR SCHOOL-SPONSORED ACTIVITY.

"SCHOOL-WIDE POSITIVE BEHAVIOR SUPPORT" MEANS A SCHOOL-WIDE,
EVIDENCE-BASED AND DATA-DRIVEN APPROACH TO IMPROVING SCHOOL
BEHAVIOR THAT SEEKS TO REDUCE UNNECESSARY STUDENT DISCIPLINARY
ACTIONS AND PROMOTE A CLIMATE OF GREATER PRODUCTIVITY, SAFETY
AND LEARNING.

"STUDENT WITH A DISABILITY" SHALL MEAN A STUDENT WHO MEETS
THE DEFINITION OF "CHILD WITH A DISABILITY" UNDER THE
INDIVIDUALS WITH DISABILITIES ACT (PUBLIC LAW 91-230, 20 U.S.C.

1 § 1400 ET SEQ.) OR WHO MEETS THE DEFINITION OF A "HANDICAPPED
2 PERSON" UNDER SECTION 504 OF THE REHABILITATION ACT AND ITS
3 IMPLEMENTING REGULATIONS (34 C.F.R. § 104.3(J)). THE TERM
4 INCLUDES A STUDENT FOR WHOM AN EVALUATION IS PENDING UNDER
5 EITHER THE INDIVIDUALS WITH DISABILITIES ACT OR REHABILITATION
6 ACT.

7 "WEAPON" SHALL INCLUDE, BUT NOT BE LIMITED TO, ANY KNIFE,
8 CUTTING INSTRUMENT, CUTTING TOOL, NUNCHAKU, FIREARM, SHOTGUN,
9 RIFLE AND ANY OTHER TOOL, INSTRUMENT OR IMPLEMENT CAPABLE OF
10 INFLICTING SERIOUS BODILY INJURY.

11 SECTION 10. SECTION 1302-A OF THE ACT, AMENDED OR ADDED JUNE
12 30, 1995 (P.L.220, NO.26) AND JULY 9, 2008 (P.L.846, NO.61), IS
13 AMENDED TO READ:

14 SECTION 1302-A. OFFICE FOR SAFE SCHOOLS.--(A) THERE IS
15 HEREBY ESTABLISHED IN THE DEPARTMENT OF EDUCATION AN OFFICE FOR
16 SAFE SCHOOLS.

17 (B) THE OFFICE SHALL HAVE THE [FOLLOWING POWERS AND DUTIES]
18 POWER AND DUTY TO IMPLEMENT THE FOLLOWING:

19 (1) TO COORDINATE ANTIVIOLENCE EFFORTS BETWEEN SCHOOL,
20 PROFESSIONAL, PARENTAL, GOVERNMENTAL, LAW ENFORCEMENT AND
21 COMMUNITY ORGANIZATIONS AND ASSOCIATIONS.

22 (2) TO COLLECT, DEVELOP AND DISSEMINATE INFORMATION,
23 POLICIES, STRATEGIES AND OTHER INFORMATION TO ASSIST IN THE
24 DEVELOPMENT OF PROGRAMS TO IMPACT SCHOOL VIOLENCE.

25 (2.1) TO DIRECT ALL SCHOOL ENTITIES TO SUBMIT ANNUAL SCHOOL
26 VIOLENCE STATISTICS AND REPORTS TO THE OFFICE NO LATER THAN JULY
27 31 OF EACH YEAR.

28 (3) TO PROVIDE DIRECT TRAINING TO SCHOOL EMPLOYEES, PARENTS,
29 LAW ENFORCEMENT OFFICIALS AND COMMUNITIES ON EFFECTIVE MEASURES
30 TO PREVENT AND COMBAT SCHOOL VIOLENCE.

1 (4) TO ADVISE SCHOOL ENTITIES AND NONPUBLIC SCHOOLS ON THE
2 DEVELOPMENT OF POLICIES TO BE USED REGARDING POSSESSION OF
3 WEAPONS BY ANY PERSON, ACTS OF VIOLENCE AND PROTOCOLS FOR
4 COORDINATION WITH AND REPORTING TO LAW ENFORCEMENT OFFICIALS AND
5 THE DEPARTMENT OF EDUCATION.

6 (4.1) TO VERIFY THE EXISTENCE OF CORRECTIVE ACTION PLANS TO
7 REDUCE INCIDENTS OF VIOLENCE AS REQUIRED IN THE NO CHILD LEFT
8 BEHIND ACT OF 2001 (PUBLIC LAW 107-110, 115 STAT. 1425).

9 (5) TO DEVELOP FORMS TO BE USED BY SCHOOL ENTITIES AND
10 POLICE DEPARTMENTS FOR REPORTING INCIDENTS INVOLVING ACTS OF
11 VIOLENCE AND POSSESSION OF WEAPONS ON SCHOOL PROPERTY. THE FORMS
12 SHALL BE REVIEWED ON A BIENNIAL BASIS AND REVISED WHEN
13 NECESSARY.

14 (6) TO VERIFY THAT EACH SCHOOL ENTITY HAS A BIENNIALY
15 UPDATED AND REEXECUTED MEMORANDUM OF UNDERSTANDING WITH LOCAL
16 LAW ENFORCEMENT AND HAS FILED SUCH MEMORANDUM WITH THE OFFICE ON
17 A BIENNIAL BASIS.

18 (7) TO PUBLISH AND POST ON THE DEPARTMENT OF EDUCATION'S
19 INTERNET WEBSITE A SCHOOL SAFETY ANNUAL REPORT NO LATER THAN
20 NOVEMBER 1 OF EACH CALENDAR YEAR OUTLINING ALL INCIDENTS
21 REQUIRED TO BE REPORTED UNDER SECTION 1303-A AND ANY SCHOOL
22 DISTRICT THAT FAILED TO SUBMIT A REPORT UNDER SECTION 1303-A.

23 (B.1) THE OFFICE SHALL PROCESS AND TABULATE THE DATA ON AN
24 ANNUAL BASIS TO ASSIST SCHOOL ADMINISTRATORS AND LAW ENFORCEMENT
25 OFFICIALS IN THEIR DUTIES UNDER THIS ARTICLE.

26 (C) IN ADDITION TO THE POWERS AND DUTIES SET FORTH UNDER
27 SUBSECTION [(A)] (B), THE OFFICE IS AUTHORIZED TO MAKE TARGETED
28 GRANTS TO [SCHOOLS] SCHOOL ENTITIES TO FUND PROGRAMS WHICH
29 ADDRESS SCHOOL VIOLENCE, INCLUDING[, BUT NOT LIMITED TO, THE
30 FOLLOWING PROGRAMS]:

(1) CONFLICT RESOLUTION OR DISPUTE MANAGEMENT, INCLUDING
RESTORATIVE JUSTICE STRATEGIES.

(1.1) SCHOOL-WIDE POSITIVE BEHAVIOR SUPPORT THAT INCLUDES
PRIMARY OR UNIVERSAL, SECONDARY AND TERTIARY SUPPORTS AND
INTERVENTIONS IN SCHOOL ENTITIES.

(1.2) SCHOOL-BASED DIVERSION PROGRAMS.

(2) PEER HELPERS PROGRAMS.

(3) RISK ASSESSMENT, SAFETY-RELATED [OR], VIOLENCE
PREVENTION CURRICULA, INCLUDING, BUT NOT LIMITED TO, DATING
VIOLENCE CURRICULA AND RESTORATIVE JUSTICE STRATEGIES.

(4) CLASSROOM MANAGEMENT.

(5) STUDENT CODES OF CONDUCT.

(6) TRAINING TO UNDERTAKE A DISTRICTWIDE ASSESSMENT OF RISK
FACTORS THAT INCREASE THE LIKELIHOOD OF PROBLEM BEHAVIORS AMONG
STUDENTS.

(7) DEVELOPMENT AND IMPLEMENTATION OF RESEARCH-BASED
VIOLENCE PREVENTION PROGRAMS THAT ADDRESS RISK FACTORS TO REDUCE
INCIDENTS OF PROBLEM BEHAVIORS AMONG STUDENTS INCLUDING, BUT NOT
LIMITED TO, BULLYING.

(8) COMPREHENSIVE, DISTRICTWIDE SCHOOL SAFETY AND VIOLENCE
PREVENTION PLANS.

(9) SECURITY PLANNING, PURCHASE OF SECURITY-RELATED
TECHNOLOGY WHICH MAY INCLUDE METAL DETECTORS, PROTECTIVE
LIGHTING, SURVEILLANCE EQUIPMENT, SPECIAL EMERGENCY
COMMUNICATIONS EQUIPMENT, ELECTRONIC LOCKSETS, DEADBOLTS AND
THEFT CONTROL DEVICES AND TRAINING IN THE USE OF SECURITY-
RELATED TECHNOLOGY. SECURITY PLANNING AND PURCHASE OF SECURITY-
RELATED TECHNOLOGY SHALL BE BASED ON SAFETY NEEDS IDENTIFIED BY
THE SCHOOL ENTITY'S BOARD OF DIRECTORS.

(10) INSTITUTION OF STUDENT, STAFF AND VISITOR

1 IDENTIFICATION SYSTEMS, INCLUDING CRIMINAL BACKGROUND CHECK
2 SOFTWARE.

3 (11) ESTABLISHMENT OR ENHANCEMENT OF SCHOOL SECURITY
4 PERSONNEL, INCLUDING SCHOOL RESOURCE OFFICERS.

5 (12) PROVISION OF SPECIALIZED STAFF AND STUDENT TRAINING
6 PROGRAMS, INCLUDING TRAINING FOR STUDENT ASSISTANCE PROGRAM TEAM
7 MEMBERS IN ELEMENTARY, MIDDLE AND HIGH SCHOOLS IN THE REFERRAL
8 OF STUDENTS AT RISK OF VIOLENT BEHAVIOR TO APPROPRIATE
9 COMMUNITY-BASED SERVICES, INCLUDING MENTAL HEALTH SERVICES.

10 (13) ALTERNATIVE EDUCATION PROGRAMS PROVIDED FOR IN ARTICLE
11 XIX-C.

12 (14) COUNSELING SERVICES FOR STUDENTS ENROLLED IN
13 ALTERNATIVE EDUCATION PROGRAMS.

14 (15) AN INTERNET WEB-BASED SYSTEM FOR THE MANAGEMENT OF
15 STUDENT DISCIPLINE, INCLUDING MISCONDUCT AND CRIMINAL OFFENSES.

16 (16) STAFF TRAINING PROGRAMS IN THE USE OF POSITIVE BEHAVIOR
17 SUPPORTS, DE-ESCALATION TECHNIQUES AND APPROPRIATE RESPONSES TO
18 STUDENT BEHAVIOR THAT MAY REQUIRE IMMEDIATE INTERVENTION.

19 (D) [GRANT APPLICATIONS SHALL CONTAIN INFORMATION AS THE
20 OFFICE MAY REQUIRE. THE OFFICE SHALL CONDUCT A THOROUGH ANNUAL
21 EVALUATION OF EACH PROGRAM FOR WHICH A GRANT UNDER THIS SECTION
22 IS MADE.]

23 (1) TARGETED GRANTS SHALL BE ALLOCATED THROUGH A COMPETITIVE
24 GRANT REVIEW PROCESS ESTABLISHED BY THE OFFICE. SCHOOL ENTITIES
25 MUST SATISFY THE REQUIREMENTS OF THIS SECTION AND SECTION 1303-A
26 TO BE ELIGIBLE FOR GRANTS. THE APPLICATION FOR A TARGETED GRANT
27 SHALL INCLUDE:

28 (I) THE PURPOSE FOR WHICH THE TARGETED GRANT SHALL BE
29 UTILIZED;

30 (II) INFORMATION INDICATING NEED FOR THE TARGETED GRANT,

1 INCLUDING, BUT NOT LIMITED TO, SCHOOL VIOLENCE STATISTICS;

2 (III) AN ESTIMATED BUDGET;

3 (IV) METHODS FOR MEASURING OUTCOMES; AND

4 (V) ANY OTHER CRITERIA AS THE OFFICE MAY REQUIRE.

5 (2) THE OFFICE SHALL:

6 (I) GIVE PRIORITY IN GRANT FUNDING TO A SCHOOL ENTITY
7 DESIGNATED AS A PERSISTENTLY DANGEROUS SCHOOL AS DEFINED IN 22
8 PA. CODE § 403.2 (RELATING TO DEFINITIONS).

9 (II) GIVE PRIORITY IN GRANT FUNDING TO SCHOOL ENTITIES WITH
10 THE GREATEST NEED TO ESTABLISH SAFETY AND ORDER.

11 (III) TO THE GREATEST EXTENT POSSIBLE, ENSURE THAT GRANT
12 FUNDING IS GEOGRAPHICALLY DISPERSED TO SCHOOL ENTITIES
13 THROUGHOUT THIS COMMONWEALTH.

14 (3) THE OFFICE SHALL PROVIDE ALL TARGETED GRANT AGREEMENTS
15 TO THE DEPARTMENT OF EDUCATION'S COMPTROLLER FOR REVIEW AND
16 APPROVAL PRIOR TO AWARDING THE GRANT. THE SCHOOL ENTITY SHALL
17 PROVIDE THE OFFICE WITH FULL AND COMPLETE ACCESS TO ALL RECORDS
18 RELATING TO THE PERFORMANCE OF THE GRANT, AND SHALL SUBMIT, AT
19 SUCH TIME AND IN SUCH FORM AS MAY BE PRESCRIBED, TRUTHFUL AND
20 ACCURATE INFORMATION THAT THE OFFICE MAY REQUIRE. THE OFFICE
21 SHALL CONDUCT A THOROUGH ANNUAL EVALUATION OF EACH PROGRAM FOR
22 WHICH A GRANT UNDER THIS SECTION IS MADE. THE OFFICE SHALL SEEK
23 REPAYMENT OF FUNDS IF IT DETERMINES THAT FUNDS WERE NOT UTILIZED
24 FOR THE ORIGINAL STATED PURPOSE.

25 SECTION 11. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

26 SECTION 1302.1-A. REGULATIONS.--(A) WITHIN ONE YEAR OF THE
27 EFFECTIVE DATE OF THIS SECTION, THE STATE BOARD OF EDUCATION
28 SHALL PROMULGATE FINAL-OMITTED REGULATIONS PURSUANT TO THE ACT
29 OF JUNE 25, 1982 (P.L. 633, NO. 181), KNOWN AS THE "REGULATORY
30 REVIEW ACT," NECESSARY TO IMPLEMENT THIS ARTICLE. THE

1 REGULATIONS SHALL INCLUDE THE FOLLOWING:

2 (1) A MODEL MEMORANDUM OF UNDERSTANDING BETWEEN SCHOOL
3 ENTITIES AND LOCAL POLICE DEPARTMENTS. THE MODEL MEMORANDUM OF
4 UNDERSTANDING SHALL BE REVIEWED ON A BIENNIAL BASIS AND REVISED
5 WHERE NECESSARY.

6 (2) PROTOCOL FOR THE NOTIFICATION OF THE POLICE DEPARTMENT
7 WHEN AN OFFENSE LISTED UNDER SECTION 1303-A(B) (4.1) OCCURS ON
8 SCHOOL PROPERTY, WHICH SHALL INCLUDE A REQUIREMENT THAT THE
9 LOCAL POLICE DEPARTMENT BE NOTIFIED IMMEDIATELY WHEN SUCH AN
10 OFFENSE OCCURS.

11 (3) PROTOCOL FOR THE NOTIFICATION OF THE POLICE DEPARTMENT
12 AT THE DISCRETION OF THE CHIEF SCHOOL ADMINISTRATOR REGARDING AN
13 OFFENSE LISTED UNDER SECTION 1303-A (B) (4.2) OR ANY OTHER
14 OFFENSE THAT OCCURS ON SCHOOL PROPERTY.

15 (4) PROTOCOL FOR EMERGENCY AND NONEMERGENCY RESPONSE BY THE
16 POLICE DEPARTMENT, WHICH SHALL INCLUDE A REQUIREMENT THAT THE
17 SCHOOL DISTRICT SHALL SUPPLY THE POLICE DEPARTMENT WITH A COPY
18 OF THE COMPREHENSIVE DISASTER RESPONSE AND EMERGENCY
19 PREPAREDNESS PLAN AS REQUIRED BY 35 PA.C.S. § 7701(G) (RELATING
20 TO DUTIES CONCERNING DISASTER PREVENTION).

21 (5) PROCEDURES AND PROTOCOLS FOR THE RESPONSE AND HANDLING
22 OF STUDENTS WITH A DISABILITY, INCLUDING PROCEDURES RELATED TO
23 STUDENT BEHAVIOR AS REQUIRED BY 22 PA. CODE §§ 14.104 (RELATING
24 TO SPECIAL EDUCATION PLANS) AND 14.133 (RELATING TO POSITIVE
25 BEHAVIOR SUPPORT).

26 (B) (1) IN PROMULGATING THE REGULATIONS REQUIRED UNDER (A),
27 THE STATE BOARD OF EDUCATION SHALL CONVENE AND CONSULT WITH A
28 STATEWIDE ADVISORY COMMITTEE WHICH SHALL INCLUDE A POLICE CHIEF,
29 JUVENILE PUBLIC DEFENDER, SCHOOL SUPERINTENDENT, SCHOOL
30 PRINCIPAL, DISTRICT ATTORNEY, SOLICITOR OF A SCHOOL DISTRICT,

1 SPECIAL EDUCATION SUPERVISOR, SPECIAL EDUCATION ADVOCATE AND IN-
2 SCHOOL PROBATION OFFICER AND ONE DESIGNEE FROM THE DEPARTMENT OF
3 EDUCATION, THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY,
4 THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING
5 COMMISSION, THE JUVENILE COURT JUDGES' COMMISSION AND THE
6 PENNSYLVANIA STATE POLICE.

7 (2) MEMBERS OF THE COMMITTEE SHALL BE SELECTED TO BE
8 REPRESENTATIVE OF THE RURAL, SUBURBAN AND URBAN SCHOOL ENTITIES
9 OF THIS COMMONWEALTH.

