

PUBLIC SCHOOL CODE OF 1949 - OMNIBUS AMENDMENTS

Act of Nov. 17, 2010, P.L. 996, No. 104

Cl. 24

Session of 2010

No. 2010-104

HB 101

AN ACT

Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," in school districts, further providing for reports to Department of Education and providing for value-added assessment system and for drop-out data collection; in intermediate units, further providing for financial reports; providing for payment of fees associated with certification by the National Board for Professional Teaching Standards; in certification of teachers, further providing for disqualifications relating to teacher's certificate; in pupils and attendance, further providing for residence and right to free school privileges and providing for emergency permits at approved private schools and chartered schools for the deaf and blind; in provisions relating to safe schools, further providing for definitions and for the Office for Safe Schools; providing for regulations; and further providing for reporting by school entities; in school health services, further providing for possession and use of asthma inhalers, for medical examinations of teachers and other persons and for duties of Department of Education; in terms and courses of study, providing for economic education and personal financial literacy programs, for State standards for business, computer and information technology courses and for dating violence education; establishing the Science Technology Partnerships Program; in high schools, further providing for academic degrees; in charter schools, further providing for facilities; providing for the Older Pennsylvanian Higher Education Program, for course materials at institutions of higher education and for sexual violence education at institutions of higher education; in reimbursements by Commonwealth and between school districts, further providing for effect of failure to file reports; and making editorial changes and related repeals.

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

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 financial report.

(b) The chief school administrator and board secretary of a school district, charter school, cyber charter school or area vocational-technical school shall submit a signed statement to the Department of Education not later than the 31st day of December of each year certifying that: the audited financial statements of the school district, charter school, cyber charter school or area vocational-technical school have been properly audited pursuant to Article XXIV and that in the independent auditor's professional opinion, the financial information submitted in the annual financial report was materially consistent with the audited financial statements.

(c) If the financial information submitted in the annual financial report was not materially consistent with the audited financial statements, the school district, charter school, cyber charter school or area vocational-technical school shall submit a revised annual financial report to the Department of Education not later than the 31st day of December.

(d) The Department of Education shall order the forfeiture penalties provided for under section 2552.1(a.1) against a school district, charter school, cyber charter school or area vocational-technical school for failure to timely submit an annual financial report or revised annual financial report.

Section 2. The act is amended by adding sections to read:

Section 221. Value-added Assessment System.--(a) Beginning on the effective date of this section, the Department of Education shall make available on its publicly accessible Internet website the following:

(1) Value-added assessment system data for the school 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 or 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 the context clearly indicates otherwise:

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

"School entity." A public school district, charter school, cyber charter school or area vocational-technical school.

Section 3. Section 921-A of the act, amended July 11, 2006 (P.L.1092, No.114), is amended to read:

Section 921-A. Financial Reports.--(a) An annual financial report shall be submitted to the Secretary of Education by each intermediate unit not later than the 31st day of October, together with an auditor's report prepared by an independent auditor who shall be a certified public accountant or other competent public accountant. **The financial information submitted in the annual financial report shall be materially consistent with the audited financial statements.** All financial accounting and reporting by intermediate units 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 financial report.

(b) The Department of Education shall order the forfeiture penalties provided for under section 2552.1(a.1) against an intermediate unit for failure to timely submit an annual financial report.

Section 4. Article XI of the act is amended by adding a subdivision to read:

(i) Programs.

Section 1195.1. (Reserved).

Section 5. The act is amended by adding an article to read:

ARTICLE XI-B

CERTIFICATION OF TEACHERS BY THE NATIONAL BOARD FOR  
PROFESSIONAL TEACHING STANDARDS

Section 1101-B. 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:

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

" Eligible teacher. " A teacher who :

- (1) Is a current Pennsylvania resident.
- (2) Currently holds a valid Pennsylvania teaching certification in good standing.
- (3) Has completed three full years of teaching or school counseling in a Pennsylvania public school.
- (4) Holds a current, full-time teaching or school counseling position in a Pennsylvania public school.
- (5) Has not previously received Commonwealth funds for participating in the NBPTS certification process.
- (6) Has not repaid any Commonwealth funds previously received for the NBPTS certification process.
- (7) Has not received a waiver of repayment from the Department of Education.

" National Board for Professional Teaching Standards " or " NBPTS. " The independent, nonprofit organization established in 1987 to establish high standards for teachers' knowledge and performance and for the development and operation of a national voluntary system to assess and certify teachers who meet those standards.

" Public school. " A school operated by a school district, intermediate unit, charter school, cyber charter school or an area vocational-technical school.

Section 1102-B. Payment of fees.

To the extent funds are available, the Commonwealth shall do all of the following:

- (1) Pay all or a portion of the cost of NBPTS assessment fees on behalf of an eligible teacher to become NBPTS certified or recertified.
- (2) Reimburse school districts for all or a portion of substitute fees for each day the eligible teacher participates in preparation for NBPTS certification, up to three days.

Section 1103-B. Priority.

(a) Schools in school improvement or corrective action.--Eligible teachers who teach in schools identified by the department as in school improvement or corrective action shall receive first priority for payment of assessment fees under this article. The eligible teachers' districts shall also receive first priority for substitute fees reimbursement.

(b) Other priority.--Eligible teachers who teach early childhood education, who teach mathematics or science at the middle or secondary level or who teach special education or foreign languages shall receive second priority for payment of assessment fees under this article. The eligible teachers' districts shall also receive second priority for substitute fees reimbursement.

Section 1104-B. Duties of eligible teachers.

(a) Completion of process.--An eligible teacher on whose behalf the assessment fee is paid shall agree to complete the certification process or be subject to repayment as set forth in section 1105-B(a).

(b) Three-year commitment.--An eligible teacher on whose behalf the assessment fee is paid and who receives NBPTS certification shall, in addition to the requirement under subsection (a), agree to serve as a teacher or administrator in a Pennsylvania public school for a period of at least three years or be subject to repayment as set forth in section 1105-B(b). Eligible teachers who receive priority under section 1103-B and who receive NBPTS certification shall teach in that priority class for the three-year commitment period. If an eligible teacher receives priority under section 1103-B(a) and the school is removed from improvement or corrective action during the three-year commitment period, service in the same school or in another school identified by the department as in school improvement or corrective action shall continue to fulfill the requirements of this subsection.

Section 1105-B. Repayment.

(a) Failure to complete the certification process.--When an eligible teacher for whom the Commonwealth has paid the assessment fee fails to complete the certification process, the teacher shall reimburse the Commonwealth for the amount of the assessment fee. A candidate who completes the certification process but is denied NBPTS certification shall not be subject to repayment pursuant to this subsection.

(b) Failure to continue teaching.--When an eligible teacher for whom the Commonwealth has paid the assessment fee fails to meet the requirements of section 1104-B(b), the teacher shall reimburse the Commonwealth for the amount of the assessment fee. The teacher shall certify to the department each year that the teacher is in compliance with section 1104-B(b).

