

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, GREINER AND LEWIS DELROSSO, DECEMBER 14, 2021

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 27, 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:

12 ARTICLE XX-L

13 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 "ATTENDANCE BOUNDARY." A GEOGRAPHIC AREA OF RESIDENCE USED <--
6 BY A SCHOOL DISTRICT TO ASSIGN A STUDENT TO A PUBLIC SCHOOL.

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

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

9 "Department of Education." The Department of Education of
10 the Commonwealth.

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

20 "Eligible postsecondary institution." The term includes all
21 of the following:

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

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

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

26 (4) A State-related institution.

27 (5) Thaddeus Stevens College of Technology.

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

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

30 (2) Currently resides within the attendance area <--

1 BOUNDARY of a low-achieving school.

<--

2 (3) Satisfies one of the following:

3 (i) Attended a public school in this Commonwealth in
4 the preceding school year.

5 (ii) Received funds from the program in the
6 preceding school year.

7 (iii) Will attend first grade for the first time in
8 the next school year.

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

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

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

22 "Institution of higher education." The term includes the
23 following:

24 (1) An eligible postsecondary institution.

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

1 universities and seminaries).

2 (3) A private school licensed under the act of December
3 15, 1986 (P.L.1585, No.174), known as the Private Licensed
4 Schools Act.

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

10 "Low-achieving school." ~~As defined under section 2002-B. A~~ <--
11 PUBLIC SCHOOL THAT RANKED IN THE LOWEST 15% OF THE SCHOOL'S
12 DESIGNATION AS AN ELEMENTARY SCHOOL OR A SECONDARY SCHOOL BASED
13 ON COMBINED MATHEMATICS AND READING SCORES FROM THE ANNUAL
14 ASSESSMENT ADMINISTERED IN THE PREVIOUS SCHOOL YEAR AND FOR
15 WHICH THE DEPARTMENT HAS POSTED RESULTS ON THE DEPARTMENT'S
16 PUBLICLY ACCESSIBLE INTERNET WEBSITE.

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

23 "Parent." An individual who:

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

25 (2) either:

26 (i) has legal custody or guardianship of an eligible
27 student; or

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

1 "Participating entity."

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

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

6 (ii) An institution of higher education.

7 (iii) A distance learning program.

8 (iv) A tutor who is a teacher certified in a state,
9 has tutored or taught at an eligible postsecondary
10 institution or an eligible nonpublic school or is a
11 subject matter expert or a tutor or tutoring agency
12 otherwise approved by the Department of Education.

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

15 (vi) A provider of curriculum that adheres to
16 education laws of the Commonwealth.

17 (2) The term does not include a parent to the extent
18 that the parent provides educational services directly to the
19 parent's child.

20 "Program." The Lifeline Scholarship Program established
21 under section 2003-L(a).

22 "Public school." A school district, charter school, cyber
23 charter school, regional charter school, intermediate unit or
24 area career and technical school.

25 "Resident school district." The school district in which an
26 eligible student currently resides.

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

29 "State-related institution." The Pennsylvania State
30 University, including the Pennsylvania College of Technology,

1 the University of Pittsburgh, Temple University and Lincoln
2 University, and any other institution designated as State-
3 related by the Commonwealth.

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

5 (1) is subject to an individualized education program
6 under the Individuals with Disabilities Education Act (Public
7 Law 91-230, 20 U.S.C. § 1400 et seq.) and 22 Pa. Code Ch. 14
8 (relating to special education services and programs);

9 (2) is subject to a section 504 service agreement under
10 section 504 of the Rehabilitation Act of 1973 (Public Law 93-
11 112, 29 U.S.C. § 701 et seq.) and 22 Pa. Code Ch. 15
12 (relating to protected handicapped students);

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

16 (4) meets the definition of "child with a disability"
17 under the Individuals with Disabilities Education Act or
18 meets the definition of a "handicapped person" under section
19 504 of the Rehabilitation Act of 1973 and its implementing
20 regulations at 34 CFR § 104.3(j) (relating to definitions).

