

PUBLIC SCHOOL CODE OF 1949 - OMNIBUS AMENDMENTS

Act of Jun. 22, 2018, P.L. 241, No. 39

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Session of 2018

No. 2018-39

HB 1448

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 preliminary provisions, further providing for Keystone Exams; in organization meetings and officers of boards of school directors, providing for executive sessions; in duties and powers of boards of school directors, providing for third-party services; in grounds and buildings, further providing for limitation on new applications for Department of Education approval of public school building projects and providing for lead testing; in books, furniture and supplies, further providing for time and manner of adopting and furnishing textbooks and supplementary books; in professional employees, further providing for persons to be suspended; in certification of teachers, further providing for provisional vocational education certificate; in pupils and attendance, further providing for definitions, providing for attendance policy at nonpublic schools and further providing for excuses from attending school, for penalties for violating compulsory school attendance requirements and for nonprofit school food program; in Drug and Alcohol Recovery High School Pilot Program, further providing for term of program and for reporting; in terms and courses of study, further providing for fire and emergency evacuation drills; in community colleges, further providing for financial program and reimbursement of payments; in educational tax credits, further providing for definitions, for qualification and application by organizations, for application by business firms, for tax credits and for limitations; providing for higher education accountability and transparency; in funding for public libraries, providing for State aid for fiscal year 2018-2019; and, in reimbursements by Commonwealth and between school districts, further providing for payments to intermediate units, for assistance to school districts declared to be in financial recovery status or identified for financial watch status and for Ready-to-Learn Block Grant.

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

Section 1. Section 121(b)(1) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended November 6, 2017 (P.L.1142, No.55), is amended to read:

Section 121. Keystone Exams.--* * *

(b) The following shall apply:

(1) Notwithstanding section 2604-B(b)(2)(v), 22 Pa. Code § 4.24 (relating to high school graduation requirements), 4.51 (relating to State assessment system) or 4.51c (relating to project-based assessment) or any statute or regulation to the contrary, the use of the Keystone Exams as a graduation

requirement or as a benchmark for the need for participation in a project-based assessment shall be delayed until the [2019-2020] 2020-2021 school year.

* * *

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

Section 425. Executive Sessions.--(a) Notwithstanding 65 Pa.C.S. § 708(a) (relating to executive sessions), a school entity may hold an executive session to plan, review or discuss matters related to school safety, the disclosure of which, if conducted in public, would:

(1) be reasonably likely to impair the effectiveness of such measures; or

(2) create a reasonable likelihood of jeopardizing the safety or security of an individual or a school, including a building, public utility, resource, infrastructure, facility or information storage system.

(b) The executive session may be held during an open meeting or at the conclusion of an open meeting or may be announced for a future time. The reason for holding the executive session must be announced at the open meeting occurring immediately prior or subsequent to the executive session. If the executive session is not announced for a specific time in the future, members of the agency shall be notified twenty-four (24) hours in advance of the time of the convening of the meeting specifying the date, time, location and purpose of the executive session.

(c) Official action on discussions held pursuant to subsection (a) shall be taken at an open meeting. Nothing in this section shall be construed to require that any meeting be closed to the public, nor shall any executive session be used as a subterfuge to defeat the purposes of 65 Pa.C.S. § 704 (relating to open meetings).

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

"Executive session" shall have the meaning given to the term under 65 Pa.C.S. § 703 (relating to definitions).

"School entity" shall mean a school district, intermediate unit, joint school, area vocational-technical school, charter school, regional charter school or cyber charter school.

Section 528. Third-Party Services.--(a) In addition to the requirements of any other law or regulation, a school employer shall not enter into a contract with a third party for non-instructional services unless the following conditions are met:

(1) The school employer shall solicit applications from third parties.

(2) The school employer's solicitation shall require each third party to provide in the application:

(i) A minimum three-year cost projection to the school employer, using generally accepted accounting principles.

(ii) Information concerning any violation of Federal or State law or regulation by the third party, composite information about the criminal and disciplinary records of current employees of the third party who may perform the non-instructional services and information concerning any traffic violation or chargeable accident that occurred during the course of employment by an individual employe of the third party.

(iii) Any additional information that the school employer deems appropriate.