(c) Waiver of repayment.--Upon the application of the eligible teacher, the department:

(1) Shall waive the repayment requirement if the department finds that the teacher was unable to complete the process or meet the requirements of section 1104-B(b) due to:

(i) administrative action on the part of the school district or area vocational-technical school for other than causes enumerated in section 1122;

(ii) illness of the teacher;

(iii) the death or catastrophic illness of a member of the teacher's immediate family; or

(iv) parental leave to care for a newborn or newly adopted child.

(2) May waive the repayment requirement if the department finds other extraordinary circumstances.

Section 1106-B. Duties of department.

(a) Guidelines.--The department shall develop guidelines necessary for the implementation of this article.

(b) Technical assistance.--To the extent funds are available, the department shall provide technical assistance to NBPTS applicants. The department may contract with one or more institutions of higher education or intermediate units in order 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 controlled substances or alcoholic beverages. An applicant for certification may overcome the disqualification under this paragraph and receive a teaching certificate if the applicant is reviewed by the Department of Education pursuant to the requirement of paragraph (2) and determined to be of good moral character.**

Section 7. Section 1302 of the act is amended by adding a subsection to read:

Section 1302. Residence and Right to Free School Privileges.--\*  
\* \*

(d) **Notwithstanding the provisions of subsection (a), when a child lives outside of Pennsylvania as a result of one or both parents being called or ordered to active military duty, other than active duty training, the child shall continue to be considered a resident of the school district that was the child's resident school district immediately prior to the parent being stationed outside of Pennsylvania, provided that the parent maintains the residence.**

Section 8. The act is amended by adding a section to read:

**Section 1377.2. Emergency Permits at Approved Private Schools and Chartered Schools for the Deaf and Blind.--Approved private schools and chartered schools for the deaf and blind shall have the authority to apply for emergency permits through the Department of Education pursuant to the criteria for eligibility established under 22 Pa. Code § 49.31 (relating to criteria for eligibility) as if the teachers were employed by a public school entity, provided that all other conditions for obtaining an emergency permit are met.**

Section 9. Section 1301-A of the act, added June 30, 1995 (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 Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) or who meets the definition of a "handicapped person" under section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794) and its implementing regulations (34 C.F.R. § 104.3(j)). The term includes a student for whom an evaluation is pending under either the Individuals with Disabilities Education Act or Rehabilitation Act.

"Weapon" shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

Section 10. Section 1302-A of the act, amended or added June 30, 1995 (P.L.220, No.26) and July 9, 2008 (P.L.846, No.61), is amended to read:

Section 1302-A. Office for Safe Schools.--(a) There is hereby established in the Department of Education an Office for Safe Schools.

(b) The office shall have the [following powers and duties] **power and duty to implement the following:**

(1) To coordinate antiviolence efforts between school, professional, parental, governmental, law enforcement and community organizations and associations.

(2) To collect, develop and disseminate information, policies, strategies and other information to assist in the development of programs to impact school violence.

**(2.1) To direct all school entities to submit annual school violence statistics and reports to the office no later than July 31 of each year .**

(3) To provide direct training to school employes, parents, law enforcement officials and communities on effective measures to **prevent and** combat school violence.

(4) To advise school entities and nonpublic schools on the development of policies to be used regarding possession of weapons by any person, acts of violence and protocols for coordination with and reporting to law enforcement officials and the Department of Education.

**(4.1) To verify the existence of corrective action plans to reduce incidents of violence as required in the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425).**

(5) To develop forms to be used by school entities **and police departments** for reporting incidents involving acts of violence and possession of weapons on school property. **The forms shall be reviewed on a biennial basis and revised when necessary.**

(6) To verify that each school entity has a biennially updated and reexecuted memorandum of understanding with local law enforcement and has filed such memorandum with the office on a biennial basis.

(7) To publish and post on the Department of Education's Internet website a School Safety Annual Report no later than November 1 of each calendar year outlining all incidents required

to be reported under section 1303-A and any school district that failed to submit a report under section 1303-A .

**(b.1) The office shall process and tabulate the data on an annual basis to assist school administrators and law enforcement officials in their duties under this article.**

(c) In addition to the powers and duties set forth under subsection [(a)] **(b)**, the office is authorized to make targeted grants to [schools] **school entities** to fund programs which address school violence, including[, but not limited to, the 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 identification systems, **including criminal background check software.**

(11) Establishment or enhancement of school security personnel, including school resource officers.

(12) Provision of specialized staff and student training programs, including training for Student Assistance Program team members in elementary, middle and high schools in the referral of students at risk of violent behavior to appropriate community-based services, including mental health services.

(13) Alternative education programs provided for in Article XIX-C.

(14) Counseling services for students enrolled in alternative education programs.

**(15) An Internet web-based system for the management of student discipline, including misconduct and criminal offenses.**

**(16) Staff training programs in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention.**

(d) [ Grant applications shall contain information as the office may require. The office shall conduct a thorough annual evaluation of each program for which a grant under this section is made . ]

**(1) Targeted grants shall be allocated through a competitive grant review process established by the office. School entities**

must satisfy the requirements of this section and section 1303-A to be eligible for grants. The application for a targeted grant shall include:

- (i) the purpose for which the targeted grant shall be utilized;
- (ii) information indicating need for the targeted grant, including, but not limited to, school violence statistics;
- (iii) an estimated budget;
- (iv) methods for measuring outcomes; and
- (v) any other criteria as the office may require.

(2) The office shall:

(i) Give priority in grant funding to a school entity designated as a persistently dangerous school as defined in 22 Pa. Code § 403.2 (relating to definitions) .

(ii) Give priority in grant funding to school entities with the greatest need to establish safety and order.

(iii) To the greatest extent possible, ensure that grant funding is geographically dispersed to school entities throughout this Commonwealth.

(3) The office shall provide all targeted grant agreements to the Department of Education's comptroller for review and approval prior to awarding the grant. The school entity shall provide the office with full and complete access to all records relating to the performance of the grant, and shall submit, at such time and in such form as may be prescribed, truthful and accurate information that the office may require. The office shall conduct a thorough annual evaluation of each program for which a grant under this section is made. The office shall seek repayment of funds if it determines that funds were not utilized for the original stated purpose.

Section 11. The act is amended by adding a section to read:

Section 1302.1-A. Regulations.--(a) Within one year of the effective date of this section, the State Board of Education shall promulgate final-omitted regulations pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," necessary to implement this article. The regulations shall include the following:

(1) A model memorandum of understanding between school entities and local police departments. The model memorandum of understanding shall be reviewed on a biennial basis and revised where necessary.

(2) Protocol for the notification of the police department when an offense listed under section 1303-A(b) (4.1) occurs on school property, which shall include a requirement that the local police department be notified immediately when such an offense occurs.

(3) Protocol for the notification of the police department at the discretion of the chief school administrator regarding an offense listed under section 1303-A(b) (4.2) or any other offense that occurs on school property.

