

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2169 Session of 2021

INTRODUCED BY OWLETT, WHITE, ROTHMAN, PICKETT, HAMM, TOPPER, ROWE, MERCURI, RYAN, GLEIM, ROAE, KAIL, KAUFFMAN, BERNSTINE, M. MACKENZIE, SCHEMEL, SILVIS, ECKER, GROVE, RAPP, HERSHEY, KNOWLES, BURGOS, ZIMMERMAN, TWARDZIK, STAATS, A. BROWN, LEWIS DELROSSO AND GREINER, DECEMBER 14, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 11, 2022

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," establishing the Lifeline Scholarship
6 Program.

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

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

ARTICLE XX-L

LIFELINE SCHOLARSHIP PROGRAM

14 Section 2001-L. Scope of article.

15 This article relates to the Lifeline Scholarship Program.

16 Section 2002-L. Definitions.

17 The following words and phrases when used in this article
18 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Applicant." A parent who applies for a lifeline scholarship
3 account under section 2003-L(b) on behalf of an eligible
4 student.

5 "Average daily membership." As defined in section 2501.

6 "Department." The Treasury Department of the Commonwealth.

7 "Department of Education." The Department of Education of
8 the Commonwealth.

9 "Distance education." Instruction offered by any means where
10 a student and faculty member are in separate physical locations
11 so that in-person communication is absent and communication is
12 accomplished instead by one or more technological media. The
13 term includes real-time or delayed interaction using voice,
14 video, data or text, including instruction provided online, via
15 correspondence or via interactive video. The term does not
16 include independent study or instruction that is not instructor
17 led.

18 "Eligible postsecondary institution." The term includes all
19 of the following:

20 (1) A community college operating under Article XIX-A.

21 (2) A college established under Article XIX-G.

22 (3) A university within the State System of Higher
23 Education established under Article XX-A.

24 (4) A State-related institution.

25 (5) Thaddeus Stevens College of Technology.

26 "Eligible student." A school-age child who:

27 (1) Has not yet received a high school diploma.

28 (2) Currently resides within the attendance area of a
29 low-achieving school.

30 (3) Satisfies one of the following:

1 (i) Attended a public school in this Commonwealth in
2 the preceding school year.

3 (ii) Received funds from the program in the
4 preceding school year.

5 (iii) Will attend first grade for the first time in
6 the next school year.

7 (iv) Is currently a child in foster care as defined
8 in section 2 of the act of November 23, 2010 (P.L.1264,
9 No.119), known as the Children in Foster Care Act.

10 (v) Is a child whose adoption decree was entered not
11 more than one year prior to submission of the application
12 under section 2003-L(b).

13 (vi) Is a child whose parent is on full-time active-
14 duty status in the armed forces of the United States,
15 including a member of the National Guard and reserve on
16 active duty orders under 10 U.S.C. §§ 12301 et seq.
17 (relating to reserve components generally) and 12401 et
18 seq. (relating to Army and Air National Guard of the
19 United States: status).

20 "Institution of higher education." The term includes the
21 following:

22 (1) An eligible postsecondary institution.

23 (2) An institution of higher education located in and
24 incorporated or chartered by the Commonwealth and entitled to
25 confer degrees as specified in 24 Pa.C.S. § 6505 (relating to
26 power to confer degrees) and as provided for by the standards
27 and qualifications prescribed by the State Board of Education
28 under 24 Pa.C.S. Ch. 65 (relating to private colleges,
29 universities and seminaries).

30 (3) A private school licensed under the act of December

1 15, 1986 (P.L.1585, No.174), known as the Private Licensed
2 Schools Act.

3 ~~(4) A foreign corporation approved to operate an~~ <--
4 ~~educational enterprise under 22 Pa. Code Ch. 36 (relating to~~
5 ~~foreign corporation standards).~~

6 "Lifeline scholarship account." A spending account
7 established and administered by the department and controlled by
8 a parent for an eligible student with money that may only be
9 spent on a qualified education expense as provided for under
10 section 2005-L.

11 "Low-achieving school." As defined under section 2002-B.

12 "Nonpublic school." A nonprofit school, other than a public
13 school, located in this Commonwealth where a resident of this
14 Commonwealth may legally fulfill the compulsory attendance
15 requirements of this act that complies with section 1521 and
16 meets the applicable requirements of Title VI of the Civil
17 Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

18 "Parent." An individual who:

19 (1) is a current resident of this Commonwealth; and

20 (2) either:

21 (i) has legal custody or guardianship of an eligible
22 student; or

23 (ii) keeps in the individual's home an eligible
24 student and supports the student gratis as if the student
25 were a lineal descendant of the individual.