(3) The school employer shall conduct a minimum of one public hearing prior to a regularly scheduled board meeting to present to the public the selected proposal of a third party

to perform the non-instructional services and to receive public comment. The school employer shall provide notice to the public of the date, time and location of the first public hearing:

(i) on or before the initial date that bids to provide the non-instructional services are solicited; or

(ii) a minimum of thirty (30) days prior to the public board meeting, whichever provides a greater period of notice.

(b) For a school employe whose employment is terminated due to a third party entering into a contract with the school employer for non-instructional services and who seeks employment from the third party during the effective date of the contract, the following shall apply:

(1) The third party shall give consideration to the school employe, which shall include an interview, when hiring any new employe for the same or a substantially similar position which the school employe held with the school employer.

(2) If requested by the third party, the school employer shall provide to the third party information regarding the performance and employment duties of the school employe.

(c) Nothing in this section shall be construed to:

(1) Supersede 7 CFR Pt. 210 (relating to National School Lunch Program) where applicable.

(2) Supersede or preempt the rights, remedies and procedures afforded to school employes or labor organizations under Federal or State law, including the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," or any provision of a collective bargaining agreement negotiated between a school employer and an exclusive representative of the employes in accordance with that act.

(d) 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:

"Non-instructional services" shall mean services provided by a school employe whose terms and conditions of employment are governed by a collective bargaining agreement negotiated between the school employer and the exclusive representative of the employe and excluding services provided by a professional employe, a substitute or a temporary professional employe as those terms are defined under section 1101.

"School employer" shall mean a board of school directors, an intermediate unit board of directors or an area vocational-technical board of directors.

"Third party" shall mean a for-profit service provider, including a business or corporation, that contracts with a school employer to provide non-instructional services. The term shall not include an individual.

Section 3. Section 732.1(a) of the act, amended November 6, 2017 (P.L.1142, No.55), is amended to read:

Section 732.1. Limitation on New Applications for Department of Education Approval of Public School Building Projects.--(a)

For the 2012-2013 fiscal year, 2013-2014 fiscal year [and], 2017-2018 fiscal year **and 2018-2019 fiscal year**, the Department of Education shall not accept or approve new school building construction or reconstruction project applications.

* * *

Section 3.1. The act is amended by adding a section to read:

Section 742. Lead Testing.--(a) Beginning in the 2018-2019 school year, and every school year thereafter, school facilities where children attend school may be tested for lead levels in the drinking water and any school facility whose testing shows lead levels in excess of the maximum contaminant level goal or milligrams per liter as set by the United States Environmental

Protection Agency's National Primary Drinking Water Regulations shall immediately implement a plan to ensure no child or adult is exposed to lead contamination drinking water and that alternative sources of drinking water are made available.

(b) If a school entity does not test lead levels under paragraph (a) the school entity shall, at a public meeting, discuss lead issues in the school facilities.

(c) If a test of lead levels under subsection (a) is elevated, the level shall be reported to the Department of Education and posted on the department's publicly accessible Internet website.

Section 4. Section 803 of the act is amended to read:

Section 803. Time and Manner of Adopting and Furnishing Textbooks and Supplementary Books.--All school textbooks, in school districts of the second, third and fourth class, shall be adopted by the board of school directors at any regular meeting [between the first day of April and the first day of August following]. Such books, so adopted, shall be provided for the use of the schools at the beginning of the school terms next following. If in said school districts there shall be a district superintendent, such district superintendent shall report in which subjects new textbooks are needed, and after consultation with the teachers under his supervision, what textbooks should be adopted or changed. No adoption or change of textbooks shall be made without his recommendation, except by a two-thirds vote of the board. Books, supplementary to textbooks regularly adopted, may be adopted and purchased for use in the schools at any time. Such supplementary books shall be adopted in the same manner as textbooks are herein required to be adopted.

Section 5. Section 1125.1 of the act is amended by adding a subsection to read:

Section 1125.1. Persons to be Suspended.--* * *

(c.1) A school entity shall realign its professional staff so as to ensure that more senior employes are provided with the opportunity to fill any positions within the school entity for which they are certificated and which are being filled by less senior employes, subject to the order specified in subsection (a).

* * *

Section 6. Section 1204.2 of the act is amended to read:

Section 1204.2. [Provisional] Vocational [Education] **Instructional** Certificate.--(a) The Secretary of Education may grant a [provisional vocational education] certificate **under this section** to every person who presents to the Department of Education satisfactory evidence of good moral character and who has completed such work in vocational education as may be required by the standards of the State Board of Education[, which certificate shall entitle the individual to teach for eight annual school terms].

