

PUBLIC SCHOOL CODE OF 1949 - OMNIBUS AMENDMENTS

Act of Jul. 8, 2022, P.L. 620, No. 55

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Session of 2022

No. 2022-55

HB 1642

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 and graduation requirements, for special provisions applicable to the Keystone Exams, graduation requirements and alternative competency assessment and for Special Education Funding Commission and providing for Commission on Education and Economic Competitiveness; in grounds and buildings, further providing for limitation on new applications for Department of Education approval of public school building projects; in professional employees, providing for locally titled positions; in certification of teachers, providing for out-of-State applicants for career and technical education certification, further providing for program of continuing professional education and for continuing professional education for school or system leaders, providing for teacher support in the Structured Literacy Program, repealing provisions relating to certificates issued by other states and providing for out-of-State applicants for certification and for prekindergarten through grade twelve dance certificate; in pupils and attendance, further providing for definitions, for Home Education Program, for assisting students experiencing education instability, for Nonprofit School Food Program, for exceptional children and education and training and for extended special education enrollment due to COVID-19; in school safety and security, further providing for School Safety and Security Committee, providing for survey of school mental health services, further providing for School Safety and Security Grant Program, for school safety and security coordinator and for school safety and security training and providing for school safety and security grants for 2022-2023 school year, for school mental health grants for 2022-2023 school year, for school safety and security coordinator training, for school safety and security training in educator, administrator and supervisory preparatory programs and for School-based Mental Health Internship Grant Program; in threat assessment, further providing for threat assessment teams; in school health services, further providing for health services; in Drug and Alcohol Recovery High School Pilot Program, further providing for definitions, for establishment of Drug and Alcohol Recovery High School Pilot Program and for scope of program and selection of students, repealing provisions relating to term of Drug and Alcohol Recovery High School Pilot Program and further providing for reporting; in terms and courses of study, further providing for agreements with institutions of higher education; providing for talent recruitment and establishing the Committee on Education Talent Recruitment, the Talent Recruitment Grant Program and the Talent Recruitment Account; providing for educational

and professional development online course initiative, establishing the Online Course Clearinghouse Account and imposing penalties; in charter schools, providing for abolition of rulemaking and further providing for regulations; providing for disability inclusive curriculum and establishing the Disability Inclusive Curriculum Pilot Program; in career and technical education, providing for Cosmetology Training through Career and Technical Center Pilot Program and for Barber Training through Career and Technical Center Pilot Program; in community colleges, further providing for financial program and reimbursement of payments; in rural regional college for underserved counties, further providing for reports; in the State System of Higher Education, further providing for definitions, for establishment of the State System of Higher Education and its institutions, for board of governors and for council of trustees and providing for integrated councils; in educational tax credits, further providing for definitions, for qualification and application by organizations, for application by business firms, for tax credits, for limitations and for opportunity scholarships; in transfers of credits between institutions of higher education, further providing for definitions and for duties of public institutions of higher education; in sexual violence education at institutions of higher education, further providing for scope of article, for definitions and for education program, providing for consent to sexual activity, further providing for follow-up and for report and providing for memorandum of understanding; in miscellaneous provisions relating to institutions of higher education, further providing for Public Higher Education Funding Commission and providing for State-related university performance-based funding model and for prohibition on scholarship displacement at public institutions of higher education; in ready-to-succeed scholarship, further providing for agency; in funding for public libraries, providing for State aid for fiscal year 2022-2023; in reimbursements by Commonwealth and between school districts, further providing for payments on account of pupils enrolled in career and technical curriculums and for student-weighted basic education funding, providing for level-up supplement for 2021-2022 school year and further providing for payments to intermediate units, for special education payments to school districts, for assistance to school districts declared to be in financial recovery status or identified for financial watch status, for approved reimbursable rental for leases hereafter approved and approved reimbursable sinking fund charges on indebtedness and for Ready-to-Learn Block Grant; in construction and renovation of buildings by school entities, further providing for applicability; and making editorial changes.

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

Section 1. Section 121(c.1)(3)(i)(D) and (d) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, are amended and the section is amended by adding a subsection to read:

Section 121. Keystone Exams and Graduation Requirements.--*
* *

(c.1) Notwithstanding section 2604-B(b)(2)(v), 22 Pa. Code § 4.24, 4.51 or 4.51c or any statute or regulation to the contrary, in any school year in which a demonstration of proficiency on a Keystone Exam is required for high school graduation, a student shall be deemed proficient if the student demonstrates one of the following:

* * *

(3) Successful completion of locally established, grade-based requirements for academic content areas associated with each Keystone Exam on which the student did not achieve at least a proficient score and demonstration of three pieces of evidence that reflect readiness for meaningful postsecondary engagement consistent with the student's goals and career plan, which shall include:

(i) One of the following:

* * *

(D) Attainment of an industry-recognized credential[, as identified in the industry credential resource book or in the industry-based learning guidelines compiled by the department].

* * *

(c.9a) No later than the beginning of the 2022-2023 school year, an industry-recognized credential attained by a student shall be included on the student's transcript.

* * *

(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:

"Accredited four-year nonprofit institution of higher education." Any of the following:

(1) A university within the State System of Higher Education under Article XX-A.

(2) A State-related institution as defined in section 1502-A.

(3) Any accredited nonprofit public, private or independent college or university that confers four-year baccalaureate degrees.

"Accredited nonprofit institution of higher education." Any of the following:

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

(2) An accredited four-year nonprofit institution of higher education.

(3) Any accredited nonprofit public, private or independent college or university.

(4) The Thaddeus Stevens College of Technology.

"ACT." A standardized test for the assessment of college readiness administered by ACT.

"ACT WorkKeys assessment." An assessment of workplace skills administered by ACT.

"Advanced Placement Program." A program authorized by the college board that allows a student to study college-level subjects while enrolled in high school and to receive advanced placement and college credit for earning a qualified score on the course-related Advanced Placement exam.

"Approved alternative assessment." A SAT, PSAT, ACT or Armed Services Vocational Aptitude Battery test.

"Approved industry-based competency assessment." A NOCTI exam, NIMS assessment or other industry-based competency assessment identified by the Secretary of Education and approved by the State Board of Education or identified by an act of the General Assembly.

"Armed Services Vocational Aptitude Battery Test." The aptitude test developed and maintained by the United States Department of Defense.

"Chief school administrator." The superintendent of a school district, executive director of an intermediate unit, administrative director of an area career and technical school or chief executive officer of a charter school, cyber charter school, regional charter school or multiple charter school organization.

"Concurrent enrollment course." A course in which a secondary student is enrolled and, upon successful completion of which both high school and postsecondary credit are earned.

"Cooperative education program." A program of instruction whereby students alternate or coordinate their high school studies with a job in a field related to their academic or career objectives.

"CTE Concentrator." A student **under Article XVIII** who, by the end of a reporting year, will be reported as successfully completing at least fifty percent (50%) of the minimum technical instructional hours required under 22 Pa. Code Ch. 339 (relating to vocational education).

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

"Established score." A score recommended by the secretary and approved by the State Board of Education.

"GPA." Grade point average.

"Industry-recognized credential." A credential identified in the industry credential resource book or in the industry-based learning guidelines compiled by the department.

"International Baccalaureate Diploma Program." An academically challenging two-year precollege diploma program comprised of three core requirements and six academic subject areas with final examinations that prepare students sixteen (16) to nineteen (19) years of age for higher education and life in a global society.

"NIMS assessment." An assessment based on the National Institute for Metalworking Skills standards.

"NOCTI exam." A National Occupational Competency Testing Institute exam.

"Postsecondary course." A course in which a secondary student is enrolled and, upon successful completion, postsecondary credit is earned.

"Preapprenticeship program." An apprenticeship program registered with the Pennsylvania Apprenticeship and Training Council.

"SAT." A standardized test for the assessment of college readiness administered by the College Board.

"SAT Subject Test." A standardized test for the assessment of a specific content area administered by the College Board.

"School entity." A school district, intermediate unit, area career and technical school, charter school, cyber charter school, regional charter school or multiple charter school organization.

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

Section 2. Section 121.1 of the act is amended to read:

Section 121.1. Special Provisions Applicable to the Keystone Exams, Graduation Requirements and Alternative Competency Assessment.--**(a)** For the 2019-2020 school year and any subsequent school year in which the Federal Government has waived the testing and accountability requirements of the Elementary and Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C. § 6301 et seq.), as amended by the Every

Student Succeeds Act (Public Law 114-95, 129 Stat. 1802), any student who completed a course in an academic content area associated with a Keystone Exam shall not be required to take the Keystone Exam related to that course and shall be deemed proficient for purposes of sections 121 and 2604-B(b)(2)(v) and 22 Pa. Code § 4.24 (relating to high school graduation requirements), provided that the student demonstrates successful completion of locally established, grade-based requirements for the academic content areas associated with each Keystone Exam.

(b) Notwithstanding section 2604-B(b)(2)(v), 22 Pa. Code § 4.24, 4.51 (relating to state assessment system) or 4.51c (relating to project-based assessment) or any statute or regulation to the contrary, in any school year in which a demonstration of proficiency on a Keystone Exam is required for high school graduation, a student subject to this section shall be deemed proficient if the student meets all of the following requirements:

(1) Demonstrates attainment of a satisfactory composite score of at least 2939, using the highest scores attained by the student on two of the three Keystone Exams in algebra I, literature and biology.

(2) Achieves a minimum score of proficient on at least one of the two Keystone Exams and a minimum score of basic on the other Keystone Exam used to calculate the composite score under paragraph (1).

Section 3. Section 122(k) of the act is amended by adding a paragraph and the section is amended by adding a subsection to read:

Section 122. Special Education Funding Commission.--* * *
(k) * * *

(3) The commission shall be reconstituted January 15, 2024, in accordance with subsection (c) and shall meet and hold public hearings to review the operation of the special education funding provisions of this section, and shall make a further report and shall issue the report to the recipients listed in subsection (i)(5) no later than November 30, 2024. When in receipt of the report recommending changes to the special education funding formula, the General Assembly shall consider and take action to enact the formula into law in accordance with subsection (j).

* * *

(m.1) The Independent Fiscal Office shall complete a survey of school district special education student cost distribution in conjunction with each reconstitution of the Special Education Funding Commission.

* * *

Section 4. The act is amended by adding a section to read:

Section 123.1. Commission on Education and Economic Competitiveness.--(a) The Commission on Education and Economic Competitiveness is established.

(b) Membership shall be as follows:

(1) The commission shall consist of the following members:

(i) The Secretary of Education.

(ii) The Secretary of Labor and Industry.

(iii) The chair and minority chair of the Education Committee of the Senate and the chair and minority chair of the Education Committee of the House of Representatives.

(iv) The chair and minority chair of the Labor and Industry Committee of the Senate and the chair and minority chair of the Labor and Industry Committee of the House of Representatives.

(v) Two (2) legislators from each of the four (4) caucuses to be appointed by the President pro tempore of the Senate and

the Speaker of the House of Representatives, in consultation with the Majority Leader and the Minority Leader of the Senate and the Majority Leader and the Minority Leader of the House of Representatives.

(2) The commission shall appoint a member to serve as chair of the commission and shall designate two (2) members who shall serve as chairs of the subcommittee.

(c) The Subcommittee on Education Planning is established within the commission. The subcommittee shall consult with the commission for advisement on the long-term education goals of the Commonwealth, including interim goals. The membership of the subcommittee shall consist of the following members:

(1) The Secretary of Community and Economic Development or a designee.

(2) The Deputy Secretary of the Office of Child Development and Early Learning.

(3) The Deputy Secretary of the Office of Elementary and Secondary Education.

(4) The Deputy Secretary of the Office of Postsecondary and Higher Education.

(5) The Deputy Secretary for Workforce Development.

(6) Two (2) members of the commission.

(7) One member representing each of the following organizations:

(i) The Pennsylvania School Boards Association.

(ii) The Pennsylvania State Education Association.

(iii) The Pennsylvania chapter of the American Federation of Teachers.

(iv) The Pennsylvania Association of School Business Officials.

(v) The Pennsylvania Association of School Administrators.

(vi) The Pennsylvania Principals Association.

(vii) The Pennsylvania Association of Intermediate Units.

(viii) The Pennsylvania Association of Colleges and Teacher Educators.

(ix) The Pennsylvania Association of Rural and Small Schools.

(x) The Pennsylvania Coalition of Public Charter Schools.

(xi) The African American Charter School Coalition.

(xii) The Pennsylvania Catholic Conference.

(xiii) The Pennsylvania Association of Career and Technical Administrators.

(xiv) The Pennsylvania Association of Independent Schools.

(xv) The State System of Higher Education.

(xvi) The Pennsylvania Commission for Community Colleges.

(xvii) The Association of Independent Colleges and Universities of Pennsylvania.

(xviii) The Pennsylvania State University.

(xix) The University of Pittsburgh.

(xx) Temple University.

(xxi) Lincoln University.

(xxii) Thaddeus Stevens College of Technology.

(xxiii) The Pennsylvania College of Technology.

(xxiv) The Pennsylvania Chamber of Business and Industry.

(xxv) The Pennsylvania American Federation of Labor and Congress of Industrial Organizations.

(xxvi) The Manufacturers' Association.

(xxvii) The National Federation of Independent Business Pennsylvania.

(xxviii) The Pennsylvania Farm Bureau.

(xxix) The Hospital and Healthsystem Association of Pennsylvania.

(xxx) The Service Employees International Union Pennsylvania State Council.

(xxxi) The Arc of Pennsylvania.

(xxxii) The National Association for the Advancement of Colored People Pennsylvania State Conference.

(xxxiii) The Spanish American Civic Association.

(xxxiv) The State Librarian.

(8) Any members added by the commission under subsection (d).

(d) The commission may add additional membership to the subcommittee and create subgroups within the subcommittee.

(e) Members may not receive compensation for their services but shall be reimbursed for necessary travel and other reasonable expenses incurred in connection with the performance of their duties as members of the commission.

(f) The following shall apply to meetings:

(1) The commission shall hold its first meeting by February 17, 2023, and shall meet no less than quarterly.

(2) The subcommittee shall hold its first meeting by March 6, 2023, and shall hold monthly meetings.

(g) The commission and subcommittee may utilize the expertise of a nonprofit entity that has experience in the creation of long-term education planning efforts. The Department of Education, Department of Labor and Industry and Department of Community and Economic Development shall pay equal shares of the costs associated with this subsection at the request of the commission from money appropriated for general government operations.

(h) The General Assembly, Department of Education, Department of Labor and Industry and Department of Community and Economic Development shall provide administrative support, meeting space and any other assistance required by the commission to carry out its duties under this section.