26 "Participating entity."

27 (1) Any of the following where an eligible student
28 receives instruction or support:

29 (i) A nonpublic school for grade one through grade
30 twelve, or a combination of grades.

1 (ii) An institution of higher education.
2 (iii) A distance learning program.
3 (iv) A tutor who is a teacher certified in a state,
4 has tutored or taught at an eligible postsecondary
5 institution or an eligible nonpublic school or is a
6 subject matter expert or a tutor or tutoring agency
7 otherwise approved by the Department of Education.

8 (v) A school counselor who is certified by the
9 Commonwealth to work with school-aged children.

10 (vi) A provider of curriculum that adheres to
11 education laws of the Commonwealth.

12 (2) The term does not include a parent to the extent
13 that the parent provides educational services directly to the
14 parent's child.

15 "Program." The Lifeline Scholarship Program established
16 under section 2003-L(a).

17 "Public school." A school district, charter school, cyber
18 charter school, regional charter school, intermediate unit or
19 area career and technical school.

20 "Resident school district." The school district in which an
21 eligible student currently resides.

22 "School-age child." An individual six to 21 years of age who
23 currently resides in this Commonwealth.

24 "State-related institution." The Pennsylvania State
25 University, including the Pennsylvania College of Technology,
26 the University of Pittsburgh, Temple University and Lincoln
27 University, and any other institution designated as State-
28 related by the Commonwealth.

29 "Student with special needs." A child who:

30 (1) is subject to an individualized education program

1 under the Individuals with Disabilities Education Act (Public
2 Law 91-230, 20 U.S.C. § 1400 et seq.) and 22 Pa. Code Ch. 14
3 (relating to special education services and programs);

4 (2) is subject to a section 504 service agreement under
5 section 504 of the Rehabilitation Act of 1973 (Public Law 93-
6 112, 29 U.S.C. § 701 et seq.) and 22 Pa. Code Ch. 15
7 (relating to protected handicapped students);

8 (3) is subject to a gifted individualized education plan
9 under 22 Pa. Code Ch. 16 (relating to special education for
10 gifted students); or

11 (4) meets the definition of "child with a disability"
12 under the Individuals with Disabilities Education Act or
13 meets the definition of a "handicapped person" under section
14 504 of the Rehabilitation Act of 1973 and its implementing
15 regulations at 34 CFR § 104.3(j) (relating to definitions).
16 This paragraph includes a student for whom an evaluation is
17 pending under either the Individuals with Disabilities
18 Education Act or the Rehabilitation Act of 1973.

19 Section 2003-L. Establishment, application and agreement.

20 (a) Establishment.--Beginning with the 2022-2023 school
21 year, the Lifeline Scholarship Program is established as a
22 program of the department.

23 (b) Application form.--By July 15, 2022, the department
24 shall develop an application form that can be accessed from and
25 submitted electronically on the department's publicly accessible
26 Internet website. The form may not exceed one page that measures
27 8.5 inches by 11 inches.

28 (c) Review, approval and appeal.--

29 (1) An application must be submitted by the applicant to
30 the department for review. An eligible student shall be

1 accepted into the program if the student meets the
2 requirements of this article.

3 (2) Within 30 days of receipt of an application, the
4 department shall notify the resident school district and the
5 parent of a student's acceptance or nonacceptance into the
6 program.

7 (3) A parent may appeal the department's decision to
8 deny acceptance into the program within 30 days of issuance
9 of the decision. The appeal shall be governed by 2 Pa.C.S.
10 Chs. 1 (relating to general provisions), 5 (relating to
11 practice and procedure) and 7 (relating to judicial review).

12 (d) Agreement.--

13 (1) If the department approves an application, the
14 department shall enter into an agreement with the applicant.
15 The agreement shall provide the following:

16 (i) The eligible student shall withdraw from public
17 school and receive instruction in this Commonwealth from
18 a participating entity for the school year for which the
19 agreement applies.

20 (ii) The eligible student may not accept a
21 scholarship in the educational improvement tax credit
22 program under Article XX-B or the opportunity scholarship
23 tax credit program under Article XX-B.