(b) In addition to other requirements promulgated by the State Board of Education, the State Board of Education shall require an applicant to present evidence of at least four (4) years of wage-earning experience in the occupation to be taught in order for the Secretary of Education to grant the applicant a Vocational Intern Certificate under 22 Pa. Code § 49.151 (relating to eligibility and criteria).

(c) Notwithstanding any other requirement promulgated by the State Board of Education, the State Board of Education shall not require an applicant to have completed more than eighteen (18) credit hours in an approved program of vocational teacher education in order for the Secretary of Education to grant the

applicant a Vocational Instructional I Certificate under 22 Pa. Code § 49.142 (relating to Vocational Instructional I), which certificate shall entitle the individual to teach for eight (8) annual school terms.

(d) Notwithstanding any other requirement promulgated by the State Board of Education, the State Board of Education shall not require an applicant to have completed more than sixty (60) total credit hours in an approved program of vocational teacher education in order for the Secretary of Education to grant the applicant a Vocational Instructional II Certificate under 22 Pa. Code § 49.143 (relating to Vocational Instructional II). Credit hours in an approved program of vocational teacher education completed by the applicant toward the fulfillment of the requirements for a Vocational Instructional I Certificate shall be counted toward the total credit hours required for a Vocational Instructional II Certificate.

(e) The Department of Education shall form a professional advisory committee for the purposes of reviewing vocational instructional certification program guidelines every five (5) years to ensure that the requirements for program design and delivery pertain to the professional responsibilities of a vocational educator. The professional advisory committee shall, at a minimum, include representatives whose primary responsibility is teaching occupational skills in State-approved vocational education programs.

Section 7. The definition of "educational entity" in section 1326 of the act is amended to read:

Section 1326. Definitions.--When used in this article, the following words and phrases shall have the following meanings:

* * *

"Educational entity" shall mean a public school district, [nonpublic school] **charter school, regional charter school, cyber charter school** or area vocational-technical school.

* * *

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

Section 1327.3. Attendance Policy at Nonpublic Schools.--(a)

Each nonpublic school shall establish an attendance policy designed to accurately determine when a child who is enrolled in a nonpublic school has an unexcused absence, which may differ from the policy of the school district in which the child resides. The policy shall, at a minimum, conform to the provisions of this act relating to compulsory attendance but may contain additional criteria for determining when a student is determined to be deemed truant or habitually truant. The policy shall also contain actions prescribed by the nonpublic school in response to a determination of truant or habitually truant which may include expulsion.

(b) At such time that the child is deemed habitually truant as defined in section 1326, the venue for the filing of a citation or referral under section 1333.1 shall be based upon the residence of the child and executed by the school district of residence. A nonpublic school may participate in a proceeding under sections 1333.1, 1333.2 and 1333.3 in person, by phone conferencing, by video conferencing or by any other electronic means.

(c) The following sections shall apply to nonpublic schools:

- (1) Section 1326.
- (2) Section 1327.
- (3) This section.
- (4) Section 1329.
- (5) Section 1330.
- (6) Section 1332.

- (7) Section 1333.
- (8) Section 1333.1.
- (9) Section 1333.2.
- (10) Section 1333.3.

Section 9. Section 1329 of the act is amended by adding a subsection to read:

Section 1329. Excuses from Attending School.--* * *

(a.2) (1) **A school district may excuse a student from school attendance to participate in a musical performance in conjunction with a national veterans' organization or incorporated unit for an event or funeral. The national veterans' organization or incorporated unit must provide the student with a signed excuse, which shall include the date, location and time of the event or funeral. The student shall furnish the signed excuse to the school district prior to being excused from school.**

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

"Incorporated unit." An incorporated post, branch, camp, detachment, lodge or other subordinate unit of a national veterans' organization.

"National veterans' organization." A veterans' organization having a national charter.