10 (3) THE ADVISORY COMMITTEE SHALL BE CONVENED NO LATER THAN
11 SIXTY (60) DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION AND
12 SHALL MEET REGULARLY TO FULFILL THE REQUIREMENTS OF THIS
13 SECTION.

14 SECTION 12. SECTION 1303-A OF THE ACT, AMENDED JUNE 25, 1997
15 (P.L.297, NO.30), IS AMENDED TO READ:

16 SECTION 1303-A. REPORTING.--(A) THE OFFICE SHALL CONDUCT A
17 ONE-TIME SURVEY OF ALL SCHOOL ENTITIES TO DETERMINE THE NUMBER
18 OF INCIDENTS INVOLVING ACTS OF VIOLENCE ON SCHOOL PROPERTY AND
19 ALL CASES INVOLVING POSSESSION OF A WEAPON BY ANY PERSON ON
20 SCHOOL PROPERTY WHICH OCCURRED WITHIN THE LAST FIVE (5) YEARS.
21 THE SURVEY SHALL BE BASED ON THE BEST AVAILABLE INFORMATION
22 PROVIDED BY SCHOOL ENTITIES.

23 (B) [ALL SCHOOL ENTITIES] EACH CHIEF SCHOOL ADMINISTRATOR
24 SHALL REPORT TO THE OFFICE BY JULY 31 OF EACH YEAR ALL NEW
25 INCIDENTS INVOLVING ACTS OF VIOLENCE, POSSESSION OF A WEAPON OR
26 POSSESSION, USE OR SALE OF CONTROLLED SUBSTANCES AS DEFINED IN
27 THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS "THE
28 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," OR
29 POSSESSION, USE OR SALE OF ALCOHOL OR TOBACCO BY ANY PERSON ON
30 SCHOOL PROPERTY [AT LEAST ONCE A YEAR, AS PROVIDED BY THE

1 OFFICE,]. THE INCIDENTS TO BE REPORTED TO THE OFFICE SHALL
2 INCLUDE ALL INCIDENTS INVOLVING CONDUCT THAT CONSTITUTES A
3 CRIMINAL OFFENSE LISTED UNDER PARAGRAPHS (4.1) AND (4.2).
4 REPORTS ON A FORM TO BE DEVELOPED AND PROVIDED BY THE OFFICE[.
5 THE FORM] SHALL INCLUDE:

6 (1) AGE OR GRADE OF STUDENT.

7 (2) NAME AND ADDRESS OF SCHOOL.

8 (3) CIRCUMSTANCES SURROUNDING THE INCIDENT, INCLUDING, BUT
9 NOT LIMITED TO, TYPE OF WEAPON, CONTROLLED SUBSTANCE, ALCOHOL OR
10 TOBACCO, THE DATE, TIME AND LOCATION OF THE INCIDENT, IF A
11 PERSON OTHER THAN A STUDENT IS INVOLVED IN THE INCIDENT AND ANY
12 RELATIONSHIP TO THE SCHOOL ENTITY.

13 (3.1) RACE OF STUDENT.

14 (3.2) WHETHER THE STUDENT HAS AN INDIVIDUALIZED EDUCATION
15 PLAN UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT
16 (PUBLIC LAW 91-230, 20 U.S.C. § 1400 ET SEQ.), AND IF SO THE
17 TYPE OF DISABILITY.

18 (4) SANCTION IMPOSED BY THE SCHOOL.

19 (4.1) A LIST OF CRIMINAL OFFENSES WHICH SHALL, AT A MINIMUM,
20 INCLUDE:

21 (I) THE FOLLOWING OFFENSES UNDER 18 PA.C.S. (RELATING TO
22 CRIMES AND OFFENSES):

23 SECTION 908 (RELATING TO PROHIBITED OFFENSIVE WEAPONS).

24 SECTION 912 (RELATING TO POSSESSION OF WEAPON ON SCHOOL
25 PROPERTY).

26 CHAPTER 25 (RELATING TO CRIMINAL HOMICIDE).

27 SECTION 2702 (RELATING TO AGGRAVATED ASSAULT).

28 SECTION 2709.1 (RELATING TO STALKING).

29 SECTION 2901 (RELATING TO KIDNAPPING).

30 SECTION 2902 (RELATING TO UNLAWFUL RESTRAINT).

1 SECTION 3121 (RELATING TO RAPE) .
2 SECTION 3122.1 (RELATING TO STATUTORY SEXUAL ASSAULT) .
3 SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
4 INTERCOURSE) .
5 SECTION 3124.1 (RELATING TO SEXUAL ASSAULT) .
6 SECTION 3124.2 (RELATING TO INSTITUTIONAL SEXUAL ASSAULT) .
7 SECTION 3125 (RELATING TO AGGRAVATED INDECENT ASSAULT) .
8 SECTION 3126 (RELATING TO INDECENT ASSAULT) .
9 SECTION 3301 (RELATING TO ARSON AND RELATED OFFENSES) .
10 SECTION 3307 (RELATING TO INSTITUTIONAL VANDALISM) , WHEN THE
11 PENALTY IS A FELONY OF THE THIRD DEGREE .
12 SECTION 3502 (RELATING TO BURGLARY) .
13 SECTION 3503(A) AND (B) (1) (V) (RELATING TO CRIMINAL
14 TRESPASS) .
15 SECTION 5501 (RELATING TO RIOT) .
16 SECTION 6110.1 (RELATING TO POSSESSION OF FIREARM BY MINOR) .
17 (II) THE POSSESSION, USE OR SALE OF A CONTROLLED SUBSTANCE
18 OR DRUG PARAPHERNALIA AS DEFINED IN "THE CONTROLLED SUBSTANCE,
19 DRUG, DEVICE AND COSMETIC ACT."
20 (III) ATTEMPTS, SOLICITATION OR CONSPIRACY TO COMMIT ANY OF
21 THE OFFENSES LISTED IN SUBCLAUSES (I) AND (II) .
22 (IV) AN OFFENSE FOR WHICH REGISTRATION IS REQUIRED UNDER 42
23 PA.C.S. § 9795.1 (RELATING TO REGISTRATION) .
24 (4.2) THE FOLLOWING OFFENSES UNDER 18 PA.C.S., AND ANY
25 ATTEMPT, SOLICITATION OR CONSPIRACY TO COMMIT ANY OF THESE
26 OFFENSES:
27 SECTION 2701 (RELATING TO SIMPLE ASSAULT) .
28 SECTION 2705 (RELATING TO RECKLESSLY ENDANGERING ANOTHER
29 PERSON) .
30 SECTION 2706 (RELATING TO TERRORISTIC THREATS) .

1 SECTION 2709 (RELATING TO HARASSMENT).
2 SECTION 3127 (RELATING TO INDECENT EXPOSURE).
3 SECTION 3307 (RELATING TO INSTITUTIONAL VANDALISM), WHEN THE
4 PENALTY IS A MISDEMEANOR OF THE SECOND DEGREE.

5 SECTION 3503(B)(1)(I), (II), (III) AND (IV), (B.1) AND (B.2)
6 (RELATING TO CRIMINAL TRESPASS).

7 CHAPTER 39 (RELATING TO THEFT AND RELATED OFFENSES).

8 SECTION 5502 (RELATING TO FAILURE OF DISORDERLY PERSONS TO
9 DISPERSE UPON OFFICIAL ORDER).

10 SECTION 5503 (RELATING TO DISORDERLY CONDUCT).

11 SECTION 6305 (RELATING TO SALE OF TOBACCO).

12 SECTION 6306.1 (RELATING TO USE OF TOBACCO IN SCHOOLS
13 PROHIBITED).

14 SECTION 6308 (RELATING TO PURCHASE, CONSUMPTION, POSSESSION
15 OR TRANSPORTATION OF LIQUOR OR MALT OR BREWED BEVERAGES).

16 (5) NOTIFICATION OF LAW ENFORCEMENT.

17 (6) REMEDIAL PROGRAMS INVOLVED.

18 (7) PARENTAL INVOLVEMENT REQUIRED.

19 (8) ARRESTS, CONVICTIONS AND ADJUDICATIONS, IF KNOWN.

20 [IF A PERSON OTHER THAN A STUDENT IS INVOLVED, THE REPORT SHALL
21 STATE THE RELATIONSHIP OF THE INDIVIDUAL INVOLVED TO THE SCHOOL
22 ENTITY.]

23 (B.1) PRIOR TO SUBMITTING THE REPORT REQUIRED UNDER
24 SUBSECTION (B), EACH CHIEF SCHOOL ADMINISTRATOR AND EACH POLICE
25 DEPARTMENT HAVING JURISDICTION OVER SCHOOL PROPERTY OF THE
26 SCHOOL ENTITY SHALL DO ALL OF THE FOLLOWING:

27 (1) NO LATER THAN THIRTY (30) DAYS PRIOR TO THE DEADLINE FOR
28 SUBMITTING THE REPORT TO THE OFFICE REQUIRED UNDER SUBSECTION
29 (B), THE CHIEF SCHOOL ADMINISTRATOR SHALL SUBMIT THE REPORT TO
30 THE POLICE DEPARTMENT WITH JURISDICTION OVER THE RELEVANT SCHOOL

1 PROPERTY. THE POLICE DEPARTMENT SHALL REVIEW THE REPORT AND
2 COMPARE THE DATA REGARDING CRIMINAL OFFENSES AND NOTIFICATION OF
3 LAW ENFORCEMENT TO DETERMINE WHETHER THE REPORT ACCURATELY
4 REFLECTS POLICE INCIDENT DATA.

5 (2) NO LATER THAN FIFTEEN (15) DAYS PRIOR TO THE DEADLINE
6 FOR THE CHIEF SCHOOL ADMINISTRATOR TO SUBMIT THE REPORT REQUIRED
7 UNDER SUBSECTION (B), THE POLICE DEPARTMENT SHALL NOTIFY THE
8 CHIEF SCHOOL ADMINISTRATOR, IN WRITING, WHETHER THE REPORT
9 ACCURATELY REFLECTS POLICE INCIDENT DATA. WHERE THE POLICE
10 DEPARTMENT DETERMINES THAT THE REPORT ACCURATELY REFLECTS POLICE
11 INCIDENT DATA, THE CHIEF OF POLICE SHALL SIGN THE REPORT. WHERE
12 THE POLICE DEPARTMENT DETERMINES THAT THE REPORT DOES NOT
13 ACCURATELY REFLECT POLICE INCIDENT DATA, THE POLICE DEPARTMENT
14 SHALL INDICATE ANY DISCREPANCIES BETWEEN THE REPORT AND POLICE
15 INCIDENT DATA.

16 (3) PRIOR TO SUBMITTING THE REPORT REQUIRED UNDER SUBSECTION
17 (B), THE CHIEF SCHOOL ADMINISTRATOR AND THE POLICE DEPARTMENT
18 SHALL ATTEMPT TO RESOLVE DISCREPANCIES BETWEEN THE REPORT AND
19 POLICE INCIDENT DATA. WHERE A DISCREPANCY REMAINS UNRESOLVED,
20 THE POLICE DEPARTMENT SHALL NOTIFY THE CHIEF SCHOOL
21 ADMINISTRATOR AND THE OFFICE IN WRITING.

22 (4) WHERE A POLICE DEPARTMENT FAILS TO TAKE ACTION AS
23 REQUIRED UNDER CLAUSE (2) OR (3), THE CHIEF SCHOOL ADMINISTRATOR
24 SHALL SUBMIT THE REPORT REQUIRED UNDER SUBSECTION (B) AND
25 INDICATE THAT THE POLICE DEPARTMENT FAILED TO TAKE ACTION AS
26 REQUIRED UNDER CLAUSE (2) OR (3).

27 (C) [ALL SCHOOL ENTITIES SHALL DEVELOP A MEMORANDUM OF
28 UNDERSTANDING WITH LOCAL LAW ENFORCEMENT WHICH SETS FORTH
29 PROCEDURES TO BE FOLLOWED WHEN AN INCIDENT INVOLVING AN ACT OF
30 VIOLENCE OR POSSESSION OF A WEAPON BY ANY PERSON OCCURS ON

1 SCHOOL PROPERTY. LAW ENFORCEMENT PROTOCOLS SHALL BE DEVELOPED IN
2 COOPERATION WITH LOCAL LAW ENFORCEMENT AND THE PENNSYLVANIA
3 STATE POLICE.] EACH CHIEF SCHOOL ADMINISTRATOR SHALL FORM AN
4 ADVISORY COMMITTEE COMPOSED OF RELEVANT SCHOOL STAFF, INCLUDING,
5 BUT NOT LIMITED TO, PRINCIPALS, SECURITY PERSONNEL, SCHOOL
6 RESOURCE OFFICERS, GUIDANCE COUNSELORS AND SPECIAL EDUCATION
7 ADMINISTRATORS, TO ASSIST IN THE DEVELOPMENT OF A MEMORANDUM OF
8 UNDERSTANDING PURSUANT TO THIS SECTION. IN CONSULTATION WITH THE
9 ADVISORY COMMITTEE, EACH CHIEF SCHOOL ADMINISTRATOR SHALL ENTER
10 INTO A MEMORANDUM OF UNDERSTANDING WITH POLICE DEPARTMENTS
11 HAVING JURISDICTION OVER SCHOOL PROPERTY OF THE SCHOOL ENTITY.
12 EACH CHIEF SCHOOL ADMINISTRATOR SHALL SUBMIT A COPY OF THE
13 MEMORANDUM OF UNDERSTANDING TO THE OFFICE BY JUNE 30, 2011, AND
14 BIENNIALLY UPDATE AND RE-EXECUTE A MEMORANDUM OF UNDERSTANDING
15 WITH LOCAL LAW ENFORCEMENT AND FILE SUCH MEMORANDUM WITH THE
16 OFFICE ON A BIENNIAL BASIS. THE MEMORANDUM OF UNDERSTANDING
17 SHALL BE SIGNED BY THE CHIEF SCHOOL ADMINISTRATOR, THE CHIEF OF
18 POLICE OF THE POLICE DEPARTMENT WITH JURISDICTION OVER THE
19 RELEVANT SCHOOL PROPERTY AND PRINCIPALS OF EACH SCHOOL BUILDING
20 OF THE SCHOOL ENTITY. THE MEMORANDUM OF UNDERSTANDING SHALL
21 COMPLY WITH THE REGULATIONS PROMULGATED BY THE STATE BOARD OF
22 EDUCATION UNDER SECTION 1302.1-A AND SHALL ALSO INCLUDE:

23 (1) THE PROCEDURE FOR POLICE DEPARTMENT REVIEW OF THE
24 SEMIANNUAL REPORT REQUIRED UNDER SUBSECTION (B) PRIOR TO THE
25 CHIEF SCHOOL ADMINISTRATOR FILING THE REPORT REQUIRED UNDER
26 SUBSECTION (B) WITH THE OFFICE.

27 (2) A PROCEDURE FOR THE RESOLUTION OF SCHOOL VIOLENCE DATA
28 DISCREPANCIES IN THE REPORT PRIOR TO FILING THE REPORT REQUIRED
29 UNDER SUBSECTION (B) WITH THE OFFICE.

30 (3) ADDITIONAL MATTERS PERTAINING TO CRIME PREVENTION AGREED

1 TO BETWEEN THE CHIEF SCHOOL ADMINISTRATOR AND THE POLICE
2 DEPARTMENT.

3 (D) PURSUANT TO SECTION 615 OF THE INDIVIDUALS WITH
4 DISABILITIES EDUCATION ACT (PUBLIC LAW 91-230, 20 U.S.C. §
5 1415(K)(6)), NOTHING IN SECTION 1302.1-A OR THIS SECTION SHALL
6 BE CONSTRUED TO PROHIBIT A SCHOOL ENTITY FROM REPORTING A CRIME
7 COMMITTED BY A CHILD WITH A DISABILITY TO APPROPRIATE
8 AUTHORITIES OR TO PREVENT STATE LAW ENFORCEMENT AND JUDICIAL
9 AUTHORITIES FROM EXERCISING THEIR RESPONSIBILITIES WITH REGARD
10 TO THE APPLICATION OF FEDERAL AND STATE LAW TO CRIMES COMMITTED
11 BY A CHILD WITH A DISABILITY.

12 (E) (1) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
13 CONTRARY, THE DEPARTMENT OF EDUCATION MAY INITIATE DISCIPLINARY
14 ACTION BEFORE THE PROFESSIONAL STANDARDS AND PRACTICES
15 COMMISSION PURSUANT TO THE ACT OF DECEMBER 12, 1973 (P.L.397,
16 NO.141), KNOWN AS THE "PROFESSIONAL EDUCATOR DISCIPLINE ACT,"
17 AGAINST A CHIEF SCHOOL ADMINISTRATOR OR PRINCIPAL OF A SCHOOL
18 ENTITY WHO INTENTIONALLY FAILS TO SUBMIT THE REPORT AS REQUIRED
19 UNDER SUBSECTION (B) OR ENTER INTO THE MEMORANDUM OF
20 UNDERSTANDING WITH THE POLICE DEPARTMENT WITH JURISDICTION OVER
21 THE RELEVANT SCHOOL PROPERTY, REPORT AN INCIDENT INVOLVING AN
22 ACT OF VIOLENCE, POSSESSION OF A WEAPON OR AN OFFENSE LISTED
23 UNDER SUBSECTION (B) (4.1) THAT OCCURS ON SCHOOL PROPERTY TO A
24 POLICE DEPARTMENT OR SUBMIT A COPY OF THE MEMORANDUM OF
25 UNDERSTANDING TO THE OFFICE AS REQUIRED UNDER SUBSECTION (C) OR
26 WHO INTENTIONALLY FALSIFIES A REPORT SUBMITTED AS REQUIRED UNDER
27 THIS SECTION.