(4) Protocol for emergency and nonemergency response by the police department, which shall include a requirement that the school district shall supply the police department with a copy of the comprehensive disaster response and emergency preparedness plan as required by 35 Pa.C.S. § 7701(g) (relating to duties concerning disaster prevention) .

(5) Procedures and protocols for the response and handling of students with a disability, including procedures related to student behavior as required by 22 Pa. Code §§ 14.104 (relating to special education plans) and 14.133 (relating to positive behavior support) .

(b) (1) In promulgating the regulations required under subsection (a), the State Board of Education shall convene and consult with a Statewide advisory committee which shall include a police chief, juvenile public defender, school superintendent, school principal, district attorney, solicitor of a school district, special education supervisor, special education advocate and

in-school probation officer and one designee from the Department of Education, the Pennsylvania Commission on Crime and Delinquency, the Municipal Police Officers' Education and Training Commission, the Juvenile Court Judges' Commission and the Pennsylvania State Police.

(2) Members of the committee shall be selected to be representative of the rural, suburban and urban school entities of this Commonwealth.

(3) The advisory committee shall be convened no later than sixty (60) days after the effective date of this section and shall meet regularly to fulfill the requirements of this section.

Section 12. Section 1303-A of the act, amended June 25, 1997 (P.L.297, No.30), is amended to read:

Section 1303-A. Reporting.--(a) The office shall conduct a one-time survey of all school entities to determine the number of incidents involving acts of violence on school property and all cases involving possession of a weapon by any person on school property which occurred within the last five (5) years. The survey shall be based on the best available information provided by school entities.

(b) [All school entities] **Each chief school administrator** shall report **to the office by July 31 of each year** all new incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or possession, use or sale of alcohol or tobacco by any person on school property [at least once a year, as provided by the office,]. **The incidents to be reported to the office shall include all incidents involving conduct that constitutes a criminal offense listed under paragraphs (4.1) and (4.2). Reports** on a form to be developed and provided by the office[. The form] shall include:

(1) Age or grade of student.

(2) Name and address of school.

(3) Circumstances surrounding the incident, including, **but not limited to**, type of weapon, controlled substance, alcohol or tobacco, **the date, time and location of the incident, if a person other than a student is involved in the incident and any relationship to the school entity.**

(3.1) Race of student.

(3.2) **Whether the student has an Individualized Education Plan under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.), and if so, the type of disability.**

(4) Sanction imposed by the school.

(4.1) **A list of criminal offenses which shall, at a minimum, include:**

(i) **The following offenses under 18 Pa.C.S. (relating to crimes and offenses):**

Section 908 (relating to prohibited offensive weapons).

Section 912 (relating to possession of weapon on school property).

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

Section 2709.1 (relating to stalking).

Section 2901 (relating to kidnapping).

Section 2902 (relating to unlawful restraint).

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3124.2 (relating to institutional sexual assault).  
Section 3125 (relating to aggravated indecent assault).  
Section 3126 (relating to indecent assault).  
Section 3301 (relating to arson and related offenses).  
Section 3307 (relating to institutional vandalism) when the penalty is a felony of the third degree.  
Section 3502 (relating to burglary).  
Section 3503(a) and (b) (1) (v) (relating to criminal trespass).  
Section 5501 (relating to riot).  
Section 6110.1 (relating to possession of firearm by minor).  
(ii) The possession, use or sale of a controlled substance or drug paraphernalia as defined in "The Controlled Substance, Drug, Device and Cosmetic Act."  
(iii) Attempts, solicitation or conspiracy to commit any of the offenses listed in subclauses (i) and (ii).  
(iv) An offense for which registration is required under 42 Pa.C.S. § 9795.1 (relating to registration).  
(4.2) The following offenses under 18 Pa.C.S., and any attempt, solicitation or conspiracy to commit any of these offenses:  
Section 2701 (relating to simple assault).  
Section 2705 (relating to recklessly endangering another person).  
Section 2706 (relating to terroristic threats).  
Section 2709 (relating to harassment).  
Section 3127 (relating to indecent exposure).  
Section 3307 (relating to institutional vandalism) when the penalty is a misdemeanor of the second degree.  
Section 3503(b) (1) (i), (ii), (iii) and (iv), (b.1) and (b.2) (relating to criminal trespass).  
Chapter 39 (relating to theft and related offenses).  
Section 5502 (relating to failure of disorderly persons to disperse upon official order).  
Section 5503 (relating to disorderly conduct).  
Section 6305 (relating to sale of tobacco).  
Section 6306.1 (relating to use of tobacco in schools prohibited).

Section 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages).

- (5) Notification of law enforcement.
- (6) Remedial programs involved.
- (7) Parental involvement required.
- (8) Arrests, convictions and adjudications, if known.

[If a person other than a student is involved, the report shall state the relationship of the individual involved to the school entity.]

(b.1) Prior to submitting the report required under subsection (b), each chief school administrator and each police department having jurisdiction over school property of the school entity shall do all of the following:

(1) No later than thirty (30) days prior to the deadline for submitting the report to the office required under subsection (b), the chief school administrator shall submit the report to the police department with jurisdiction over the relevant school property. The police department shall review the report and compare the data regarding criminal offenses and notification of law enforcement to determine whether the report accurately reflects police incident data.

(2) No later than fifteen (15) days prior to the deadline for the chief school administrator to submit the report required under subsection (b), the police department shall notify the chief school administrator, in writing, whether the report accurately reflects police incident data. Where the police department determines that the report accurately reflects police incident data, the chief of

police shall sign the report. Where the police department determines that the report does not accurately reflect police incident data, the police department shall indicate any discrepancies between the report and police incident data.

(3) Prior to submitting the report required under subsection (b), the chief school administrator and the police department shall attempt to resolve discrepancies between the report and police incident data. Where a discrepancy remains unresolved, the police department shall notify the chief school administrator and the office in writing.

(4) Where a police department fails to take action as required under paragraph (2) or (3), the chief school administrator shall submit the report required under subsection (b) and indicate that the police department failed to take action as required under paragraph (2) or (3).

(c) [All school entities shall develop a memorandum of understanding with local law enforcement which sets forth procedures to be followed when an incident involving an act of violence or possession of a weapon by any person occurs on school property. Law enforcement protocols shall be developed in cooperation with local law enforcement and the Pennsylvania State Police.] **Each chief school administrator shall form an advisory committee composed of relevant school staff, including, but not limited to, principals, security personnel, school resource officers, guidance counselors and special education administrators, to assist in the development of a memorandum of understanding pursuant to this section. In consultation with the advisory committee, each chief school administrator shall enter into a memorandum of understanding with police departments having jurisdiction over school property of the school entity. Each chief school administrator shall submit a copy of the memorandum of understanding to the office by June 30, 2011, and biennially update and re-execute a memorandum of understanding with local law enforcement and file such memorandum with the office on a biennial basis. The memorandum of understanding shall be signed by the chief school administrator, the chief of police of the police department with jurisdiction over the relevant school property and principals of each school building of the school entity. The memorandum of understanding shall comply with the regulations promulgated by the State Board of Education under section 1302.1-A and shall also include:**

(1) The procedure for police department review of the semiannual report required under subsection (b) prior to the chief school administrator filing the report required under subsection (b) with the office.