* * *

Section 10. Section 1333.3(d)(2) of the act is amended to read:

Section 1333.3. Penalties for Violating Compulsory School Attendance Requirements.--* * *

(d) No citation may be filed against a child or a person in parental relation with the child who resides in the same household as the child for a subsequent violation of compulsory school attendance if any of the following circumstances apply:

* * *

(2) **A referral for services has been made to the county children and youth agency under this subdivision [and], the agency has not closed the case and the educational entity has not consulted with the county children and youth agency prior to filing the petition.**

* * *

Section 11. Sections 1337(d)(4) and (5), 1406-A, 1407-A(b) and 1517(a.1) introductory paragraph and (1) of the act, amended November 6, 2017 (P.L.1142, No.55), are amended to read:

Section 1337. Nonprofit School Food Program.--* * *

(d) Boards of School Directors.

* * *

(4) Each board of school directors shall:

(i) Require schools under its jurisdiction to direct communications regarding money owed by a student for school meals to the student's parent or guardian and not to the student[.] **if the student is enrolled in grades kindergarten through eight. For a student enrolled in grades nine through twelve, the board of school directors may require the schools to direct communications regarding a low balance or money owed by a student for school meals to the student if the communications are made individually to the student by appropriate school personnel and are made discreetly.**

(ii) Permit schools under its jurisdiction to contact the student's parent or guardian by means of a letter addressed to the parent or guardian that is delivered by the student.

(5) Each board of school directors shall prohibit schools under its jurisdiction from implementing the following:

(i) Publicly identifying or stigmatizing a student who cannot pay for a school meal or who owes money for school meals. **It shall not constitute public identification or stigmatization of a student for a school to restrict privileges and activities of students who owe money for school meals if those same restrictions apply to students who owe money for other school-related purposes.**

(ii) Requiring a student who cannot pay for a school meal to perform chores or other work to pay for the school meal. This subclause shall not apply if chores or other work are required of all students regardless of the student's inability to pay for the school meal.

(iii) Requiring a student to discard a school meal after it was served to the student due to the student's inability to pay for the school meal or the amount of money owed by the student for earlier school meals.

* * *

Section 1406-A. Term of Drug and Alcohol Recovery High School Pilot Program.

(a) Enrollment of new students.--Unless the program is permanently established by action of the General Assembly, the recovery high school shall not enroll new students under the program after June 30, [2021] **2022**.

(b) Continued enrollment.--If the program is not permanently established by action of the General Assembly on or before June 30, [2021] **2022**, a student enrolled in the recovery high school under the program as of June 30, [2021] **2022**, may remain enrolled in the recovery high school under the program until the earlier of the following:

(1) The student's graduation from the recovery high school.

(2) The student's withdrawal from the recovery high school.

(3) The student's completion of four years of enrollment in the recovery high school under the program.

Section 1407-A. Reporting.

* * *

(b) Report by Department of Education and Department of Drug and Alcohol Programs.--By December 31, [2020] **2021**, the Department of Education and the Department of Drug and Alcohol Programs, jointly, shall submit to the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the House of Representatives, the chairperson and minority chairperson of the Public Health and Welfare Committee of the Senate and the chairperson and minority chairperson of the Health Committee of the House of Representatives a written report assessing the success of the program and making recommendations regarding the possible extension and expansion of the program, including a proposed timeline for any potential expansion.

Section 1517. Fire and Emergency Evacuation Drills.--* * *

(a.1) Within ninety (90) days of the commencement of the school year after the effective date of this subsection and within ninety (90) days of the commencement of each school year thereafter, each school entity [may] **shall** conduct one school security drill per school year in each school building in place of a fire drill required under subsection (a). **After ninety (90) days from the commencement of each school year, each school entity may conduct two school security drills per school year in each school building in place of two fire drills required under subsection (a).** All of the following shall apply:

(1) The school security drill [may] **shall** be conducted while the school entity is in session and students are present under policies adopted by the chief school administrator.

* * *

Section 12. Section 1913-A(b)(1.6) of the act is amended by adding a subclause to read:

Section 1913-A. Financial Program; Reimbursement of Payments.--* * *

(b) * * *

(1.6) For the 2006-2007 fiscal year and each fiscal year thereafter, the payment for a community college shall consist of the following:

* * *

(xi) For the 2018-2019 fiscal year, each community college shall receive an amount equal to the following:

(A) An amount equal to the reimbursement for operating costs received in fiscal year 2017-2018 under subclause (x)(A).

(B) An amount equal to the economic development stipend received in fiscal year 2017-2018 under subclause (x)(B).