28 (2) IN ADDITION TO ANY OTHER DISCIPLINARY ACTIONS SET FORTH
29 IN THE "PROFESSIONAL EDUCATOR DISCIPLINE ACT," A CHIEF SCHOOL
30 ADMINISTRATOR OR PRINCIPAL OF A SCHOOL ENTITY WHO INTENTIONALLY

1 FAILS TO SUBMIT THE REPORT AS REQUIRED UNDER SUBSECTION (B) OR
2 ENTER INTO THE MEMORANDUM OF UNDERSTANDING WITH THE POLICE
3 DEPARTMENT WITH JURISDICTION OVER THE RELEVANT SCHOOL PROPERTY,
4 REPORT AN INCIDENT INVOLVING AN ACT OF VIOLENCE, POSSESSION OF A
5 WEAPON OR AN OFFENSE CITED UNDER SUBSECTION (B) (4.1) THAT OCCURS
6 ON SCHOOL PROPERTY TO A POLICE DEPARTMENT OR SUBMIT A COPY OF
7 THE MEMORANDUM OF UNDERSTANDING TO THE OFFICE AS REQUIRED UNDER
8 SUBSECTION (C) OR WHO INTENTIONALLY FALSIFIES A REPORT SUBMITTED
9 AS REQUIRED UNDER THIS SECTION SHALL BE SUBJECT TO PROSECUTION
10 FOR VIOLATION OF 18 PA.C.S. § 4904 (RELATING TO UNSWORN
11 FALSIFICATION TO AUTHORITIES). THE FOLLOWING CIVIL PENALTIES MAY
12 BE IMPOSED BY THE PROFESSIONAL STANDARDS AND PRACTICES
13 COMMISSION FOR VIOLATIONS OF THIS ARTICLE:

14 (I) FOR A FIRST VIOLATION, \$2,500;

15 (II) FOR A SECOND VIOLATION, \$3,500; OR

16 (III) FOR A THIRD OR SUBSEQUENT VIOLATION, \$5,000.

17 ANY PENALTY IMPOSED UNDER THIS PARAGRAPH SHALL BE PAID TO THE
18 DEPARTMENT OF EDUCATION AND USED FOR THE SUPPORT OF THE OFFICE.

19 SECTION 13. SECTION 1414.1 OF THE ACT, ADDED NOVEMBER 30,
20 2004 (P.L.1471, NO.187), IS AMENDED TO READ:

21 SECTION 1414.1. POSSESSION AND USE OF ASTHMA INHALERS AND
22 EPINEPHRINE AUTO-INJECTORS.--(A) EACH SCHOOL ENTITY SHALL
23 DEVELOP A WRITTEN POLICY TO ALLOW FOR THE POSSESSION AND SELF-
24 ADMINISTRATION BY CHILDREN OF SCHOOL AGE OF [AN] ASTHMA
25 [INHALER] INHALERS AND EPINEPHRINE AUTO-INJECTORS, AND THE
26 PRESCRIBED MEDICATION TO BE ADMINISTERED THEREBY, IN A SCHOOL
27 SETTING. THE POLICY SHALL COMPLY WITH SECTION 504 OF THE
28 REHABILITATION ACT OF 1973 (PUBLIC LAW 93-112, 29 U.S.C. § 701
29 ET SEQ.) AND 22 PA. CODE CH. 15 (RELATING TO PROTECTED
30 HANDICAPPED STUDENTS). THE POLICY SHALL BE DISTRIBUTED WITH THE

1 CODE OF STUDENT CONDUCT REQUIRED UNDER 22 PA. CODE § 12.3(C)
2 (RELATING TO SCHOOL RULES) AND MADE AVAILABLE ON THE SCHOOL
3 ENTITY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE, IF ANY.

4 (B) THE POLICY UNDER THIS SECTION SHALL REQUIRE A CHILD OF
5 SCHOOL AGE THAT DESIRES TO POSSESS AND SELF-ADMINISTER AN ASTHMA
6 INHALER OR EPINEPHRINE AUTO-INJECTOR IN A SCHOOL SETTING TO
7 DEMONSTRATE THE CAPABILITY FOR SELF-ADMINISTRATION AND FOR
8 RESPONSIBLE BEHAVIOR IN THE USE THEREOF AND TO NOTIFY THE SCHOOL
9 NURSE IMMEDIATELY FOLLOWING EACH USE OF AN ASTHMA INHALER OR
10 EPINEPHRINE AUTO-INJECTOR. THE SCHOOL ENTITY SHALL DEVELOP A
11 SYSTEM WHEREBY THE CHILD MAY [VERIFY] DEMONSTRATE COMPETENCY TO
12 THE SCHOOL NURSE THAT THE CHILD IS CAPABLE OF SELF-
13 ADMINISTRATION AND HAS PERMISSION FOR CARRYING AND TAKING THE
14 MEDICATION THROUGH THE USE OF THE ASTHMA INHALER OR EPINEPHRINE
15 AUTO-INJECTOR. DETERMINATION OF COMPETENCY FOR SELF-
16 ADMINISTRATION SHALL BE BASED ON AGE, COGNITIVE FUNCTION,
17 MATURITY AND DEMONSTRATION OF RESPONSIBLE BEHAVIOR. THE SCHOOL
18 ENTITY SHALL ALSO RESTRICT THE AVAILABILITY OF THE ASTHMA
19 INHALER, THE EPINEPHRINE AUTO-INJECTOR AND THE PRESCRIBED
20 MEDICATION CONTAINED THEREIN FROM OTHER CHILDREN OF SCHOOL AGE[,
21 WITH IMMEDIATE CONFISCATION OF BOTH]. THE POLICY SHALL SPECIFY
22 CONDITIONS UNDER WHICH A STUDENT MAY LOSE THE PRIVILEGE TO SELF-
23 CARRY THE ASTHMA INHALER, THE EPINEPHRINE AUTO-INJECTOR AND THE
24 MEDICATION [AND LOSS OF PRIVILEGES] IF THE SCHOOL POLICIES ARE
25 ABUSED OR IGNORED. A SCHOOL ENTITY THAT PREVENTS A STUDENT FROM
26 SELF-CARRYING AN ASTHMA INHALER OR EPINEPHRINE AUTO-INJECTOR AND
27 THE PRESCRIBED MEDICATION SHALL ENSURE THAT THEY ARE
28 APPROPRIATELY STORED AT LOCATIONS IN CLOSE PROXIMITY TO THE
29 STUDENT PROHIBITED FROM SELF-CARRYING AND NOTIFY THE STUDENT'S
30 CLASSROOM TEACHERS OF THE PLACES WHERE THE ASTHMA INHALER OR

EPINEPHRINE AUTO-INJECTOR AND MEDICATION ARE TO BE STORED AND
MEANS TO ACCESS THEM.

(C) THE POLICY UNDER THIS SECTION MAY INCLUDE THE FOLLOWING:

(1) THE REQUIREMENT OF A WRITTEN STATEMENT FROM THE
PHYSICIAN, CERTIFIED REGISTERED NURSE PRACTITIONER OR PHYSICIAN
ASSISTANT THAT PROVIDES THE NAME OF THE DRUG, THE DOSE, THE
TIMES WHEN THE MEDICATION IS TO BE TAKEN AND THE DIAGNOSIS OR
REASON THE MEDICINE IS NEEDED UNLESS THE REASON SHOULD REMAIN
CONFIDENTIAL. THE PHYSICIAN, CERTIFIED REGISTERED NURSE
PRACTITIONER OR PHYSICIAN ASSISTANT SHALL INDICATE THE POTENTIAL
OF ANY SERIOUS REACTION THAT MAY OCCUR TO THE MEDICATION, AS
WELL AS ANY NECESSARY EMERGENCY RESPONSE. THE PHYSICIAN,
CERTIFIED REGISTERED NURSE PRACTITIONER OR PHYSICIAN ASSISTANT
SHALL STATE WHETHER THE CHILD IS QUALIFIED AND ABLE TO SELF-
ADMINISTER THE MEDICATION.

(2) THE REQUIREMENT OF A WRITTEN REQUEST FROM THE PARENT OR
GUARDIAN THAT THE SCHOOL ENTITY COMPLY WITH THE ORDER OF THE
PHYSICIAN, CERTIFIED REGISTERED NURSE PRACTITIONER OR PHYSICIAN
ASSISTANT. THE PARENT'S NOTE SHALL INCLUDE A STATEMENT RELIEVING
THE SCHOOL ENTITY OR ANY SCHOOL EMPLOYEE OF ANY RESPONSIBILITY
FOR THE BENEFITS OR CONSEQUENCES OF THE PRESCRIBED MEDICATION
WHEN IT IS PARENT-AUTHORIZED AND ACKNOWLEDGING THAT THE SCHOOL
ENTITY BEARS NO RESPONSIBILITY FOR ENSURING THAT THE MEDICATION
IS TAKEN.

(3) THE ABILITY OF THE SCHOOL ENTITY TO RESERVE THE RIGHT TO
REQUIRE A STATEMENT FROM THE PHYSICIAN, CERTIFIED REGISTERED
NURSE PRACTITIONER OR PHYSICIAN ASSISTANT FOR THE CONTINUED USE
OF ANY MEDICATION BEYOND A SPECIFIED TIME PERIOD. THE SCHOOL
ENTITY SHALL ALSO REQUIRE UPDATED PRESCRIPTIONS AND PARENTAL
APPROVALS ON AN ANNUAL BASIS FROM THE PUPIL.

(D) AS USED IN THIS SECTION, "SCHOOL ENTITY" MEANS A SCHOOL DISTRICT, INTERMEDIATE UNIT, CHARTER SCHOOL OR AREA VOCATIONAL-TECHNICAL SCHOOL.

(E) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CREATE, ESTABLISH OR EXPAND ANY CIVIL LIABILITY ON THE PART OF ANY SCHOOL ENTITY OR SCHOOL EMPLOYEE.

(F) WITHIN ONE HUNDRED TWENTY (120) DAYS OF THE EFFECTIVE DATE OF THIS SUBSECTION, THE DEPARTMENT OF HEALTH IN COORDINATION WITH THE DEPARTMENT OF EDUCATION SHALL PROVIDE TECHNICAL ASSISTANCE AND RESOURCES AND PUBLISH INFORMATION ON THE DEPARTMENT OF HEALTH'S PUBLICLY ACCESSIBLE INTERNET WEBSITE REGARDING THE ADMINISTRATION OF MEDICATION FOR ALLERGIES BY PERSONS EMPLOYED BY A SCHOOL ENTITY, INCLUDING THE FOLLOWING:

(1) PROPER USE OF EPINEPHRINE DEVICES.

(2) THE IMPORTANCE OF FOLLOWING THE ENTITY'S STUDENT SERVICES PLAN REQUIRED UNDER 22 PA. CODE § 12.41 (RELATING TO STUDENT SERVICES) AND ITS RESPONSIBILITIES TO COMPLY WITH SECTION 504 OF THE REHABILITATION ACT OF 1973 (29 U.S.C. § 794) AND 22 PA. CODE CH. 15.

(3) RECOGNITION OF THE SYMPTOMS OF A SEVERE ALLERGIC REACTION.

(4) REQUIREMENTS FOR PROPER ACCESS, STORAGE AND SECURITY OF STUDENT MEDICATIONS.

(5) NOTIFICATION OF APPROPRIATE PERSONS FOLLOWING ADMINISTRATION OF MEDICATIONS.

(6) RECORDKEEPING.

SECTION 14. SECTION 1418(D) OF THE ACT, AMENDED JULY 14, 1971 (P.L.229, NO.47), IS AMENDED TO READ:

SECTION 1418. MEDICAL EXAMINATIONS OF TEACHERS AND OTHER PERSONS.--* * *

(D) MEDICAL EXAMINATIONS SHALL BE MADE BY THE SCHOOL PHYSICIAN OF THE DISTRICT IF PROVISION THEREFOR IS MADE BY THE DISTRICT OR JOINT SCHOOL BOARD OR BY A PHYSICIAN, CERTIFIED REGISTERED NURSE PRACTITIONER OR PHYSICIAN ASSISTANT OF THE EMPLOYE'S OWN CHOICE [LEGALLY QUALIFIED TO PRACTICE MEDICINE AND SURGERY OR OSTEOPATHY OR OSTEOPATHIC SURGERY IN THE] LICENSED OR CERTIFIED IN THIS COMMONWEALTH.

SECTION 15. SECTION 1422.1 OF THE ACT, ADDED JULY 11, 2006 (P.L.1092, NO.114), IS AMENDED TO READ:

SECTION 1422.1. LOCAL WELLNESS POLICY.--(A) NOT LATER THAN THE FIRST DAY OF THE SCHOOL YEAR BEGINNING AFTER JUNE 30, 2006, EACH LOCAL EDUCATION AGENCY SHALL, PURSUANT TO SECTION 204 OF THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004 (PUBLIC LAW 108-265, 118 STAT. 729), ESTABLISH A LOCAL WELLNESS POLICY FOR SCHOOLS WITHIN THE LOCAL EDUCATION AGENCY.

(B) A LOCAL EDUCATION AGENCY TO WHICH 22 PA. CODE § 4.13 (RELATING TO STRATEGIC PLANS) APPLIES SHALL INCLUDE THE LOCAL WELLNESS POLICY AS PART OF THE STRATEGIC PLAN REQUIRED UNDER 22 PA. CODE § 4.13.

(C) A LOCAL EDUCATION AGENCY MAY SUBMIT ITS LOCAL WELLNESS POLICY OR INFORMATION ON OTHER INITIATIVES REGARDING CHILD HEALTH, NUTRITION, FOOD ALLERGY REACTION MANAGEMENT AND PHYSICAL EDUCATION TO THE DEPARTMENT OF EDUCATION FOR INCLUSION IN THE CLEARINGHOUSE ESTABLISHED UNDER SECTION 1422.3(3). AN UPDATE TO THE POLICY INFORMATION MAY BE DONE IN CONCERT WITH THE SCHEDULED SUBMISSION OF THE SCHOOL DISTRICT'S STRATEGIC PLAN AS REQUIRED UNDER 22 PA.CODE § 4.13.

SECTION 16. SECTION 1422.3 OF THE ACT, AMENDED JULY 20, 2007 (P.L.278, NO.45), IS AMENDED TO READ:

SECTION 1422.3. DUTIES OF DEPARTMENT OF EDUCATION.--THE

DEPARTMENT OF EDUCATION SHALL, IN ORDER TO PROMOTE INITIATIVES
REGARDING CHILD HEALTH, NUTRITION, FOOD ALLERGY MANAGEMENT AND
PHYSICAL EDUCATION:

(1) TO EVERY EXTENT POSSIBLE, INCLUDE PROGRAMS RELATED TO
CHILD HEALTH, NUTRITION, FOOD ALLERGY MANAGEMENT AND PHYSICAL
EDUCATION AS PART OF THE CONTINUING PROFESSIONAL EDUCATION
COURSES, PROGRAMS, ACTIVITIES OR LEARNING EXPERIENCES REQUIRED
UNDER SECTION 1205.2(F).

(2) COLLABORATE WITH THE DEPARTMENT OF HEALTH TO APPLY FOR
FEDERAL FUNDS RELATED TO COORDINATED SCHOOL HEALTH FUNDING TO
ENHANCE INITIATIVES REGARDING CHILD HEALTH, NUTRITION, FOOD
ALLERGY MANAGEMENT, PHYSICAL EDUCATION, LOCAL WELLNESS POLICIES
AND ADVISORY HEALTH COUNCILS.

(2.1) IDENTIFY, NOTIFY AND ASSIST SCHOOL DISTRICTS WITH
APPLYING FOR FEDERAL AND STATE FUNDS RELATED TO CHILD HEALTH,
NUTRITION AND FOOD ALLERGY REACTION MANAGEMENT. THE INFORMATION
CAN BE PROVIDED THROUGH THE DEPARTMENT'S E-GRANT SYSTEM.

(3) ESTABLISH A CLEARINGHOUSE OF WELLNESS POLICIES AND
INFORMATION REGARDING CHILD HEALTH, NUTRITION AND PHYSICAL
EDUCATION SUBMITTED TO THE DEPARTMENT BY LOCAL EDUCATION
AGENCIES PURSUANT TO SECTION 1422.1(C). SUCH INFORMATION SHALL
BE MADE AVAILABLE ON THE DEPARTMENT'S INTERNET WEBSITE.

(4) TO EVERY EXTENT POSSIBLE, MAINTAIN INFORMATION RELATED
TO TEACHING ABOUT NUTRITION, FOOD ALLERGY MANAGEMENT AND
OBESITY, WHICH INFORMATION SHALL INCLUDE CONCEPTS OF HEALTHY
EATING, INCLUDING NUTRIENT DENSITY AND PORTION CONTROL, AND THE
PHYSICAL, PSYCHOLOGICAL AND NUTRITIONAL CAUSES OF OBESITY. SUCH
INFORMATION SHALL BE MADE AVAILABLE ON THE DEPARTMENT'S INTERNET
WEBSITE.

(5) PUBLISH RECOMMENDED NUTRITIONAL GUIDELINES FOR FOOD AND

BEVERAGES SOLD IN SCHOOLS ON THE DEPARTMENT'S INTERNET WEBSITE
ON OR AFTER THE EFFECTIVE DATE OF THIS CLAUSE.

(6) IN COLLABORATION WITH THE ADVISORY HEALTH COUNCILS
CREATED IN SECTION 1422, THE DEPARTMENT SHALL DEVELOP GUIDELINES
FOR MANAGING LIFE-THREATENING FOOD ALLERGIES IN SCHOOLS WHICH
SHALL BE PUBLISHED ON THE DEPARTMENT'S WEBSITE. THE GUIDELINES
SHALL BE PUBLISHED ON THE DEPARTMENT'S INTERNET WEBSITE NO LATER
THAN JANUARY 31, 2011. THE GUIDELINES SHALL ASSIST SCHOOL
DISTRICTS IN ADDRESSING THE FOLLOWING:

(I) THE SCOPE OF THE PROBLEM OF CHILDHOOD ALLERGIES AND ITS
IMPACT ON SCHOOL STUDENT HEALTH.