24 ~~(iii) The parent will receive a grant on behalf of~~ <--
25 ~~the eligible student, in the form of money deposited~~
26 ~~under section 2004 L in the lifeline scholarship account.~~

27 (III) A GRANT, IN THE FORM OF MONEY, WILL BE <--
28 DEPOSITED INTO THE LIFELINE SCHOLARSHIP ACCOUNT UNDER
29 SECTION 2004-L ON BEHALF OF THE ELIGIBLE STUDENT.

30 (iv) The money in the lifeline scholarship account

1 may be expended only as authorized under this article.

2 (2) Failure of a parent to enter into an agreement on
3 behalf of the eligible student for a school year shall not
4 preclude the parent from entering into an agreement with the
5 department for a subsequent school year if the student is an
6 eligible student.

7 (e) Term of agreement.--Except as otherwise provided under
8 this article, an agreement entered into under subsection (d)
9 shall be valid for one school year.

10 (f) Termination.--

11 (1) Notwithstanding subsection (g), an agreement entered
12 into under subsection (d) may be terminated early by either
13 the parent or the department.

14 (2) If an agreement is terminated early, all available
15 money in the lifeline scholarship account shall be repaid to
16 the resident school district within 15 business days after
17 termination.

18 (g) Automatic termination.--

19 (1) An agreement entered into under subsection (d) shall
20 terminate automatically if the student no longer resides in
21 this Commonwealth.

22 (2) The parent shall notify the department if the
23 student no longer resides in this Commonwealth within 15 days
24 of the change of residence.

25 (3) After the student's parent notifies the department
26 under paragraph (2), money remaining in the lifeline
27 scholarship account shall be repaid to the resident school
28 district within 15 business days after notification.

29 (h) Renewal.--

30 (1) Subject to subsection (k), an agreement entered into

1 under subsection (d) may be renewed for each school year for
2 the eligible student.

3 (2) Failure of a parent to renew an agreement for a
4 school year shall not preclude a parent from renewing the
5 agreement for a subsequent school year if the student remains
6 an eligible student.

7 (i) Multiple agreements.--A parent may enter into separate
8 agreements under subsection (d) for each eligible student of the
9 parent. Not more than one lifeline scholarship account may be
10 established for an eligible student.

11 (j) Explanation.--Upon entering into an agreement under
12 subsection (d) or renewing an agreement under subsection (h),
13 the department shall provide the parent with a written
14 explanation of the authorized uses of the money in the lifeline
15 scholarship account and the responsibilities of the parent and
16 the department under the agreement and this article.

17 (k) Application and renewal period.--

18 (1) For the 2022-2023 school year, a parent may apply
19 between July 15, 2022, and August 15, 2022, for acceptance to
20 the program.

21 (2) For each school year thereafter, a parent may apply
22 or seek renewal between March 1 and April 1 for the following
23 school year.

24 (3) The department shall notify parents and school
25 districts of approved applications within 30 days of receipt
26 of an application.

27 Section 2004-L. Lifeline scholarship account.

28 (a) Establishment.--If an agreement is entered into under
29 section 2003-L(d), the department shall establish a lifeline
30 scholarship account for the eligible student. The account shall

1 be administered by the department in accordance with this
2 article.

3 (b) Deposit of grant.--

4 (1) Upon establishment of a lifeline scholarship
5 account, the State Treasurer shall deposit a grant for that
6 school year in the scholarship account for the eligible
7 student in accordance with subsection (c). The amount of the
8 grant shall be as follows:

9 (i) For a student who is not a student with special
10 needs, the grant amount shall be equal to the total State
11 revenue received by all school districts minus total
12 State transportation subsidies received by all school
13 districts divided by the average daily membership of all
14 school districts based on the most recent annual
15 financial report published by the Department of
16 Education.

17 (ii) For an eligible student who is a student with
18 special needs for which expenditures have been reported
19 under section 1372(8), the grant amount shall be
20 calculated by multiplying the amount in subparagraph (i)
21 by the category weight multiplier assigned to the student
22 to determine the weighted special education student
23 headcount under section 2509.5(bbb).

24 (iii) For a student with special needs for which
25 expenditures are not reported under section 1372(8), the
26 grant amount shall be calculated using the Category 1
27 multiplier under section 2509.5(bbb).

28 (2) For an eligible student receiving a grant, the
29 amount of State subsidies paid by the Department of Education
30 to the resident school district shall be reduced by the grant

1 amount calculated for the eligible student.

2 (3) A student receiving a grant under this section shall
3 be included in the average daily membership of the student's
4 resident school district for the purpose of providing State
5 subsidies under Article XXV.