(C) For each community college that receives funding under units (A) and (B), an additional amount for operating costs determined for each community college as follows:

(I) Multiply the audited full-time equivalent enrollment as verified under subsection (k.1) for the most recent year available for the community college by the difference between the appropriation for payment of approved operating expenses of community colleges in the 2018-2019 fiscal year and the sum of the amounts in units (A) and (B).

(II) Divide the product in subunit (I) by the sum of the audited full-time equivalent enrollment as verified under subsection (k.1) for the most recent year available for all community colleges.

* * *

Section 13. The definition of "maximum annual household income" in section 2002-B of the act is amended to read:
Section 2002-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:

* * *

"Maximum annual household income."

(1) Subject to adjustment under paragraphs (2) and (3), the amount of [\$75,000] **\$85,000**, plus the applicable income allowance.

(2) With respect to an eligible student with a disability, as calculated by multiplying:

(i) the applicable amount under paragraph (1); by

(ii) the applicable support level factor according to the following table:

Support Level	Support Level Factor
1	1.50
2	2.993

(3) Beginning July 1, 2014, the department shall annually adjust the income amounts under paragraphs (1) and (2) to reflect any upward changes in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area in the preceding 12 months and shall immediately submit the adjusted amounts to the Legislative Reference Bureau for publication as a notice in the Pennsylvania Bulletin.

* * *

Section 14. Section 2003-B(c) introductory paragraph and (2), (d), (d.1) (2) introductory paragraph and (3) and (e) of the act are amended and the section is amended by adding a subsection to read:

Section 2003-B. Qualification and application by organizations.

* * *

(c) Scholarship organizations and pre-kindergarten scholarship organizations.--A scholarship organization or pre-kindergarten scholarship organization must certify to the department that the organization is eligible to participate in the educational improvement tax credit program established under this article and must agree to annually report the following information to the department by [September] **November** 1 of each year:

* * *

(2) The information required under paragraph (1) shall be submitted on a form provided by the department. No later than [May] **September** 1 of each year, the department shall annually distribute such sample forms, together with the forms on which the reports are required to be made, to each listed scholarship organization and pre-kindergarten scholarship organization.

* * *

(d) Educational improvement organization.--

(1) An application submitted by an educational improvement organization must describe its proposed innovative educational program or programs in a form prescribed by the department. The department shall consult with the Department of Education as necessary. The department shall review and approve or disapprove the application. In order to be eligible to participate in the educational improvement tax credit program established under this article, an educational improvement organization must agree to annually report the following information to the department by [September] **November** 1 of each year:

(i) The name of the innovative educational program or programs and the total amount of the grant or grants made to those programs during the immediately preceding school year.

(ii) A description of how each grant was utilized during the immediately preceding school year and a description of any demonstrated or expected innovative educational improvements.

(iii) The names of the public schools and school districts where innovative educational programs that received grants during the immediately preceding school year were implemented.

(iv) Where the educational improvement organization collects information on a county-by-county basis, the total number and the total amount of grants made during the immediately preceding school year for programs at public schools in each county in which the educational improvement organization made grants.

(v) The organization's Federal Form 990 or other Federal form indicating the tax status of the organization for Federal tax purposes, if any, and a copy of a compilation, review or audit of the organization's financial statements conducted by a certified public accounting firm.

(2) The information required under paragraph (1) shall be submitted on a form provided by the department. No later than [May] **September** 1 of each year, the department shall

annually distribute such sample forms, together with the forms on which the reports are required to be made, to each listed educational improvement organization.

(3) The department may not require any other information to be provided by educational improvement organizations, except as expressly authorized in this article.

(d.1) Opportunity scholarship organizations.--

* * *

(2) An opportunity scholarship organization must agree to report the following information on a form provided by the department by [September] **November** 1 of each year:

* * *

(3) No later than [May] **September** 1 of each year, the department shall annually distribute such sample forms, together with the forms on which the reports are required to be made, to each listed opportunity scholarship organization.

* * *

(d.2) Verification of income.--Each scholarship organization, pre-kindergarten scholarship organization and opportunity scholarship organization shall provide for an application and review process for scholarship applicants that includes a means of verification of household income, which may include submission of the household members' most recently available Federal or State tax returns, if required to be filed by the household members.