21 This paragraph includes a student for whom an evaluation is
22 pending under either the Individuals with Disabilities
23 Education Act or the Rehabilitation Act of 1973.

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

25 (a) Establishment.--Beginning with the 2022-2023 school
26 year, the Lifeline Scholarship Program is established as a
27 program of the department.

28 (b) Application form.--By July 15, 2022, the department
29 shall develop an application form that can be accessed from and
30 submitted electronically on the department's publicly accessible

1 Internet website. The form may not exceed one page that measures
2 8.5 inches by 11 inches.

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

4 (1) An application must be submitted by the applicant to
5 the department for review. An eligible student shall be
6 accepted into the program if the student meets the
7 requirements of this article.

8 (2) Within 30 days of receipt of an application, the
9 department shall notify the resident school district and the
10 parent of a student's acceptance or nonacceptance into the
11 program.

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

17 (d) Agreement.--

18 (1) If the department approves an application, the
19 department shall enter into an agreement with the applicant.
20 The agreement shall provide the following:

21 (i) The eligible student shall withdraw from public
22 school and receive instruction in this Commonwealth from
23 a participating entity for the school year for which the
24 agreement applies.

25 (ii) The eligible student may not accept a
26 scholarship in the educational improvement tax credit
27 program under Article XX-B or the opportunity scholarship
28 tax credit program under Article XX-B.

29 (iii) A grant, in the form of money, will be
30 deposited into the lifeline scholarship account under

1 section 2004-L on behalf of the eligible student.

2 (iv) The money in the lifeline scholarship account
3 may be expended only as authorized under this article.

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

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

12 (f) Termination.--

13 (1) ~~Notwithstanding subsection (g), an AN agreement~~ <--
14 entered into under subsection (d) may be terminated early by
15 ~~either the parent or the department~~ FOR ANY REASON. <--

16 (2) AN AGREEMENT ENTERED INTO UNDER SUBSECTION (D) SHALL <--
17 BE TERMINATED BY THE DEPARTMENT IF THE PARENT IS FOUND TO
18 HAVE ENGAGED IN FRAUDULENT MISUSE OF A LIFELINE SCHOLARSHIP
19 ACCOUNT. IN SUCH CASE, THE ELIGIBLE STUDENT SHALL BE
20 INELIGIBLE FOR FUTURE PARTICIPATION IN THE PROGRAM. THE
21 PARENT MAY APPEAL THE DEPARTMENT'S DECISION REGARDING
22 TERMINATION AND STUDENT ELIGIBILITY WITHIN 30 DAYS OF
23 ISSUANCE OF THE DECISION. THE APPEAL SHALL BE GOVERNED BY 2
24 PA.C.S. CHS. 1 (RELATING TO GENERAL PROVISIONS), 5 (RELATING
25 TO PRACTICE AND PROCEDURE) AND 7 (RELATING TO JUDICIAL
26 REVIEW).

27 ~~(2)~~ (3) If an agreement is terminated early UNDER THIS <--
28 SUBSECTION, all available money in the lifeline scholarship
29 account shall be repaid to the resident school district
30 within 15 business days after termination.

1 (g) Automatic termination.--

2 (1) An agreement entered into under subsection (d) shall
3 terminate automatically if the student no longer resides in
4 this Commonwealth.

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

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

12 (h) Renewal.--

13 (1) Subject to subsection (k), an agreement entered into
14 under subsection (d) may be renewed for each school year for
15 the ~~eligible~~ SAME student. <--

16 (2) Failure of a parent to renew an agreement for a
17 school year shall not preclude a parent from renewing the
18 agreement for a subsequent school year if the student remains
19 an eligible student.

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

24 (j) Explanation.--Upon entering into an agreement under
25 subsection (d) or renewing an agreement under subsection (h),
26 the department shall provide the parent with a written
27 explanation of the authorized uses of the money in the lifeline
28 scholarship account and the responsibilities of the parent and
29 the department under the agreement and this article.

30 (k) Application and renewal period.--

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

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

7 (3) The department shall notify parents and school
8 districts of approved applications within 30 days of receipt
9 of an application.