(i) The Department of Education, Department of Labor and Industry, Department of Community and Economic Development and any other Commonwealth agency shall provide the commission with data, research and other information upon request.

(j) The following shall apply to duties:

(1) The subcommittee shall hold monthly meetings to make recommendations regarding long-term educational goals for the following:

(i) Early childhood education and necessary supports.

(ii) An aligned instructional system with special attention to curriculum, assessment, pedagogical approach and standards that span early childhood education through career and technical education and higher education.

(iii) Educational environments that are conducive for each student to learn, including school infrastructure.

(iv) Equitable access to education and educational resources to ensure that students with unique needs are successful.

(v) A holistic approach to education that includes a focus on development of well-rounded individuals through research-based competencies and dispositions associated with postsecondary education, career and life-readiness.

(vi) Professional work environments for educators, support staff and school employees in kindergarten through grade twelve schools.

(vii) Creation of a leadership development system for kindergarten through grade twelve schools.

(viii) Recruitment and attainment of high-performing educators.

(ix) Community partnerships in the education system.

- (x) Meeting the employment needs of this Commonwealth.
- (xi) Creation of a system that effectively re-tools displaced workers.
- (xii) Addressing the impact of this Commonwealth's changing demographics.
- (xiii) Effective governance and accountability.

(2) The subcommittee shall hold a series of hearings throughout this Commonwealth to gather feedback on stated topics from representatives of this Commonwealth's major industries, including agriculture, health care, banking, steel, industrial machinery and publishing.

(3) The subcommittee shall make regular reports to the commission and issue a final report with legislative recommendations within twelve (12) months of the subcommittee's creation.

(4) The subcommittee shall include in its report under paragraph (3) recommendations on parent and community participation in the education system and the challenges and opportunities Pennsylvania's changing demographics present to the Commonwealth's education system.

(5) Upon receipt of the report from the subcommittee, the commission shall seek public comment on the proposed long-term vision for a period that is no less than three (3) months and issue a final report with legislative recommendations to the General Assembly within eighteen (18) months of the commission's creation.

(6) Upon the issuance of the final report under paragraph (5), the commission and the subcommittee shall terminate and the utilization of the expertise of a nonprofit entity under subsection (g) shall terminate.

(7) Upon the start of the first legislative session of each decade, the commission and subcommittee shall be reconstituted in accordance with this section and shall perform the requirements of this section.

(k) 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:

"Commission." The Commission on Education and Economic Competitiveness.

"Subcommittee." The Subcommittee on Education Planning.

Section 5. Section 732.1(a) of the act, amended June 30, 2021 (P.L.158, No.26), 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, 2017-2018 fiscal year, 2018-2019 fiscal year, 2019-2020 fiscal year, 2020-2021 fiscal year [and], 2021-2022 fiscal year **and 2022-2023 fiscal year**, the Department of Education shall not accept or approve new school building construction or reconstruction project applications.

* * *

Section 6. The act is amended by adding sections to read:

Section 1115. Locally Titled Positions.--In a school district where an appointment under section 695-A has been made at any time, an individual employed by a school district prior to January 1, 2012, and serving in the position of mental health specialist, behavioral specialist or similar locally titled position may continue to serve in that position under the direct supervision of a Certified School Social Worker as long as the individual remains in the position with the same school district.

Section 1204.3. Out-of-State Applicants for Career and Technical Education Certification.--(a) The Department of Education shall issue a comparable Career and Technical Instructional I Certificate to an out-of-State candidate who satisfies the following:

(1) The candidate holds a valid and current career and technical instructional certificate or equivalent certificate issued by another state.

(2) The candidate has completed a minimum of four (4) years wage-earning experience in the occupation to be taught.

(3) The candidate has at least two (2) years of classroom teaching experience and provides evidence of satisfactory professional educator performance for the candidate's two (2) most recent years of classroom teaching.

(4) The candidate meets all requirements in 22 Pa. Code § 49.12 (relating to eligibility).

(b) A Career and Technical Instructional I Certificate issued under subsection (a) shall be valid for eight (8) annual school terms and shall be converted to a Career and Technical Instructional II Certificate in accordance with 22 Pa. Code § 49.143 (relating to Career and Technical Instructional II).

(c) An out-of-State candidate who is seeking a Career and Technical Instructional I Certificate and meets the requirements of subsection (a) shall be issued a Career and Technical Instructional I Certificate on an expedited basis in accordance with this section.

Section 7. Section 1205.2 heading of the act is amended and the section is amended by adding subsections to read:

Section 1205.2. Program of Continuing Professional and Paraprofessional Education.--* * *

(n.4) Beginning on the effective date of this subsection and notwithstanding any other provision of this section, each professional educator's current continuing professional education compliance period under subsection (a) shall be extended by one year. This subsection shall expire one year from the effective date of this subsection.

(n.5) Beginning on the effective date of this subsection and notwithstanding any other provision of law to the contrary, the deadline by which any paraprofessional employed by a school entity as defined in 22 Pa. Code § 14.101 (relating to definitions) as of March 13, 2020, must satisfy staff development activity hour requirements under 22 Pa. Code § 14.105 (relating to personnel) shall be extended until June 30, 2023. This subsection shall expire one year from the effective date of this subsection.

* * *

Section 8. Section 1205.5 of the act is amended by adding a subsection to read:

Section 1205.5. Continuing Professional Education for School or System Leaders.--* * *

(i) Beginning on the effective date of this subsection and notwithstanding any other provision of this section, the requirements of subsection (a) shall be suspended for one year. This subsection shall expire one year from the effective date of this subsection.

Section 9. The act is amended by adding a section to read:

Section 1205.8. Teacher Support in the Structured Literacy Program.--(a) (1) It is the intent of the General Assembly that teachers be equipped to facilitate high-quality reading instruction grounded in structured literacy and intervention services to address student reading needs.

(2) The program provided in this section will assist participating school entities in providing professional development for teachers in foundational skills and instructional interventions based on structured literacy and providing opportunities for school personnel to serve as reading coaches to support teachers in delivering high-quality reading instruction.

(b) (1) Beginning with the 2022-2023 school year, the department shall establish a program of professional development and applied practice in structured literacy for school personnel that includes in-class demonstration, modeling and coaching support to improve reading and literacy outcomes.

(2) School personnel selected by the participating school entity to serve as professional coaches for this program must have at least five years of experience in teaching of reading and be able to demonstrate their skills in the instruction of and intervention with students, including those with dyslexia and other language-related disabilities.

(3) The department may contract with multiple service providers, including school entities and institutions of higher education with demonstrated experience in structured literacy, to develop and implement the program so that experienced support is available locally.

(4) A service provider, including a school entity or approved educator preparation program that demonstrates successful implementation of literacy outcomes, is eligible to provide professional development and onsite demonstration and coaching support in the program.

(5) A participating school entity shall adopt high-quality instructional materials grounded in scientific-based reading research in accordance with the State academic standards approved by the State Board of Education.

(c) (1) The continuing professional education plan of each school entity shall satisfy the continuing education requirements of 22 Pa. Code § 49.17 (relating to continuing professional education), including training in structured literacy for professional employees who hold instructional certificates in early childhood, elementary-middle level, Special Education-PK-12, English as a second language and reading specialist. To ensure that school personnel have the knowledge and skill to teach all students to read, including students with dyslexia and other language-based learning disabilities, training shall address, but shall not be limited to:

(i) Evidence-based intervention practices on structured literacy.

(ii) Explicit and systematic instruction in phonological and phonemic awareness.

(iii) The alphabetic principle, decoding and encoding, fluency and vocabulary.

(iv) Reading comprehension and building content knowledge.

(2) School employees required to undergo continuing professional education under section 1205.2 or 1205.5 shall receive credit toward the school employee's continuing professional education requirements if the training program has been approved by the department.

(d) The department shall create and provide guidelines to describe the standard components for professional development needed for structured literacy instruction, including required content knowledge, and establish criteria by which reading and literacy outcomes may be measured.

(e) The department shall develop reading literacy skills standards for use by educator preparation programs that prepare candidates to earn an instructional certificate in early childhood, elementary-middle level, Special Education-PK-12, English as a second language and reading specialist. The standards shall include, at a minimum, instruction on the following:

(1) Effectively teaching the reading literacy skills of phonemic awareness, phonics, fluency, vocabulary and comprehension.

(2) Differentiating instruction for teaching students with advanced reading skills and students with dyslexia or other language-based learning disabilities.

(3) Identifying and teaching students with dyslexia and other language-based learning disabilities using appropriate scientific research and brain-based multisensory intervention methods and strategies.

(4) Implementing reading instruction using high-quality instructional materials.

(5) Using developmentally appropriate supports to ensure that students can effectively access reading instruction.

(6) Administering universal reading screeners to students.

(f) Beginning August 1, 2024, an approved educator preparation program shall provide candidates seeking certification in early childhood, elementary-middle level, Special Education-PK-12, English as a second language and reading specialist with training on reading instruction focused primarily on the reading literacy skills standards developed under subsection (e).

(g) 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:

"Approved educator preparation program." A sequence of courses and experiences offered by a preparing institution or alternative provider that is reviewed and approved by the department.

"Chief school administrator." The superintendent of a school district, executive director of an intermediate unit, administrative director of an area career and technical school or chief executive officer of a charter school, cyber charter school or regional charter school.

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

"Participating school entity." A school entity that elects to take part in the Structured Literacy Program.

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

"Structured literacy." Systemic, explicit instruction that:

(1) provides a strong core of foundational skills in the language systems of English;

(2) integrates listening, speaking, reading, spelling and writing; and

(3) emphasizes the structure of language across the speech sound system, the writing system, the structure of sentences, the meaningful parts of words, the relationship among words and the organization of spoken and written discourse.

Section 10. Section 1206 of the act is repealed:

[Section 1206. Certificates Issued by Other States.--(a) Candidates holding a valid instructional certificate issued by another state may be eligible for comparable Pennsylvania

certification provided that the candidate meets the following requirements:

(1) Holds a bachelor's degree from an accredited college or university.

(2) Has at least two (2) years of successful classroom experience.

(3) Demonstrates subject matter competency in the applicable area of Pennsylvania certification.

(4) Satisfies the requirements of section 1209.

(b) The Secretary of Education shall adopt standards and guidelines as necessary to implement this section.

(c) Nothing in this section shall be construed to prohibit the Secretary of Education from certifying out-of-State applicants in accordance with regulations of the Department of Education or the State Board of Education.]

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

Section 1206.1. Out-of-State Applicants for Certification.--

(a) The Department of Education shall issue a comparable Pennsylvania certificate to an out-of-State candidate who satisfies one of the following:

(1) Holds a valid and current instructional certificate issued by another state and satisfies the following:

(i) Completion of a college or university educator preparation program approved by the certifying state and satisfaction of testing requirements demonstrating subject matter competency in the applicable area of Pennsylvania certification, including passage of related content tests required by the certifying state and field experience.

(ii) Has taught on the out-of-State certificate and presented to the department evidence of satisfactory professional educator experience for the candidate's two most recent years of classroom teaching.

(2) Holds a valid certificate issued by the National Board for Professional Teaching Standards. A candidate with a certificate shall be granted the highest-level Pennsylvania certification available in the candidate's area of certification.

(b) An out-of-State candidate who satisfies the requirements of subsection (a) must also satisfy this Commonwealth's requirements under sections 1202 and 1209.

(c) An out-of-State candidate who is seeking Pennsylvania certification in a subject identified by the department as a shortage area and meets the requirements of subsections (a) and (b) shall be issued the appropriate certificate on an expedited basis in accordance with this section.

Section 1220. Prekindergarten through Grade Twelve Dance Certificate.-- (a) The department shall develop an instructional certificate in Prekindergarten through Grade Twelve Dance in accordance with professional personnel certificate procedures for creation of a new certificate area.

(b) This section shall not apply to an individual who:

(1) has a current dance teaching certificate recognized or issued by the department prior to the effective date of this section;

(2) is in the process of obtaining a dance teaching certificate from the department in accordance with procedures established by the department prior to the effective date of this section; or

(3) is teaching dance to students as part of an extracurricular activity, including, but not limited to, a musical or dance team.

(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.

Section 12. The definition of "school year" 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:

* * *

"School year" shall have the same meaning as "school term" as defined in section 102, as applicable to a school district, and as further defined in section 1327(b) for a day school which is operated by a bona fide church or other religious body, section [1327.1(c)] **1327(c)** for a day school or boarding school accredited by an accrediting association which is approved by the State Board of Education, section [1327.1(d)] **1327.1(c)** for a home education program, sections 1501 and 1504 for a public school or a school district, section 1715-A(9) for a charter school, section 1749-A(a)(1) for a cyber charter school and section 1718-A(c) for a regional charter school.

* * *

Section 13. Section 1327.1 of the act is amended by adding subsections to read:

Section 1327.1. Home Education Program.--* * *

(f.2) (1) Beginning with the 2023-2024 school year and each school year thereafter, the school district of residence shall develop policies and procedures to permit a child who is enrolled in a home education program to participate, on the same basis as other students enrolled in the school district, in any cocurricular activity that merges extracurricular activities with a required academic course, including, but not limited to, band or orchestra, and must permit a child who is enrolled in a home education program to participate in academic courses equaling up to at least one quarter of the school day for full-time students, pursuant to the policies and procedures of the school district of residence, on the same basis as other students enrolled in the school district, provided that the child:

(i) meets the eligibility criteria or their equivalent for participation in the cocurricular or academic course that apply to students enrolled full time in the school district;

(ii) meets the prerequisite criteria or their equivalent for participation in the cocurricular or academic course that apply to students enrolled full time in the school district; and

(iii) complies with all policies, rules and regulations or their equivalent of the school district of residence.

(2) For the purposes of this subsection, the school district of residence shall provide the grade for each cocurricular or academic course to the home education program supervisor, who shall be responsible for maintaining the material in the portfolio of records.

(3) The parent or legal guardian of the child shall be responsible for transportation of the child to and from school for the selected courses, except that a home education student may utilize district transportation to or from school during the times a bus is otherwise already operating and space is available.

(4) A board of school directors may adopt a policy to implement the requirements of this subsection. A policy under this paragraph may require that the cocurricular or academic

courses taken under paragraph (1) be taken consecutively during the school day if the school or a child's parent or legal guardian is not able to provide adequate supervision for the child between cocurricular and academic courses. The policy shall only apply to participation in cocurricular or academic courses and shall not conflict with any provisions of this section.

(5) A home education student enrolled in a cocurricular or academic course in the student's school district of residence shall be included in the average daily membership of the school district of residence and shall be calculated by counting the time the home education student spends in the public school.