(e) Notification.--The department shall notify the scholarship organization, pre-kindergarten scholarship organization, educational improvement organization or opportunity scholarship organization that the organization meets the requirements of and is qualified under this article [for that fiscal year] no later than 60 days after the organization has submitted the information required under this section.

* * *

Section 15. Sections 2004-B(d) and 2005-B(g) and (g.1) of the act are amended to read:

Section 2004-B. Application by business firms.

* * *

(d) Contributions.--A contribution by a business firm to a scholarship organization, pre-kindergarten scholarship organization, opportunity scholarship organization or educational improvement organization shall be made no later than 60 days following the approval of an application under subsection (a) or (b). **In the event a business firm does not make a minimum of 50% of the full amount of the approved contribution and has not notified the department of the amount of unused contributions within 14 days of approval, the business firm's application may not be approved in the immediately succeeding fiscal year for more than 150% of the actual amount contributed in the previous fiscal year.**

* * *

Section 2005-B. Tax credits.

* * *

(g) Time of application for credits.--

(1) Except as provided in paragraph (2), the department may accept applications for tax credits available during a fiscal year no earlier than July 1 of each fiscal year.

(2) The application of any business firm for tax credits available during a fiscal year as part of the second year of a two-year commitment or as a renewal of a two-year commitment which was fulfilled in the previous fiscal year may be accepted no earlier than May 15 preceding the fiscal

year. In order to be eligible for the early application date under this paragraph, the contributions included in the second year of a two-year commitment or renewal of a two-year commitment must be made to the same type of organization.

(g.1) Approval of tax credits.--Unless otherwise requested by the business firm and agreed to by both the business firm and the department, and unless all authorized credits have already been awarded:

(1) For fiscal year 2016-2017, and each fiscal year thereafter, the department shall give written notice of its approval to each business firm that submitted a completed application under subsection (g) by August 15, or 30 days following receipt of the completed application, whichever is later.

(2) For fiscal year 2016-2017, and each fiscal year thereafter, the department shall give written notice of its approval to each business firm that submitted a completed application under subsection (j)(2) within 30 days following receipt of the completed application.

(3) Should the department fail, for a period of at least 10 days, to timely transmit any of the written notices required by this subsection, the affected business may bring an action for injunction or other appropriate relief in Commonwealth Court.

* * *

Section 15.1. Section 2006-B(a) of the act, amended November 6, 2017 (P.L.1142, No.55), is amended to read:
Section 2006-B. Limitations.

(a) Amount.--

(1) The total aggregate amount of all tax credits approved for contributions from business firms to scholarship organizations, educational improvement organizations and pre-kindergarten scholarship organizations shall not exceed [\$135,000,000] **\$160,000,000** in a fiscal year.

(i) No less than [\$85,000,000] **\$110,000,000** of the total aggregate amount shall be used to provide tax credits for contributions from business firms to scholarship organizations.

(ii) No less than \$37,500,000 of the total aggregate amount shall be used to provide tax credits for contributions from business firms to educational improvement organizations.

(iii) The total aggregate amount of all tax credits approved for contributions from business firms to pre-kindergarten scholarship organizations shall not exceed \$12,500,000 in a fiscal year.

(2) The total aggregate amount of all tax credits approved for contributions from business firms to opportunity scholarship organizations shall not exceed \$50,000,000 in a fiscal year.

* * *

Section 16. The act is amended by adding an article to read:

**ARTICLE XX-H
HIGHER EDUCATION ACCOUNTABILITY
AND TRANSPARENCY**

Section 2001-H. 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:

"College Navigator website." The College Navigator website or its successor website operated by the United States Department of Education and required pursuant to 20 U.S.C. §

1015a (relating to transparency in college tuition for consumers).

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

"Graduation rates." The percentages of full-time undergraduate students enrolled for credit toward a degree, diploma, certificate or other formal credential who are awarded a degree, diploma or certificate within each of the following:

- (1) 100% of the normal completion time for the student's program.
- (2) 125% of the normal completion time for the student's program.
- (3) 150% of the normal completion time for the student's program.