(II) TYPES OF DETAILED POLICIES AND PROTOCOLS TO HELP
PREVENT ALLERGIC REACTION EMERGENCIES AND DEATHS FROM
ANAPHYLAXIS IN SCHOOLS.

(III) THE SYSTEMATIC PLANNING AND MULTI-DISCIPLINARY TEAM
APPROACH NEEDED PRIOR TO SCHOOL ENTRY BY THE STUDENT WITH LIFE-
THREATENING FOOD ALLERGIES.

(IV) THE SCHOOL DISTRICT STAFF'S ROLE AND NECESSARY TRAINING
IN PREVENTING EXPOSURE TO SPECIFIC ALLERGENS.

(V) RESPONSIBILITIES OF THE PARENT OR GUARDIAN, SCHOOL STAFF
AND THE STUDENT'S PRIMARY CARE PROVIDER FOR NOTICE, CONSENT AND
DOCUMENTATION OF ADMINISTRATION OF MEDICATION TO A SCHOOL
STUDENT WITH A FOOD ALLERGY.

(VI) EMERGENCY RESPONSE PROTOCOLS SHOULD A LIFE-THREATENING
ALLERGIC EVENT OCCUR.

(VII) THE ROLES OF SPECIFIC STAFF MEMBERS IN THE CARE OF THE
STUDENT WITH A LIFE-THREATENING ALLERGIC CONDITION.

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

SECTION 1551. ECONOMIC EDUCATION AND PERSONAL FINANCIAL
LITERACY PROGRAMS.--(A) THE DEPARTMENT SHALL HAVE THE POWER AND

1 ITS DUTY SHALL BE TO:

2 (1) PROVIDE RESOURCE INFORMATION ON ECONOMICS, ECONOMIC
3 EDUCATION AND PERSONAL FINANCIAL LITERACY TO EDUCATORS AND
4 PUBLIC AND PRIVATE SCHOOLS AND ORGANIZATIONS.

5 (2) PROVIDE FOR THE DISTRIBUTION, INCLUDING THROUGH THE
6 DEPARTMENT'S INTERNET WEBSITE, TO SCHOOL ENTITIES OR PRIVATE,
7 NONPUBLIC, ELEMENTARY OR SECONDARY SCHOOLS IN THIS COMMONWEALTH,
8 TEACHER CURRICULUM MATERIALS AND OTHER AVAILABLE RESOURCES,
9 INCLUDING ECONOMIC EDUCATION PARTNERSHIP PROGRAMS, ON ECONOMIC
10 EDUCATION AND PERSONAL FINANCIAL LITERACY, INCLUDING THE BASIC
11 PRINCIPLE INVOLVED WITH EARNING, SPENDING, SAVING AND INVESTING
12 MONEY. THE MATERIALS SHALL ALIGN WITH AND COMPLEMENT EXISTING
13 STATE STANDARDS FOR ECONOMICS, FAMILY AND CONSUMER SCIENCE, AND
14 CAREER EDUCATION AND WORK AS SET FORTH IN 22 PA. CODE CH. 4
15 (RELATING TO ACADEMIC STANDARDS AND ASSESSMENT).

16 (3) IDENTIFY AND RECOGNIZE COMMONWEALTH SCHOOLS THAT
17 IMPLEMENT EXEMPLARY ECONOMIC AND ECONOMIC EDUCATION AND PERSONAL
18 FINANCIAL LITERACY CURRICULA AT EACH BENCHMARK AS SET FORTH IN
19 EXISTING STATE STANDARDS FOR ECONOMICS, FAMILY AND CONSUMER
20 SCIENCE, AND CAREER EDUCATION AND WORK AS SET FORTH IN 22 PA.
21 CODE CH. 4.

22 (4) MAINTAIN AN INVENTORY OF ECONOMIC EDUCATION AND PERSONAL
23 FINANCIAL LITERACY MATERIALS, PROGRAMS AND RESOURCES AVAILABLE
24 IN COMMONWEALTH AGENCIES.

25 (B) IN DISTRIBUTING MATERIALS AND RESOURCES FOR USE IN
26 SCHOOLS, THE DEPARTMENT SHALL CONSIDER THOSE CURRENTLY AVAILABLE
27 THROUGH INTERNATIONAL, NATIONAL, STATEWIDE AND LOCAL ECONOMIC,
28 BANKING TRADE AND PERSONAL FINANCE EDUCATION ORGANIZATIONS.

29 (C) (1) THE DEPARTMENT SHALL CONVENE A TASK FORCE ON
30 ECONOMIC EDUCATION AND PERSONAL FINANCIAL LITERACY EDUCATION

1 WITHIN NINETY (90) DAYS OF THE EFFECTIVE DATE OF THIS SECTION.

2 (2) THE TASK FORCE SHALL CONSIST OF NINE MEMBERS APPOINTED
3 BY THE SECRETARY, IN CONSULTATION WITH THE SECRETARY OF BANKING,
4 REPRESENTING SCHOOL ADMINISTRATORS, FINANCE OR ECONOMICS
5 TEACHERS, SCHOOL BOARDS, STUDENTS, BUSINESS LEADERS, FACULTY
6 FROM THIS COMMONWEALTH'S INSTITUTIONS OF HIGHER EDUCATION HAVING
7 A BACKGROUND IN OR KNOWLEDGE OF PERSONAL FINANCIAL LITERACY AND
8 OTHER GROUPS WITH EXPERTISE IN FINANCIAL LITERACY EDUCATION. THE
9 TASK FORCE SHALL ELECT ONE (1) OF ITS MEMBERS TO SERVE AS
10 CHAIRPERSON.

11 (3) THE TASK FORCE SHALL:

12 (I) ASSESS THE TRENDS AND NEEDS IN ECONOMIC EDUCATION AND
13 PERSONAL FINANCIAL LITERACY.

14 (II) CONSIDER THE MANNER IN WHICH ANY FUNDS ARE USED TO
15 SUPPORT ECONOMIC EDUCATION AND PERSONAL FINANCIAL LITERACY
16 ACTIVITIES.

17 (III) MAKE RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL
18 ASSEMBLY REGARDING LEGISLATIVE OR REGULATORY CHANGES TO IMPROVE
19 ECONOMIC EDUCATION AND PERSONAL FINANCIAL LITERACY, PURSUANT TO
20 THE PREPARATION AND SUBMITTAL OF THE REPORT REQUIRED BY
21 SUBSECTION (D).

22 (D) THE SECRETARY AND THE SECRETARY OF BANKING SHALL JOINTLY
23 PREPARE AND SUBMIT, IN CONJUNCTION WITH THE TASK FORCE, A
24 BIENNIAL REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY ON THE
25 STATUS OF ECONOMIC EDUCATION AND PERSONAL FINANCIAL LITERACY
26 PROGRAMS IN THIS COMMONWEALTH. IN ADDITION TO THE
27 RECOMMENDATIONS MADE IN ACCORDANCE WITH SUBSECTION (C) (3) (III),
28 THE REPORT SHALL OUTLINE ECONOMIC EDUCATION AND PERSONAL
29 FINANCIAL LITERACY PROGRAMS AND ACHIEVEMENTS, HIGHLIGHT NEW
30 INITIATIVES AND RECOMMEND FUTURE PROGRAM NEEDS.

1 (E) THE DEPARTMENT MAY APPLY FOR ANY FEDERAL, STATE OR OTHER
2 FUNDING THAT MAY BE AVAILABLE TO CARRY OUT THE PROVISIONS OF
3 THIS SECTION AND MAY ALSO USE SUCH UNENCUMBERED FUNDS FOR GRANTS
4 TO SCHOOL ENTITIES AND OTHER MEASURES TO ENCOURAGE THE
5 IMPLEMENTATION OF ECONOMIC EDUCATION AND PERSONAL FINANCIAL
6 LITERACY EDUCATION PROGRAMS.

7 (F) THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS
8 SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
9 SUBSECTION:

10 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
11 COMMONWEALTH.

12 "PERSONAL FINANCIAL LITERACY." THE INTEGRATION OF VARIOUS
13 FACTORS RELATING TO PERSONAL FINANCIAL MANAGEMENT, INCLUDING
14 UNDERSTANDING FINANCIAL INSTITUTIONS, USING MONEY, LEARNING TO
15 MANAGE PERSONAL ASSETS AND LIABILITIES, CREATING BUDGETS AND ANY
16 OTHER FACTORS THAT MAY ASSIST AN INDIVIDUAL IN THIS COMMONWEALTH
17 TO BE FINANCIALLY RESPONSIBLE.

18 "SCHOOL ENTITY." A PUBLIC SCHOOL DISTRICT, CHARTER SCHOOL,
19 CYBER CHARTER SCHOOL, INTERMEDIATE UNIT OR AREA VOCATIONAL-
20 TECHNICAL SCHOOL.

21 "SECRETARY." THE SECRETARY OF EDUCATION OF THE COMMONWEALTH.
22 SECTION 1552. STATE STANDARDS FOR BUSINESS, COMPUTER AND
23 INFORMATION TECHNOLOGY COURSES.--THE SECRETARY OF EDUCATION
24 SHALL ESTABLISH STATE STANDARDS FOR BUSINESS, COMPUTER AND
25 INFORMATION TECHNOLOGY COURSES AS PROVIDED IN 22 PA. CODE § 4.32
26 (RELATING TO STANDARDS AND REPORTS) NO LATER THAN EIGHTEEN (18)
27 MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION.

28 SECTION 1553. DATING VIOLENCE EDUCATION.

29 (A) THE DEPARTMENT, THROUGH ITS OFFICE FOR SAFE SCHOOLS, AND
30 IN CONSULTATION WITH THE STATE BOARD OF EDUCATION, SHALL:

1 (1) DEVELOP, WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS
2 SECTION, A MODEL DATING VIOLENCE POLICY TO ASSIST SCHOOL
3 DISTRICTS IN DEVELOPING POLICIES FOR DATING VIOLENCE REPORTING
4 AND RESPONSE.

5 (2) CONSULT WITH AT LEAST ONE DOMESTIC VIOLENCE CENTER AND
6 AT LEAST ONE RAPE CRISIS CENTER IN DEVELOPING THE MODEL DATING
7 VIOLENCE POLICY.

8 (B) (1) EACH SCHOOL DISTRICT MAY ESTABLISH A SPECIFIC
9 POLICY TO ADDRESS INCIDENTS OF DATING VIOLENCE INVOLVING
10 STUDENTS AT SCHOOL.

11 (2) THE POLICY MAY INCLUDE, BUT NEED NOT BE LIMITED TO: A
12 STATEMENT THAT DATING VIOLENCE WILL NOT BE TOLERATED; VIOLENCE
13 REPORTING PROCEDURES; DISCIPLINE PROCEDURES FOR STUDENTS THAT
14 COMMIT VIOLENCE AT SCHOOL; AND CONTACT INFORMATION FOR AND
15 RESOURCES AVAILABLE THROUGH DOMESTIC VIOLENCE PROGRAMS AND RAPE
16 CRISIS PROGRAMS.

17 (3) A SCHOOL DISTRICT THAT ESTABLISHES THE POLICY SHALL:

18 (I) PUBLISH THE POLICY IN ANY SCHOOL DISTRICT POLICY OR
19 HANDBOOK THAT SPECIFIES THE COMPREHENSIVE RULES, PROCEDURES AND
20 STANDARDS OF CONDUCT FOR STUDENTS AT SCHOOL.

21 (II) MAKE THE POLICY AVAILABLE ON ITS PUBLICLY AVAILABLE
22 INTERNET WEBSITE.

23 (III) PROVIDE PARENTS AND GUARDIANS WITH A COPY OF THE
24 POLICY.

25 (4) THE STATE BOARD OF EDUCATION SHALL CONDUCT A STUDY OF
26 THE BENEFITS AND DETRIMENTS OF MANDATORY DATING VIOLENCE
27 EDUCATION AND SHALL SUBMIT A REPORT OF ITS RECOMMENDATIONS TO
28 THE CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF
29 THE SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE
30 EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES WITHIN THREE

1 (3) YEARS OF THE EFFECTIVE DATE OF THIS SECTION.

2 (C) (1) A SCHOOL DISTRICT MAY PROVIDE DATING VIOLENCE
3 TRAINING TO GUIDANCE COUNSELORS, NURSES AND MENTAL HEALTH STAFF
4 AT THE HIGH SCHOOL LEVEL. UPON THE RECOMMENDATION OF THE
5 DISTRICT SUPERINTENDENT, OTHER STAFF MAY BE INCLUDED OR MAY
6 ATTEND THE TRAINING ON A VOLUNTARY BASIS. THE SCHOOL DISTRICT
7 MAY ALSO PROVIDE DATING VIOLENCE TRAINING TO PARENTS.

8 (2) THE DATING VIOLENCE TRAINING MAY INCLUDE, BUT NEED NOT
9 BE LIMITED TO: BASIC PRINCIPLES OF DATING VIOLENCE; WARNING
10 SIGNS OF DATING VIOLENCE; THE SCHOOL DISTRICT'S DATING VIOLENCE
11 POLICY; APPROPRIATE RESPONSES TO INCIDENTS OF DATING VIOLENCE AT
12 SCHOOL, AND SERVICES AND RESOURCES AVAILABLE THROUGH DOMESTIC
13 VIOLENCE PROGRAMS AND RAPE CRISIS PROGRAMS.

14 (D) (1) A SCHOOL DISTRICT MAY INCORPORATE DATING VIOLENCE
15 EDUCATION THAT IS AGE-APPROPRIATE INTO THE ANNUAL HEALTH
16 CURRICULUM FRAMEWORK FOR STUDENTS IN GRADES NINE THROUGH TWELVE.
17 IN DEVELOPING SUCH A POLICY, THE SCHOOL DISTRICT SHALL CONSULT
18 WITH AT LEAST ONE DOMESTIC VIOLENCE PROGRAM OR RAPE CRISIS
19 PROGRAM THAT SERVES THE REGION WHERE THE SCHOOL DISTRICT IS
20 LOCATED.

21 (2) DATING VIOLENCE EDUCATION MAY INCLUDE, BUT NEED NOT BE
22 LIMITED TO: DEFINING DATING VIOLENCE AND RECOGNIZING DATING
23 VIOLENCE WARNING SIGNS; CHARACTERISTICS OF HEALTHY
24 RELATIONSHIPS; INFORMATION REGARDING PEER SUPPORT AND THE ROLE
25 FRIENDS AND PEERS HAVE IN ADDRESSING DATING VIOLENCE; AND
26 CONTACT INFORMATION FOR AND THE SERVICES AND RESOURCES AVAILABLE
27 THROUGH DOMESTIC VIOLENCE CENTERS AND RAPE CRISIS CENTERS,
28 INCLUDING DETAILED INFORMATION CONCERNING SAFETY PLANNING,
29 AVAILABILITY AND ENFORCEMENT OF PROTECTION FROM ABUSE ORDERS AND
30 THE AVAILABILITY OF OTHER SERVICES AND ASSISTANCE FOR STUDENTS

1 AND THEIR FAMILIES.

2 (3) THE DEPARTMENT, THROUGH ITS OFFICE FOR SAFE SCHOOLS, IN
3 CONSULTATION WITH AT LEAST ONE DOMESTIC VIOLENCE CENTER AND AT
4 LEAST ONE RAPE CRISIS CENTER, SHALL PROVIDE SCHOOL DISTRICTS
5 WITH GRADE-APPROPRIATE EDUCATIONAL MATERIALS REGARDING DATING
6 VIOLENCE AND HEALTHY RELATIONSHIPS FOR THE PURPOSE OF ASSISTING
7 SCHOOL DISTRICTS IN PREPARING AN INSTRUCTIONAL PROGRAM ON DATING
8 VIOLENCE. THE DEPARTMENT MAY USE EDUCATIONAL MATERIALS THAT ARE
9 ALREADY PUBLICLY AVAILABLE FOR THIS PURPOSE.

10 (4) A PARENT OR LEGAL GUARDIAN OF A STUDENT WHO IS UNDER
11 EIGHTEEN (18) YEARS OF AGE, WITHIN A REASONABLE PERIOD OF TIME
12 AFTER THE REQUEST IS MADE, SHALL BE PERMITTED TO EXAMINE THE
13 DATING VIOLENCE EDUCATION PROGRAM INSTRUCTIONAL MATERIALS AT THE
14 SCHOOL IN WHICH THE STUDENT IS ENROLLED.

15 (5) AT THE REQUEST OF A PARENT OR GUARDIAN, A STUDENT SHALL
16 BE EXCUSED FROM ALL OR PARTS OF THE DATING VIOLENCE EDUCATION
17 PROGRAM. THE PRINCIPAL SHALL NOTIFY ALL PARENTS OR GUARDIANS OF
18 THEIR ABILITY TO WITHDRAW THEIR CHILDREN FROM INSTRUCTION IN THE
19 PROGRAM BY RETURNING A SIGNED OPT-OUT FORM.

20 (E) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS PREVENTING
21 A PERSON FROM SEEKING JUDICIAL RELIEF FROM DATING VIOLENCE UNDER
22 ANY OTHER LAW OR AS ESTABLISHING OR MODIFYING ANY CIVIL
23 LIABILITY.

24 (F) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES
25 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

26 "AT SCHOOL." THE TERM SHALL HAVE THE MEANING GIVEN TO SCHOOL
27 PROPERTY AS DEFINED IN SECTION 1301-A.

28 "DATING PARTNER." A PERSON, REGARDLESS OF GENDER, INVOLVED
29 IN AN INTIMATE RELATIONSHIP WITH ANOTHER PERSON, PRIMARILY
30 CHARACTERIZED BY THE EXPECTATION OF AFFECTIONATE INVOLVEMENT,

1 WHETHER CASUAL, SERIOUS OR LONG-TERM.

2 "DATING VIOLENCE." BEHAVIOR WHERE ONE PERSON USES THREATS
3 OF, OR ACTUALLY USES, PHYSICAL, SEXUAL, VERBAL OR EMOTIONAL
4 ABUSE TO CONTROL THE PERSON'S DATING PARTNER.

5 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
6 COMMONWEALTH.