(f.3) (1) Beginning with the 2023-2024 school year and each school year thereafter, the school district of residence shall develop policies and procedures consistent with the enrollment or seat allocation provisions of the written agreement among the participating school districts which established the career and technical education center, or in the case of a school district-operated career and technical education program, the school district of residence shall develop policies and procedures consistent with subsection (f.2), to permit a home education student to participate in a career and technical education program on the same basis as other students enrolled in the school district, provided that the child:

(i) meets the eligibility criteria or their equivalent for participation in the career and technical education program that applies to students enrolled full time in the school district;

(ii) meets the prerequisite criteria or their equivalent for participation in the career and technical education program that applies to students enrolled full time in the school district; and

(iii) complies with all policies, rules and regulations or their equivalent of the school district of residence and the career and technical education center.

(2) For the purposes of this subsection, the school-district-of-residence-operated career and technical education program or the career and technical education center shall provide the grades to the home education program supervisor, who shall be responsible for maintaining the material in the portfolio of records.

(3) The home education students may utilize district transportation to or from the career and technical education program during the times buses are otherwise already operating and space is available.

(4) A board of school directors may adopt a policy to implement the requirements of this subsection. Such policy shall only apply to participation in career and technical education programs and shall not conflict with any provisions of this section.

(5) A home education student enrolled in the career and technical education program shall be included in the average daily membership of the school district of residence and career and technical center, if applicable, and shall be calculated by counting the time the home education student spends in the career and technical education program.

(f.4) Nothing in subsections (f.2) and (f.3) shall prohibit a school district or a career and technical center from establishing policies that prioritize participation in courses or programs with limited seating or enrollment.

Section 14. Section 1331.1(c) of the act is amended by adding a paragraph to read:

Section 1331.1. Assisting Students Experiencing Education Instability.--* * *

(c) A school entity shall work to ensure that a student experiencing education instability graduates in a timely manner. The following shall apply:

* * *

(5.1) A student who attended school in the 2021-2022 school year may immediately request a diploma from the school the student attended in the 2021-2022 school year or a prior school, or request a Keystone Diploma from the department retroactive to the 2021-2022 school year.

* * *

Section 15. Sections 1337(d)(2)(ii), (3)(ii) and (5)(iii) and 1372(8) of the act are amended to read:

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

(d) Boards of School Directors.

* * *

(2) * * *

(ii) If a student is not eligible for participation in the school food program and owes greater than [fifty dollars (\$50)] **seventy-five dollars (\$75)** in a school year for school meals, a school may provide the student with alternative meals instead of school food program meals until the student's unpaid balance for school meals is paid or a payment plan has been established with the school to reduce the unpaid balance.

(3) Each board of school directors shall require schools under its jurisdiction to comply with the following when a student owes money for five or more school meals:

* * *

(ii) The school [may] **shall** offer assistance with applying for participation in the school food program.

* * *

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

* * *

(iii) Requiring a student **or school staff** 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 1372. Exceptional Children; Education and Training.--* * *

(8) Reporting of Expenditures Relating to Exceptional Students.

(i) By December 31, 2000, and each year thereafter, each school district shall compile information listing the number of students with disabilities for which expenditures are between twenty-five thousand dollars (\$25,000) and fifty thousand dollars (\$50,000), which shall be known as Category 2; between fifty thousand dollars (\$50,000) and seventy-five thousand dollars (\$75,000), which shall be known as Category 3A; and over seventy-five thousand dollars (\$75,000), which shall be known as Category 3B, for the prior school year. The information shall be submitted to the department in a form prescribed by the department. By February 1, 2001, and each year thereafter, the department shall submit to the chairman and minority chairman of the Education and Appropriations Committees of the Senate and the chairman and minority chairman of the Education and Appropriations Committees of the House of Representatives a report listing this information by school district. **Beginning**

with the report due February 1, 2023, the department shall include the information reported in subparagraph (iv) along with the report made in this subparagraph and shall post the report on the department's publicly accessible Internet website in a sortable electronic format.

(ii) By December 31, 2016, and each year thereafter, each school district shall compile information listing the number of students with disabilities for which expenditures are under twenty-five thousand dollars (\$25,000), which shall be known as Category 1. The information shall be submitted to the department in a form prescribed by the department.

(iii) Beginning with the 2016-2017 school year **through the 2021-2022 school year**, the department shall annually adjust the dollar ranges for which the information is collected under this section by the percent change in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area reported by the Bureau of Labor Statistics for the twelve (12) month period ending in December of the school year for which the data is being collected.

(iv) By December 31, 2022, and each year thereafter, each school district shall, in addition to the information under subparagraph (i), compile information listing the number of students with disabilities for which expenditures are under five thousand dollars (\$5,000), which shall be known as Category 1A; and between five thousand dollars (\$5,000) and less than the amount in Category 2, which shall be known as Category 1B, for the prior school year. The information shall be submitted to the department along with the information in, and as prescribed by, subparagraph (i).

(v) Beginning with the 2022-2023 school year, the department shall annually adjust the dollar ranges for which the information is collected under this section by the percentage change in the total special education expenditures submitted by school districts in the annual financial reports divided by the total weighted student headcount determined under section 2509.5 for the most recent year where data is available as determined by the department.

Section 16. Section 1383 of the act is amended by adding subsections to read:

Section 1383. Extended Special Education Enrollment Due to COVID-19.--* * *

(b.1) A student with a disability as defined in 22 Pa. Code § 14.101 who has reached twenty-one (21) years of age during the 2021-2022 school year or between the end of the 2021-2022 school year and the beginning of the 2022-2023 school year and is enrolled for the 2021-2022 school year is entitled to attend a school entity for the 2022-2023 school year, and the school entity shall enroll the student if a parent or guardian and the student elect to enroll no later than August 1, 2022. The Department of Education shall develop a standard election form for a parent or guardian to elect to enroll the student, and the form shall be made available on the department's publicly accessible Internet website.

* * *

(c.1) Notwithstanding any other provision of law to the contrary, the following shall apply to a student enrolled in a school entity under subsection (b.1):

(1) The school entity shall implement the student's most recent IEP.

(2) The student's attendance shall be included in the school entity's average daily membership.

(3) The school entity shall provide extended school year services during the summer after the 2021-2022 school year in accordance with the student's most recent IEP.

(4) The school entity shall take all steps necessary to comply with the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) and 22 Pa. Code Ch. 14 (relating to special education services and programs).

(5) A student older than twenty-one (21) years of age with an active IEP who is enrolled in a school entity during the 2022-2023 school year shall not become ineligible for continued service under the Individuals with Disabilities Education Act during the entire 2022-2023 school year.

* * *

Section 16.1. Section 1302-B(e) of the act is amended to read:

Section 1302-B. School Safety and Security Committee.

* * *

(e) Term.--[Members of the committee shall serve a four-year term.] Members appointed under subsection (b) (5), (6), (7), (8) and (12) shall serve for a four-year term and may be appointed for no more than one additional consecutive term. The terms of those members who serve by virtue of the public office they hold shall be concurrent with their service in the office from which they derive their membership.

* * *

Section 17. The act is amended by adding a section to read: Section 1305.1-B. Survey of School Mental Health Services.

(a) Development.--No later than August 1, 2022, the committee shall develop and distribute to school entities eligible for funding under section 1315-B a survey instrument to measure mental health services in school entities throughout this Commonwealth. The survey shall include, but not be limited to:

(1) Whether the school entity offers mental health education in the classroom and, if offered, how many employees provide the programming.

(2) Whether the school entity has adopted mental or behavioral health curriculum as part of its health education or other subject areas and, if offered, how many employees provide the programming and who provides the programming.

(3) The manner in which the school entity offers mental health programming under paragraphs (1) and (2).

(4) Whether any of the tiered supports from the committee's behavioral health and school climate baseline criteria have been met by the school entity.

(5) Resources or support needed to improve the programming under paragraphs (1) and (2) and to meet or increase tiered supports for the committee's behavioral health and school climate baseline criteria.

(b) Completion.--No later than August 31, 2022, a school entity shall complete the survey instrument under subsection (a).

(c) Confidentiality of data.--

(1) School specific data collected through the survey instrument by the committee and the findings of the committee shall remain confidential and shall be exempt from access under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(2) The committee may release aggregate data at its discretion.

(d) Survey administration.--The committee shall administer the survey instrument established in subsection (a) as part of

the grant application for grants issued under section 1315-B and part of the survey issued under section 1305-B, and may make revisions to the survey instrument as needed.

Section 18. Section 1306-B(j) of the act is amended and subsection (h) is amended by adding a paragraph to read: Section 1306-B. School Safety and Security Grant Program.

* * *

(h) School Safety and Security Fund.--

* * *

(9) Notwithstanding any other provision of law, during the 2022-2023 fiscal year, money in the fund shall be used as follows:

(i) Ninety-five percent of the amount appropriated to the Department of Education for transfer to the School Safety and Security Fund for grants under section 1314-B.

(ii) Ninety-five percent of the amount appropriated to the Department of Education for the Ready-to-Learn Block Grant and transferred to the School Safety and Security Fund for grants under section 1315-B.

(iii) Five percent of the amount appropriated to the Department of Education for transfer to the School Safety and Security Fund for training under section 1316-B.

(iv) Five percent of the amount appropriated to the Department of Education for the Ready-to-Learn Block Grant and transferred to the School Safety and Security Fund for the program under section 1318-B.

* * *

(j) Specific purposes.--The committee shall provide grants to school entities for programs that address **school mental health and** safety and security, including:

(1) Safety and security assessments that meet the committee's criteria.

(2) Conflict resolution or dispute management, including restorative justice strategies.

(3) School-wide positive behavior support that includes primary or universal, secondary and tertiary supports and interventions in school entities.

(4) School-based diversion programs.

(5) Peer helper programs.

(6) Risk assessment, safety-related, violence prevention curricula, including dating violence curricula [and], restorative justice strategies, **mental health early intervention, self-care and suicide awareness and prevention curricula.**

(7) Classroom management.

(8) Student codes of conduct.

(9) Training to undertake a districtwide assessment of risk factors that increase the likelihood of problem behaviors among students.

(10) 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.] **mental health early intervention, self-care, bullying and suicide awareness and prevention.**

(11) Thorough, districtwide school safety, violence prevention, emergency preparedness and all-hazards plans, including revisions or updates to such plans and conducting emergency preparedness drills and related activities with local emergency responders.

(12) Security planning and purchase of security-related technology, which may include metal detectors, protective lighting, specialty trained canines, surveillance equipment, special emergency communications equipment, automated external defibrillators, electronic locksets, deadbolts, trauma kits 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 school directors.

(13) Institution of student, staff and visitor identification systems, including criminal background check software.

(14) Provision of specialized staff and student training programs, including training for Student Assistance Program team members in the referral of students at risk of violent behavior to appropriate community-based services and behavioral health services and training related to prevention and early intervention.

(15) **Counseling services for students[.], including costs associated with the training and compensation of mental health staff or expanding contracts with mental health providers that provide support to students in a school setting.**

(16) A system for the management of student discipline, including misconduct and criminal offenses.

(17) Staff training programs in the use of positive behavior supports, de-escalation techniques [and], appropriate responses to student behavior that may require immediate intervention **and trauma-informed treatment for mental health providers in schools.**

(18) Costs associated with the training and compensation of school resource officers and school police officers.

(19) Costs associated with the training and compensation of certified [guidance] **school** counselors, licensed professional counselors, licensed social workers, licensed clinical social workers and school psychologists.

(20) Administration of evidence-based screenings for adverse childhood experiences that are proven to be determinants of physical, social and behavioral health and provide trauma-informed counseling services as necessary to students based upon the screening results.

(21) Trauma-informed approaches to education, including:

(i) Increasing student and school employee access to quality trauma support services and behavioral health care, including the following:

(A) Hiring or contracting with certified [guidance] **school** counselors, licensed professional counselors, licensed social workers, licensed clinical social workers, school psychologists and other professional health personnel to provide services to students and school employees.

(B) Developing collaborative efforts between the school entity and behavioral health professionals to identify students in need of trauma support and to provide prevention, screening, referral and treatment services to students potentially in need of services.

(C) **Partnering with community-based organizations for peer or family support.**

(D) Training on youth-focused mental health first aid for school employees to help recognize signs of mental health distress in students.

(E) Providing activities to improve mental health in a school entity and after-school programming.

(ii) Programs providing:

(A) Trauma-informed approaches to education in the curriculum, including training of school employees, school directors and behavioral health professionals to develop safe, stable and nurturing learning environments that prevent and mitigate the effects of trauma.

(B) Services for children and their families, as appropriate, who have experienced or are at risk of experiencing trauma, including those who are low-income, homeless, involved in the child welfare system or involved in the juvenile justice system.

(22) Programs designed to reduce community violence, including:

(i) Increasing access to quality trauma-informed support services and behavioral health care by linking the community with local trauma support and behavioral health systems.

(ii) Providing health services and intervention strategies by coordinating the services provided by eligible applicants and coordinated care organizations, public health entities, nonprofit youth service providers and community-based organizations.

(iii) Providing mentoring and other intervention models to children and their families who have experienced trauma or are at risk of experiencing trauma, including those who are low-income, homeless, in foster care, involved in the criminal justice system, unemployed, experiencing a mental illness or substance abuse disorder or not enrolled in or at risk of dropping out of an educational institution.

(iv) Fostering and promoting communication between the school entity, community and law enforcement.

(v) Any other program or model designed to reduce community violence and approved by the committee.

(23) The implementation of Article XIII-E.

(24) Expanding telemedicine delivery of school-based mental health services, including equipment.

(25) Providing technical assistance for a school entity related to billing insurance providers in order to better provide mental health services in a school setting.

(26) Creating or expanding Statewide programs and intervention frameworks, such as school assistance programs, positive behavioral intervention and supports and multitiered systems of support.

(27) Training and related materials for school employees or students that are evidence based and focus on identifying the signs and signals of anxiety, depression, suicide or self-harm in students and best practices for seeking appropriate mental health assistance.

(28) Providing, increasing or enhancing partnerships between a school entity and a community-based nonprofit organization, a Statewide youth-serving nonprofit or a library for out-of-school programming for at-risk school-age students.

(29) Coordinating and integrating local and county mental health services and programs for school employees or students.

(30) Providing online programs, educational materials and applications to provide supplemental mental health services to students that may include peer support, self-guided evidenced-based therapeutic tools and clinical interactions.

* * *

Section 19. Section 1309-B of the act is amended by adding subsections to read:

Section 1309-B. School safety and security coordinator.