6 (4) Nothing in this section shall be construed to reduce
7 a school district's revenue originating from Federal or local
8 sources or sources other than State revenue.

9 (c) Installments.--The department shall deposit the money
10 for each grant on a schedule determined by the department in
11 consultation with the Department of Education.

12 (d) Disposition.--The following shall apply to money
13 remaining in a lifeline scholarship account:

14 (1) For money remaining in a lifeline scholarship
15 account at the end of a school year, the money may be carried
16 forward to an ensuing school year for the eligible student if
17 the agreement entered into under section 2003-L(d) is
18 renewed.

19 (2) Subject to paragraph (3), money remaining in a
20 lifeline scholarship account when an agreement entered into
21 under section 2003-L(d) is not renewed or is terminated shall
22 be repaid to the resident school district within 15 business
23 days of nonrenewal or termination.

24 (3) Money remaining in a lifeline scholarship account
25 after the eligible student graduates from high school may
26 only be used for qualified education expenses at an eligible
27 post-secondary institution for a two-year period after
28 graduation subject to the following:

29 (i) The parent or eligible student shall notify the
30 department of the student's intent to utilize money

1 remaining in the account for qualified education expenses
2 at an eligible post-secondary institution within 30 days
3 of graduation from high school.

4 (ii) If notification is not received within the 30-
5 day time period, the lifeline scholarship account shall
6 be terminated and the money remaining in the scholarship
7 account shall be repaid to the resident school district
8 within 15 days from the end of the notification period.

9 (iii) Upon the expiration of the two-year time
10 period under this paragraph, the lifeline scholarship
11 account shall be terminated and the money remaining in
12 the scholarship account shall be repaid to the resident
13 school district within 15 days from the expiration date.

14 Section 2005-L. Qualified education expenses.--

15 (a) General rule.--Money deposited in a lifeline scholarship
16 account may be used to pay for any of the following qualified
17 expenses incurred by or associated with the eligible student:

18 (1) Tuition, fees and uniforms required by a
19 participating entity.

20 (2) Textbooks or uniforms required by a participating
21 entity.

22 (3) Fees for tutoring or other teaching services
23 provided by a participating entity.

24 (4) Fees for a nationally norm-referenced test, advanced
25 placement or similar examination or standardized examination
26 required for admission to an institution of higher education
27 and career and technical education examination fees.

28 (5) Curriculum, textbooks or other instructional
29 materials.

30 (6) Hardware, software and Internet connectivity

1 associated with instruction or a qualifying expense described
2 in this subsection.

3 (7) If the eligible student is a student with a
4 disability, fees for special instruction or special services
5 provided to the eligible student, including occupational,
6 physical, speech and behavioral therapies.

7 (8) Costs associated with evaluation and identification
8 of special needs.

9 (9) Other ~~valid~~ QUALIFIED educational expenses approved <--
10 by the department.

11 (b) Prohibitions.--A participating entity that receives a
12 payment for qualified education expenses authorized under
13 subsection (a) may not refund, rebate or otherwise directly
14 share any portion of the payment with the parent who made the
15 payment.

16 (c) Refund.--A participating entity shall deposit into the
17 lifeline scholarship account a refund for an item that is being
18 returned or an item or service that has not been provided
19 directly to the lifeline scholarship account of the eligible
20 student from which payment for the item or service was made.

21 (d) Payment system.--The department shall develop a system
22 that enables a parent to pay for services provided by
23 participating entities under the program by electronic money
24 transfer.

25 (e) Source of payment.--

26 (1) An individual may not deposit personal money into or
27 otherwise make gifts or contributions of private money to a
28 lifeline scholarship account.

29 (2) Nothing in this section shall be construed to
30 prohibit a parent or eligible student from paying for

1 qualified education expenses from a source other than the
2 lifeline scholarship account.

3 (f) Tax consequences and status of awards.--

4 (1) The money in a lifeline scholarship account is not
5 taxable income to the parent or eligible student.

6 (2) An award made to or funds expended from a lifeline
7 scholarship account may not be construed to be an
8 appropriation or financial assistance to the eligible
9 student's chosen school.

10 Section 2006-L. Duties of the department.

11 The department shall:

12 (1) Develop guidelines, in consultation with the
13 Department of Education, as necessary for the administration
14 of this article within 60 days of the effective date of this
15 section.

16 (2) Determine whether to solicit requests for proposals
17 from private financial management firms to manage some or all
18 parts of the program.