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

- (1) A community college operating under Article XIX-A.
- (2) A university within the State System of Higher Education.
- (3) The Pennsylvania State University, the University of Pittsburgh, Temple University, Lincoln University or any other institution designated as State-related by the Commonwealth.
- (4) The Thaddeus Stevens College of Technology.
- (5) A college established under Article XIX-G.
- (6) An institution of higher education located in and incorporated or chartered by the Commonwealth and entitled to confer degrees as set forth in 24 Pa.C.S. § 6505 (relating to power to confer degrees) and as provided for by the standards and qualifications prescribed by the State Board of Education under 24 Pa.C.S. Ch. 65 (relating to private colleges, universities and seminaries).
- (7) A private school licensed under the act of December 15, 1986 (P.L.1585, No.174), known as the Private Licensed Schools Act.
- (8) A foreign corporation approved to operate an educational enterprise under 22 Pa. Code Ch. 36 (relating to foreign corporation standards).

"Net tuition and fees." The average total cost of attendance minus the average amount of grant or scholarship aid awarded to a first-time, full-time undergraduate student enrolled for credit toward a degree, diploma, certificate or other formal credential from the Federal Government, the Commonwealth or the institution of higher education.

"PHEAA." The Pennsylvania Higher Education Assistance Agency.

"Retention rate." The percentage of first-year, full-time undergraduate students enrolled for credit toward a degree, diploma, certificate or other formal credential who continue to be enrolled at an institution of higher education in the following school year.

"School entity." A school district, intermediate unit, area vocational-technical school, charter school, cyber charter school or regional charter school.

"Total debt." The average per-student cumulative principal borrowed from a loan program, including Federal and State loan programs, institutional loans and private alternate loans made by a bank or lender.

Section 2002-H. College Navigator and High Priority Occupations.

(a) Duties of department.--The department shall make available on the department's publicly accessible Internet

website, in a single location, information that includes, at a minimum, the following:

(1) A direct link to the College Navigator website with a description of the uses and features of the College Navigator website.

(2) A direct link to the High Priority Occupations publicly accessible Internet website of the Department of Labor and Industry with a description of what high priority occupations are and how they are identified.

(b) Duty of PHEAA.--PHEAA shall include a link on its publicly accessible Internet website to information contained on the department's website under subsection (a).

(c) Duty of school entities.--Each school entity shall annually provide the information required under subsection (a) to students in grades nine through twelve.

Section 2003-H. Comparison tool.

(a) Duty of department.--If the United States Department of Education discontinues the publication of the College Navigator website, the department shall make available on the department's publicly accessible Internet website a search tool that allows an individual to compare institutions of higher education that meet certain criteria selected by the individual, including the offering of a particular major or program of study.

(b) Requirements.--The comparison tool required under this section must:

(1) Be accessible from the department's publicly accessible Internet website.

(2) Allow a user to identify and compare institutions of higher education by the following:

(i) Programs of study available.

(ii) Name.

(iii) Physical address.

(iv) Total enrollment for the previous academic year.

(v) Net tuition and fees per year based on the previous academic year.

(vi) Percentages of students receiving:

(A) Pell grants.

(B) Federal Supplemental Education Opportunity grants.

(C) Academic Competitiveness grants.

(D) National Science and Mathematics Access to Retain Talent grants.

(E) Teacher Education Assistance for College and Higher Education grants.

(vii) Average total debt borrowed for undergraduate study.

(viii) Graduation and retention rates, including information on average time, in years, to attainment of a degree, diploma, certificate or other formal credential for a full-time student.

(ix) Percentage of undergraduate students who have defaulted on their Federal student loans within three years of entering repayment.

(x) Status as a nonprofit institution or for-profit institution.

(3) Be accessible to the public without requiring registration or use of a user name, password or other user identification.

(4) Include a link to the publicly accessible Internet website of the Department of Labor and Industry and a link

to the publicly accessible Internet website of each of the institutions of higher education selected.

(5) Include a direct link to the High Priority Occupations publicly accessible Internet website of the Department of Labor and Industry with a description of what high priority occupations are and how they are identified.

(c) Chart.--The comparison tool required under this section must generate a comparison chart in a grid format that:

(1) Lists the institutions of higher education that match a user's search criteria.

(2) Provides information for each institution of higher education listed as outlined in subsection (b) (2).

(d) Duty of institutions.--If the department is required to develop the comparison tool under subsection (a), each institution of higher education shall provide the information listed in this section, as available, to the department not later than January 1 of each year. If the information required under this subsection is available in an institution of higher education's Integrated Postsecondary Education Data System report, the institution of higher education may comply with the reporting requirements of this subsection by sending an electronic copy of the Integrated Postsecondary Education Data System report to the department. The department shall update the comparison tool as soon as practicable after receiving information from each institution of higher education.