* * *

(a.1) Deadline for appointment and vacancies.--

(1) Within 30 days of the effective date of this subsection, the chief school administrator of a school entity shall ensure the school entity has appointed a school administrator as the school safety and security coordinator for the school entity.

(2) Whenever a vacancy in a school entity's school safety and security coordinator occurs, the chief school administrator of a school entity shall, within 30 days of the vacancy, appoint a new school safety and security coordinator in accordance with this section.

(a.2) Submission.--A school entity shall submit to the committee the name and contact information for a chief school administrator appointed as a school safety and security coordinator within 30 days of the appointment.

* * *

(d) Training required.--

(1) School administrators appointed as school safety and security coordinators shall complete the training required under section 1316-B within one year from the time the first trainings that meet the criteria are posted by the committee.

(2) School administrators appointed as safety and security coordinators after trainings are posted shall complete the training within one year of appointment.

Section 20. Section 1310-B of the act is amended to read:
Section 1310-B. School safety and security training.

(a) School entity duties.--School entities shall provide their employees with mandatory training on school safety and security subject to the following based on the needs of the school entity:

(1) Training shall address any combination of one or more of the following, based on the needs of the school entity:

(i) Situational awareness.

(ii) Trauma-informed approaches.

(iii) Behavioral health awareness.

(iv) Suicide and bullying awareness.

(v) Substance use awareness.

[(vi) Emergency training drills, including fire, natural disaster, active shooter, hostage situation and bomb threat.

(vii) Identification or recognition of student behavior that may indicate a threat to the safety of the student, other students, school employees, school facilities, the community or others.]

(1.1) Annually, training shall address the following:

(i) Emergency training drills, including fire, natural disaster, active shooter, hostage situation and bomb threat.

(ii) Identification or recognition of student behavior that may indicate a threat to the safety of the student, other students, school employees, other individuals, school facilities or the community.

(2) [Training] Except for training under paragraph (1.1)(i), training may be provided through the Internet or other distance communication systems. Training under paragraph (1.1)(i) shall be conducted in person.

(3) Employees shall complete a minimum of [three] two hours of training under paragraph (1) every [five years] year. Employees shall complete a minimum of one hour of training under paragraph (1.1) every year.

(4) Employees required to undergo continuing professional education under section 1205.2 shall receive credit toward their continuing professional education requirements [if the training program has been approved by the department in consultation with the committee].

(5) Training shall comply with the minimum standards adopted by the committee under subsection (b).

(b) Committee duties.--No later than September 30, 2022, the committee shall develop and adopt minimum standards for training of school employees for each of the training topics under subsection (a)(1) and (1.1). The committee shall make the standards adopted available to school entities and provide geographically disbursed training to school employees at no cost that meets the standards adopted by the committee. The committee may approve groups, organizations or other entities to provide the training.

(c) Review.--Not less than every three years, the committee shall review the standards adopted under subsection (b) and, if necessary, revise or update the standards. Whenever a revision or update to the standards is made under this subsection, the committee shall make the updated standards available to school entities.

Section 21. The act is amended by adding sections to read: Section 1314-B. School safety and security grants for 2022-2023 school year.

(a) Funding.--For the 2022-2023 school year, the amount of money under section 1306-B(h)(9)(i) shall be used by the committee to award school safety and security grants to school entities.

(b) Purposes of grants.--

(1) A school entity shall be eligible for school safety and security grants to meet the tier 1 baseline criteria for physical security established by the committee.

(2) A school entity that has met the tier 1 baseline criteria shall be eligible for school safety and security grants for the purposes outlined in section 1306-B(j)(1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (16), (18), (22) and (23).

(c) Amount of grants.--The committee shall award school safety and security grants to each school entity that submits an application, in the following amounts:

(1) A school district shall receive \$100,000 plus an amount determined in paragraph (3).

(2) An intermediate unit, area career and technical school, charter school, regional charter school and cyber charter school shall receive \$70,000.

(3) An amount determined as follows:

(i) Multiply the 2020-2021 adjusted average daily membership for each school district by the difference between the amount allocated in subsection (a) and the sum of the amounts distributed under paragraphs (1) and (2).

(ii) Divide the product from subparagraph (i) by the 2020-2021 adjusted average daily membership for all school districts.

(d) Availability of applications.--The committee shall make the application available to school entities no later than August 1, 2022. The application requirements shall be limited to the school entity's contact information, the specific purpose of the grant based on the categories specified in subsection (b) with boxes on the application for the applicant to indicate the school entity's anticipated use and certification by the applicant that the funds will be used for the stated purpose.

(e) Deadlines for applications.--A school entity must submit an application for grant funds no later than August 31, 2022.

(f) Effect of revenue received.--Grant money received under this section may not be included when calculating the amount to be paid under section 1725-A.

(g) Audit and monitoring.--The committee shall randomly audit and monitor grant recipients to ensure the appropriate use of grant funds and compliance with provisions of the grant program.

(h) Definitions.--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:

"School entity." A school district, area career and technical school, intermediate unit, charter school, regional charter school and cyber charter school.

Section 1315-B. School mental health grants for 2022-2023 school year.

(a) Funding.--For the 2022-2023 school year, the amount of money under section 1306-B(h)(9)(ii) shall be used by the committee to award school mental health grants to school entities.

(b) Purpose of grants.--

(1) A school entity shall be eligible for school mental health grants to meet the tier 1 baseline criteria for behavioral health and school climate criteria established by the committee.

(2) A school entity that has met the tier 1 baseline criteria shall be eligible for school mental health grants for the purposes outlined in section 1306-B(j)(6), (10), (15), (17), (19), (20), (21), (23), (24), (25), (26), (27), (28), (29) and (30).

(c) Amount of grants.--The committee shall award school mental health grants to a school entity that submits an application, in the following amounts:

(1) A school district shall receive \$100,000 plus an amount determined in paragraph (3).

(2) An intermediate unit, area career and technical school, charter school, regional charter school and cyber charter school shall receive \$70,000.

(3) An amount determined as follows:

(i) Multiply the 2020-2021 adjusted average daily membership for each school district by the difference between the amount allocated in subsection (a) and the sum of the amounts distributed under paragraphs (1) and (2).

(ii) Divide the product from subparagraph (i) by the 2020-2021 adjusted average daily membership for all school districts.

(d) Availability of applications.--The committee shall make the application available to school entities no later than August 1, 2022. The application requirements shall be limited to the school entity's contact information, the specific purpose of the grant based upon the categories specified in subsection (b) with boxes on the application for the applicant to indicate the school entity's anticipated use and certification by the applicant that the funds will be used for the stated purpose.

(e) Deadlines for applications.--A school entity must submit an application for grant funds no later than August 31, 2022.

(f) Effect of revenue received.--Grant money received under this section may not be included when calculating the amount to be paid under section 1725-A.

(g) Audit and monitoring.--The committee shall randomly audit and monitor grant recipients to ensure the appropriate use of grant funds and compliance with provisions of the grant program.

(h) Definitions.--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:

"School entity." A school district, area career and technical school, intermediate unit, charter school, regional charter school and cyber charter school.
Section 1316-B. School safety and security coordinator training.

(a) Establishment.--No later than September 30, 2022, the committee shall develop required training criteria for a school safety and security coordinator. At a minimum, the training shall include:

- (1) Physical assessments and physical security.
- (2) Emergency preparedness.
- (3) Leadership.
- (4) Coordination and communication with law enforcement and emergency personnel.
- (5) Appropriate staffing.
- (6) Situational awareness.
- (7) Trauma-informed approaches.
- (8) Behavioral health awareness.
- (9) Suicide and bullying awareness.
- (10) Substance use disorder awareness.
- (11) Emergency procedures and training drills, including fire, natural disaster, active shooter, hostage situation and bomb threats.

(b) Required training.--The committee shall adopt the required training hours for the training developed under subsection (a). The committee may not require more than seven hours of training for the school safety and security coordinator annually. The training shall be in addition to other training requirements for school administrators.

(c) Training.--The committee shall make the training criteria developed under this section available to school administrators and groups, organizations or providers. A group, organization or provider that provides the training to school safety and security coordinators shall, at a minimum, meet the standards adopted by the committee.

(d) Review.--The committee shall review and update, if necessary, the training criteria established under subsection (a) not less than every three years. If the committee updates

the training criteria, the committee shall provide the criteria to school administrators and groups, organizations or providers.

(e) Funding.--The amount of money under section 1306-B(h)(9)(iii) shall be used by the committee to provide training as required under this section. No less than four percent of the money available for use by the committee under this section shall be used to support the program in section 1303-D.

Section 1317-B. School safety and security training in educator, administrator and supervisory preparatory programs.

The standards developed by the department as required by 22 Pa. Code § 49.14 (relating to approval of institutions and alternative program providers) for an approved educator preparation program or approved alternative program, or for an approved program of graduate study or an approved alternative program for the preparation of supervisors or chief school administrators, shall include a minimum of three semester hours or their equivalent of instruction which incorporates the subjects of training listed under section 1310-B(1)(i) through (v) and as approved by the committee for candidates who begin a Pennsylvania preparation program or alternate program after July 1, 2025.

Section 1318-B. School-based Mental Health Internship Grant Program.

(a) Establishment of program.--The School-based Mental Health Internship Grant Program is established within the agency.

(b) Agency duties.--

(1) The agency shall administer the program and, in its sole discretion, award grants to individuals who submit a completed application and satisfy the eligibility criteria in paragraph (3). The agency shall develop an application form that individuals may use to apply for a grant under the program.

(2) The agency shall use money appropriated for the purpose of the program and may accept funding from public and private sources, including the Federal Government, for the payment of grants to support individuals working in internships in educational specialist preparation programs.

(3) The agency shall establish eligibility criteria in order for an individual to receive a grant under the program. The criteria shall, at a minimum, include that an individual:

(i) be a Commonwealth resident as defined by the agency;

(ii) be enrolled in an educational specialist preparation program as defined by this article;

(iii) be accepted in an internship at a Pennsylvania school entity located in this Commonwealth; and

(iv) enter into a contract with the agency to work in a school entity located in this Commonwealth as a school nurse, school psychologist, school counselor or school social worker for a minimum of three years following completion of their respective educational specialist preparation program.

(4) The agency shall determine the amount of the grants to be awarded under the program.

(5) The agency shall establish an advisory committee to assist in the implementation of the program and make recommendations to the agency regarding the funding for internship grants that reflect barriers to becoming a school-based mental health professional and the best

practices of internships in other states. The advisory committee shall include representatives of educational specialist preparation programs and one representative of each of the following:

- (i) The Association of School Psychologists of Pennsylvania.
- (ii) The Pennsylvania Association of School Social Work Personnel.
- (iii) The Pennsylvania School Counselors Association.
- (iv) The Pennsylvania State Education Association.
- (v) The Pennsylvania School Boards Association.
- (vi) The Pennsylvania Association of School Business Officials.
- (vii) The Pennsylvania Association of School Administrators.
- (viii) The department.
- (ix) The Department of Health.
- (x) The American Federation of Teachers.
- (xi) Additional committee members from organizations shall be added by the agency as necessary.

(c) Construction.--Nothing in this section shall be deemed to create a right of an individual to receive a grant under the program.

(d) Report.--The agency shall prepare and submit to the Governor, the Secretary of Education and the General Assembly no later than September 30, 2023, and each year thereafter to the extent that funds are available, a report detailing the operation of the program. The report shall, at a minimum, include:

- (1) The number of grant applicants.
- (2) The number of grants provided.
- (3) The average value of a grant.
- (4) The number of grants provided to individuals seeking to become school nurses.
- (5) The number of grants provided to individuals seeking to become school psychologists.
- (6) The number of grants provided to individuals seeking to become school counselors.
- (7) The number of grants provided to individuals seeking to become school social workers.
- (8) A list of school entities where grantees serve internships.
- (9) A list of school entities where grantees are employed.

(e) Funding.--The committee shall transfer the amount of money under section 1306-B(h) (9) (iv) to the agency to implement this section.

(f) Administrative fee.--The agency may take a reasonable administrative fee for direct costs associated for the implementation, administration and servicing of this section. The fee shall be taken from the funding received under subsection (e).

(g) Definitions.--The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Agency." The Pennsylvania Higher Education Assistance Agency.

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

"Educational specialist preparation program." An educator preparation program approved by the Department of Education

that leads to educator certification in school nursing, school psychology, school counseling or school social work.

"Internship." Field education experience that:

(1) is part of a program for the preparation of school-based mental health professionals in which an individual is enrolled in an educational specialist preparation program;

(2) is supervised by the faculty of an educational specialist preparation program in coordination with a school-based mental health professional employed by a school entity;

(3) builds on classroom learning experiences using best practices; and

(4) is established through an agreement between the school entity and the educational specialist preparation program.

"Program." The School-based Mental Health Internship Grant Program established by this section.

"School-based mental health professional." An individual who is certified under Article XI and satisfies the department's requirements for public school employment. The term includes a school nurse, school counselor, school social worker or school psychologist.

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

Section 22. Section 1302-E(a) of the act is amended to read: Section 1302-E. Threat assessment teams.

(a) Duties of school entities and chief school administrators.--[The following shall apply:]

(1) [Each] **A** school entity shall establish at least one team as provided under subsection (b) for the assessment of and intervention with students whose behavior may indicate a threat to the safety of the student, other students, school employees, school facilities, the community or others.

(2) [Each] **The** chief school administrator or a designee, after consultation with the school entity's safety and security coordinator, shall:

(i) Appoint the members of the team and designate a member to serve as team leader.

(ii) Ensure and establish procedures for the implementation of this section.

(iii) [Facilitate] **Annually facilitate** opportunities for members of the team to complete group or individual training consistent with nationally recognized best practices during paid working hours or as in-service training.

(iv) [Ensure] **Annually ensure** that students, school employees and parents and guardians are informed of the existence and purpose of the team. The information under this subparagraph shall be posted on the school entity's publicly accessible Internet website.

(v) Annually develop and present to the school entity's board of directors at an executive session a report generally outlining the school entity's approach to threat assessment. The report shall also be submitted to the school entity's school safety and security coordinator for inclusion in the required report under section 1309-B(c)(5) to the committee, which shall include:

(A) A verification that the school entity is in compliance with this article.

(B) The number and composition of established teams.

(C) The total number of threats assessed in the school entity.

(D) [Any additional] **Additional** information determined by the chief school administrator or designee.

(vi) Annually present to the school entity's board of directors at an executive session the following:

(A) A summary of interactions with outside law enforcement, juvenile probation and behavioral service providers.

(B) An assessment of the operation of the school entity's teams.

(C) Recommendations for improvement of the school entity's threat assessment processes.