19 (3) In the department's discretion, deduct an amount
20 from the grants to lifeline scholarship accounts necessary to
21 pay the costs of overseeing the accounts and administering
22 the program up to a limit of 3% of the grants.

23 (4) Establish reasonable fees for private financial
24 management firms that manage the accounts based upon market
25 rates.

26 (5) Make payments to the accounts on a schedule to be
27 determined by the department, in consultation with the
28 Department of Education, each year of participation in the
29 program.

30 (6) Develop a system to allow parents to pay for

1 services by electronic funds transfer, including debit cards,
2 electronic payment systems or other means of electronic
3 payment that the department determines to be commercially
4 viable, cost effective and easily understandable and usable
5 by parents. The department shall not adopt a system that
6 exclusively requires parents to be reimbursed for out-of-
7 pocket expenses.

8 (7) Develop a process by which participating schools may
9 inform the department of their interest in participating in
10 the program and demonstrate their compliance with the
11 requirements of this article.

12 (8) Ensure that eligible students and their parents are
13 informed annually of the participating schools in the program
14 by posting a list of participating schools on the
15 department's publicly accessible Internet website by July 15,
16 2022, and by March 1 of each year thereafter.

17 (9) IF A PARENT IS FOUND TO HAVE ENGAGED IN FRAUDULENT <--
18 MISUSE OF A LIFELINE SCHOLARSHIP ACCOUNT, TERMINATE THE
19 ACCOUNT. IN SUCH CASE, THE ELIGIBLE STUDENT SHALL BE
20 INELIGIBLE FOR FUTURE PARTICIPATION IN THE PROGRAM AND THE
21 REMAINING MONEY IN THE LIFELINE SCHOLARSHIP ACCOUNT SHALL BE
22 REPAID TO THE RESIDENT SCHOOL DISTRICT WITHIN 15 BUSINESS
23 DAYS. A PARENT MAY APPEAL THE DEPARTMENT'S DECISION REGARDING
24 TERMINATION AND STUDENT ELIGIBILITY WITHIN 30 DAYS OF
25 ISSUANCE OF THE DECISION. THE APPEAL SHALL BE GOVERNED BY 2
26 PA.C.S. CHS. 1 (RELATING TO GENERAL PROVISIONS), 5 (RELATING
27 TO PRACTICE AND PROCEDURE) AND 7 (RELATING TO JUDICIAL
28 REVIEW).

29 Section 2007-L. Duties of the Auditor General.

30 The Auditor General shall:

1 (1) Conduct random audits of lifeline scholarship
2 accounts on an annual basis.

3 (2) Refer cases of suspected fraudulent misuse of
4 lifeline scholarship accounts to law enforcement agencies for
5 investigation.

6 (3) Notify the department of cases of suspected
7 fraudulent misuse that are referred to law enforcement.

8 ~~(4) If a parent is found to have engaged in fraudulent~~ <--
9 ~~misuse of a lifeline scholarship account, the account shall~~
10 ~~be terminated and the eligible student shall be ineligible~~
11 ~~for future participation in the program.~~

12 ~~(5) Upon a finding that a parent engaged in fraudulent~~
13 ~~misuse of a lifeline scholarship account, the remaining money~~
14 ~~in the lifeline scholarship account shall be repaid to the~~
15 ~~resident school district within 15 business days.~~

16 ~~(6) A parent may appeal the department's decision~~
17 ~~regarding termination and student eligibility within 30 days~~
18 ~~of issuance of the decision. The appeal shall be governed by~~
19 ~~2 Pa.C.S. Chs. 1 (relating to general provisions), 5~~
20 ~~(relating to practice and procedure) and 7 (relating to~~
21 ~~judicial review).~~

22 Section 2008-L. Accountability standards for a participating
23 entity.

24 (a) Duties of participating entities.--A participating
25 entity shall:

26 (1) Hold a valid occupancy permit if required by the
27 municipality in which the participating entity is located.

28 (2) Comply with the nondiscrimination policies specified
29 in 42 U.S.C. § 1981 (relating to equal rights under the law)
30 and with section 1521.

1 (3) Comply with the provisions of sections 111 and
2 111.1.

3 (b) Financial accountability standards.--

4 (1) A participating entity shall provide parents with a
5 receipt for all qualifying expenses incurred by the
6 participating entity.