10 Section 2004-L. Lifeline scholarship account.

11 (a) Establishment.--If an agreement is entered into under
12 section 2003-L(d), the department shall establish a lifeline
13 scholarship account for the eligible student. The account shall
14 be administered by the department in accordance with this
15 article.

16 (b) Deposit of grant.--

17 (1) Upon establishment of a lifeline scholarship
18 account, the State Treasurer shall deposit a grant for that
19 school year in the scholarship account for the eligible
20 student in accordance with subsection (c). The amount of the
21 grant shall be as follows:

22 (i) For a student who is not a student with special
23 needs, the grant amount shall be equal to the total State
24 revenue received by all school districts minus total
25 State transportation subsidies received by all school
26 districts divided by the average daily membership of all
27 school districts based on the most recent annual
28 financial report published by the Department of
29 Education.

30 (ii) For an eligible student who is a student with

1 special needs for which expenditures have been reported
2 under section 1372(8), the grant amount shall be
3 calculated by multiplying the amount in subparagraph (i)
4 by the category weight multiplier assigned to the student
5 to determine the weighted special education student
6 headcount under section 2509.5(bbb).

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

11 (2) For an eligible student receiving a grant, the
12 amount of State subsidies paid by the Department of Education
13 to the resident school district shall be reduced by the grant
14 amount calculated for the eligible student.

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

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

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

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

27 (1) For money remaining in a lifeline scholarship
28 account at the end of a school year, the money may be carried
29 forward to an ensuing school year for the eligible student if
30 the agreement entered into under section 2003-L(d) is

1 renewed.

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

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

12 (i) The parent or eligible student shall notify the
13 department of the student's intent to utilize money
14 remaining in the account for qualified education expenses
15 at an eligible post-secondary institution within 30 days
16 of graduation from high school.

17 (ii) If notification is not received within the 30-
18 day time period, the lifeline scholarship account shall
19 be terminated and the money remaining in the scholarship
20 account shall be repaid to the resident school district
21 within 15 days from the end of the notification period.

22 (iii) Upon the expiration of the two-year time
23 period under this paragraph, the lifeline scholarship
24 account shall be terminated and the money remaining in
25 the scholarship account shall be repaid to the resident
26 school district within 15 days from the expiration date.

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

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

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

3 ~~(2) Textbooks or uniforms required by a participating~~ <--
4 entity.

5 ~~(3)~~ (2) Fees for tutoring or other teaching services <--
6 provided by a participating entity.

7 ~~(4)~~ (3) Fees for a nationally norm-referenced test, <--
8 advanced placement or similar examination or standardized
9 examination required for admission to an institution of
10 higher education and career and technical education
11 examination fees.

12 ~~(5)~~ (4) Curriculum, textbooks or other instructional <--
13 materials.

14 ~~(6)~~ (5) Hardware, software and Internet connectivity <--
15 associated with instruction or a qualifying expense described
16 in this subsection.

17 ~~(7)~~ (6) If the eligible student is a student with a <--
18 disability, fees for special instruction or special services
19 provided to the eligible student, including occupational,
20 physical, speech and behavioral therapies.

21 ~~(8)~~ (7) Costs associated with evaluation and <--
22 identification of special needs.

23 ~~(9)~~ (8) Other qualified educational expenses approved by <--
24 the department.

25 (b) Prohibitions.--A participating entity that receives a
26 payment for qualified education expenses authorized under
27 subsection (a) may not refund, rebate or otherwise directly
28 share any portion of the payment with the parent who made the
29 payment.

30 (c) Refund.--A participating entity shall deposit into the

1 lifeline scholarship account a refund for an item that is being
2 returned or an item or service that has not been provided
3 directly to the lifeline scholarship account of the eligible
4 student from which payment for the item or service was made.

5 (d) Payment system.--The department shall develop a system
6 that enables a parent to pay for services provided by
7 participating entities under the program by electronic money
8 transfer.

9 (e) Source of payment.--

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

13 (2) Nothing in this section shall be construed to
14 prohibit a parent or eligible student from paying for
15 qualified education expenses from a source other than the
16 lifeline scholarship account.