(D) Any additional information determined by the chief school administrator or designee.

* * *

Section 23. Section 1402 of the act is amended by adding subsections to read:

Section 1402. Health Services.--* * *

(a.2) In a school district that provided school nurse services to a nonpublic school during the 2018-2019 school year and received State funding in accordance with section 2505.1, the school district shall continue to provide nurse services to every child of school age enrolled in the nonpublic school and receive State funding for school nurse services in accordance with section 2505.1.

* * *

(g) 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:

"Nonpublic school" means a school, other than a public school within this Commonwealth, wherein a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of this act and which meet the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. § 2000 et seq.).

Section 24. Article XIV-A heading of the act is amended to read:

ARTICLE XIV-A

DRUG AND ALCOHOL RECOVERY

HIGH SCHOOL [PILOT] PROGRAM

Section 25. The definition of "program" in section 1401-A of the act is amended to read:

Section 1401-A. 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:

* * *

"Program." The Drug and Alcohol Recovery High School [Pilot] Program established under section 1402-A.

* * *

Section 26. Sections 1402-A heading and (a) and 1403-A(c) (2) and (d) of the act are amended to read:

Section 1402-A. Establishment of Drug and Alcohol Recovery High School [Pilot] Program.

(a) [Pilot program established] **Establishment.**--The Drug and Alcohol Recovery High School [Pilot] Program is established to provide a program of instruction in grades 9 through 12

meeting State academic standards for students who are in recovery from drug or alcohol abuse or addiction.

* * *

Section 1403-A. Scope of program and selection of students.

* * *

(c) Student requirements.--A student may enroll in the recovery high school under the program if the following apply:

* * *

(2) [The student has at least 30 days of sobriety at the time of application for enrollment.] **The student commits to sobriety from drug or alcohol abuse or addiction and participates in a drug and alcohol recovery program at the time of the application.**

* * *

(d) Approval or disapproval by resident school district.--Within [30] **15** days after a student's parent or guardian submits a written request to the resident school district seeking the student's enrollment in the recovery high school under the program, the resident school district shall issue written notice to the parent or guardian approving or disapproving the request.

* * *

Section 27. Section 1406-A of the act is repealed:
[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, 2022.

(b) Continued enrollment.--If the program is not permanently established by action of the General Assembly on or before June 30, 2022, a student enrolled in the recovery high school under the program as of June 30, 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 28. Sections 1407-A(b) and 1525 of the act are amended to read:

Section 1407-A. Reporting.

* * *

(b) Report by Department of Education and Department of Drug and Alcohol Programs.--By December 31, 2021, **and each year thereafter**, 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.] **all expenditures relating to the program.**

Section 1525. Agreements with Institutions of Higher Education.--(a) Notwithstanding any other provision of law to

the contrary, a school [district may] **entity shall** enter into an agreement with [one or more institutions] **an institution** of higher education approved to operate in this Commonwealth in order to allow [resident] students to attend [such institutions] **the institution** of higher education while the [resident] students are enrolled in the school [district. The] **entity. A school entity may enter into additional agreements with other institutions of higher education approved to operate in this Commonwealth in order to allow students to attend the institutions of higher education while the students are enrolled in the school entity.**

(b) **Any agreement [may] between a school entity and an institution of higher education shall** be structured so that:

(1) [high] **secondary** school students [may] receive credits [toward completion of courses at the school district and at institutions] **at or through an institution** of higher education approved to operate in this Commonwealth. **The credits earned by a secondary school student under this section shall be the same credits offered to a postsecondary school student enrolled at the institution of higher education;**

(2) **secondary school students may also receive credits toward the completion of courses required for graduation at the school entity;**

(3) **courses may be offered in person, online or a combination of in person and online;**

(4) **a school entity may pay for tuition, fees, supplies or other costs related to a secondary school student from their school entity enrolling in courses at an institution of higher education; and**

(5) **if a charter school, regional charter school or cyber charter school does not pay the cost of tuition, fees, supplies and related materials for a secondary school student to enroll in an approved course at an institution of higher education under this section, the secondary school student's school district of residence may reduce the tuition paid to the charter school, regional charter school or cyber charter school for the secondary school student under section 1725-A by the costs incurred by the secondary school student as verified and approved by the charter school, regional charter school or cyber charter school.**

(c) **When possible, the courses for which a secondary school student receives credits under an agreement entered into under this section shall be aligned to the graduation requirements of the secondary school student's school entity, the requirements of a career and technical education program offered by the secondary school student's school or a career pathway offered by the secondary school student's school.**

(d) **A school entity that enters into an agreement under this section shall weight credits for a secondary school student in a manner similar to Advanced Placement Program, International Baccalaureate Diploma Program or Cambridge advanced courses in the school entity's grading system, including both academic and technical courses.**

(e) **No later than July 31, 2023, and each school year thereafter, a school entity shall provide to the Department of Education the number and form of agreements the school entity has entered into under this section and the number of secondary school students participating in the agreements, including total credits earned. The Department of Education shall compile the information received under this subsection and include it in**

the department's electronic database or software program and portal established under section 2005-C(4).

(f) A school entity that does not enroll secondary school students is not required to enter into an agreement with an institution of higher education under this section.

(g) When possible, the courses offered by an institution of higher education through an agreement under subsection (a) shall supplement and shall not supplant courses offered by the school entity to its secondary school students.

(h) (1) Nothing in this section shall be construed to supersede or preempt a provision of a collective bargaining agreement between a school entity and an employe organization, or a right of an employe organization under the provisions of the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act."

(2) 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:

"Employe organization." As defined in section 1101-A.

"School entity." A school district, area career and technical school, charter school, cyber charter school or regional charter school.

Section 29. The act is amended by adding articles to read:

ARTICLE XV-K

TALENT RECRUITMENT

Section 1501-K. Scope of article.

This article relates to talent recruitment in the Commonwealth's education field.

Section 1502-K. 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:

"Board." The State Board of Education.

"Committee." The Committee on Education Talent Recruitment established under section 1503-K(a).

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

"Every Student Succeeds Act." The Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802).

"Grant program." The Talent Recruitment Grant Program established under section 1506-K.

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

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

Section 1503-K. Committee on Education Talent Recruitment.

(a) Establishment.--The Committee on Education Talent Recruitment is established within the department.

(b) Duties.--

(1) Within 30 days of the effective date of this section, the department shall appoint representatives to the committee. The committee shall, at a minimum, include a representative from each of the following:

(i) The Pennsylvania School Boards Association.

(ii) The Pennsylvania Association of Career and Technical Administrators.

(iii) The Pennsylvania State Education Association.

(iv) The American Federation of Teachers.

(v) The Pennsylvania Association of School Administrators.

(vi) The Center for Black Educator Development.

(vii) The Pennsylvania Coalition of Public Charter Schools.

(viii) The Pennsylvania Association of Colleges and Teacher Educators.

(ix) The Pennsylvania Association of School Business Officials.

(2) Within 90 days of the appointment of the committee under paragraph (1), the committee shall, after consultation and input from career and technical education programs across this Commonwealth and national sources, provide the department with a blended competency list and validated and aligned materials and development of end-of-program assessments needed to create a program of study in the education field.

(3) Within 120 days of the date when the committee provided the required information to the department under paragraph (2), the department shall develop the necessary guidelines, standards and materials to implement additional fields of study in education into a program of study for career and technical education programs across this Commonwealth.

Section 1504-K. Program of study.

(a) Development.--The department shall develop, in accordance with the provisions of the Carl D. Perkins Career and Technical Education Act of 2006 (Public Law 88-210, 20 U.S.C. § 2301 et seq.), a program of study specific to occupations in the education field classified under the classification of program code that require a postsecondary certificate, an associate degree or baccalaureate degree.

(b) Requirements.--In the development of the program of study under subsection (a), the department shall incorporate elements of secondary and postsecondary education, including coherent and rigorous content aligned with any nationally recognized academic standards and relevant career and technical content in a coordinated, nonduplicative progression of courses to adequately prepare students to succeed in postsecondary education.

(c) Credits.--The program of study under subsection (a) may include the opportunity for secondary education students to earn postsecondary education credits through articulation agreements between school entities with participating postsecondary institutions, which may lead to an industry-recognized credential or certificate at the postsecondary level or an associate degree or a baccalaureate degree.

(d) Review of program.--The board shall evaluate the efficacy of the program of study under subsection (a) within one year of the program first being offered and, at a minimum, every three years thereafter. The board's evaluation under this subsection shall include all of the following:

(1) Disaggregated data by Every Student Succeeds Act subgroups on enrollment and participation in the program of study under subsection (a).

(2) A description of the evaluation process to measure the success of the program of study under subsection (a).

Section 1505-K. Talent Recruitment Account.

(a) Establishment.--The Talent Recruitment Account is established as a restricted account in the General Fund.

(b) Use of funds.--Money in the account is appropriated to the department on a continuing basis to provide grants in accordance with section 1506-K. The appropriation shall not lapse at the end of any fiscal year.

(c) Contributions.--

(1) The State Treasurer may accept gifts, donations, legacies or any other revenues, including allowable Federal funds, for deposit into the account.

(2) Any interest that accrues in the account shall remain in the account.

Section 1506-K. Talent Recruitment Grant Program.

(a) Establishment.--The Talent Recruitment Grant Program is established within the department as a competitive grant program for institutions of higher education to increase participation in the education workforce. The department shall award grants under the grant program in accordance with the eligible uses under subsection (b) and the guidelines established under subsection (d) to the extent that funding is made available.

(b) Eligible uses of funds.--Grants under the program may only be used for:

(1) Covering tuition, fees, supplies or other costs relating to secondary school students enrolled at institutions of higher education through an agreement between a school entity and an institution of higher education under section 1525.

(2) Programs designed and proven to increase participation in the education workforce.

(c) Application.--The department shall develop an application for an institution of higher education to apply for funding under this section. The application shall be posted on the department's publicly accessible Internet website.

(d) Program guidelines.--The department may establish guidelines for implementing the grant program under this section. The guidelines shall be posted on the department's publicly accessible Internet website.

(e) Evaluation.--The department shall evaluate the utilization of the grant program money, including an analysis of the total amount of grants awarded, each institution of higher education that received a grant and the efficacy of the programs funded through the grant program, based on disaggregated data. The department shall conduct the evaluation, at a minimum, every three years after the establishment and funding of the grant program and shall post the evaluation on the department's publicly accessible Internet website.

Section 1507-K. Chief Talent Officer.

Within 60 days of the effective date of this section, the secretary shall designate an individual, who may be a current employee of the department, as the chief talent officer. The chief talent officer shall be responsible for coordinating recruitment and retention efforts in the education workforce and shall work to increase participation in education-related jobs, including outreach efforts to communities that have low participation in the education workforce.

Section 1508-K. Reporting.

For the purpose of improving data collection and transparency about the diversity of the education workforce, the department shall annually collect and post information about all of the following on the department's publicly accessible Internet website:

(1) Demographics of individuals enrolled in teacher preparation programs and the demographics of individuals who completed a teacher preparation program in this Commonwealth.

(2) Demographic data relating to pass rates of educator certification test takers.

(3) Demographic data relating to teaching certificates issued by the department.

(4) Demographic data relating to new teacher applicants and hires at each school entity by school entity, school district and State level.

(5) Demographic data relating to annual teacher retention rates by school entity and State level.

(6) Demographics of individuals enrolled in a superintendent or principal certification program.

(7) Demographics of individuals who have completed a superintendent or principal certification program.

(8) The current school year's professional employees, temporary professional employees serving as classroom teachers, principals and nonteaching professional employees as delineated by school entity and State level.

(9) Other data relating to demographics of the education workforce, if available and already collected by the school entity, as requested by the department.

Section 1509-K. Temporary waiver.

(a) Waiver.--Notwithstanding any other provision of law, the secretary shall waive the requirement to satisfactorily complete the assessment of basic skills required under section 1207.3 and 22 Pa. Code § 49.18(c) (relating to assessment).

(b) Expiration.--The waiver under subsection (a) shall expire three years after the effective date of this section.

ARTICLE XV-L

EDUCATIONAL AND PROFESSIONAL DEVELOPMENT ONLINE COURSE INITIATIVE

Section 1501-L. 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:

"Account." The Online Course Clearinghouse Account established under section 1502-L.

"Clearinghouse." The central online clearinghouse established under section 1502-L.

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

"Home education program." A program conducted in compliance with section 1327.1.

"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.

(3) The Pennsylvania State University.

(4) The University of Pittsburgh.

(5) Temple University.

(6) Lincoln University.

(7) Any other institution that is designated as "State-related" by the Commonwealth.

(8) The Thaddeus Stevens College of Technology.

(9) Any accredited private or independent college or university.

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

(11) A college established under Article XIX-G.

"Nonpublic school." A school, other than a public school, located within this Commonwealth where a Commonwealth resident may legally fulfill the compulsory school attendance requirements of this act and that meets the applicable

requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. § 2000 et seq.).

"Online course." A course of study that uses technology in order to provide a significant portion of its curriculum and to deliver a significant portion of instruction to students through the Internet or other electronic means. The term shall include all services and materials related to the course.

"Professional development course." A course that uses technology to provide a professional educator with continuing professional education credits as required to maintain active certification under section 1205.2.

"Provider." An individual, nonprofit or for-profit organization, business, school entity or institution of higher education which has submitted one or more online courses or professional development courses to the department for inclusion in the clearinghouse established under this article.

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

"Secretary." The Secretary of Education of the Commonwealth. Section 1502-L. Clearinghouse for online course offerings.

(a) Duty to establish.--The department shall establish a central online clearinghouse which shall include the following:

(1) A database of online courses for students enrolled in grades kindergarten through twelve and shall be accessible by school entities, nonpublic schools, home education supervisors and the general public.

(2) A database of online professional development courses for compliance with section 1205.2.

(b) Implementation schedule.--In establishing the clearinghouse, the department shall adhere to the following implementation schedule:

(1) From the date of establishment of the clearinghouse, which shall be no later than the commencement of the 2024-2025 school year, and in each school year thereafter, the clearinghouse shall offer online courses which provide instruction for grades nine through twelve.

(2) Beginning in the 2025-2026 school year and in each school year thereafter, the clearinghouse shall offer online courses which provide instruction for grades seven through eight.

(3) Beginning in the 2026-2027 school year and in each school year thereafter, the clearinghouse shall offer online courses which provide instruction for kindergarten through sixth grade.

(4) Beginning in the 2027-2028 school year and in each school year thereafter, the clearinghouse shall offer professional development courses.

(c) Purchase of online courses or professional development courses.--Online courses or professional development courses included in the clearinghouse from providers may be offered for purchase as provided under subsection (g).