(2) A procedure for the resolution of school violence data discrepancies in the report prior to filing the report required under subsection (b) with the office.

(3) Additional matters pertaining to crime prevention agreed to between the chief school administrator and the police department.

(d) Pursuant to section 615 of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1415(k)(6)), nothing in section 1302.1-A or this section shall be construed to prohibit a school entity from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(e) (1) Notwithstanding any provision of law to the contrary, the Department of Education may initiate disciplinary action before the Professional Standards and Practices Commission pursuant to the act of December 12, 1973 (P.L.397, No.141), known as the

"Professional Educator Discipline Act," against a chief school administrator or principal of a school entity who intentionally fails to submit the report as required under subsection (b) or enter into the memorandum of understanding with the police department with jurisdiction over the relevant school property, report an incident involving an act of violence, possession of a weapon or an offense listed under subsection (b) (4.1) that occurs on school property to a police department or submit a copy of the memorandum of understanding to the office as required under subsection (c) or who intentionally falsifies a report submitted as required under this section.

(2) In addition to any other disciplinary actions set forth in the "Professional Educator Discipline Act," a chief school administrator or principal of a school entity who intentionally fails to submit the report as required under subsection (b) or enter into the memorandum of understanding with the police department with jurisdiction over the relevant school property, report an incident involving an act of violence, possession of a weapon or an offense cited under subsection (b) (4.1) that occurs on school property to a police department or submit a copy of the memorandum of understanding to the office as required under subsection (c) or who intentionally falsifies a report submitted as required under this section shall be subject to prosecution for violation of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). The following civil penalties may be imposed by the Professional Standards and Practices Commission for violations of this article:

- (i) for a first violation, \$2,500;
- (ii) for a second violation, \$3,500; or
- (iii) for a third or subsequent violation, \$5,000.

Any penalty imposed under this paragraph shall be paid to the Department of Education and used for the support of the office.

Section 13. Section 1414.1 of the act, added November 30, 2004 (P.L.1471, No.187), is amended to read:

Section 1414.1. Possession and Use of Asthma Inhalers and Epinephrine Auto-Injectors.--(a) Each school entity shall develop a written policy to allow for the possession and self-administration by children of school age of [an] asthma [inhaler] **inhalers and epinephrine auto-injectors**, and the prescribed medication to be administered thereby, in a school setting. **The policy shall comply with section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794) and 22 Pa. Code Ch. 15 (relating to protected handicapped students). The policy shall be distributed with the code of student conduct required under 22 Pa. Code § 12.3(c) (relating to school rules) and made available on the school entity's publicly accessible Internet website, if any.**

(b) The policy under this section shall require a child of school age that desires to possess and self-administer an asthma inhaler **or epinephrine auto-injector** in a school setting to demonstrate the capability for self-administration and for responsible behavior in the use thereof and to notify the school nurse immediately following each use of an asthma inhaler **or epinephrine auto-injector**. The school entity shall develop a system whereby the child may [verify] **demonstrate competency** to the school nurse that the child is capable of self-administration and has permission for carrying and taking the medication through the use of the asthma inhaler **or epinephrine auto-injector**. **Determination of competency for self-administration shall be based on age, cognitive function, maturity and demonstration of responsible behavior**. The school entity shall also restrict the availability of the asthma inhaler, **the epinephrine auto-injector** and the

prescribed medication contained therein from other children of school age[, with immediate confiscation of both]. **The policy shall specify conditions under which a student may lose the privilege to self-carry the asthma inhaler, the epinephrine auto-injector and the medication [and loss of privileges] if the school policies are abused or ignored. A school entity that prevents a student from self-carrying an asthma inhaler or epinephrine auto-injector and the prescribed medication shall ensure that they are appropriately stored at locations in close proximity to the student prohibited from self-carrying and notify the student's classroom teachers of the places where the asthma inhaler or epinephrine auto-injector and medication are to be stored and the 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 employe 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 employe.**

(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 school 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 Internet 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 multidisciplinary 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 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, including 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 financial literacy, including the basic principle involved with earning, spending, saving and investing money. The materials shall align with and complement existing State standards for Economics, Family and Consumer Science, and Career Education and Work as set forth in 22 Pa. Code Ch. 4 (relating to academic standards and assessment).

(3) Identify and recognize Commonwealth schools that implement exemplary economic and economic education and personal financial literacy curricula at each benchmark as set forth in existing State standards for Economics, Family and Consumer Science, and Career Education and Work as set forth in 22 Pa. Code Ch. 4.

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

(b) 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.

(c) (1) The department shall convene a task force on economic education and personal financial literacy education within ninety (90) days of the effective date of this section.

(2) The task force shall consist of nine (9) members appointed by the secretary, in consultation with the Secretary of Banking, representing school administrators, finance or economics teachers, school boards, students, business leaders, faculty from this Commonwealth's institutions of higher education having a background in or knowledge of personal financial literacy and other groups with expertise in financial literacy education. The task force shall elect one (1) of its members to serve as chairperson.

(3) The task force 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 (d).

(d) The secretary and the Secretary of Banking shall jointly prepare and submit, in conjunction with the task force, a biennial report to the Governor and the General Assembly on the status of economic education and personal financial literacy programs in this Commonwealth. In addition to the recommendations made in accordance with subsection (c)(3)(iii), the report shall outline economic education and personal financial literacy programs and achievements, highlight new initiatives and recommend future program needs.

(e) The department may apply for any Federal, State or other funding that may be available to carry out the provisions of this section and may also use such unencumbered funds for grants to school entities and other measures to encourage the implementation of economic education and personal financial literacy education programs.

(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.

" 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, charter school, cyber charter school, intermediate unit or area vocational-technical school.

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

Section 1552. State Standards for Business, Computer and Information Technology Courses.--The Secretary of Education shall establish State standards for business, computer and information technology courses as provided in 22 Pa. Code § 4.32 (relating to standards and reports) no later than eighteen (18) months after the effective date of this section .

Section 1553. Dating Violence Education.--(a) The department, through its Office for Safe Schools, and in consultation with the State Board of Education, shall:

(1) Develop, within six (6) months of the effective date of this section, a model dating violence policy to assist school districts in developing policies for dating violence reporting and response.

(2) Consult with at least one (1) domestic violence center and at least one (1) rape crisis center in developing the model dating violence policy.

(b) (1) Each school district may establish a specific policy to address incidents of dating violence involving students at school.

(2) The policy may include, but need not be limited to: a statement that dating violence will not be tolerated; violence reporting procedures; discipline procedures for students that commit violence at school; and contact information for and resources available through domestic violence programs and rape crisis programs.

(3) A school district that establishes the policy shall:

(i) Publish the policy in any school district policy or handbook that specifies the comprehensive rules, procedures and standards of conduct for students at school.

(ii) Make the policy available on its publicly available Internet website.

(iii) Provide parents and guardians with a copy of the policy.