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

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

20 (2) An award made to or funds expended from a lifeline
21 scholarship account may not be construed to be an
22 appropriation or financial assistance to the eligible
23 student's chosen school.

24 Section 2006-L. Duties of the department.

25 (A) GENERAL RULE.--The department shall:

<--

26 (1) Develop guidelines, in consultation with the
27 Department of Education, as necessary for the administration
28 of this article within 60 days of the effective date of this
29 section.

30 (2) Determine whether to solicit requests for proposals

1 from private financial management firms to manage some or all
2 parts of the program.

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

7 (4) Establish reasonable fees for private financial
8 management firms that manage the accounts based upon market
9 rates.

10 (5) Make payments to the accounts on a schedule to be
11 determined by the department, in consultation with the
12 Department of Education, each year of participation in the
13 program.

14 (6) Develop a system to allow parents to pay for
15 services by electronic funds transfer, including debit cards,
16 electronic payment systems or other means of electronic
17 payment that the department determines to be commercially
18 viable, cost effective and easily understandable and usable
19 by parents. The department shall not adopt a system that
20 exclusively requires parents to be reimbursed for out-of-
21 pocket expenses.

22 (7) Develop a process by which participating schools may
23 inform the department of their interest in participating in
24 the program and demonstrate their compliance with the
25 requirements of this article.

26 (8) Ensure that eligible students and their parents are
27 informed annually of the participating schools in the program
28 by posting a list of participating schools on the
29 department's publicly accessible Internet website by July 15,
30 2022, and by March 1 of each year thereafter.

1 ~~(9) If a parent is found to have engaged in fraudulent <--~~
2 ~~misuse of a lifeline scholarship account, terminate the~~
3 ~~account. In such case, the eligible student shall be~~
4 ~~ineligible for future participation in the program and the~~
5 ~~remaining money in the lifeline scholarship account shall be~~
6 ~~repaid to the resident school district within 15 business~~
7 ~~days. A parent may appeal the department's decision regarding~~
8 ~~termination and student eligibility within 30 days of~~
9 ~~issuance of the decision. The appeal shall be governed by 2-~~
10 ~~Pa.C.S. Chs. 1 (relating to general provisions), 5 (relating~~
11 ~~to practice and procedure) and 7 (relating to judicial~~
12 ~~review).~~

13 ~~(B) THIRD PARTY ADMINISTRATION.--THE DEPARTMENT MAY CONTRACT <--~~
14 ~~WITH A THIRD PARTY TO ADMINISTER THE PROGRAM.~~

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

16 The Auditor General shall:

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

19 (2) Refer cases of suspected fraudulent misuse of
20 lifeline scholarship accounts to law enforcement agencies for
21 investigation.

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

24 Section 2008-L. Accountability standards for a participating
25 entity.

26 (a) Duties of participating entities.--A participating
27 entity shall:

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

30 (2) Comply with the nondiscrimination policies specified

1 in 42 U.S.C. § 1981 (relating to equal rights under the law)
2 and with section 1521.

3 (3) Comply with the provisions of sections 111 and
4 111.1.

5 (b) Financial accountability standards.--

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

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

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

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

25 (c) Academic accountability standards.--

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

29 (2) The department shall:

30 (i) Ensure compliance with all student privacy laws,

1 including the Family Educational Rights and Privacy Act
2 of 1974 (Public Law 90-247, 20 U.S.C. § 1232g).

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

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

7 (B) The number of years the eligible student has
8 participated in the program.

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

12 (d) Participating entity autonomy.--

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

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

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

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

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

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

30 (2) failed to provide an eligible student with the

1 educational services funded by the eligible student's
2 lifeline scholarship account.

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

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

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

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

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

28 Section 2011-L. Legal proceedings.

29 (a) Liability.--No liability shall arise on the part of the
30 agency, the Commonwealth or a public school or school district

1 based on the award or use of a lifeline scholarship account
2 under this article.

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

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

19 Section 2. This act shall take effect immediately.