7 "DOMESTIC VIOLENCE CENTER." THE TERM SHALL HAVE THE MEANING
8 GIVEN IN SECTION 2333 OF THE ACT OF APRIL 9, 1929 (P.L.177,
9 NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."

10 "DOMESTIC VIOLENCE PROGRAM." THE TERM SHALL HAVE THE MEANING
11 GIVEN IN SECTION 2333 OF THE ACT OF APRIL 9, 1929 (P.L.177,
12 NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."

13 "RAPE CRISIS CENTER." THE TERM SHALL HAVE THE MEANING GIVEN
14 IN SECTION 2333 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175),
15 KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."

16 "RAPE CRISIS PROGRAM." THE TERM SHALL HAVE THE MEANING GIVEN
17 IN SECTION 2333 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175),
18 KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."

19 SECTION 18. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

20 ARTICLE XV-F

21 SCIENCE TECHNOLOGY PARTNERSHIPS

22 SECTION 1501-F. DEFINITIONS.

23 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
24 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
25 CONTEXT CLEARLY INDICATES OTHERWISE:

26 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
27 COMMONWEALTH.

28 "HIGHER EDUCATION INSTITUTION." ANY PUBLIC OR PRIVATE TWO-
29 YEAR OR FOUR-YEAR OR HIGHER POSTSECONDARY INSTITUTION IN THIS
30 COMMONWEALTH THAT HAS BEEN ACCREDITED AT THE COLLEGE LEVEL BY AN

1 ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES SECRETARY OF
2 EDUCATION.

3 "NONPUBLIC SCHOOL." A NONPUBLIC KINDERGARTEN, ELEMENTARY
4 SCHOOL OR SECONDARY SCHOOL AT WHICH A RESIDENT OF THIS
5 COMMONWEALTH MAY LEGALLY FULFILL THE COMPULSORY SCHOOL
6 ATTENDANCE REQUIREMENTS OF ARTICLE XIII AND WHICH MEETS THE
7 REQUIREMENTS OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (PUBLIC
8 LAW 88-352, 78 STAT. 241).

9 "PROGRAM." THE SCIENCE TECHNOLOGY PARTNERSHIP PROGRAM
10 ESTABLISHED IN SECTION 1502-F.

11 "PUBLIC SCHOOL." ANY SCHOOL OWNED OR OPERATED BY A PUBLIC
12 SCHOOL DISTRICT ESTABLISHED UNDER THIS ACT, INCLUDING ANY SCHOOL
13 ESTABLISHED PURSUANT TO ARTICLE XVII-A.

14 "SCHOOL." A PUBLIC SCHOOL OR NONPUBLIC SCHOOL.

15 "SCIENCE TECHNOLOGY PARTNERSHIP" OR "PARTNERSHIP." A SCIENCE
16 TECHNOLOGY PARTNERSHIP ESTABLISHED UNDER SECTION 1503-F.

17 "SCIENTIFIC OR TECHNICAL EQUIPMENT." TECHNICAL OR ELECTRONIC
18 EQUIPMENT USED IN TEACHING SCIENCE COURSES, INCLUDING LABORATORY
19 EQUIPMENT. THE EQUIPMENT MAY INCLUDE EQUIPMENT THAT IS NOT
20 ROUTINELY USED IN THE TEACHING OF SCIENCE BUT THAT IS COMMONLY
21 USED IN THE WORKPLACE AND THE FIELDS OF HEALTH, ENVIRONMENT,
22 SCIENTIFIC RESEARCH, BIOLOGY, CHEMISTRY, GEOLOGY OR OTHER EARTH
23 SCIENCES, PHYSICS OR ANY OTHER SCIENTIFIC FIELD.

24 "SECRETARY." THE SECRETARY OF EDUCATION OF THE COMMONWEALTH.
25 SECTION 1502-F. SCIENCE TECHNOLOGY PARTNERSHIP PROGRAM.

26 (A) ESTABLISHMENT.--THE SCIENCE TECHNOLOGY PARTNERSHIP
27 PROGRAM IS HEREBY ESTABLISHED.

28 (B) ADMINISTRATION.--TO THE EXTENT FUNDS ARE APPROPRIATED
29 FOR THE PURPOSE, THE DEPARTMENT SHALL ADMINISTER A GRANT PROGRAM
30 THAT AWARDS GRANTS TO HIGHER EDUCATION INSTITUTIONS THAT ARE

1 MEMBERS OF THE SCIENCE TECHNOLOGY PARTNERSHIPS.

2 (C) CRITERIA FOR FUNDING.--TO IMPLEMENT THE PROGRAM, THE
3 DEPARTMENT SHALL REQUEST PROPOSALS FROM HIGHER EDUCATION
4 INSTITUTIONS THAT ARE MEMBERS OF SCIENCE TECHNOLOGY
5 PARTNERSHIPS. TO RECEIVE A GRANT UNDER SUBSECTION (D), A HIGHER
6 EDUCATION INSTITUTION MUST MEET ALL OF THE FOLLOWING CRITERIA:

7 (1) HAVE ESTABLISHED A PARTNERSHIP CONSISTENT WITH THE
8 REQUIREMENTS OF SECTION 1503-F AND PROVIDED A COPY OF THE
9 PARTNERSHIP AGREEMENT TO THE DEPARTMENT.

10 (2) DEMONSTRATE HOW THE PARTNERSHIP WILL MAKE SCIENCE
11 TECHNOLOGY EQUIPMENT AVAILABLE TO STUDENTS ENROLLED IN
12 SCHOOLS THAT ARE PARTNERSHIP MEMBERS.

13 (3) DEMONSTRATE HOW THE PARTNERSHIP WILL AUGMENT THE
14 SCIENCE CURRICULUM OF SCHOOLS THAT ARE PARTNERSHIP MEMBERS.

15 (4) DEMONSTRATE HOW THE PARTNERSHIP WILL PROVIDE
16 ADDITIONAL PROFESSIONAL DEVELOPMENT OPPORTUNITIES TO
17 EDUCATORS EMPLOYED BY SCHOOLS OR SCHOOL DISTRICTS THAT ARE
18 PARTNERSHIP MEMBERS.

19 (5) HAVE ADOPTED A PROPOSED BUDGET DESCRIBING THE
20 SCIENTIFIC AND TECHNICAL EQUIPMENT THAT WILL BE PURCHASED OR
21 LEASED WITH GRANT FUNDS.

22 (D) GRANT AWARDS.--TO THE EXTENT FUNDS ARE APPROPRIATED FOR
23 THE PURPOSE, THE DEPARTMENT SHALL AWARD GRANTS TO HIGHER
24 EDUCATION INSTITUTIONS THAT MEET THE CRITERIA FOR FUNDING UNDER
25 SUBSECTION (C). GRANTS SHALL BE USED FOR THE PURCHASE OR LEASE
26 OF SCIENTIFIC OR TECHNICAL EQUIPMENT AND FOR THE DEVELOPMENT OF
27 PROGRAMS OF INSTRUCTION FOR MEMBERS OF A PARTNERSHIP.

28 SECTION 1503-F. SCIENCE TECHNOLOGY PARTNERSHIPS.

29 (A) ESTABLISHMENT.--TO BE ELIGIBLE TO PARTICIPATE IN THE
30 PROGRAM, A HIGHER EDUCATION INSTITUTION MUST FORM A PARTNERSHIP

1 WITH SCHOOLS OR SCHOOL DISTRICTS AND MAY SUBCONTRACT WITH A
2 NONPROFIT ORGANIZATION IN ORDER TO IMPLEMENT THE PARTNERSHIP
3 AGREEMENT UNDER SUBSECTION (B). A PARTNERSHIP MUST INCLUDE A
4 MINIMUM OF THREE PUBLIC SCHOOLS OR SCHOOL DISTRICTS.

5 (B) PARTNERSHIP AGREEMENT.--THE HIGHER EDUCATION INSTITUTION
6 AND THE SCHOOLS OR SCHOOL DISTRICTS SHALL ENTER INTO A WRITTEN
7 AGREEMENT THAT INCLUDES ALL OF THE FOLLOWING:

8 (1) THE RESPONSIBILITIES OF THE HIGHER EDUCATION
9 INSTITUTION IN PROVIDING SERVICES TO EACH PARTNERSHIP MEMBER.

10 (2) THE RESPONSIBILITIES OF THE SCHOOLS OR SCHOOL
11 DISTRICTS IN COORDINATING WITH THE HIGHER EDUCATION
12 INSTITUTION.

13 (3) A DESCRIPTION OF THE SCIENTIFIC OR TECHNICAL
14 EQUIPMENT THAT WILL BE PROVIDED TO EACH PARTNERSHIP MEMBER.

15 (4) A DESCRIPTION OF THE PROGRAM OF INSTRUCTION THAT
16 WILL BE PROVIDED TO EACH PARTNERSHIP MEMBER BY THE HIGHER
17 EDUCATION INSTITUTION.

18 (5) THE COURSES OF SCIENCE INSTRUCTION AND GRADE LEVELS
19 THAT WILL BE AUGMENTED BY SCIENTIFIC OR TECHNICAL EQUIPMENT
20 THROUGH THE PARTNERSHIP AND HOW SCIENTIFIC OR TECHNICAL
21 EQUIPMENT WILL BE USED TO AUGMENT SUCH COURSES OF
22 INSTRUCTION.

23 (6) THE MANNER IN WHICH ACCESS TO SCIENTIFIC OR
24 TECHNICAL EQUIPMENT WILL BE PROVIDED TO STUDENTS AND
25 TEACHERS.

26 (7) THE PROFESSIONAL DEVELOPMENT ACTIVITIES THAT WILL BE
27 PROVIDED TO SCIENCE TEACHERS EMPLOYED BY PARTNERSHIP MEMBERS.

28 (C) FORWARD TO DEPARTMENT.--TO BE ELIGIBLE TO PARTICIPATE IN
29 THE PROGRAM, A PARTNERSHIP MUST FORWARD A CERTIFIED COPY OF ITS
30 PARTNERSHIP AGREEMENT TO THE DEPARTMENT.

1 SECTION 1504-F. POWERS AND DUTIES OF DEPARTMENT.

2 THE DEPARTMENT SHALL PROMULGATE RULES, REGULATIONS AND
3 PROCEDURES NECESSARY TO IMPLEMENT THE PROGRAM.

4 SECTION 1505-F. BIENNIAL REPORT.

5 THE SECRETARY SHALL ON A BIENNIAL BASIS SUBMIT A REPORT ON
6 THE PROGRAM TO THE GOVERNOR, THE CHAIRMAN AND MINORITY CHAIRMAN
7 OF THE EDUCATION COMMITTEE OF THE SENATE AND THE CHAIRMAN AND
8 MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE HOUSE OF
9 REPRESENTATIVES. THE INITIAL REPORT SHALL BE DUE ON JUNE 30,
10 2012, WITH REPORTS DUE ON JUNE 30 OF EVERY EVEN-NUMBERED YEAR
11 THEREAFTER. THE REPORT SHALL INCLUDE ALL OF THE FOLLOWING
12 INFORMATION:

13 (1) A DESCRIPTION OF THE TYPES OF THE PARTNERSHIPS
14 CREATED.

15 (2) THE NUMBER OF HIGHER EDUCATION INSTITUTIONS, SCHOOLS
16 AND SCHOOL DISTRICTS PARTICIPATING IN THE PROGRAM AS MEMBERS
17 OF THE PARTNERSHIPS.

18 (3) THE NUMBER OF STUDENTS PARTICIPATING IN THE PROGRAM.

19 (4) THE DOLLAR AMOUNT OF GRANTS AWARDED TO EACH HIGHER
20 EDUCATION INSTITUTION AND A SUMMARY OF THE INSTITUTION'S
21 EXPENDITURES ON SERVICES RELATED TO THE PARTNERSHIP.

22 (5) AN ASSESSMENT OF THE IMPACT OF THE PROGRAM ON THE
23 SCIENTIFIC KNOWLEDGE OF STUDENTS PARTICIPATING IN THE
24 PROGRAM.

25 SECTION 19. SECTION 1611 OF THE ACT IS AMENDED BY ADDING A
26 SUBSECTION TO READ:

27 SECTION 1611. ACADEMIC DEGREES.--* * *

28 (D) (1) A BOARD OF SCHOOL DIRECTORS MAY ESTABLISH A PROGRAM
29 TO BE KNOWN AS "OPERATION RECOGNITION" WHICH PROVIDES FOR
30 GRANTING A HIGH SCHOOL DIPLOMA TO ANY HONORABLY DISCHARGED

1 VETERAN WHO SERVED IN THE UNITED STATES MILITARY IN THE VIETNAM
2 WAR BETWEEN THE TWENTY-EIGHTH DAY OF FEBRUARY, ONE THOUSAND NINE
3 HUNDRED SIXTY-ONE, AND THE SEVENTH DAY OF MAY, ONE THOUSAND NINE
4 HUNDRED SEVENTY-FIVE, WHO ATTENDED HIGH SCHOOL BETWEEN ONE
5 THOUSAND NINE HUNDRED FIFTY-EIGHT AND ONE THOUSAND NINE HUNDRED
6 SEVENTY-FIVE AND WHO WOULD HAVE BEEN A MEMBER OF A GRADUATION
7 CLASS DURING THE YEARS ONE THOUSAND NINE HUNDRED SIXTY-ONE
8 THROUGH ONE THOUSAND NINE HUNDRED SEVENTY-FIVE BUT DID NOT
9 GRADUATE FROM HIGH SCHOOL DUE TO ENTRY INTO MILITARY SERVICE.

10 (2) A BOARD OF SCHOOL DIRECTORS MAY AWARD A DIPLOMA
11 POSTHUMOUSLY TO AN ELIGIBLE VETERAN.

12 (3) AN APPLICATION FOR A DIPLOMA UNDER THIS SUBSECTION MUST
13 BE MADE IN THE MANNER PRESCRIBED BY THE BOARD OF SCHOOL
14 DIRECTORS.

15 SECTION 20. SECTION 1722-A OF THE ACT, AMENDED OR ADDED JUNE
16 19, 1997 (P.L.225, NO.22) AND JULY 9, 2008 (P.L.846, NO.61) AND
17 REPEALED IN PART JULY 4, 2004 (P.L.536, NO.70), IS AMENDED TO
18 READ:

19 SECTION 1722-A. FACILITIES.--(A) A CHARTER SCHOOL MAY BE
20 LOCATED IN AN EXISTING PUBLIC SCHOOL BUILDING, IN A PART OF AN
21 EXISTING PUBLIC SCHOOL BUILDING, IN SPACE PROVIDED ON A
22 PRIVATELY OWNED SITE, IN A PUBLIC BUILDING OR IN ANY OTHER
23 SUITABLE LOCATION.

24 (B) THE CHARTER SCHOOL FACILITY SHALL BE EXEMPT FROM PUBLIC
25 SCHOOL FACILITY REGULATIONS EXCEPT THOSE PERTAINING TO THE
26 HEALTH OR SAFETY OF THE PUPILS.

27 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A
28 SCHOOL DISTRICT OF THE FIRST CLASS MAY, IN ITS DISCRETION,
29 PERMIT A CHARTER SCHOOL TO OPERATE ITS SCHOOL AT MORE THAN ONE
30 LOCATION.

1 (E) (1) NOTWITHSTANDING THE PROVISIONS OF SECTION 204 OF
2 THE ACT OF MAY 22, 1933 (P.L.853, NO.155), KNOWN AS THE GENERAL
3 COUNTY ASSESSMENT LAW, ALL SCHOOL PROPERTY, REAL AND PERSONAL,
4 OWNED BY ANY CHARTER SCHOOL, CYBER CHARTER SCHOOL OR AN
5 ASSOCIATED NONPROFIT FOUNDATION, OR OWNED BY A NONPROFIT
6 CORPORATION OR NONPROFIT FOUNDATION AND LEASED TO A CHARTER
7 SCHOOL, CYBER CHARTER SCHOOL OR ASSOCIATED NONPROFIT FOUNDATION
8 AT OR BELOW FAIR MARKET VALUE, THAT IS OCCUPIED AND USED BY ANY
9 CHARTER SCHOOL OR CYBER CHARTER SCHOOL FOR PUBLIC SCHOOL,
10 RECREATION OR ANY OTHER PURPOSES PROVIDED FOR BY THIS ACT, SHALL
11 BE MADE EXEMPT FROM EVERY KIND OF STATE, COUNTY, CITY, BOROUGH,
12 TOWNSHIP OR OTHER TAX, INCLUDING PAYMENTS IN LIEU OF TAXES
13 ESTABLISHED THROUGH AGREEMENT WITH THE COMMONWEALTH OR ANY LOCAL
14 TAXING AUTHORITY, AS WELL AS FROM ALL COSTS OR EXPENSES FOR
15 PAVING, CURBING, SIDEWALKS, SEWERS OR OTHER MUNICIPAL
16 IMPROVEMENTS: PROVIDED, THAT ANY CHARTER SCHOOL OR CYBER CHARTER
17 SCHOOL OR OWNER OF PROPERTY LEASED TO A CHARTER SCHOOL OR CYBER
18 CHARTER SCHOOL MAY MAKE A MUNICIPAL IMPROVEMENT IN A STREET ON
19 WHICH ITS SCHOOL PROPERTY ABUTS OR MAY CONTRIBUTE A SUM TOWARD
20 THE COST OF THE IMPROVEMENT.

21 (2) ANY AGREEMENT ENTERED INTO BY A CHARTER SCHOOL, CYBER
22 CHARTER SCHOOL OR ASSOCIATED NONPROFIT FOUNDATION WITH THE
23 COMMONWEALTH OR A LOCAL TAXING AUTHORITY FOR PAYMENTS IN LIEU OF
24 TAXES PRIOR TO DECEMBER 31, 2009, SHALL BE NULL AND VOID.