7 (2) The department may require a participating entity
8 that expects to receive at least \$10,000 in payments from
9 lifeline scholarship accounts during the school year to file
10 financial viability documentation. The financial viability
11 documentation may include:

12 (i) a surety bond payable to the Commonwealth in an
13 amount equal to the aggregate amount of money from the
14 lifeline scholarship accounts expected to be paid during
15 the school year on behalf of eligible students admitted
16 at the participating entity; or

17 (ii) financial information that demonstrates that
18 the participating entity has the ability to pay an
19 aggregate amount equal to the amount of money from the
20 lifeline scholarship accounts expected to be paid during
21 the school year on behalf of eligible students admitted
22 to the participating entity.

23 (c) Academic accountability standards.--

24 (1) A parent of an eligible student shall ensure that
25 the department is informed of the eligible student's
26 graduation from high school.

27 (2) The department shall:

28 (i) Ensure compliance with all student privacy laws,
29 including the Family Educational Rights and Privacy Act
30 of 1974 (Public Law 90-247, 20 U.S.C. § 1232g).

1 (ii) Administer an annual parental satisfaction
2 survey that shall ask parents of eligible students
3 participating in the program to express:

4 (A) The parent's satisfaction with the program.

5 (B) The number of years the eligible student has
6 participated in the program.

7 (C) The parent's opinions on other topics, items
8 or issues that the department determines would elicit
9 information about the effectiveness of the program.

10 (d) Participating entity autonomy.--

11 (1) For purposes of this article, a participating entity
12 shall be autonomous and is not an agent of the department or
13 the Commonwealth.

14 (2) Neither the department nor other State agency may
15 regulate the educational program of a participating entity
16 that accepts money from a lifeline scholarship account.

17 (3) The establishment of the program may not be
18 construed to expand the regulatory authority of the State,
19 the officers of the State or a school district to impose
20 additional regulations of a participating entity beyond those
21 necessary to enforce the requirements of the program.

22 Section 2009-L. Bar of certain participating entities.

23 (a) General rule.--The department may bar a participating
24 entity from participation in the program if the department
25 establishes that the participating entity has:

26 (1) routinely failed to comply with the accountability
27 standards established in section 2008-L; or

28 (2) failed to provide an eligible student with the
29 educational services funded by the eligible student's
30 lifeline scholarship account.

1 (b) Notice.--If the department bars a participating entity
2 from participation in the program, the department shall post the
3 decision on the department's publicly accessible Internet
4 website.

5 (c) Appeal.--A participating entity may appeal the
6 department's decision to bar its participation in the program
7 within 30 days of issuance of the decision. The appeal shall be
8 governed by 2 Pa.C.S. Chs. 1 (relating to general provisions), 5
9 (relating to practice and procedure) and 7 (relating to judicial
10 review).

11 Section 2010-L. Duties of resident school districts.

12 (a) School records.--A resident school district shall
13 provide a participating entity that has admitted an eligible
14 student participating in the program with a complete copy of the
15 student's school records immediately upon the student's
16 enrollment or when services in the participating entity begin,
17 subject to the Family Educational Rights and Privacy Act of 1974
18 (Public Law 90-247, 20 U.S.C. § 1232g).

19 (b) Transportation.--A resident school district shall
20 provide transportation for an eligible student to and from the
21 participating entity under the same conditions as the resident
22 school district provides transportation of other resident
23 students to nonpublic schools under section 1361. The resident
24 school district shall qualify for State transportation
25 reimbursement for each eligible student transported.

26 Section 2011-L. Legal proceedings.

27 (a) Liability.--No liability shall arise on the part of the
28 agency, the Commonwealth or a public school or school district
29 based on the award or use of a lifeline scholarship account
30 under this article.

1 (b) Challenges.--If any part of this article is challenged
2 in a State court as violating either the Constitution of the
3 United States or the Constitution of Pennsylvania, parents of
4 eligible students and students who previously had a lifeline
5 scholarship account shall be permitted to intervene as of right
6 in the lawsuit for the purposes of defending the program's
7 constitutionality. For the purposes of judicial administration,
8 a court may require that all parents file a joint brief but may
9 not require all parents to join a brief filed on behalf of a
10 named State defendant.

11 (c) Severability.--If any provision of this article or the
12 application thereof to any person or circumstance is held
13 invalid, the invalidity shall not affect other provisions or
14 applications of this article which can be given effect without
15 the invalid provision or application and to this end the
16 provisions of this article are declared to be severable.

17 Section 2. This act shall take effect immediately.