(d) Responsibilities of department.--The department shall:

(1) Create an online database that catalogs the online courses and professional development courses for which an application was approved under subsection (e) and make the database available to school entities, nonpublic schools, home education programs and the general public.

(2) Construct the database provided for under paragraph (1) for online courses and professional development courses in such a way as to:

(i) Provide information on each course listed in the database, including a description of the content and applicable grade levels of each course.

(ii) Facilitate communication between school entities, nonpublic schools or home education programs and providers of online courses and professional development courses cataloged in the clearinghouse to expedite the purchasing of the online courses.

(3) At least annually, or at any time the status of an online course or professional development course changes, update the database under paragraph (1).

(4) Collect application fees provided for in subsection (f) and deposit the fees into the account.

(5) Utilize the money in the account, including interest on the money, to pay expenses incurred by the department in carrying out its duties under this article.

(6) Explore the possibility for Federal and private funding to support the clearinghouse.

(7) Upon request, provide assistance to school districts which have been declared to be in financial recovery status or identified for financial watch status under Article VI-A by facilitating the school districts' search for low-cost or no-cost online course or professional development course options.

(e) Applications.--

(1) The department shall develop an application and an application process that specify the time, form and manner by which providers may submit their online course or professional development course offerings to the department for inclusion in the clearinghouse.

(2) A provider may submit an application to the department for approval of the online course or professional development course through a certification process. The application shall include:

(i) A notarized affidavit certifying that:

(A) the online course being submitted for inclusion in the clearinghouse is aligned to the State academic standards for education provided for in 22 Pa. Code Ch. 4 (relating to academic standards and assessment); or

(B) the professional development course being submitted for inclusion in the clearinghouse is compliant with section 1205.2.

(ii) Evidence that the online course being submitted for inclusion in the clearinghouse fulfills at least one of the following criteria:

(A) has been approved by another state for use by its public schools;

(B) has been developed by a provider that has been accredited by a national accreditation body recognized by the United States Department of Education; or

(C) has been designed by a school entity that utilizes the online course or provides the online course to another school entity for its use.

(iii) Evidence that the online course being submitted for inclusion in the clearinghouse includes an assessment component for determining student performance.

(iv) Evidence that the professional development course being submitted for inclusion in the clearinghouse

improves teaching effectiveness or aids in maintaining a teaching certificate.

(v) A statement as to whether the online course or professional development course is being offered through the clearinghouse at no cost or for a fee.

(f) Fees, application review and approval.--The following shall apply to the establishment of fees and the review and approval of applications:

(1) The department may establish a reasonable nonrefundable administrative fee for the purpose of reviewing each application submitted by an online course provider or a professional development provider.

(2) If, after a review of an application, the department determines that the application meets the applicable requirements under subsection (e) and does not violate State law or department procedures, standards or policy, the department shall approve the application, notify the provider of the approval and include the online course or professional development course in the database under subsection (d)(1) until such time as the provider requests that the online course or professional development course be removed or the department removes the online course under paragraph (4).

(3) If, after a review of an application, the department determines that the application does not meet the applicable requirements under subsection (e), the department shall withhold approval of the application and notify the provider of the reason approval was withheld so that the provider may revise and resubmit the application. Any application that has been resubmitted for review shall be subject to the associated administrative fee authorized under this subsection.

(4) The department may revisit and review any approved application and associated online course or professional development course at any time and remove the online course or professional development course from the database under subsection (d)(1) if the department determines that:

(i) the information contained in the application was false or misleading or is no longer accurate;

(ii) the online course or professional development course has been materially changed or revised in such a way that the approval previously granted for the online course or professional development course should not apply and the provider of the online course or professional development course has not submitted an application to the department seeking approval of the revisions to the online course or professional development course in accordance with the application and fee requirements of this section; or

(iii) the standards applicable to the course have materially changed in such a way that the approval previously granted for the online course or professional development course should not apply and the provider of the online course or professional development course has not submitted an application to the department within 30 days seeking approval of the online course or professional development course with revisions to address the revised standards in accordance with the application and fee requirements of this section.

(g) Contracts for the provision of courses cataloged in the clearinghouse.--If a school entity, nonpublic school or home education program enters into a contract with a provider for

the use of an online course or professional development course cataloged in the clearinghouse, the following shall apply:

(1) The purchase price and other payment and contract terms of an online course or professional development course cataloged in the clearinghouse shall be determined by direct negotiations between a school entity, nonpublic school or home education program and a provider.

(2) Immediately upon commencing negotiations of the terms of a contract for an online course or professional development course, a provider shall provide the school entity, nonpublic school or home education program with information regarding refund policies and the process for contesting payment amounts.

(h) Fees prohibited by school entities.--Notwithstanding subsection (g), a school entity may not charge a fee to another school entity to utilize an online course offered through the clearinghouse.

(i) Online Course Clearinghouse Account.--

(1) The Online Course Clearinghouse Account is established as a restricted receipt account in the General Fund.

(2) The account may consist of funding appropriated by the General Assembly, application fees collected under subsection (f) and interest generated by money in the account.

(3) The money in the account is appropriated to the department on a continuing basis for the purposes of paying expenses incurred by the department in carrying out its duties relating to the administration of the clearinghouse.
Section 1503-L. School entities.

A school entity that offers online courses to students shall do all of the following:

(1) Determine how instruction relating to an online course shall be delivered.

(2) Establish policies and procedures for student eligibility and participation, including a policy on the selection of online courses made available to students by the school entity. The policies and procedures shall be made accessible to parents and students and posted on the school entity's publicly accessible Internet website.

(3) Ensure that parents and students are made aware of the opportunity for online learning and make information about available online courses easily accessible to parents and students.

Section 1504-L. Penalties.

If the department determines that a provider intentionally submitted false or misleading information on an application, the provider shall be prohibited from participating in the clearinghouse for a period of five years.

Section 1505-L. Report.

(a) Submission.--The secretary shall submit an annual report to the Governor, the chairperson and minority chairperson of the Education Committee of the Senate and the chairperson and minority chairperson of the Education Committee of the House of Representatives and post the report on the department's publicly accessible Internet website no later than June 30, 2027, and every five years thereafter.

(b) Content.--The report shall, at a minimum, include all of the following information:

(1) The number of students participating in online courses, disaggregated by student group.

(2) The number of students participating in online courses from the clearinghouse, disaggregated by student group.

(3) The number of online courses available through the clearinghouse.

(4) A description of the types of online courses available through the clearinghouse.

(5) An assessment of the academic impact of online courses on the participating students.

(6) The number of professional employees participating in professional development courses, disaggregated by demographics and certification type.

(7) The number of professional development courses available through the clearinghouse.

(8) A description of the types of professional development courses available through the clearinghouse.

(9) Recommendations for improving the clearinghouse.

Section 1506-L. Construction.

Nothing in this article shall be construed to:

(1) Prevent a school entity from establishing and offering its own online course or program.

(2) Prevent a school entity or school entity personnel from:

(i) supplementing an online course;

(ii) providing assistance, tutoring or enrichment to a student enrolled in an online course;

(iii) using the content of an online course in instruction delivered by school district personnel; or

(iv) monitoring a student's progress and attention to instruction in an online course.

(3) Require a student to participate in an online course offered by a school entity.

(4) Supersede or preempt the rights, remedies and procedures afforded to school employees 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 entity and an exclusive representative of the employees in accordance with that act.

Section 1507-L. Regulations.

The department may issue regulations under the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, necessary to establish reasonable fees for the purpose of reviewing and approving courses under section 1502-L(f).

Section 29.1. The act is amended by adding a section to read:

Section 1704-A. Abolition of Rulemaking.--The rulemaking, designated as 6-349, relating to charter schools and cyber charter schools received as a final-form regulation by the Independent Regulatory Review Commission on February 10, 2022, and approved by the Independent Regulatory Review Commission on March 21, 2022, is abolished. This section shall apply notwithstanding the date of publication of the final-form regulation in the Pennsylvania Bulletin. Notwithstanding any other provision of law, if this section takes effect prior to the date of publication of the final-form regulation in the Pennsylvania Bulletin, the Legislative Reference Bureau may not publish the regulation in the Pennsylvania Bulletin.

Section 29.2. Section 1751-A of the act is amended to read:
Section 1751-A. Regulations.

[The] Subject to section 1704-A, the department may issue regulations to implement this subdivision.

Section 29.3. The act is amended by adding an article to read:

**ARTICLE XVII-D
DISABILITY INCLUSIVE CURRICULUM**

Section 1701-D. Scope of article.

This article establishes a pilot program to provide instruction to students on the political, economic and social contributions of individuals with disabilities.

Section 1702-D. 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.

"Nonpublic school." A school, other than a school entity, wherein a resident of this Commonwealth may legally fulfill the compulsory school attendance requirements of this act and which meets the requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. § 2000 et seq.).

"Pennsylvania Special Education Advisory Panel." A group of representatives that:

(1) advise the Secretary of Education and the department on:

(i) the unmet educational needs of students with disabilities;

(ii) developing corrective action plans;

(iii) developing and implementing policies to improve coordination of services to students with disabilities; and

(2) review and comment on Pennsylvania's Annual Performance Report, proposed special education regulations and funding procedures; and

(3) help the department develop and report information that is required by law to the United States Secretary of Education, in accordance with section 612(a)(21) of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1412(a)(21)) and 34 CFR 300.167-300.169 (relating to State Advisory Panel).

"Pilot program." The Disability Inclusive Curriculum Pilot Program established under this article.

"Professional educator." As defined in section 1205.2(o).

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

Section 1703-D. Pilot program.

(a) Establishment.--The Disability Inclusive Curriculum Pilot Program is established in the department to provide instruction to students on the political, economic and social contributions of individuals with disabilities.

(b) Operation.--The pilot program shall operate for three full school years, beginning with the 2023-2024 school year.

(c) Selection of school entities.--

(1) The department may select school entities and nonpublic schools to participate in the pilot program by July 15, 2023.

(2) To be eligible for the pilot program, the school entity or nonpublic school must submit a proposal to the department by May 15, 2023, that identifies how the school entity or nonpublic school will meet the guidelines established by the department for the pilot program.

Section 1704-D. Department responsibilities.

(a) Funding.--The department may use Federal, State and other money to the extent that it is made available for the program.

(b) Consultation.--No later than six months after the effective date of this section, the department shall consult with the Pennsylvania Special Education Advisory Panel in establishing, operating and evaluating the pilot program.

(c) Guidelines.--By March 15, 2023, the department shall establish guidelines and procedures for the pilot program in consultation with the Pennsylvania Special Education Advisory Panel. The department shall consider curriculum offered by organizations with 50% or greater disabled leadership that specialize in and have expertise with individuals with disabilities before selecting the curriculum to be used for the pilot program.

Section 1705-D. Pilot program evaluation.

(a) Report by school entities.--A participating school entity or nonpublic school shall annually report to the department data and information about the operation of the pilot program, in the manner prescribed by the department. At a minimum, a participating school entity or nonpublic school shall annually report to the department about how the participating school entity or nonpublic school met the objectives of the pilot program and any difficulty encountered in seeking to meet the objectives of the pilot program.

(b) Evaluation.--The department shall contract with a nationally recognized educational evaluation institution or organization to provide an evaluation of the pilot program to review the effectiveness of the implementation of a curriculum inclusive to individuals with a disability. The evaluation shall be published on the department's publicly accessible Internet website.

(c) Report by department.--The department shall compile an annual report based on the data and information received about the operation of the pilot program under subsection (a). The department shall annually submit the report under this subsection by August 1 to all of the following:

(1) The chair and minority chair of the Education Committee of the Senate.

(2) The chair and minority chair of the Education Committee of the House of Representatives.

Section 30. The act is amended by adding sections to read:

Section 1857. Cosmetology Training through Career and Technical Center Pilot Program.--(a) The Cosmetology Training Through Career And Technical Center Pilot Program is established in the State Board of Cosmetology.

(a.1) A CTE cosmetology student may earn up to three hundred fifty hours of education through participation in out-of-school programs, subject to the following:

(1) The CTE cosmetology student must be supervised by a licensed cosmetologist or cosmetology teacher who has at least five years of experience.

(2) The program educator may use information obtained from the out-of-school program in gauging and grading the CTE cosmetology student's skill level.

(3) The out-of-school program shall notify each client upon whom the CTE cosmetology student performs a service that the service is being performed by a CTE cosmetology student.

(4) A CTE cosmetology student may receive compensation for services rendered in the out-of-school program.

(b) A CTE cosmetology student may not earn less than two hundred fifty hours through in-person instruction at the CTC or secondary school.

(c) This section shall apply only to a CTE cosmetology student and shall not apply to a postsecondary student enrolled and participating in an adult and continuing education program offered by a CTC or secondary school.

(d) No later than June 30, 2023, and each year thereafter through June 30, 2025, each CTC and secondary school participating in the pilot program shall report the following information to the State Board of Cosmetology on a form prescribed by the board:

(1) The number of CTE cosmetology students participating in an out-of-school program.

(2) The number of salons and supervising licensed cosmetologists participating in an out-of-school program.

(3) The average number of hours CTE cosmetology students participated in an out-of-school program.

(4) The average number of hours CTE cosmetology students participated in online distance education hours.

(5) The number of CTE cosmetology students participating in an out-of-school program that received employment as a result of an out-of-school program.

(6) Other information as requested by the State Board of Cosmetology.

(e) The pilot program under this section shall expire three years from the effective date of this section.

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

"CTC" means a Department of Education area career and technical school as defined in section 1841.

"CTE cosmetology student" means a career and technical education student receiving a secondary education from a CTC or secondary school in a cosmetology program of study under the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law.

"Out-of-school program" means a program conducted off CTC or secondary school grounds, including cooperative education, job shadowing, internships, community exploration, registered apprenticeships and community service learning designed to provide students with real world experiences under the general supervision of a program educator.

"Program educator" means an educator holding a career and technical certification issued by the Department of Education and a cosmetology teacher licensed under the Cosmetology Law.

Section 1858. Barber Training through Career and Technical Center Pilot Program.--(a) The Barber Training Through Career and Technical Center Pilot Program is established in the State Board of Barber Examiners.

(a.1) A CTE barber student may earn up to three hundred fifty hours of education through participation in out-of-school programs, subject to the following:

(1) The CTE barber student must be supervised by a licensed barber, barber manager or barber teacher who has at least five years of experience.

(2) The program educator may use information obtained from the out-of-school program in gauging and grading the CTE barber student's skill level.

(3) The out-of-school program shall notify each client upon whom the CTE barber student performs a service that the service is being performed by a CTE barber student.