25 (3) THIS SUBSECTION SHALL APPLY RETROACTIVELY TO ALL CHARTER
26 SCHOOLS, CYBER CHARTER SCHOOLS AND ASSOCIATED NONPROFIT
27 FOUNDATIONS THAT FILED AN APPEAL FROM AN ASSESSMENT, AS PROVIDED
28 IN ARTICLE V OF THE GENERAL COUNTY ASSESSMENT LAW, PRIOR TO THE
29 EFFECTIVE DATE OF THIS SUBSECTION.

30 (4) FOR PURPOSES OF THIS SUBSECTION, "LOCAL TAXING

AUTHORITY" SHALL INCLUDE, BUT NOT BE LIMITED TO, A COUNTY, CITY,
BOROUGH, INCORPORATED TOWN, TOWNSHIP OR SCHOOL DISTRICT.

SECTION 21. THE ACT IS AMENDED BY ADDING ARTICLES TO READ:

ARTICLE XX-E

OLDER PENNSYLVANIAN HIGHER EDUCATION PROGRAM

SECTION 2001-E. 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:

"AAA." AN AREA AGENCY ON AGING WHICH ACTS AS THE LOCAL
REPRESENTATIVE OF THE DEPARTMENT OF AGING.

"INSTITUTION OF HIGHER EDUCATION." ANY OF THE FOLLOWING:

(1) A COMMUNITY COLLEGE OPERATING UNDER ARTICLE XIX-A OF
THIS ACT.

(2) A UNIVERSITY WITHIN THE STATE SYSTEM OF HIGHER
EDUCATION UNDER ARTICLE XX-A.

(3) A STATE-RELATED INSTITUTION AS DEFINED IN SECTION
1502-A.

(4) THADDEUS STEVENS COLLEGE OF TECHNOLOGY.

(5) ANY ACCREDITED PRIVATE OR INDEPENDENT COLLEGE OR
UNIVERSITY.

"OLDER ADULT." A RESIDENT OF THIS COMMONWEALTH WHO IS 60
YEARS OF AGE OR OLDER AND HAS BEEN A RESIDENT OF THIS
COMMONWEALTH FOR AT LEAST 90 DAYS.

"PROGRAM." AN OLDER PENNSYLVANIAN HIGHER EDUCATION PROGRAM
ESTABLISHED UNDER SECTION 2002-E.

SECTION 2002-E. PROGRAM GUIDELINES.

(A) GENERAL RULE.--AN INSTITUTION OF HIGHER EDUCATION MAY,
AT ITS OPTION, DEVELOP A PROGRAM TO PERMIT OLDER ADULTS TO
ENROLL IN HIGHER EDUCATION COURSES AT NO CHARGE FOR TUITION.

1 FOR PURPOSES OF THIS ARTICLE, TUITION SHALL NOT INCLUDE ANY
2 ADDITIONAL FEES OR SURCHARGES THAT ARE REQUIRED FOR ENROLLMENT
3 IN A PARTICULAR COURSE OR IN ADDITION TO THE TRADITIONAL STUDENT
4 TUITION.

5 (B) GUIDELINES.--EACH INSTITUTION OF HIGHER EDUCATION THAT
6 DEVELOPS A PROGRAM SHALL PROMULGATE SPECIFIC GUIDELINES
7 REGARDING PROCEDURES AND ADMINISTRATION OF THE PROGRAM,
8 INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

9 (1) ADMITTING PARTICIPATING OLDER ADULTS.

10 (2) DETERMINING THE AVAILABILITY OF HIGHER EDUCATION
11 COURSES.

12 (3) DETERMINING IF THE PROGRAM WILL BE FOR CREDIT,
13 NONCREDIT, CERTIFICATION, DEGREE OR ENRICHMENT.

14 (4) DISSEMINATING TO THE LOCAL AAA A COMPLETE PROGRAM
15 DESCRIPTION AND TECHNICAL ASSISTANCE THAT EXPLAINS THE
16 PROCESS OF ADMISSION AND ENROLLMENT IN HIGHER EDUCATION
17 COURSES OFFERED BY THE HIGHER EDUCATION INSTITUTION.

18 (5) COORDINATING WITH THE LOCAL AAA TO PUBLICIZE AND
19 ADVERTISE THE PROGRAM.

20 (6) OUTLINING COURSE RULES AND RESPONSIBILITIES FOR
21 PARTICIPATING OLDER ADULTS.

22 ARTICLE XX-F

23 COURSE MATERIALS AT INSTITUTIONS OF HIGHER EDUCATION
24 SECTION 2001-F. SCOPE.

25 THIS ARTICLE RELATES TO COLLEGE TEXTBOOK AFFORDABILITY,
26 ACCOUNTABILITY AND ACCESSIBILITY.

27 SECTION 2002-F. DEFINITIONS.

28 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
29 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
30 CONTEXT CLEARLY INDICATES OTHERWISE:

1 "ADVISORY COMMITTEE." THE COLLEGE TEXTBOOK POLICIES ADVISORY
2 COMMITTEE ESTABLISHED UNDER THIS ARTICLE.

3 "BUNDLE." ONE OR MORE COLLEGE TEXTBOOKS OR OTHER
4 SUPPLEMENTAL MATERIALS THAT MAY BE PACKAGED TOGETHER TO BE SOLD
5 AS COURSE MATERIALS FOR ONE PRICE.

6 "CAMPUS." THE GROUNDS AND BUILDINGS OF AN INSTITUTION OF
7 HIGHER EDUCATION THAT ARE DESIGNATED AS SUCH BY THE INSTITUTION
8 OF HIGHER EDUCATION.

9 "CAMPUS BOOKSTORE." THE BOOKSTORE ON THE CAMPUS OF, OR
10 OTHERWISE ASSOCIATED WITH, AN INSTITUTION OF HIGHER EDUCATION.

11 "COLLEGE TEXTBOOK." A TEXTBOOK OR SET OF TEXTBOOKS USED FOR,
12 OR IN CONJUNCTION WITH, A COURSE IN POSTSECONDARY EDUCATION AT
13 AN INSTITUTION OF HIGHER EDUCATION.

14 "CUSTOM TEXTBOOK." A COLLEGE TEXTBOOK THAT IS COMPILED BY A
15 PUBLISHER AT THE DIRECTION OF A FACULTY MEMBER OR OTHER PERSON
16 OR ADOPTING ENTITY IN CHARGE OF SELECTING COURSE MATERIALS AT AN
17 INSTITUTION OF HIGHER EDUCATION AND MAY INCLUDE, ALONE OR IN
18 COMBINATION, ITEMS, SUCH AS SELECTIONS FROM ORIGINAL INSTRUCTOR
19 MATERIALS, PREVIOUSLY COPYRIGHTED PUBLISHER MATERIALS OR
20 COPYRIGHTED THIRD-PARTY WORKS. THIS TERM DOES NOT INCLUDE PURELY
21 AESTHETIC CHANGES TO A TEXTBOOK WHEN COMPARED WITH A PRIOR
22 EDITION, SUCH AS A COMMEMORATIVE EDITION.

23 "INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION." ANY OF
24 THE 14 STATE-OWNED UNIVERSITIES THAT ARE PART OF THE
25 PENNSYLVANIA STATE SYSTEM OF HIGHER EDUCATION, INCLUDING THE
26 FOUR STATE-RELATED UNIVERSITIES. THE TERM ALSO INCLUDES
27 COMMUNITY COLLEGES THAT ARE MEMBERS OF THE PENNSYLVANIA
28 COMMISSION FOR COMMUNITY COLLEGES AND INDEPENDENT OR PRIVATE
29 COLLEGES OR UNIVERSITIES THAT RECEIVE AN ASSISTANCE GRANT UNDER
30 THE ACT OF JULY 18, 1974 (P.L.483, NO.174), KNOWN AS THE

1 INSTITUTIONAL ASSISTANCE GRANTS ACT.

2 "INTEGRATED TEXTBOOK." A COLLEGE TEXTBOOK THAT IS COMBINED
3 WITH:

4 (1) SUPPLEMENTAL MATERIALS DEVELOPED BY A THIRD PARTY
5 AND THAT, BY THIRD-PARTY CONTRACTUAL AGREEMENT, MAY NOT BE
6 OFFERED BY PUBLISHERS SEPARATELY FROM THE COLLEGE TEXTBOOK;
7 OR

8 (2) SUPPLEMENTAL MATERIALS THAT ARE SO INTERRELATED WITH
9 THE CONTENT OF THE COLLEGE TEXTBOOK THAT THE SEPARATION OF
10 THE COLLEGE TEXTBOOK FROM THE SUPPLEMENTAL MATERIALS WOULD
11 RENDER THE COLLEGE TEXTBOOK UNUSABLE FOR ITS INTENDED
12 PURPOSE.

13 "ISBN." INTERNATIONAL STANDARD BOOK NUMBER.

14 "PUBLISHER." AN ENTITY THAT PUBLISHES COLLEGE TEXTBOOKS OR
15 SUPPLEMENTAL MATERIALS AND MARKETS COLLEGE TEXTBOOKS OR
16 SUPPLEMENTAL MATERIALS TO FACULTY MEMBERS AT INSTITUTIONS OF
17 HIGHER EDUCATION. THE TERM DOES NOT INCLUDE A WHOLESALER.

18 "SUBSTANTIAL CONTENT." PARTS OF A COLLEGE TEXTBOOK, SUCH AS
19 NEW CHAPTERS, ADDITIONAL ERAS OF TIME, NEW THEMES OR NEW SUBJECT
20 MATTER.

21 "SUPPLEMENTAL MATERIAL." EDUCATIONAL MATERIAL DEVELOPED TO
22 ACCOMPANY A COLLEGE TEXTBOOK, WHICH MAY INCLUDE PRINTED
23 MATERIALS, COMPUTER DISKS, INTERNET WEBSITE ACCESS AND
24 ELECTRONICALLY DISTRIBUTED MATERIALS, AND THAT IS NOT BEING USED
25 AS A COMPONENT OF AN INTEGRATED TEXTBOOK.

26 SECTION 2003-F. PUBLISHER REQUIREMENTS.

27 (A) PRICING INFORMATION DISCLOSURE.--WHEN A PUBLISHER
28 PROVIDES A FACULTY MEMBER OR ENTITY IN CHARGE OF SELECTING
29 COURSE MATERIALS AT AN INSTITUTION OF HIGHER EDUCATION WITH
30 INFORMATION REGARDING A COLLEGE TEXTBOOK OR SUPPLEMENTAL

MATERIAL, THE PUBLISHER SHALL INCLUDE, IN WRITING OR
ELECTRONICALLY, THE FOLLOWING:

(1) THE PRICE AT WHICH THE PUBLISHER WOULD MAKE THE
COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AVAILABLE TO THE
CAMPUS BOOKSTORE OF THE INSTITUTION OF HIGHER EDUCATION.

(2) THE COPYRIGHT DATES OF THE THREE PREVIOUS EDITIONS
OF THE COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL, IF ANY.

(3) THE SUBSTANTIAL CONTENT REVISIONS MADE BETWEEN THE
CURRENT EDITION OF THE COLLEGE TEXTBOOK OR SUPPLEMENTAL
MATERIAL AND THE PREVIOUS EDITION, IF ANY.

(4) WHETHER THE COLLEGE TEXTBOOK OR SUPPLEMENTAL
MATERIAL IS AVAILABLE IN ANY OTHER FORMAT, INCLUDING
PAPERBACK AND UNBOUND, AND THE PRICE AT WHICH THE PUBLISHER
WOULD MAKE THE COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL IN
THE OTHER FORMAT AVAILABLE TO THE CAMPUS BOOKSTORE OF SUCH
INSTITUTION OF HIGHER EDUCATION.

(B) UNBUNDLING OF COLLEGE TEXTBOOKS FROM SUPPLEMENTAL
MATERIALS.--

(1) (I) A PUBLISHER THAT SELLS A COLLEGE TEXTBOOK AND
ANY SUPPLEMENTAL MATERIAL ACCOMPANYING THE COLLEGE
TEXTBOOK AS A BUNDLE SHALL ALSO MAKE AVAILABLE THE
COLLEGE TEXTBOOK AND EACH SUPPLEMENTAL MATERIAL AS
SEPARATE AND UNBUNDLED ITEMS, EACH SEPARATELY PRICED.

(II) THIS PARAGRAPH SHALL NOT APPLY TO AN INTEGRATED
TEXTBOOK.

(2) A PUBLISHER IS NOT REQUIRED TO MAKE AVAILABLE
SUPPLEMENTAL ITEMS DEVELOPED BY A THIRD PARTY AND THAT, BY
THIRD-PARTY CONTRACTUAL AGREEMENT, MAY NOT BE OFFERED BY THE
PUBLISHER SEPARATELY FROM THE COLLEGE TEXTBOOK.

(C) CUSTOM TEXTBOOKS.--WHEN A FACULTY MEMBER OR ENTITY IN

1 CHARGE OF SELECTING COURSE MATERIALS AT AN INSTITUTION OF HIGHER
2 EDUCATION DIRECTS A PUBLISHER TO COMPILE A CUSTOM TEXTBOOK, THE
3 PUBLISHER SHALL PROVIDE, IN WRITING OR ELECTRONICALLY, PRIOR TO
4 ACCEPTING AN ORDER FOR THE CUSTOM TEXTBOOK, THE PRICE AT WHICH
5 THE PUBLISHERS WOULD MAKE THE CUSTOM TEXTBOOK AVAILABLE TO THE
6 CAMPUS BOOKSTORE.

7 SECTION 2004-F. FACULTY MEMBERS AND ACADEMIC DEPARTMENTS.

8 (A) GENERAL DUTIES OF FACULTY MEMBERS.--A FACULTY MEMBER OR
9 ENTITY IN CHARGE OF SELECTING COLLEGE TEXTBOOKS, SUPPLEMENTAL
10 MATERIALS OR BUNDLED TEXTBOOK PACKAGES FOR AN INSTITUTION OF
11 HIGHER EDUCATION SHALL:

12 (1) CONSIDER THE LEAST COSTLY PRACTICES IN ASSIGNING
13 COLLEGE TEXTBOOKS, CONSISTENT WITH EDUCATIONALLY SOUND
14 PRACTICES AS DETERMINED BY THE APPROPRIATE FACULTY OR ENTITY.

15 (2) CONSIDER THE USE OF COLLEGE TEXTBOOKS, SUPPLEMENTAL
16 MATERIALS AND BUNDLED TEXTBOOK PACKAGES FOR A LONGER PERIOD
17 OF TIME, TO THE EXTENT THEY ARE NOT OUTDATED.

18 (3) WORK WITH BOOKSTORES TO REVIEW TIMELINESS AND THE
19 PROCESSES INVOLVED IN ORDERING AND STOCKING SELECTED COURSE
20 MATERIALS, DISCLOSE COLLEGE TEXTBOOK COSTS TO STUDENTS AND
21 ACTIVELY PROMOTE AND PUBLICIZE BOOK BUYBACK PROGRAMS.

22 (4) PROVIDE A STATEMENT TO THE ENTITY DESIGNATED BY THE
23 PRESIDENT OR CHANCELLOR OF THE INSTITUTION TO DISSEMINATE THE
24 INFORMATION REQUIRED UNDER SECTION 2005-F(A) DETAILING
25 COLLEGE TEXTBOOKS OR SUPPLEMENTAL MATERIALS, WHETHER BUNDLED
26 OR UNBUNDLED, THAT ARE REQUIRED OR RECOMMENDED FOR THE
27 COURSE. WHERE POSSIBLE, THE STATEMENT SHALL INDICATE IF AN
28 EARLIER EDITION MAY BE EFFECTIVE FOR USE BY A STUDENT.

29 (5) ENCOURAGE PARTICIPATION IN COLLEGE TEXTBOOK RENTAL
30 PROGRAMS THAT EXIST OR MAY EXIST IN THE FUTURE.

1 (B) PROHIBITED CONDUCT BY FACULTY AND ACADEMIC
2 DEPARTMENTS.--

3 (1) NO FACULTY MEMBER OR ACADEMIC DEPARTMENT MAY DEMAND
4 OR RECEIVE ANY PAYMENT, LOAN, SUBSCRIPTION, ADVANCE, DEPOSIT
5 OF MONEY, SERVICES OR ANY THING, PRESENT OR PROMISED, AS AN
6 INDUCEMENT FOR REQUIRING STUDENTS TO PURCHASE A SPECIFIC
7 COLLEGE TEXTBOOK REQUIRED FOR COURSEWORK OR INSTRUCTION.

8 (2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1), A
9 FACULTY MEMBER OR ACADEMIC DEPARTMENT MAY RECEIVE:

10 (I) SAMPLE COPIES, INSTRUCTOR'S COPIES OR
11 INSTRUCTIONAL MATERIAL.

12 (II) ROYALTIES OR OTHER COMPENSATION FROM THE SALE
13 OF COLLEGE TEXTBOOKS THAT INCLUDE THE WRITING OR WORK OF
14 THE PARTICULAR FACULTY MEMBER OR ACADEMIC DEPARTMENT.

15 (3) A VIOLATION OF THIS SUBSECTION MAY RESULT IN THE
16 INSTITUTION TAKING DISCIPLINARY ACTION, SUBJECT TO ANY
17 CONTRACTUAL REQUIREMENTS, AGAINST THE FACULTY MEMBER OR
18 ACADEMIC DEPARTMENT, INCLUDING, WHERE APPROPRIATE, REFERRAL
19 TO LAW ENFORCEMENT.

20 (C) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE
21 CONSTRUED:

22 (1) TO PROHIBIT A FACULTY MEMBER OR ACADEMIC DEPARTMENT
23 FROM REQUIRING THE MOST RECENT EDITION OF A COLLEGE TEXTBOOK.

24 (2) TO SUPERSEDE THE INSTITUTIONAL AUTONOMY OR ACADEMIC
25 FREEDOM OF INSTRUCTORS, FACULTY MEMBERS OR ACADEMIC
26 DEPARTMENTS INVOLVED IN THE SELECTION OF COLLEGE TEXTBOOKS,
27 SUPPLEMENTAL MATERIALS AND OTHER CLASSROOM MATERIALS.