(4) The State Board of Education shall conduct a study of the benefits and detriments of mandatory dating violence education and shall submit a report of its recommendations to the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives within three (3) years of the effective date of this section.

(c) (1) A school district may provide dating violence training to guidance counselors, nurses and mental health staff at the high school level. Upon the recommendation of the district superintendent, other staff may be included or may attend the training on a voluntary basis. The school district may also provide dating violence training to parents.

(2) The dating violence training may include, but need not be limited to: basic principles of dating violence; warning signs of dating violence; the school district's dating violence policy; appropriate responses to incidents of dating violence at school; and services and resources available through domestic violence programs and rape crisis programs.

(d) (1) A school district may incorporate dating violence education that is age appropriate into the annual health curriculum framework for students in grades nine (9) through twelve (12). In developing such a policy, the school district shall consult with at least one (1) domestic violence program or rape crisis program that serves the region where the school district is located.

(2) Dating violence education may include, but need not be limited to: defining dating violence and recognizing dating violence warning signs; characteristics of healthy relationships; information regarding peer support and the role friends and peers have in addressing dating violence; and contact information for and the services and resources available through domestic violence centers and rape crisis centers, including detailed information concerning safety planning, availability and enforcement of protection from abuse orders and the availability of other services and assistance for students and their families.

(3) The department, through its Office for Safe Schools, in consultation with at least one (1) domestic violence center and at least one (1) rape crisis center, shall provide school districts with grade-appropriate educational materials regarding dating violence and healthy relationships for the purpose of assisting school districts in preparing an instructional program on dating violence. The department may use educational materials that are already publicly available for this purpose.

(4) A parent or legal guardian of a student who is under eighteen (18) years of age, within a reasonable period of time after the request is made, shall be permitted to examine the dating

violence education program instructional materials at the school in which the student is enrolled.

(5) At the request of a parent or guardian, a student shall be excused from all or parts of the dating violence education program. The principal shall notify all parents or guardians of their ability to withdraw their children from instruction in the program by returning a signed opt-out form.

(e) Nothing in this section shall be construed as preventing a person from seeking judicial relief from dating violence under any other law or as establishing or modifying any civil liability.

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

"At school." The term shall have the meaning given to school property as defined in section 1301-A.

"Dating partner." A person, regardless of gender, involved in an intimate relationship with another person, primarily characterized by the expectation of affectionate involvement, whether casual, serious or long term.

"Dating violence." Behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control the person's dating partner.

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

"Domestic violence center." The term shall have the meaning given in section 2333 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

"Domestic violence program." The term shall have the meaning given in section 2333 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

"Rape crisis center." The term shall have the meaning given in section 2333 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

"Rape crisis program." The term shall have the meaning given in section 2333 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

Section 18. The act is amended by adding an article to read:

#### ARTICLE XV-F

##### SCIENCE TECHNOLOGY PARTNERSHIPS

Section 1501-F. 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:

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

" Higher education institution. " Any public or private two-year or four-year or higher postsecondary institution in this Commonwealth that has been accredited at the college level by an accrediting agency recognized by the United States Secretary of Education.

" Nonpublic school. " A nonpublic kindergarten, elementary school or secondary school at which a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of Article XIII and which meets the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

" Program. " The Science Technology Partnership Program established in section 1502-F.

" Public school. " Any school owned or operated by a public school district established under this act, including any school established pursuant to Article XVII-A.

" School. " A public school or nonpublic school.

" Science technology partnership " or " partnership. " A science technology partnership established under section 1503-F.

" Scientific or technical equipment. " Technical or electronic equipment used in teaching science courses, including laboratory

equipment. The equipment may include equipment that is not routinely used in the teaching of science but that is commonly used in the workplace and the fields of health, environment, scientific research, biology, chemistry, geology or other earth sciences, physics or any other scientific field.

" Secretary. " The Secretary of Education of the Commonwealth. Section 1502-F. Science Technology Partnership Program.

(a) Establishment.--The Science Technology Partnership Program is hereby established.

(b) Administration.--To the extent funds are appropriated for the purpose, the department shall administer a grant program that awards grants to higher education institutions that are members of the science technology partnerships.

(c) Criteria for funding.--To implement the program, the department shall request proposals from higher education institutions that are members of science technology partnerships. To receive a grant under subsection (d), a higher education institution must meet all of the following criteria:

(1) Have established a partnership consistent with the requirements of section 1503-F and provided a copy of the partnership agreement to the department.

(2) Demonstrate how the partnership will make science technology equipment available to students enrolled in schools that are partnership members.

(3) Demonstrate how the partnership will augment the science curriculum of schools that are partnership members.

(4) Demonstrate how the partnership will provide additional professional development opportunities to educators employed by schools or school districts that are partnership members.

(5) Have adopted a proposed budget describing the scientific and technical equipment that will be purchased or leased with grant funds.

(d) Grant awards.--To the extent funds are appropriated for the purpose, the department shall award grants to higher education institutions that meet the criteria for funding under subsection (c). Grants shall be used for the purchase or lease of scientific or technical equipment and for the development of programs of instruction for members of a partnership.

Section 1503-F. Science technology partnerships.

(a) Establishment.--To be eligible to participate in the program, a higher education institution must form a partnership with schools or school districts and may subcontract with a nonprofit organization in order to implement the partnership agreement under subsection (b). A partnership must include a minimum of three public schools or school districts.

(b) Partnership agreement.--The higher education institution and the schools or school districts shall enter into a written agreement that includes all of the following:

(1) The responsibilities of the higher education institution in providing services to each partnership member.

(2) The responsibilities of the schools or school districts in coordinating with the higher education institution.

(3) A description of the scientific or technical equipment that will be provided to each partnership member.

(4) A description of the program of instruction that will be provided to each partnership member by the higher education institution.

(5) The courses of science instruction and grade levels that will be augmented by scientific or technical equipment through the partnership and how scientific or technical equipment will be used to augment such courses of instruction.

(6) The manner in which access to scientific or technical equipment will be provided to students and teachers.

(7) The professional development activities that will be provided to science teachers employed by partnership members.

(c) Forward to department.--To be eligible to participate in the program, a partnership must forward a certified copy of its partnership agreement to the department.

Section 1504-F. Powers and duties of department.

The department shall promulgate rules, regulations and procedures necessary to implement the program.

Section 1505-F. Biennial report.

The secretary shall on a biennial basis submit a report on the program to the Governor, the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives. The initial report shall be due on June 30, 2012, with reports due on June 30 of every even-numbered year thereafter. The report shall include all of the following information:

(1) A description of the types of the partnerships created.

(2) The number of higher education institutions, schools and school districts participating in the program as members of the partnerships.

(3) The number of students participating in the program.

(4) The dollar amount of grants awarded to each higher education institution and a summary of the institution's expenditures on services related to the partnership.

(5) An assessment of the impact of the program on the scientific knowledge of students participating in the program.