(e) Website.--PHEAA shall include a link on its publicly accessible Internet website to the comparison tool required under this section.

Section 17. The act is amended by adding a section to read: Section 2322. State Aid for Fiscal Year 2018-2019.

Notwithstanding any other provision of law to the contrary, each library subject to 24 Pa.C.S. Ch. 93 (relating to public library code), shall be eligible for State aid for fiscal year 2018-2019, as follows:

(1) Funds appropriated for libraries shall be distributed to each library under the following formula:

(i) Divide the amount of funding that the library received in fiscal year 2017-2018 under section 2321 by the total State-aid subsidy for fiscal year 2017-2018.

(ii) Multiply the quotient under subparagraph (i) by the total State-aid subsidy for fiscal year 2018-2019.

(2) Following distribution of funds appropriated for State aid to libraries under paragraph (1), any remaining funds may be distributed at the discretion of the State Librarian.

(3) If funds appropriated for State aid to libraries in fiscal year 2018-2019 are less than funds appropriated in fiscal year 2002-2003, the State Librarian may waive standards as prescribed in 24 Pa.C.S. Ch. 93.

(4) Each library system receiving State aid under this section may distribute the local library share of that aid in a manner as determined by the board of directors of the library system.

(5) In the case of a library system that contains a library operating in a city of the second class, changes to the distribution of State aid to the library shall be made by mutual agreement between the library and the library system.

(6) In the event of a change in district library center population prior to the effective date of this section as a result of:

(i) a city, borough, town, township, school district or county moving from one library center to another; or
(ii) a transfer of district library center status to a county library system;
funding of district library center aid shall be paid based on the population of the newly established or reconfigured district library center.

(7) In the event of a change in direct service area from one library to another, the State Librarian, upon agreement of the affected libraries, may redistribute the local library share of aid to the library currently servicing the area.

Section 18. Sections 2509.1(c.2), 2510.3(a)(2) and 2599.6(a) of the act, amended November 6, 2017 (P.L.1142, No.55), are amended to read:

Section 2509.1. Payments to Intermediate Units.--* * *

(c.2) The following apply:

(1) For the 2016-2017 [and], 2017-2018 **and 2018-2019** school years, five and five-tenths percent (5.5%) of the State special education appropriation shall be paid to intermediate units on account of special education services.

(2) Thirty-five percent (35%) of the amount under paragraph (1) shall be distributed equally among all intermediate units.

(3) Sixty-five percent (65%) of the amount under paragraph (1) shall be distributed to each intermediate unit in proportion to the number of average daily membership of the component school districts of each intermediate unit as compared to the Statewide total average daily membership.

* * *

Section 2510.3. Assistance to School Districts Declared to be in Financial Recovery Status or Identified for Financial Watch Status.--(a) The following apply:

* * *

(2) For the 2017-2018 **and 2018-2019** fiscal [year] **years**, the Department of Education may utilize up to five million dollars (\$5,000,000) of undistributed funds not expended, encumbered or committed from appropriations for grants and subsidies made to the Department of Education to assist school districts declared to be in financial recovery status under section 621-A, identified for financial watch status under section 611-A or identified for financial watch status under section 694-A; except that the funds must be first utilized to accomplish the provisions contained in section 695-A. The funds shall be transferred by the Secretary of the Budget to a restricted account as necessary to make payments under this section and, when transferred, are hereby appropriated to carry out the provisions of this section.

* * *

Section 2599.6. Ready-to-Learn Block Grant.--(a) For the 2016-2017 [and], 2017-2018 **and 2018-2019** school years, each school entity shall receive a Ready-to-Learn Block Grant [as follows] **in an amount not less than the sum of:**

(1) An amount equal to the amount the school entity received during the 2013-2014 school year under section 2599.2.

(2) An amount equal to the amount the school entity received during the 2014-2015 school year under section 1722-J(21)(ii) of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

(3) An amount equal to the amount the school entity received during the 2015-2016 school year under section 1722-L(21)(i)(C) of The Fiscal Code.

* * *

Section 19. This act shall take effect July 1, 2018, or immediately, whichever is later.

APPROVED--The 22nd day of June, A.D. 2018.

TOM WOLF