28 SECTION 2005-F. RESPONSIBILITIES OF INSTITUTIONS OF HIGHER
29 EDUCATION.

30 (A) GENERAL RULE.--EXCEPT AS OTHERWISE PROVIDED IN THIS

1 SECTION, EACH INSTITUTION, TO THE MAXIMUM EXTENT PRACTICABLE,
2 SHALL MAKE AVAILABLE, AT STUDENT REGISTRATION AND THROUGHOUT THE
3 YEAR ON ITS INTERNET WEBSITE AND UPON WRITTEN REQUEST, A LISTING
4 OF ALL COLLEGE TEXTBOOKS AND SUPPLEMENTAL MATERIALS, INCLUDING
5 THE ISBN, REQUIRED AND RECOMMENDED FOR COURSES TO BE OFFERED
6 DURING THE UPCOMING TERM, PROVIDED THAT:

7 (1) IF THE ISBN IS NOT AVAILABLE, THE INSTITUTION SHALL
8 INCLUDE THE AUTHOR, TITLE, EDITION, PUBLISHER AND COPYRIGHT
9 DATE FOR THE COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL.

10 (2) IF THE INSTITUTION DETERMINES THAT THE DISCLOSURE OF
11 THE INFORMATION RELATING TO A COLLEGE TEXTBOOK OR
12 SUPPLEMENTAL MATERIAL IS NOT PRACTICABLE, THEN THE
13 INSTITUTION SHALL SO INDICATE BY PLACING THE DESIGNATION "TO
14 BE DETERMINED" IN LIEU OF THE INFORMATION REQUIRED IN
15 PARAGRAPH (1). AS THIS INFORMATION BECOMES AVAILABLE, IT
16 SHALL BE POSTED ON THE INSTITUTION'S INTERNET WEBSITE AND
17 PROVIDED AS SOON AS POSSIBLE TO STUDENTS AND THOSE WHO HAVE
18 PREVIOUSLY REQUESTED SUCH INFORMATION.

19 (B) PUBLICATION.--THE INSTITUTION SHALL PROVIDE THE
20 INFORMATION REQUIRED UNDER SUBSECTIONS (A) AND (D) TO EXISTING
21 AND ACCEPTED INCOMING STUDENTS BY POSTING THE INFORMATION ON THE
22 INSTITUTION'S INTERNET WEBSITE USED FOR COURSE SCHEDULING,
23 PREREGISTRATION AND REGISTRATION. THE INSTITUTION SHALL INFORM,
24 IN WRITING, STUDENTS AND ALL OTHERS WHO MAKE A WRITTEN REQUEST
25 FOR SUCH INFORMATION OF THE AVAILABILITY OF THE INFORMATION. THE
26 POSTING OF THIS INFORMATION ON THE INTERNET WEBSITE OF THE
27 CAMPUS BOOKSTORE SHALL SATISFY THE PROVISIONS OF THIS SECTION,
28 PROVIDED THAT THE INFORMATION IS FREELY AVAILABLE TO STUDENTS
29 AND THE GENERAL PUBLIC.

30 (C) INFORMATION TO BOOKSTORE.--AN INSTITUTION OF HIGHER

1 EDUCATION SHALL MAKE AVAILABLE TO A BOOKSTORE THAT IS OPERATED
2 BY, OR IN A CONTRACTUAL RELATIONSHIP OR OTHERWISE AFFILIATED
3 WITH, THE INSTITUTION AND SHALL ALSO MAKE AVAILABLE TO OFF-
4 CAMPUS BOOKSTORES UPON REQUEST, AS SOON AS PRACTICABLE AFTER THE
5 REQUEST OF THE BOOKSTORE, THE MOST ACCURATE INFORMATION
6 AVAILABLE RELATING TO:

7 (1) THE INSTITUTION'S COURSE SCHEDULE FOR THE SUBSEQUENT
8 ACADEMIC PERIOD.

9 (2) FOR EACH COURSE OR CLASS OFFERED BY THE INSTITUTION
10 FOR THE SUBSEQUENT ACADEMIC PERIOD:

11 (I) THE INFORMATION REQUIRED BY SUBSECTION (A) FOR
12 EACH COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL REQUIRED
13 OR RECOMMENDED FOR THE COURSE OR CLASS.

14 (II) THE NUMBER OF STUDENTS ENROLLED IN SUCH COURSE
15 OR CLASS.

16 (III) THE MAXIMUM STUDENT ENROLLMENT FOR SUCH COURSE
17 OR CLASS.

18 (D) DISSEMINATION OF OTHER INFORMATION TO STUDENTS.--AN
19 INSTITUTION OF HIGHER EDUCATION IS ENCOURAGED TO DISSEMINATE TO
20 STUDENTS INFORMATION RELATING TO:

21 (1) AVAILABLE GUARANTEED PROGRAMS FOR RENTING COLLEGE
22 TEXTBOOKS OR FOR PURCHASING USED COLLEGE TEXTBOOKS.

23 (2) AVAILABLE COLLEGE TEXTBOOK BUYBACK PROGRAMS.

24 (3) AVAILABLE ALTERNATIVE CONTENT DELIVERY PROGRAMS,
25 INCLUDING DIGITAL TEXTBOOKS.

26 (4) OTHER AVAILABLE COST-SAVING STRATEGIES FOR ACQUIRING
27 COLLEGE TEXTBOOKS AND SUPPLEMENTAL MATERIALS.

28 (5) CAMPUS AND OFF-CAMPUS BOOKSTORE INFORMATION, TO THE
29 EXTENT AVAILABLE, INCLUDING LOCATION, HOURS AND INTERNET
30 WEBSITE INFORMATION.

1 (E) PROVISION OF INFORMATION TO STUDENTS.--AN INSTITUTION OF
2 HIGHER EDUCATION IS ENCOURAGED TO PROVIDE ALL CURRENT AND
3 ACCEPTED STUDENTS THE INFORMATION SET FORTH IN SUBSECTION (D) AS
4 IT RELATES TO THE CAMPUS BOOKSTORE WITH WHICH IT HAS A
5 CONTRACTUAL RELATIONSHIP.

6 (F) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE
7 CONSTRUED TO PROHIBIT OR RESTRICT THE ABILITY OF A BOOKSTORE
8 FROM ALSO PROVIDING TEXTBOOK INFORMATION TO STUDENTS.
9 SECTION 2006-F. COLLEGE TEXTBOOK RENTAL PROGRAM.

10 (A) GENERAL RULE.--AN INSTITUTION OF HIGHER EDUCATION MAY,
11 WITH THE APPROVAL OF THE ADMINISTRATION, AUTHORIZE THE
12 ESTABLISHMENT OF A COLLEGE TEXTBOOK RENTAL PROGRAM FOR THE
13 STUDENTS OF ANY CAMPUS. PROGRAMS MAY RECEIVE AND USE FEDERAL,
14 STATE AND PRIVATE FUNDING TO AID IN THE ESTABLISHMENT OF SUCH
15 PROGRAMS.

16 (B) TASK FORCE.--THE ADMINISTRATORS OF A CAMPUS WITH A
17 COLLEGE TEXTBOOK RENTAL PROGRAM MAY CONVENE A TASK FORCE TO
18 DETERMINE RECOMMENDED POLICIES AND PROCEDURES TO ESTABLISH AND
19 OPERATE A COLLEGE TEXTBOOK RENTAL PROGRAM. THE TASK FORCE MUST
20 INCLUDE STUDENTS, FACULTY, ADMINISTRATORS AND BOOKSTORE
21 MANAGERS.

22 (C) TEXTBOOK SELECTION.--THE PROGRAM MAY NOT LIMIT THE
23 RIGHTS OF FACULTY TO SELECT APPROPRIATE TEXTBOOKS IN ACCORDANCE
24 WITH ESTABLISHED POLICIES AND PROCEDURES.

25 (D) POWERS OF CAMPUSES WITH COLLEGE TEXTBOOK RENTAL
26 PROGRAMS.--THE ADMINISTRATORS OF A CAMPUS WITH A COLLEGE
27 TEXTBOOK RENTAL PROGRAM MAY:

28 (1) ESTABLISH POLICIES FOR THE PROGRAM, INCLUDING, BUT
29 NOT LIMITED TO, IMPLEMENTING PRACTICES TO ACHIEVE THE BEST
30 POSSIBLE PURCHASE PRICE FOR COLLEGE TEXTBOOKS AND FOR THE

1 PROVISION OF RENTAL SERVICES. THE POLICIES SHALL BE DEVELOPED
2 WITH THE INPUT OF FACULTY, STUDENTS AND BOOKSTORES.

3 (2) INSTITUTE OTHER PROCEDURES NECESSARY TO ESTABLISH
4 AND OPERATE THE PROGRAM IN ACCORDANCE WITH THE PROVISIONS OF
5 THIS ARTICLE.

6 (3) CHARGE STUDENTS A FINE FOR ANY LATE, LOST OR DAMAGED
7 BOOKS, AS DETERMINED BY THE PROGRAM, PROVIDED THAT STUDENTS
8 MAY NOT BE CHARGED A FINE FOR NORMAL TEXTBOOK WEAR AND TEAR.

9 (4) STUDENTS SHALL NOT BE REQUIRED TO PARTICIPATE IN A
10 COLLEGE TEXTBOOK RENTAL PROGRAM.

11 (E) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE
12 CONSTRUED TO:

13 (1) CHANGE OR LIMIT ANY EXISTING TEXTBOOK RENTAL PROGRAM
14 OR PROGRAM IN EXISTENCE AT AN INSTITUTION OF HIGHER EDUCATION
15 PRIOR TO THE EFFECTIVE DATE OF THIS SECTION; OR

16 (2) RESTRICT AN INSTITUTION OF HIGHER EDUCATION FROM
17 ESTABLISHING OR PILOTING OTHER TEXTBOOK RENTAL MODELS OR
18 PROGRAMS AS DEEMED APPROPRIATE BY THE INSTITUTION OF HIGHER
19 EDUCATION.

20 SECTION 2007-F. ELECTRONIC VERSIONS OF COLLEGE TEXTBOOKS.

21 (A) GENERAL RULE.--NO LATER THAN JANUARY 1, 2020, AN
22 INDIVIDUAL, FIRM, PARTNERSHIP OR CORPORATION THAT PUBLISHES
23 COLLEGE TEXTBOOKS OFFERED FOR SALE AT INSTITUTIONS OF HIGHER
24 EDUCATION SHALL, TO THE EXTENT PRACTICABLE, MAKE THE COLLEGE
25 TEXTBOOKS AVAILABLE, IN WHOLE OR IN PART, FOR SALE IN AN
26 ELECTRONIC FORMAT WHEN COMMERCIALY REASONABLE.

27 (B) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE
28 CONSTRUED TO AUTHORIZE ANY USE OF INSTRUCTIONAL MATERIALS THAT
29 WOULD CONSTITUTE AN INFRINGEMENT OF COPYRIGHT UNDER FEDERAL LAW.

30 (C) DEFINITION.--FOR PURPOSES OF THIS SECTION, "COLLEGE

1 TEXTBOOK" MEANS A BOOK, NOT INCLUDING A NOVEL, THAT CONTAINS
2 PRINTED MATERIAL AND IS INTENDED FOR USE AS A SOURCE OF STUDY
3 MATERIAL FOR A CLASS OR GROUP OF STUDENTS, A COPY OF WHICH IS
4 EXPECTED TO BE AVAILABLE FOR THE USE OF EACH OF THE STUDENTS IN
5 THAT CLASS OR GROUP.

6 SECTION 2008-F. COLLEGE TEXTBOOK ADOPTION POLICIES.

7 (A) GENERAL RULE.--AN INSTITUTION OF HIGHER EDUCATION MAY
8 IMPLEMENT POLICIES, PROCEDURES AND GUIDELINES THAT PROMOTE
9 EFFORTS TO MINIMIZE THE COST OF COLLEGE TEXTBOOKS FOR STUDENTS
10 AT THE INSTITUTION WHILE MAINTAINING THE QUALITY OF EDUCATION
11 AND ACADEMIC FREEDOM. THE POLICIES, PROCEDURES AND GUIDELINES
12 SHALL ENSURE THAT:

13 (1) THE ADOPTION OF A COLLEGE TEXTBOOK BY A FACULTY
14 MEMBER IS MADE WITH SUFFICIENT LEAD TIME SO AS TO CONFIRM
15 AVAILABILITY OF THE REQUESTED MATERIALS AND, WHERE POSSIBLE,
16 ENSURE MAXIMUM AVAILABILITY OF USED COLLEGE TEXTBOOKS.

17 (2) (I) DURING THE COLLEGE TEXTBOOK ADOPTION PROCESS,
18 THE INTENT TO USE ALL ITEMS ORDERED, PARTICULARLY EACH
19 INDIVIDUAL ITEM SOLD AS PART OF A BUNDLED PACKAGE, IS
20 AFFIRMATIVELY CONFIRMED BEFORE THE ADOPTION IS FINALIZED
21 BY THE FACULTY MEMBER.

22 (II) IF THE FACULTY MEMBER DOES NOT INTEND TO USE
23 EACH ITEM IN A BUNDLED PACKAGE, THE FACULTY MEMBER SHALL
24 NOTIFY THE BOOKSTORE, AND THE BOOKSTORE SHALL ORDER THE
25 INDIVIDUALIZED ITEMS IF:

26 (A) PROCUREMENT OF THE INDIVIDUALIZED ITEMS IS
27 COST EFFECTIVE FOR BOTH THE INSTITUTION AND THE
28 STUDENTS.

29 (B) THE INDIVIDUALIZED ITEMS ARE MADE AVAILABLE
30 BY THE PUBLISHER.

1 (3) FACULTY MEMBERS AFFIRMATIVELY ACKNOWLEDGE THE QUOTED
2 RETAIL PRICE TO THE BOOKSTORE OF ANY COLLEGE TEXTBOOK
3 SELECTED FOR USE IN EACH COURSE.

4 (4) FACULTY MEMBERS SHALL GIVE DUE CONSIDERATION TO BOTH
5 THE EDUCATIONAL VALUE AND COST OF NEW EDITION COLLEGE
6 TEXTBOOKS AND ANY SUPPLEMENTAL MATERIALS WHEN PREVIOUS
7 EDITIONS DO NOT SIGNIFICANTLY DIFFER IN A SUBSTANTIVE WAY, AS
8 DETERMINED BY THE APPROPRIATE FACULTY MEMBER.

9 (5) REQUIRED OR ASSIGNED COLLEGE TEXTBOOKS ARE MADE
10 AVAILABLE TO STUDENTS WHO ARE OTHERWISE UNABLE TO AFFORD THE
11 COST.

12 (6) DECISIONS REGARDING TEXTBOOK ADOPTION ARE MADE IN A
13 TIMELY MANNER TO ENSURE A BOOKSTORE'S ABILITY TO HAVE
14 TEXTBOOKS AVAILABLE FOR THE FIRST DAY OF CLASS.

15 SECTION 2009-F. COLLEGE TEXTBOOK POLICIES ADVISORY COMMITTEE.

16 (A) ESTABLISHMENT.--A STANDING COMMITTEE OF THE STATE BOARD
17 OF EDUCATION TO BE KNOWN AS THE COLLEGE TEXTBOOK POLICIES
18 ADVISORY COMMITTEE IS ESTABLISHED. THE DEPARTMENT OF EDUCATION
19 SHALL PROVIDE STAFF SUPPORT FOR THE ADVISORY COMMITTEE.

20 (B) MEMBERSHIP.--THE ADVISORY COMMITTEE SHALL BE COMPRISED
21 OF:

22 (1) THE DEPUTY SECRETARY FOR HIGHER EDUCATION OF THE
23 DEPARTMENT OF EDUCATION OR A DESIGNEE.

24 (2) THE CHAIRMAN OF THE STATE BOARD OF EDUCATION HIGHER
25 EDUCATION COUNCIL OR A DESIGNEE.

26 (3) ONE FACULTY MEMBER REPRESENTING THE STATE SYSTEM OF
27 HIGHER EDUCATION AS RECOMMENDED BY THE CHANCELLOR OF THE
28 STATE SYSTEM OF HIGHER EDUCATION.

29 (4) ONE FACULTY MEMBER REPRESENTING EACH OF THE STATE-
30 RELATED INSTITUTIONS AS RECOMMENDED BY THE CHANCELLORS OF THE

1 STATE-RELATED INSTITUTIONS.

2 (5) ONE FACULTY MEMBER REPRESENTING COMMUNITY COLLEGES
3 AS RECOMMENDED BY THE COMMISSION FOR COMMUNITY COLLEGES.

4 (6) ONE FACULTY MEMBER REPRESENTING PRIVATE AND
5 INDEPENDENT COLLEGES AND UNIVERSITIES AS RECOMMENDED BY THE
6 ASSOCIATION OF INDEPENDENT COLLEGES AND UNIVERSITIES OF
7 PENNSYLVANIA.

8 (7) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION
9 COMMITTEE OF THE SENATE AND THE CHAIRMAN AND MINORITY
10 CHAIRMAN OF THE HOUSE OF REPRESENTATIVES OR THEIR DESIGNEES.

11 (8) NINE MEMBERS APPOINTED BY THE CHAIRMAN OF THE STATE
12 BOARD OF EDUCATION AS FOLLOWS:

13 (I) THREE MEMBERS REPRESENTING COLLEGE BOOKSTORES
14 WITH ONE REPRESENTING CAMPUS BOOKSTORES, ONE REPRESENTING
15 OFF-CAMPUS BOOKSTORES AND ONE REPRESENTING ONLINE
16 BOOKSTORES THAT FOCUS PRIMARILY ON THE SALE OF COLLEGE
17 TEXTBOOKS.

18 (II) TWO MEMBERS REPRESENTING TEXTBOOK PUBLISHERS.