Section 19. Section 1611 of the act is amended by adding a subsection to read:

Section 1611. Academic Degrees.--\* \* \*

(d) (1) A board of school directors may establish a program to be known as "Operation Recognition" which provides for granting a high school diploma to any honorably discharged veteran who served in the United States military in the Vietnam War between the twenty-eighth day of February, one thousand nine hundred sixty-one, and the seventh day of May, one thousand nine hundred seventy-five, who attended high school between one thousand nine hundred fifty-eight and one thousand nine hundred seventy-five and who would have been a member of a graduation class during the years one thousand nine hundred sixty-one through one thousand nine hundred seventy-five but did not graduate from high school due to entry into military service.

(2) A board of school directors may award a diploma posthumously to an eligible veteran.

(3) An application for a diploma under this subsection must be made in the manner prescribed by the board of school directors.

Section 20. Section 1722-A of the act, amended or added June 19, 1997 (P.L.225, No.22) and July 9, 2008 (P.L.846, No.61) and repealed in part July 4, 2004 (P.L.536, No.70), is amended to read:

Section 1722-A. Facilities.--(a) A charter school may be located in an existing public school building, in a part of an existing public school building, in space provided on a privately owned site, in a public building or in any other suitable location.

(b) The charter school facility shall be exempt from public school facility regulations except those pertaining to the health or safety of the pupils.

(d) Notwithstanding any other provision of this act, a school district of the first class may, in its discretion, permit a charter school to operate its school at more than one location.

(e) (1) Notwithstanding the provisions of section 204 of the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, all school property, real and personal, owned by any charter school, cyber charter school or an associated nonprofit foundation, or owned by a nonprofit corporation or nonprofit

foundation and leased to a charter school, cyber charter school or associated nonprofit foundation at or below fair market value, that is occupied and used by any charter school or cyber charter school for public school, recreation or any other purposes provided for by this act, shall be made exempt from every kind of State, county, city, borough, township or other real estate tax, including payments in lieu of taxes established through agreement with the Commonwealth or any local taxing authority, as well as from all costs or expenses for paving, curbing, sidewalks, sewers or other municipal improvements, Provided, That any charter school or cyber charter school or owner of property leased to a charter school or cyber charter school may make a municipal improvement in a street on which its school property abuts or may contribute a sum toward the cost of the improvement.

(2) Any agreement entered into by a charter school, cyber charter school or associated nonprofit foundation with the Commonwealth or a local taxing authority for payments in lieu of taxes prior to December 31, 2009, shall be null and void.

(3) This subsection shall apply retroactively to all charter schools, cyber charter schools and associated nonprofit foundations that filed an appeal from an assessment, as provided in Article V of The General County Assessment Law, prior to the effective date of this subsection.

(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.
- (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 Pennsylvania 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. For purposes of this article, tuition shall not include any additional fees or surcharges that are required for enrollment in a particular course or in addition to the traditional student tuition.

(b) Guidelines.--Each institution of higher education that develops a program shall promulgate specific guidelines regarding procedures and administration of the program, including, but not limited to, the following:

- (1) Admitting participating older adults.
- (2) Determining the availability of higher education courses.

(3) Determining if the program will be for credit, noncredit, certification, degree or enrichment.

(4) Disseminating to the local AAA a complete program description and technical assistance that explains the process of admission and enrollment in higher education courses offered by the higher education institution.

(5) Coordinating with the local AAA to publicize and advertise the program.

(6) Outlining course rules and responsibilities for participating older adults.

#### ARTICLE XX-F

##### COURSE MATERIALS AT INSTITUTIONS OF HIGHER EDUCATION

Section 2001-F. Scope of article.

This article relates to college textbook affordability, accountability and accessibility.

Section 2002-F. 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:

"Advisory committee." The College Textbook Policies Advisory Committee established under this article.

"Bundle." One or more college textbooks or other supplemental materials that may be packaged together to be sold as course materials for one price.

"Campus." The grounds and buildings of an institution of higher education that are designated as such by the institution of higher education.

"Campus bookstore." The bookstore on the campus of, or otherwise associated with, an institution of higher education.

"College textbook." A textbook or set of textbooks used for, or in conjunction with, a course in postsecondary education at an institution of higher education.

"Custom textbook." A college textbook that is compiled by a publisher at the direction of a faculty member or other person or adopting entity in charge of selecting course materials at an institution of higher education and may include, alone or in combination, items, such as selections from original instructor materials, previously copyrighted publisher materials or copyrighted third-party works. This term does not include purely aesthetic changes to a textbook when compared with a prior edition, such as a commemorative edition.

"Institution of higher education" or "institution." Any of the 14 State-owned universities that are part of the Pennsylvania State System of Higher Education, including the four State-related universities. The term also includes community colleges that are members of the Pennsylvania Commission for Community Colleges and independent or private colleges or universities that receive an assistance grant under the act of July 18, 1974 (P.L.483, No.174), known as The Institutional Assistance Grants Act.

"Integrated textbook." A college textbook that is combined with:

(1) supplemental materials developed by a third party and that, by third-party contractual agreement, may not be offered by publishers separately from the college textbook; or

(2) supplemental materials that are so interrelated with the content of the college textbook that the separation of the college textbook from the supplemental materials would render the college textbook unusable for its intended purpose.

"ISBN." International Standard Book Number.

"Publisher." An entity that publishes college textbooks or supplemental materials and markets college textbooks or supplemental materials to faculty members at institutions of higher education. The term does not include a wholesaler.

"Substantial content." Parts of a college textbook, such as new chapters, additional eras of time, new themes or new subject matter.

"Supplemental material." Educational material developed to accompany a college textbook, which may include printed materials, computer disks, Internet website access and electronically distributed materials, and that is not being used as a component of an integrated textbook.

Section 2003-F. Publisher requirements.

(a) Pricing information disclosure.--When a publisher provides a faculty member or entity in charge of selecting course materials at an institution of higher education with 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 charge of selecting course materials at an institution of higher education directs a publisher to compile a custom textbook, the publisher shall provide, in writing or electronically, prior to accepting an order for the custom textbook, the price at which the publisher would make the custom textbook available to the campus bookstore.

Section 2004-F. Faculty members and academic departments.

(a) General duties of faculty members.--A faculty member or entity in charge of selecting college textbooks, supplemental materials or bundled textbook packages for an institution of higher education shall:

(1) Consider the least costly practices in assigning college textbooks, consistent with educationally sound practices as determined by the appropriate faculty or entity.

(2) Consider the use of college textbooks, supplemental materials and bundled textbook packages for a longer period of time, to the extent they are not outdated.

(3) Work with bookstores to review timeliness and the processes involved in ordering and stocking selected course materials, disclose college textbook costs to students and actively promote and publicize book buyback programs.

(4) Provide a statement to the entity designated by the president or chancellor of the institution to disseminate the information required under section 2005-F(a) detailing college textbooks or supplemental materials, whether bundled or unbundled, that are required or recommended for the course. Where possible, the statement shall indicate if an earlier edition may be effective for use by a student.

(5) Encourage participation in college textbook rental programs that exist or may exist in the future.