(4) A CTE barber student may receive compensation for services rendered in the out-of-school program.

(b) A CTE barber student may not earn less than two hundred fifty hours through in-person instruction at the CTC or secondary school.

(c) This section shall apply only to a CTE barber student and shall not apply to a postsecondary student enrolled and participating in an adult and continuing education program offered by a CTC or secondary school.

(d) No later than June 30, 2023, and each year thereafter through June 30, 2025, each CTC and secondary school participating in the pilot program shall report the following information to the State Board of Barber Examiners on a form prescribed by the board:

(1) The number of CTE barber students participating in an out-of-school program.

(2) The number of barber shops and supervising licensed barbers participating in an out-of-school program.

(3) The average number of hours CTE barber students participated in an out-of-school program.

(4) The average number of hours CTE barber students participated in online distance education hours.

(5) The number of CTE barber students participating in an out-of-school program that received employment as a result of an out-of-school program.

(6) Other information as requested by the State Board of Barber Examiners.

(e) The pilot program under this section shall expire three years from the effective date of this section.

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

"CTC" means a Department of Education area career and technical school as defined in section 1841.

"CTE barber student" means a career and technical education student receiving a secondary education from a CTC or secondary school in a barber program of study under the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law.

"Out-of-school program" means a program conducted off CTC or secondary school grounds, including cooperative education, job shadowing, internships, community exploration, registered apprenticeships and community service learning designed to provide students with real world experiences under the general supervision of a program educator.

"Program educator" means an educator holding a career and technical certification issued by the Department of Education and a barber teacher licensed under the Barber's License Law.

Section 31. Section 1913-A(b)(1.6) of the act is amended by adding subclauses 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:

* * *

(xvi) For the 2022-2023 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 2019-2020 under subclause (xii)(A) and (C).

(B) An amount equal to the economic development stipend received in fiscal year 2019-2020 under subclause (xii)(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 \$9,755,000.

(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 that receive funding under units (A) and (B).

(xvii) For fiscal year 2022-2023, a community college approved by the State Board of Education during the 2020 calendar year shall receive an amount equal to the difference between the amount appropriated for the allocation of community college funding and the sum of the amounts determined for community colleges under subclause (xvi).

* * *

Section 32. Section 1916-G introductory paragraph of the act is amended to read:

Section 1916-G. Reports.

The Legislative Budget and Finance Committee shall prepare and submit to the General Assembly written interim and final reports evaluating the operation of this article. The interim report shall be submitted by June 30, 2018, and the final report shall be submitted by [June 30, 2022] **December 31, 2022**. Each report shall include, but may not be limited to, the following:

* * *

Section 33. Section 2001-A of the act is amended by adding definitions to read:

Section 2001-A. Definitions.--The following words and phrases when used in this article shall, for the purpose of this article, have the following meanings, respectively, except in those instances where the context clearly indicates a different meaning:

* * *

(4.1) "Commonwealth University of Pennsylvania" shall mean the institution comprised of Bloomsburg University of Pennsylvania, Lock Haven University of Pennsylvania and Mansfield University of Pennsylvania as consolidated under section 2002-A.

* * *

(9.1) "Initial member" shall mean a trustee serving on the council of trustees as of June 30, 2022, for an institution consolidated under section 2002-A that has been nominated and appointed by the Governor and confirmed by the Senate.

* * *

(10.1) "Integrated council" shall mean each of the following:

(1) The Council of Trustees of Commonwealth University of Pennsylvania.

(2) The Council of Trustees of Pennsylvania Western University.

(10.2) "Pennsylvania Western University" shall mean the institution comprised of California University of Pennsylvania, Clarion University of Pennsylvania and Edinboro University of Pennsylvania as consolidated under section 2002-A.

* * *

(17.1) "Transitional member" shall mean a trustee serving on the council of trustees as of June 30, 2022, for an

institution consolidated under section 2002-A, who is appointed to serve on an integrated council for a term beginning on July 15, 2022, until September 30, 2022, or upon confirmation of initial members by the Senate, whichever occurs earlier.

* * *

Section 34. Sections 2002-A(a.7) introductory paragraph and 2004-A(c)(2) of the act are amended to read:

Section 2002-A. Establishment of the State System of Higher Education and its Institutions.--* * *

(a.7) Upon development of a proposed implementation plan under subsection (a.3), the chancellor shall report on a quarterly basis in person to the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Education Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives and the chairperson and minority chairperson of the Education Committee of the House of Representatives information detailing the actions taken, actions planned to be taken in the next quarter and progress made toward developing and implementing the goals of the plan on the respective universities. Within fifteen (15) days of the issuance of a report to the chairpersons, the chancellor shall, **upon request by the chairperson or minority chairperson of the Appropriations Committee of the Senate, the chairperson or minority chairperson of the Education Committee of the Senate, the chairperson or minority chairperson of the Appropriations Committee of the House of Representatives or the chairperson or minority chairperson of the Education committee of the House of Representatives**, present the report at a joint public hearing of the Appropriations Committee of the Senate and the Education Committee of the Senate and a joint public hearing of the Appropriations Committee of the House of Representatives and the Education Committee of the House of Representatives. A report under this subsection shall continue until the plan is either rejected by the board or has been fully implemented. A report shall include, but is not limited to, the following information:

* * *

Section 2004-A. Board of Governors.--* * *

(c) * * *

(2) A member of the General Assembly appointed under subsection (a) may designate an official representative to attend any meetings of the board, the executive committee of the board and any committee to which the member of the General Assembly is assigned. [Such] **The** official representative shall have the right to speak on all matters before the board, the executive committee and any committee to which the member of the General Assembly is assigned [but shall not have the right to vote on behalf of the member of the General Assembly] **and to vote.**

* * *

Section 35. Section 2008-A of the act is amended by adding a subsection to read:

Section 2008-A. Councils of Trustees.--* * *

(a.1) A trustee serving on an integrated council as of July 1, 2022, shall continue to serve on the integrated council until the Governor appoints transitional members under section 2008.1-A(b)(4).

* * *

Section 36. The act is amended by adding a section to read:

Section 2008.1-A. Integrated Councils.--(a) An integrated council shall consist of members as provided under this section.

(b) (1) Transitional members of the Council of Trustees of Commonwealth University of Pennsylvania shall be equally selected from the trustees serving under active terms through June 30, 2022, with four (4) members selected from Bloomsburg University of Pennsylvania, four (4) members selected from Lock Haven University of Pennsylvania and four (4) members selected from Mansfield University of Pennsylvania.

(2) Transitional members of the Council of Trustees of Pennsylvania Western University shall be equally selected from the trustees serving under active terms through June 30, 2022, with four (4) members selected from California University of Pennsylvania, four (4) members selected from Clarion University of Pennsylvania and four (4) members selected from Edinboro University of Pennsylvania.

(3) Transitional members shall not be subject to the requirements in subsection (e).

(4) No later than July 15, 2022, the Governor shall provide written notification to the following members of the General Assembly to inform them of the trustees that have been appointed to serve as transitional members:

(i) The President pro tempore of the Senate.

(ii) The Speaker of the House of Representatives.

(iii) The Majority Leader of the Senate.

(iv) The Minority Leader of the Senate.

(v) The Majority Leader of the House of Representatives.

(vi) The Minority Leader of the House of Representatives.

(vii) The chairperson and minority chairperson of the Education Committee of the Senate.

(viii) The chairperson and minority chairperson of the Education Committee of the House of Representatives.

(c) (1) No later than August 31, 2022, the Governor shall submit to the Senate the names of individuals to nominate and appoint to serve as initial members on an integrated council.

(2) Initial members of the Council of Trustees of Commonwealth University of Pennsylvania shall be equally selected from trustees serving under active terms through June 30, 2022, with four (4) members selected from Bloomsburg University of Pennsylvania, four (4) members selected from Lock Haven University of Pennsylvania and four (4) members selected from Mansfield University of Pennsylvania.

(3) Initial members of the Council of Trustees of Pennsylvania Western University shall be equally selected from trustees serving under active terms through June 30, 2022, with four (4) members selected from California University of Pennsylvania, four (4) members selected from Clarion University of Pennsylvania and four (4) members selected from Edinboro University of Pennsylvania.

(4) Terms of initial members shall begin upon confirmation by the Senate.

(d) (1) The Governor shall nominate and appoint initial members to serve staggered terms as follows:

(i) Two (2) initial members from each institution consolidated under section 2002-A to serve a term of six (6) years.

(ii) One (1) initial member from each institution consolidated under section 2002-A to serve a term of four (4) years.

(iii) One (1) initial member from each institution consolidated under section 2002-A to serve a term of two (2) years.

(2) Each member appointed or reappointed to serve on an integrated council after the expiration of the term of an initial member shall serve for a term of six (6) years.

(3) Each member shall serve until their respective successor is duly appointed and qualified.

(e) The membership of an integrated council shall consist of the following:

(1) At least three (3) members of each integrated council must be alumni, one from each institution consolidated under section 2002-A.

(2) Three (3) members of each integrated council, one from each institution consolidated under section 2002-A, shall be a student appointed by the board under section 2006-A(a)(17). The student trustee shall serve a term of four (4) years or for as long as the student is a full-time student in attendance at an institution consolidated under section 2002-A of which the student is a member, whichever period is shorter, and is in good academic standing. If a student member is temporarily unable, for medical or valid academic reasons, to fulfill the responsibilities of office, the integrated council may appoint an otherwise qualified student to serve as an alternate until the return of the student member.

(f) A vacancy occurring before the expiration of the term of an initial member or any subsequent member shall be filled in like manner for the unexpired term.

(g) Eight (8) members of an integrated council shall constitute a quorum. No more than one student member shall be counted toward establishing a quorum. The integrated council shall select from its members a chairperson and a secretary to serve at the pleasure of the integrated council. The integrated council shall meet at least quarterly and additionally at the call of the president, or the chairperson, or upon request of four (4) of its members.

(h) The powers and duties conferred to councils of trustees under this article, including, but not limited to, sections 2005-A, 2006-A and 2009-A, shall apply to the Council of Trustees of Commonwealth University of Pennsylvania and the Council of Trustees of Pennsylvania Western University.

Section 37. The definitions of "economically disadvantaged school," "household income" and "school-related fees" in section 2002-B of the act are amended and the section is amended by adding definitions 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:

* * *

"Economically disadvantaged school." Any school within this Commonwealth at which at least [75%] **51%** of the students attending the school in the immediately preceding school year received a scholarship **of at least \$1,000** pursuant to this article.

* * *

"Fiscal year." The Commonwealth's fiscal year beginning **July 1 and ending June 30.**

* * *

"Household income." All money or property received of whatever nature and from whatever source derived. The term does not include the following:

(1) Periodic payments for sickness and disability other than regular wages received during a period of sickness or disability.

(2) Disability, retirement or other payments arising under workers' compensation acts, occupational disease acts and similar legislation by any government.

(3) Payments commonly recognized as old-age or retirement benefits paid to persons retired from service after reaching a specific age or after a stated period of employment.

(4) Payments commonly known as public assistance or unemployment compensation payments by a governmental agency.

(5) Payments to reimburse actual expenses.

(6) Payments made by employers or labor unions for programs covering hospitalization, sickness, disability or death, supplemental unemployment benefits, strike benefits, Social Security and retirement.

(7) Compensation received by United States servicemen serving in a combat zone.

(8) Payments received from a governmental agency to relieve the economic effects of the COVID-19 pandemic.

* * *

"School-related fees." Fees charged by a school to all students for books, instructional materials, technology equipment and services, uniforms [and], activities and concurrent enrollment programs under Article XVI-B.

* * *

"Tax year." A taxpayer's annual accounting period or, if a return is made for a period of less than 12 months, the period for which the return is made.

Section 38. Sections 2003-B(d.3) and 2004-B(a)(2) of the act are amended to read:

Section 2003-B. Qualification and application by organizations.

* * *

(d.3) [Opportunity scholarship] **Scholarship** organization for economically disadvantaged schools.--

(1) [In] **Effective July 1, 2022, in** addition to the other requirements of this article, [an opportunity] a scholarship organization that intends to provide [opportunity] scholarship awards to applicants of economically disadvantaged schools must demonstrate a history of serving schools throughout this Commonwealth and the capacity to distribute [opportunity] scholarships Statewide to applicants of economically disadvantaged schools.

(2) [An opportunity] **A** scholarship organization must agree to distribute [opportunity] scholarships to applicants of economically disadvantaged schools not later than [December] **February** 1 of the applicable school year.

(3) Notwithstanding any other provision of this article to the contrary, the department may not for any school year qualify more than one [opportunity] scholarship organization for the provision of [opportunity] scholarships to applicants of economically disadvantaged schools.

(4) A scholarship organization for economically disadvantaged schools shall annually report the following information to the department by November 1 of each year:

(i) Scholarship awards by family household income.

(ii) The school district where the scholarship recipient currently resides.

(iii) The school that the student attended in the year prior to the scholarship award.

(iv) The total number, amount and average scholarship awarded.

(5) The department may not require additional information to be provided by a scholarship organization for

economically disadvantaged schools except as expressly authorized under this article.

* * *

Section 2004-B. Application by business firms.

(a) Scholarship organization, pre-kindergarten scholarship organization or opportunity scholarship organization.--

* * *

(2) A business firm that intends to apply to the department for a tax credit for contributions [to the opportunity scholarship organization that qualifies under section 2003-B(d.3)] **for students attending an economically disadvantaged school** must submit an application separate from an application for tax credits to [a] **another** scholarship organization, pre-kindergarten scholarship organization or [other] opportunity scholarship organization. **The contribution shall be made to the designated scholarship organization for the economically disadvantaged schools and shall be separately accounted for and distributed by the designated scholarship organization.**

* * *

Section 39. Section 2005-B(i) (5) and (j) (1) and (2) of the act are amended and subsection (i) is amended by adding a paragraph to read:

Section 2005-B. Tax credits.

* * *

(i) Temporary increase in maximum tax credits available.--

* * *

(4.1) If all tax credits authorized under this article for contributions to the category of scholarship organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations have not been awarded as of November 30 of any fiscal year, then for applications accepted by the department from December 1 through the end of the fiscal year, the limitations set forth in subsections (a), (a.1), (c) and (d) relating to the maximum amount of tax credits a business firm can receive during a fiscal year for contributions to each such category of organizations shall not apply. Under this paragraph, the department may accept applications under section 2004-B from December 1 through the end of the fiscal year and shall award tax credits under this article for contributions to the category of scholarship organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations on a first-come, first-served basis until all tax credits available for the fiscal year have been exhausted.