19 (III) FOUR STUDENT MEMBERS REPRESENTING COLLEGE
20 STUDENTS, OF WHOM ONE MUST ATTEND A STATE SYSTEM OF
21 HIGHER EDUCATION INSTITUTION, ONE MUST ATTEND A
22 STATE-RELATED INSTITUTION, ONE MUST ATTEND A COMMUNITY
23 COLLEGE AND ONE MUST ATTEND AN INDEPENDENT OR PRIVATE
24 COLLEGE OR UNIVERSITY WITHIN THIS COMMONWEALTH. THE
25 STUDENT MEMBERS SHALL BE APPOINTED, RESPECTIVELY, BY THE
26 CHAIRMAN FROM A LIST OF STUDENTS RECOMMENDED BY THE
27 CHANCELLOR OF THE STATE SYSTEM OF HIGHER EDUCATION, THE
28 CHANCELLORS OF THE STATE-RELATED INSTITUTIONS, THE
29 COMMISSION FOR COMMUNITY COLLEGES OR THE ASSOCIATION OF
30 INDEPENDENT COLLEGES AND UNIVERSITIES OF PENNSYLVANIA.

1 (9) ONE MEMBER POSSESSING A BACKGROUND IN INFORMATION
2 TECHNOLOGY-ELECTRONIC MEDIA APPOINTED BY THE CHAIRMAN OF THE
3 STATE BOARD OF EDUCATION.

4 (C) RECOMMENDATIONS.--THE ADVISORY COMMITTEE SHALL EXAMINE
5 NATIONAL AND INTERNATIONAL EFFORTS RELATING TO COLLEGE TEXTBOOK
6 AFFORDABILITY AND ACCESSIBILITY AND MAKE RECOMMENDATIONS THAT:

7 (1) ENSURE THAT STUDENTS HAVE ACCESS TO AFFORDABLE
8 COURSE MATERIALS BY DECREASING COSTS TO STUDENTS AND
9 ENHANCING TRANSPARENCY AND DISCLOSURE WITH RESPECT TO THE
10 SELECTION, PURCHASE, SALE AND USE OF COURSE MATERIALS.

11 (2) IDENTIFY WAYS TO DECREASE THE COST OF COLLEGE
12 TEXTBOOKS AND SUPPLEMENTAL MATERIALS FOR STUDENTS WHILE
13 SUPPORTING THE ACADEMIC FREEDOM OF FACULTY MEMBERS TO SELECT
14 HIGH QUALITY COURSE MATERIALS FOR STUDENTS.

15 (3) ENCOURAGE COLLEGE TEXTBOOK PUBLISHERS AND
16 DISTRIBUTORS TO WORK WITH FACULTY TO PROMOTE UNDERSTANDING OF
17 THE COST TO STUDENTS OF PURCHASING FACULTY-SELECTED COLLEGE
18 TEXTBOOKS, INCLUDING THE DISCLOSURE OF PRICES AND BUNDLING
19 PRACTICES.

20 (4) ENCOURAGE INNOVATION IN THE DEVELOPMENT AND USE OF
21 COURSE MATERIALS, INCLUDING OPEN-SOURCE COLLEGE TEXTBOOKS AND
22 OTHER OPEN-SOURCE EDUCATIONAL RESOURCES, THAT CAN HELP
23 STUDENTS RECEIVE THE FULL VALUE OF THEIR EDUCATIONAL
24 INVESTMENT WITHOUT EXCESSIVE COST.

25 (5) ENSURE THAT FACULTY MEMBERS ARE INFORMED OF ACCURATE
26 AND RELEVANT PRICING INFORMATION FOR COURSE MATERIALS AND
27 THAT STUDENTS ARE PROTECTED AS A CONSUMER GROUP.

28 (6) MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY AND THE
29 STATE BOARD OF EDUCATION TO STRENGTHEN EXISTING STATE LAWS
30 AND REGULATIONS AND TO PROPOSE ANY ADDITIONAL AND NECESSARY

1 STATE LAWS AND REGULATIONS.

2 (D) FIRST MEETING.--THE ADVISORY COMMITTEE SHALL HOLD ITS
3 FIRST MEETING WITHIN 60 DAYS OF THE EFFECTIVE DATE OF THIS
4 SECTION. THE ADVISORY COMMITTEE SHALL MEET AT LEAST ONCE
5 QUARTERLY. MEMBERS OF THE ADVISORY COMMITTEE SHALL SERVE WITHOUT
6 COMPENSATION. THE DEPUTY SECRETARY FOR HIGHER EDUCATION OF THE
7 DEPARTMENT OF EDUCATION SHALL SERVE AS COMMITTEE CHAIR.

8 (E) REPORT.--NO LATER THAN 18 MONTHS AFTER THE EFFECTIVE
9 DATE OF THIS SECTION, THE ADVISORY COMMITTEE SHALL MAKE A REPORT
10 TO THE STATE BOARD OF EDUCATION THAT OUTLINES ITS FINDINGS AND
11 RECOMMENDATIONS. THE REPORT SHALL ALSO BE DELIVERED TO THE
12 GOVERNOR'S OFFICE, MEMBERS OF THE EDUCATION COMMITTEE OF THE
13 SENATE AND MEMBERS OF THE EDUCATION COMMITTEE OF THE HOUSE OF
14 REPRESENTATIVES. THE REPORT SHALL BE UPDATED EVERY THREE YEARS
15 AND MAY ALSO BE POSTED ON THE DEPARTMENT OF EDUCATION'S INTERNET
16 WEBSITE.

17 ARTICLE XX-G

18 SEXUAL VIOLENCE EDUCATION AT
19 INSTITUTIONS OF HIGHER EDUCATION

20 SECTION 2001-G. SCOPE.

21 THIS ARTICLE RELATES TO COLLEGE AND UNIVERSITY SEXUAL
22 VIOLENCE EDUCATION.

23 SECTION 2002-G. DEFINITIONS.

24 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
25 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
26 CONTEXT CLEARLY INDICATES OTHERWISE:

27 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
28 COMMONWEALTH.

29 "EDUCATION PROGRAM." A SEXUAL VIOLENCE EDUCATION PROGRAM
30 UNDER THIS ARTICLE.

1 "INDEPENDENT INSTITUTION OF HIGHER EDUCATION." AS DEFINED IN
2 THE ACT OF NOVEMBER 29, 2004 (P.L.1383, NO.180), KNOWN AS THE
3 UNIFORM CRIME REPORTING ACT.

4 "INSTITUTION OF HIGHER EDUCATION." AN INDEPENDENT
5 INSTITUTION OF HIGHER EDUCATION, A COMMUNITY COLLEGE, A STATE-
6 RELATED INSTITUTION OR A MEMBER INSTITUTION OF THE STATE SYSTEM
7 OF HIGHER EDUCATION.

8 "MATRICULATING." ENROLLING IN AN INSTITUTION OF HIGHER
9 EDUCATION OR PRIVATE LICENSED SCHOOL.

10 "PRIVATE LICENSED SCHOOL." AS DEFINED IN THE ACT OF DECEMBER
11 15, 1986 (P.L.1585, NO.174), KNOWN AS THE PRIVATE LICENSED
12 SCHOOLS ACT.

13 "SEXUAL VIOLENCE." AN ACT OF SEXUAL VIOLENCE AS DEFINED IN
14 42 PA.C.S. § 6402 (RELATING TO DEFINITIONS).

15 "STUDENT." A PERSON WHO IS ENROLLED ON A FULL-TIME BASIS AT
16 AN INSTITUTION OF HIGHER EDUCATION OR PRIVATE LICENSED SCHOOL.
17 SECTION 2003-G. EDUCATION PROGRAM.

18 (A) GENERAL RULE.--INSTITUTIONS OF HIGHER EDUCATION AND
19 PRIVATE LICENSED SCHOOLS SHALL ESTABLISH A SEXUAL VIOLENCE
20 AWARENESS EDUCATIONAL PROGRAM. INSTITUTIONS OF HIGHER EDUCATION
21 AND PRIVATE LICENSED SCHOOLS MAY COLLABORATE WITH A STATEWIDE
22 NONPROFIT ORGANIZATION, LOCAL RAPE CRISIS CENTER OR LOCAL SEXUAL
23 ASSAULT PROGRAM THAT ARRANGES FOR THE PROVISION OF SERVICES TO
24 SEXUAL VIOLENCE AND RAPE VICTIMS IN THE DEVELOPMENT OF A SEXUAL
25 VIOLENCE AWARENESS EDUCATION PROGRAM. EACH EDUCATION PROGRAM
26 SHALL PROVIDE THE FOLLOWING:

27 (1) A DISCUSSION OF SEXUAL VIOLENCE.

28 (2) A DISCUSSION OF CONSENT, INCLUDING AN EXPLANATION
29 THAT THE VICTIM IS NOT AT FAULT.

30 (3) A DISCUSSION OF DRUG AND ALCOHOL-FACILITATED SEXUAL

1 VIOLENCE.

2 (4) INFORMATION RELATING TO RISK EDUCATION AND PERSONAL
3 PROTECTION.

4 (5) INFORMATION ON WHERE AND HOW TO GET ASSISTANCE,
5 INCLUDING THE IMPORTANCE OF MEDICAL TREATMENT AND EVIDENCE
6 COLLECTION, AND HOW TO REPORT SEXUAL VIOLENCE TO CAMPUS
7 AUTHORITIES AND LOCAL LAW ENFORCEMENT.

8 (6) THE POSSIBILITY OF PREGNANCY AND TRANSMISSION OF
9 SEXUAL DISEASES.

10 (7) INTRODUCTION OF MEMBERS OF THE EDUCATIONAL COMMUNITY
11 FROM:

12 (I) CAMPUS POLICE OR SECURITY AND LOCAL LAW
13 ENFORCEMENT.

14 (II) CAMPUS HEALTH CENTER, WOMEN'S CENTER AND RAPE
15 CRISIS CENTER.

16 (III) CAMPUS COUNSELING SERVICE OR ANY SERVICE
17 RESPONSIBLE FOR PSYCHOLOGICAL COUNSELING AND STUDENT
18 AFFAIRS.

19 (8) A PROMISE OF DISCRETION AND DIGNITY.

20 (9) A PROMISE OF CONFIDENTIALITY FOR VICTIMS OF SEXUAL
21 ASSAULT.

22 (B) STUDENT BILL OF RIGHTS.--CONSISTENT WITH THE CAMPUS
23 SEXUAL ASSAULT VICTIMS' BILL OF RIGHTS UNDER SECTION 485(F)(8)
24 OF THE HIGHER EDUCATION ACT OF 1965 (PUBLIC LAW 89-329, 20
25 U.S.C. § 1092(F)(8)), A STUDENT BILL OF RIGHTS SHALL BE MADE
26 AVAILABLE TO STUDENTS.

27 SECTION 2004-G. FOLLOW-UP.

28 AN INSTITUTION OF HIGHER EDUCATION AND PRIVATE LICENSED
29 SCHOOL SHALL CONDUCT A FOLLOW-UP PROGRAM FOR THE DURATION OF THE
30 SCHOOL YEAR FOR NEW STUDENTS. THE PROGRAM MAY CONSIST OF THE

1 FOLLOWING:

2 (1) LECTURERS RELATING TO SEXUAL VIOLENCE PREVENTION AND
3 AWARENESS.

4 (2) INSTITUTIONAL ACTIVITIES RELATING TO SEXUAL VIOLENCE
5 PREVENTION AND AWARENESS.

6 (3) VIDEOS AND OTHER EDUCATIONAL MATERIALS RELATING TO
7 SEXUAL VIOLENCE PREVENTION AND AWARENESS.

8 SECTION 2005-G. DUTIES OF DEPARTMENT.

9 THE DEPARTMENT SHALL:

10 (1) ENSURE COMPLIANCE WITH THIS ARTICLE.

11 (2) SOLICIT THE COOPERATION OF OTHER AGENCIES,
12 INSTITUTIONS AND ORGANIZATIONS, BOTH PUBLIC AND PRIVATE, IN
13 CARRYING OUT THE PROVISIONS OF THIS ARTICLE.

14 (3) OTHERWISE ADMINISTER THE PROVISIONS OF THIS ARTICLE.

15 SECTION 2006-G. REPORT.

16 AN INSTITUTION OF HIGHER EDUCATION AND A PRIVATE LICENSED
17 SCHOOL SHALL REPORT TO THE DEPARTMENT ON THE IMPLEMENTATION OF
18 THE EDUCATION PROGRAM BY THE INSTITUTION OR SCHOOL.

19 SECTION 22. SECTION 2552.1(A) OF THE ACT, ADDED JULY 13,
20 2005 (P.L.226, NO.46), IS AMENDED AND THE SECTION IS AMENDED BY
21 ADDING A SUBSECTION TO READ:

22 SECTION 2552.1. EFFECT OF FAILURE TO FILE REPORTS.--(A) THE
23 DEPARTMENT OF EDUCATION SHALL ORDER THE FORFEITURE OF THREE
24 HUNDRED DOLLARS (\$300) PER DAY BY A SCHOOL DISTRICT, CHARTER
25 SCHOOL, CYBER CHARTER SCHOOL, AREA VOCATIONAL-TECHNICAL SCHOOL
26 OR INTERMEDIATE UNIT THAT DOES NOT SUBMIT ITS [ANNUAL FINANCIAL
27 REPORT AND] ANNUAL BUDGET TO THE DEPARTMENT OF EDUCATION WITHIN
28 THIRTY (30) DAYS OF THE SUBMITTAL DATE ESTABLISHED BY THE
29 DEPARTMENT OF EDUCATION. THE FORFEITURE SHALL CONTINUE UNTIL A
30 REPORT AND ANNUAL BUDGET THAT MEET ESTABLISHED CRITERIA ARE

SUBMITTED. THE DEPARTMENT OF EDUCATION SHALL DEDUCT THE AMOUNT OF THE FORFEITURE FROM ANY AND ALL STATE PAYMENTS MADE TO THE SCHOOL DISTRICT, CHARTER SCHOOL, CYBER CHARTER SCHOOL, AREA VOCATIONAL-TECHNICAL SCHOOL OR INTERMEDIATE UNIT.

(A.1) (1) THE DEPARTMENT OF EDUCATION SHALL ORDER THE FOLLOWING FORFEITURES AGAINST A SCHOOL DISTRICT, CHARTER SCHOOL, CYBER CHARTER SCHOOL, AREA VOCATIONAL-TECHNICAL SCHOOL OR INTERMEDIATE UNIT THAT DOES NOT SUBMIT ITS ANNUAL FINANCIAL REPORT TO THE DEPARTMENT OF EDUCATION WITHIN THIRTY (30) DAYS OF THE SUBMITTAL DATE ESTABLISHED UNDER SECTIONS 218 AND 921-A:

(I) THREE HUNDRED DOLLARS (\$300) PER DAY FOR THE FIRST VIOLATION.

(II) FIVE HUNDRED DOLLARS (\$500) PER DAY FOR THE SECOND OR SUBSEQUENT VIOLATION.

(2) THE FORFEITURE SHALL CONTINUE UNTIL A REPORT THAT MEETS ESTABLISHED CRITERIA IS SUBMITTED. THE DEPARTMENT OF EDUCATION SHALL DEDUCT THE AMOUNT OF THE FORFEITURE FROM ANY AND ALL STATE PAYMENTS MADE TO THE SCHOOL DISTRICT, CHARTER SCHOOL, CYBER CHARTER SCHOOL, AREA VOCATIONAL-TECHNICAL SCHOOL OR INTERMEDIATE UNIT.

* * *

SECTION 23. THE GENERAL ASSEMBLY FINDS AND DECLARES, IN THE ENACTMENT OF SECTION 1553 OF THE ACT, THE FOLLOWING:

(1) CRIMINAL ACTS COMMITTED AGAINST TEENAGERS BY OTHER YOUNG PERSONS ARE A SERIOUS PROBLEM IN THIS COMMONWEALTH.

(2) MANY OF THE CRIMINAL ACTS TAKE THE FORM OF DATING VIOLENCE.

(3) ON AUGUST 15, 2007, DEMI BRAE CUCCIA, A 16-YEAR-OLD STUDENT AT GATEWAY HIGH SCHOOL IN MONROEVILLE, ALLEGHENY COUNTY, WAS FATALLY STABBED 16 TIMES BY HER FORMER BOYFRIEND,

WHO THEN MADE AN UNSUCCESSFUL ATTEMPT TO TAKE HIS OWN LIFE.

(4) THE 18-YEAR-OLD PERSON ARRESTED FOR THE BRUTAL ATTACK WAS CONVICTED OF FIRST DEGREE MURDER AND WAS SENTENCED TO LIFE IN PRISON WITHOUT PAROLE.

(5) IN ORDER TO EDUCATE TEENS AND THEIR PARENTS REGARDING TEEN DATING VIOLENCE, THE FAMILY OF DEMI BRAE CUCCIA HAS ESTABLISHED THE DEMI BRAE AWARENESS ORGANIZATION.

(6) STUDENTS IN OUR SECONDARY SCHOOLS SHOULD BE EDUCATED ABOUT THE DANGERS OF TEEN DATING VIOLENCE SO THAT OTHER TEENAGERS WILL NOT HAVE TO SHARE THE SAME FATE AS DEMI BRAE CUCCIA.

SECTION 24. ANY REGULATIONS OF THE DEPARTMENT OF EDUCATION THAT ARE INCONSISTENT WITH THIS ACT ARE HEREBY ABROGATED TO THE EXTENT OF THE INCONSISTENCY.

SECTION 25. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

(1) THE AMENDMENT OR ADDITION OF SECTIONS 1301-A, 1302-A, 1302.1-A, 1303-A AND 1414.1 OF THE ACT SHALL TAKE EFFECT IN 90 DAYS.

(2) THE AMENDMENT OR ADDITION OF SECTIONS 218, 221, 222, AND 921-A, ARTICLE XI-B, SECTIONS 1209, 1302, 1418(D), 1551 AND 1552, ARTICLES XV-F, XX-E AND XX-F AND SECTION 2552.1(A.1) OF THE ACT SHALL TAKE EFFECT IMMEDIATELY.

(3) THE ADDITION OF ARTICLE XX-G OF THE ACT SHALL TAKE EFFECT IN 120 DAYS.

(4) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

(5) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60 DAYS.