(b) Prohibited conduct by faculty and academic departments.--

(1) No faculty member or academic department may demand or receive any payment, loan, subscription, advance, deposit of money, services or any thing, present or promised, as an inducement for requiring students to purchase a specific college textbook required for coursework or instruction.

(2) Notwithstanding the provisions of paragraph (1), a faculty member or academic department may receive:

(i) Sample copies, instructor's copies or instructional material.

(ii) Royalties or other compensation from the sale of college textbooks that include the writing or work of the particular faculty member or academic department.

(3) A violation of this subsection may result in the institution taking disciplinary action, subject to any contractual requirements, against the faculty member or academic department, including, where appropriate, referral to law enforcement.

(c) Construction.--Nothing in this section shall be construed:

(1) To prohibit a faculty member or academic department from requiring the most recent edition of a college textbook.

(2) To supersede the institutional autonomy or academic freedom of instructors, faculty members or academic departments involved in the selection of college textbooks, supplemental materials and other classroom materials.

#### Section 2005-F. Responsibilities of institutions of higher education.

(a) General rule.--Except as otherwise provided in this section, each institution, to the maximum extent practicable, shall make available, at student registration and throughout the year on its Internet website and upon written request, a listing of all college textbooks and supplemental materials, including the ISBN, required and recommended for courses to be offered during the upcoming term, provided that:

(1) If the ISBN is not available, the institution shall include the author, title, edition, publisher and copyright date for the college textbook or supplemental material.

(2) If the institution determines that the disclosure of the information relating to a college textbook or supplemental material is not practicable, then the institution shall so indicate by placing the designation "To Be Determined" in lieu of the information required in paragraph (1). As this information becomes available, it shall be posted on the institution's Internet website and provided as soon as possible to students and those who have previously requested such information.

(b) Publication.--The institution shall provide the information required under subsections (a) and (d) to existing and accepted incoming students by posting the information on the institution's Internet website used for course scheduling, preregistration and registration. The institution shall inform, in writing, students and all others who make a written request for such information of the availability of the information. The posting of this information on the Internet website of the campus bookstore shall satisfy the

provisions of this section, provided that the information is freely available to students and the general public.

(c) Information to bookstore.--An institution of higher education shall make available to a bookstore that is operated by, or in a contractual relationship or otherwise affiliated with, the institution and shall also make available to off-campus bookstores upon request, as soon as practicable after the request of the bookstore, the most accurate information available relating to:

- (1) The institution's course schedule for the subsequent academic period.
- (2) For each course or class offered by the institution for the subsequent academic period:
  - (i) The information required by subsection (a) for each college textbook or supplemental material required or recommended for the course or class.
  - (ii) The number of students enrolled in such course or class.
  - (iii) The maximum student enrollment for such course or class.

(d) Dissemination of other information to students.--An institution of higher education is encouraged to disseminate to students information relating to:

- (1) Available guaranteed programs for renting college textbooks or for purchasing used college textbooks.
- (2) Available college textbook buyback programs.
- (3) Available alternative content delivery programs, including digital textbooks.
- (4) Other available cost-saving strategies for acquiring college textbooks and supplemental materials.
- (5) Campus and off-campus bookstore information, to the extent available, including location, hours and Internet website information.

(e) Provision of information to students.--An institution of higher education is encouraged to provide all current and accepted students the information set forth in subsection (d) as it relates to the campus bookstore with which it has a contractual relationship.

(f) Construction.--Nothing in this section shall be construed to prohibit or restrict the ability of a bookstore from also providing textbook information to students.

Section 2006-F. College textbook rental program.

(a) General rule.--An institution of higher education may, with the approval of the administration, authorize the establishment of a college textbook rental program for the students of any campus. Programs may receive and use Federal, State and private funding to aid in the establishment of such programs.

(b) Task force.--The administrators of a campus with a college textbook rental program may convene a task force to determine recommended policies and procedures to establish and operate a college textbook rental program. The task force must include students, faculty, administrators and bookstore managers.

(c) Textbook selection.--The program may not limit the rights of faculty to select appropriate textbooks in accordance with established policies and procedures.

(d) Powers of campuses with college textbook rental programs.--The administrators of a campus with a college textbook rental program may:

- (1) Establish policies for the program, including, but not limited to, implementing practices to achieve the best possible purchase price for college textbooks and for the provision of rental services. The policies shall be developed with the input of faculty, students and bookstores.

(2) Institute other procedures necessary to establish and operate the program in accordance with the provisions of this article.

(3) Charge students a fine for any late, lost or damaged books, as determined by the program, provided that students may not be charged a fine for normal textbook wear and tear.

(4) Students shall not be required to participate in a college textbook rental program.

(e) Construction.--Nothing in this section shall be construed to:

(1) change or limit any existing textbook rental program or program in existence at an institution of higher education prior to the effective date of this section; or

(2) restrict an institution of higher education from establishing or piloting other textbook rental models or programs as deemed appropriate by the institution of higher education.

Section 2007-F. Electronic versions of college textbooks.

(a) General rule.--No later than January 1, 2020, an individual, firm, partnership or corporation that publishes college textbooks offered for sale at institutions of higher education shall, to the extent practicable, make the college textbooks available, in whole or in part, for sale in an electronic format when commercially reasonable.

(b) Construction.--Nothing in this section shall be construed to authorize any use of instructional materials that would constitute an infringement of copyright under Federal law.

(c) Definition.--For purposes of this section, "college textbook" means a book, not including a novel, that contains printed material and is intended for use as a source of study material for a class or group of students, a copy of which is expected to be available for the use of each of the students in that class or group.

Section 2008-F. College textbook adoption policies.

(a) General rule.--An institution of higher education may implement policies, procedures and guidelines that promote efforts to minimize the cost of college textbooks for students at the institution while maintaining the quality of education and academic freedom. The policies, procedures and guidelines shall ensure that:

(1) The adoption of a college textbook by a faculty member is made with sufficient lead time so as to confirm availability of the requested materials and, where possible, ensure maximum availability of used college textbooks.

(2) (i) During the college textbook adoption process, the intent to use all items ordered, particularly each individual item sold as part of a bundled package, is affirmatively confirmed before the adoption is finalized by the faculty member.

(ii) If the faculty member does not intend to use each item in a bundled package, the faculty member shall notify the bookstore, and the bookstore shall order the individualized items if:

(A) Procurement of the individualized items is cost effective for both the institution and the students.

(B) The individualized items are made available by the publisher.

(3) Faculty members affirmatively acknowledge the quoted retail price to the bookstore of any college textbook selected for use in each course.

(4) Faculty members shall give due consideration to both the educational value and cost of new edition college textbooks and any supplemental materials when previous editions do not

significantly differ in a substantive way, as determined by the appropriate faculty member.

(5) Required or assigned college textbooks are made available to students who are otherwise unable to afford the cost.

(6) Decisions regarding textbook adoption are made in a timely manner to ensure a bookstore's ability to have textbooks available for the first day of class.

(b) (Reserved).

Section 2009-F. College Textbook Policies Advisory Committee.

(a) Establishment.--A standing committee of the State Board of Education to be known as the College Textbook Policies Advisory Committee is established. The Department of Education shall provide staff support for the advisory committee.

(b) Membership.--The advisory committee shall be comprised of:

(1) The Deputy Secretary for Higher Education of the Department of Education or a designee.

(2) The chairman of the State Board of Education Higher Education Council or a designee.

(3) One faculty member representing the State System of Higher Education as recommended by the Chancellor of the State System of Higher Education.

(4) One faculty member representing each of the State-related institutions as recommended by the chancellors of the State-related institutions.

(5) One faculty member representing community colleges as recommended by the Commission for Community Colleges.

(6) One faculty member representing private and independent colleges and universities as recommended by the Association of Independent Colleges and Universities of Pennsylvania.

(7) The chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the House of Representatives or their designees.

(8) Nine members appointed by the chairman of the State Board of Education as follows:

(i) Three members representing college bookstores with one representing campus bookstores, one representing off-campus bookstores and one representing online bookstores that focus primarily on the sale of college textbooks.

(ii) Two members representing textbook publishers.

(iii) Four student members representing college students, of whom one must attend a State System of Higher Education institution, one must attend a State-related institution, one must attend a community college and one must attend an independent or private college or university within this Commonwealth. The student members shall be appointed, respectively, by the chairman from a list of students recommended by the Chancellor of the State System of Higher Education, the chancellors of the State-related institutions, the Commission for Community Colleges or the Association of Independent Colleges and Universities of Pennsylvania.

(9) One member possessing a background in information technology-electronic media appointed by the chairman of the State Board of Education.

(c) Recommendations.--The advisory committee shall examine national and international efforts relating to college textbook affordability and accessibility and make recommendations that:

(1) Ensure that students have access to affordable course materials by decreasing costs to students and enhancing transparency and disclosure with respect to the selection, purchase, sale and use of course materials.

(2) Identify ways to decrease the cost of college textbooks and supplemental materials for students while supporting the academic freedom of faculty members to select high quality course materials for students.

(3) Encourage college textbook publishers and distributors to work with faculty to promote understanding of the cost to students of purchasing faculty-selected college textbooks, including the disclosure of prices and bundling practices.

(4) Encourage innovation in the development and use of course materials, including open-source college textbooks and other open-source educational resources, that can help students receive the full value of their educational investment without excessive cost.

(5) Ensure that faculty members are informed of accurate and relevant pricing information for course materials and that students are protected as a consumer group.

(6) Make recommendations to the General Assembly and the State Board of Education to strengthen existing State laws and regulations and to propose any additional and necessary State laws and regulations.

(d) First meeting.--The advisory committee shall hold its first meeting within 60 days of the effective date of this section. The advisory committee shall meet at least once quarterly. Members of the advisory committee shall serve without compensation. The deputy secretary for Higher Education of the Department of Education shall serve as committee chair.

(e) Report.--No later than 18 months after the effective date of this section, the advisory committee shall make a report to the State Board of Education that outlines its findings and recommendations. The report shall also be delivered to the Governor's Office, members of the Education Committee of the Senate and members of the Education Committee of the House of Representatives. The report shall be updated every three years and may also be posted on the Department of Education's Internet website.

#### ARTICLE XX-G

##### SEXUAL VIOLENCE EDUCATION AT INSTITUTIONS OF HIGHER EDUCATION

Section 2001-G. Scope of article.

This article relates to college and university sexual violence education.

Section 2002-G. 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:

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

" Education program. " A sexual violence education program under this article.

"Independent institution of higher education." As defined in the act of November 29, 2004 (P.L.1383, No.180), known as the Uniform Crime Reporting Act.

" Institution of higher education. " An independent institution of higher education, a community college, a State-related institution or a member institution of the State System of Higher Education.

" Matriculating. " Enrolling in an institution of higher education or private licensed school.

" Private licensed school. " As defined in the act of December 15, 1986 (P.L.1585, No.174) , known as the Private Licensed Schools Act.

" Sexual violence. " An act of sexual violence as defined in 42 Pa.C.S. § 6402 (relating to definitions).

" Student. " A person who is enrolled on a full-time basis at an institution of higher education or private licensed school.  
Section 2003-G. Education program.

(a) General rule.--Institutions of higher education and private licensed schools shall establish a sexual violence awareness educational program. Institutions of higher education and private licensed schools may collaborate with a Statewide nonprofit organization, local rape crisis center or local sexual assault program that arranges for the provision of services to sexual violence and rape victims in the development of a sexual violence awareness education program. Each education program shall provide the following:

- (1) A discussion of sexual violence.
- (2) A discussion of consent, including an explanation that the victim is not at fault.
- (3) A discussion of drug and alcohol-facilitated sexual violence.
- (4) Information relating to risk education and personal protection.
- (5) Information on where and how to get assistance, including the importance of medical treatment and evidence collection, and how to report sexual violence to campus authorities and local law enforcement.
- (6) The possibility of pregnancy and transmission of sexual diseases.
- (7) Introduction of members of the educational community from:
  - (i) Campus police or security and local law enforcement.
  - (ii) Campus health center, women's center and rape crisis center.
  - (iii) Campus counseling service or any service responsible for psychological counseling and student affairs.
- (8) A promise of discretion and dignity.
- (9) A promise of confidentiality for victims of sexual assault.

(b) Student bill of rights.--Consistent with the campus sexual assault victims' bill of rights under section 485(f) (8) of the Higher Education Act of 1965 (Public Law 89-329, 20 U.S.C. § 1092 (f) (8)), a student bill of rights shall be made available to students.

Section 2004-G. Follow-up.

An institution of higher education and private licensed school shall conduct a follow-up program for the duration of the school year for new students. The program may consist of the following:

- (1) Lecturers relating to sexual violence prevention and awareness.
- (2) Institutional activities relating to sexual violence prevention and awareness.
- (3) Videos and other educational materials relating to sexual violence prevention and awareness.

Section 2005-G. Duties of department.

The department shall:

- (1) Ensure compliance with this article.
- (2) Solicit the cooperation of other agencies, institutions and organizations, both public and private, in carrying out the provisions of this article.
- (3) Otherwise administer the provisions of this article.

Section 2006-G. Report.

An institution of higher education and a private licensed school shall report to the department on the implementation of the education program by the institution or school.

Section 22. Section 2552.1(a) of the act, added July 13, 2005 (P.L.226, No.46), is amended and the section is amended by adding a subsection to read:

Section 2552.1. Effect of Failure to File Reports.--(a) The Department of Education shall order the forfeiture of three hundred dollars (\$300) per day by a school district, charter school, **cyber charter school**, area vocational-technical school or intermediate unit that does not submit its [annual financial report and] annual budget to the Department of Education within thirty (30) days of the submittal date established by the Department of Education. The forfeiture shall continue until a 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 violations.**

**(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.

APPROVED--The 17th day of November, A.D. 2010.

EDWARD G. RENDELL