(5) Notwithstanding a temporary increase in maximum tax credits available under this subsection, the limitations set forth in subsections (a), (a.1), (c) and (d) relating to the maximum amount of tax credits a business firm can receive during a year for contributions to a category of scholarship organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations shall be reinstated for all applications accepted by the department [on or] after [December 1] **June 30** of the fiscal year.

(j) Reallocation of tax credits.--

(1) Beginning on January 1 of any fiscal year, if any tax credits authorized under this article for contributions to any of the categories of scholarship organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations remain unawarded, such unawarded tax credits may be reallocated to any of the categories of

scholarship organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations for which all available tax credits have been awarded. The department shall, within 10 business days, inform each business firm on the waiting list maintained by the department under subsection (h) that tax credits remain available under another category for which the business firm has not yet applied. If a business firm notified under this paragraph elects, the department shall reallocate available tax credits for award to the business firm in the business firm's preferred tax credit category, notwithstanding the limitations contained in section 2006-B(a). [The amount of tax credits to be awarded to a business firm under this paragraph shall not exceed the amount of tax credits available for reallocation or the maximum amount of tax credits for which a business firm is eligible under subsections (a), (a.1), (c) and (d).] Each business firm shall have 10 business days from the date of the department's notice to elect a reallocation of tax credits under this paragraph. The department shall award tax credits on a first-come, first-served basis.

(2) After the department has awarded tax credits under paragraph (1), the department shall accept new applications for reallocation of tax credits from any of the categories of scholarship organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations for which tax credits remain available to the applicant's preferred category of scholarship organizations, opportunity scholarship organizations or pre-kindergarten scholarship organizations for which all available tax credits have been awarded, notwithstanding any limitations contained in section 2006-B(a) [. The amount of tax credits to be awarded to a business firm under this paragraph shall not exceed the amount of tax credits available for reallocation or the maximum amount of tax credits for which a business firm is eligible under] **or the limitations in** subsections (a), (a.1), (c) and (d). The department shall award tax credits on a first-come, first-served basis.

* * *

Section 40. Section 2006-B(a) of the act, amended June 30, 2021 (P.L.158, No.26), 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 [\$225,000,000] **\$340,000,000** in a fiscal year. **The following shall apply:**

(i) No less than [\$175,000,000] **\$263,000,000** 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] **\$44,500,000** 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] **\$20,500,000** in a fiscal year.

(iv) No less than \$12,000,000 of the total aggregate amount shall be used to provide tax credits for contributions from business firms to increase the scholarship or pre-kindergarten scholarship by up to \$2,000 or, in the case of a scholarship for a student attending a secondary school, by up to \$4,000, for a student attending an economically disadvantaged school, to the extent that the total amount of scholarships, pre-kindergarten scholarships and opportunity scholarships will not exceed the lesser of \$8,500 or the school's tuition.

(2) The total aggregate amount of all tax credits approved for contributions from business firms to opportunity scholarship organizations shall not exceed [\$55,000,000 in a fiscal year and no less than \$5,000,000 of the total aggregate amount shall be used to provide tax credits for contributions from business firms to increase the scholarship amount to students attending an economically disadvantaged school by up to \$1,000 more than the amount provided during the immediately preceding school year.] **\$65,000,000 in a fiscal year.**

* * *

Section 41. Section 2009-B(e) and (f) (5) of the act are amended to read:

Section 2009-B. Opportunity scholarships.

* * *

(e) Amount.--

(1) [(i) Except as otherwise provided in subparagraph (ii), the] **The** maximum amount of an opportunity scholarship awarded to an applicant without a disability shall be \$8,500.

[(ii) For a student attending an economically disadvantaged school, the maximum amount of an opportunity scholarship awarded to an applicant without a disability shall be \$9,500.]

(2) [(i) Except as otherwise provided in subparagraph (ii), the] **The** maximum amount of an opportunity scholarship awarded to an applicant with a disability shall be \$15,000.

[(ii) For a student attending an economically disadvantaged school, the maximum amount of an opportunity scholarship awarded to an applicant with a disability shall be \$16,000.]

(3) In no case shall the combined amount of the opportunity scholarship awarded to a recipient and any additional financial assistance provided to the recipient exceed the tuition rate and school-related fees for the participating public school or participating nonpublic school that the recipient will attend.

(f) Designation, reports and notices.--

* * *

(5) (i) Each school that has been designated by the department as an economically disadvantaged school for an applicable school year shall notify the department by no later than [October 15] **November 30** of the applicable school year of the following information for each recipient of a scholarship registered to attend the school for the applicable school year:

(A) The recipient's name and address.

(B) The grade of the recipient for the school year with respect to which the scholarship and tuition grant shall be received.

(C) The type and amount of [scholarship] **scholarships under this article entitled to educational tax credits that were** received by the recipient.

(D) The names and address of the recipient's parents or guardians.

(E) The amount of tuition charged.

(ii) The information submitted in this paragraph shall be provided to the [opportunity] scholarship organization for economically disadvantaged schools **who shall distribute the money in accordance with section 2003-B(d.3).**

(iii) Information submitted by a school designated by the department as an economically disadvantaged school shall remain confidential and shall not be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. The information can be used for administration of the program.

Section 42. The definition of "credit for prior learning" in section 2001-C of the act is amended and the section is amended by adding a definition to read:

Section 2001-C. 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:

* * *

"Cambridge advanced." An academically rigorous college-level program offered by Cambridge Assessment International Education, a part of the University of Cambridge, comprised of a one-year AS-Level and a two-year A-Level course and exam and the core requirements of the AICE Diploma program.

* * *

"Credit for prior learning." College-level credit granted toward the award of a postsecondary degree or certificate for experiential learning that can be demonstrated through various means of assessment to be the equivalent of learning gained through formal collegiate instruction, including an Advanced Placement Program exam, International Baccalaureate Diploma Program exam, a College-Level Examination Program exam, **Cambridge advanced exam** and Dantes Subject Standardized Tests.

* * *

Section 43. Section 2002-C(d)(5) of the act is amended to read:

Section 2002-C. Duties of public institutions of higher education.

* * *

(d) Credit for prior learning.--Each public institution of higher education shall do all of the following:

* * *

(5) For each academic year, report to the department all of the following:

(i) The total number of students awarded credits for prior learning, including Advanced Placement Program exams, International Baccalaureate Diploma Program exams and College-Level Examination Program exams [and], Dantes Subject Standardized Tests **and Cambridge advanced exams.**

(ii) The total number of credits awarded to students for prior learning, including Advanced Placement Program exams, International Baccalaureate Diploma Program exams and College-Level Examination Program exams [and], Dantes Subject Standardized Tests **and Cambridge advanced exams.**

(iii) The number of credits awarded to matriculating students who present Advanced Placement Program, International Baccalaureate Diploma Program and College-Level Examination Program exams [and], Dantes Subject Standardized Tests **and Cambridge advanced exams** that meet the standards established under section 2004-C(c)(6) and, of those credits, the number of credits applied toward major requirements and the number of credits applied toward elective requirements.

(iv) Any other information related to awarding of credit for prior learning as requested by the department or the Transfer and Articulation Oversight Committee, including the usability of transfer credits.

Section 44. (Reserved).

Section 45. Article XX-G heading and sections 2001-G, 2002-G and 2003-G of the act are amended to read:

ARTICLE XX-G
SEXUAL VIOLENCE [EDUCATION], **DATING VIOLENCE,**
DOMESTIC VIOLENCE AND STALKING EDUCATION,
PREVENTION AND RESPONSE AT
INSTITUTIONS OF HIGHER EDUCATION
AND PRIVATE LICENSED SCHOOLS

Section 2001-G. Scope of article.

This article relates to college and university sexual violence [education], **dating violence, domestic violence and stalking education, prevention and response.**

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:

"Dating violence." As defined in section 1553(f).

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

"Domestic violence." As defined in section 2333(e) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

"Domestic violence program." As defined in 23 Pa.C.S. § 6102 (relating to definitions).

"Education program." [A] **An evidence-based sexual violence, dating violence, domestic violence and stalking prevention and awareness** 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.]" **education" or "institution."** 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" or "school."** As defined in the act of December 15, 1986 (P.L.1585, No.174), known as the Private Licensed Schools Act.

"Rape crisis center." As defined in 42 Pa.C.S. § 5945.1 (relating to confidential communications with sexual assault counselors).

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

"Stalking." An act of stalking as defined in 18 Pa.C.S. § 2709.1 (relating to stalking).

"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.] **and implement an education program for all students. In developing or implementing an education program, institutions of higher education and private licensed schools shall consult with a local rape crisis center and domestic violence program, as appropriate and if available. The department, in consultation with the Pennsylvania Coalition Against Rape and the Pennsylvania Coalition Against Domestic Violence, shall develop an online clearinghouse of model education programs and other resources to aid institutions of higher education and private licensed schools in fulfilling this requirement.** Each education program shall provide the following:

(1) A discussion of sexual violence, **dating violence, domestic violence and stalking.**

(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 **to the extent allowable by law.**

(10) Information regarding confidential resources and services available for victims of sexual violence, dating violence, domestic violence and stalking.

(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.] **(Reserved).**

(c) **Notification of rights, accommodations and protective measures.--A concise notification of rights, accommodations and protective measures shall be made available in writing and on the institution of higher education's or private licensed**

school's publicly accessible Internet website to students and employees, including victims of dating violence, domestic violence, sexual violence and stalking, regardless of where the incidences occurred, including information regarding:

(1) Existing counseling, mental health, health care, victim advocacy, legal assistance and other services available for victims, both within the institution or school and in the community.

(2) Available options and assistance regarding how to report to the institution or school, report to law enforcement, obtain protections from abuse and sexual violence protection orders, file for crime victims' compensation and assistance program and request protective measures or changes to academic, living, transportation, working situations or other educational activities.

(d) Notification.--The notification of rights, accommodations and protective measures required under the Higher Education Act of 1965 (Public Law 89-329, 20 U.S.C. § 1092(f)(8)) shall satisfy the requirements of subsection (c).

(e) Accommodations and protective measures.--An institution and a school shall make accommodations or provide protective measures, as necessary and reasonably available, at the victim's request, regardless of whether the victim chooses to report the crime to campus police or local law enforcement and regardless of where an incidence occurred.

Section 46. The act is amended by adding a section to read: **Section 2003.1-G. Consent to sexual activity.**

Each institution of higher education and private licensed school shall adopt a definition of consent as part of the institution's or school's code of conduct or sexual misconduct or harassment policy.

Section 47. Sections 2004-G and 2006-G of the act are amended to read:

Section 2004-G. Follow-up.

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

(1) Lecturers **and interactive learning programs** relating to sexual violence, **dating violence, domestic violence and stalking** prevention and awareness.

(2) Institutional activities relating to sexual violence, **dating violence, domestic violence and stalking** prevention and awareness.

(3) Videos and other educational materials relating to sexual violence, **dating violence, domestic violence and stalking** prevention and awareness.

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.] **under section 2003-G and an institution of higher education and a private licensed school shall report to the department on the implementation of the memorandum of understanding under section 2007-G through the annual attestation of compliance to the department.**

Section 48. The act is amended by adding a section to read: **Section 2007-G. Memorandum of understanding.**

(a) General rule.--An institution of higher education and a private licensed school shall enter into or update at the next renewal and maintain a memorandum of understanding with

at least one rape crisis center and one domestic violence program to:

(1) Assist in developing the institution's and school's policies, programming and training regarding sexual misconduct and other prohibited behavior, such as sexual violence, dating violence, domestic violence and stalking, involving students and employees.

(2) Provide an off-campus alternative for students and employees of the institution or school to receive free and confidential services to address sexual harassment and sexual violence, dating violence, domestic violence and stalking, including:

(i) crisis and longer-term counseling;

(ii) support in navigating campus and community reporting options; and

(iii) access to legal assistance, sexual violence protection and protection from intimidation orders, crime victims' compensation, a forensic rape exam conducted by a sexual assault nurse examiner, if available, and other services.

(3) Ensure that a student or employee of the institution or school is notified of free and confidential sources of support, counseling and advocacy services and how to access the services both on and off campus.

(4) Ensure cooperation and cross-training between the institution or school and the rape crisis center or domestic violence center to ensure an understanding of the roles that each respectively should play in responding to reports and disclosures of sexual misconduct and other prohibited behavior, such as dating violence, domestic violence and stalking against students and employees of the institution or school and the institution's or school's protocols for investigating and adjudicating such misconduct and for providing support and services to students and employees.

(5) Consult in the development or implementation of an education program under section 2003-G.

(b) Agreement to provide services.--Each memorandum of understanding may include an agreement, including a fee structure, between the rape crisis center or domestic violence program and the institution of higher education or private licensed school to provide confidential victim services.

(c) Fee structure.--If there is a fee structure in a memorandum of understanding under subsection (b), an institution of higher education or private licensed school may apply to the department for an It's On Us grant to offset those costs from funds appropriated to the department for sexual assault prevention.

(d) Good-faith waiver.--The department may waive the requirements of this section in the case of an institution or school that provides an attestation through the annual attestation of compliance submitted to the department that it acted in good faith but was unable to obtain a signed memorandum.

Section 49. Section 2001-I(d) and (i)(13) of the act, amended June 30, 2021 (P.L.158, No.26), are amended to read: Section 2001-I. Public Higher Education Funding Commission.

* * *

(d) Meetings.--

(1) The commission shall hold its first meeting within 45 days of the effective date of this section, regardless of whether all legislative caucuses have approved members to the commission.

(2) The commission shall hold meetings at the call of the chair.

(3) Notwithstanding paragraphs (1) and (2), the commission may not convene a meeting until January 23, 2023.
* * *

(i) Additional powers and duties.--* * *

(13) Issue a report of the commission's findings and recommendations to the Governor, the President pro tempore of the Senate, the Speaker of the House of Representatives, the Majority Leader and Minority Leader of the Senate, the Majority Leader and Minority Leader of the House of Representatives, the Secretary of Education, the State Board of Education, the Appropriations Committee of the Senate, the Appropriations Committee of the House of Representatives, the Education Committee of the Senate and the Education Committee of the House of Representatives not later than [May 31, 2022] **October 31, 2024.**
* * *

Section 50. The act is amended by adding sections to read:
Section 2002-I. State-related university performance-based funding model.

(a) **Duty of commission.**--Beginning January 23, 2023, the commission shall develop a performance-based funding model no later than June 15, 2023, to distribute State funding to the State-related universities. A performance-based funding model may include a base funding amount and minimum eligibility thresholds to evaluate achievement of performance-based metrics. The commission may include the following metrics in the model:

(1) The four-year graduation rate for baccalaureate students.

(2) The four-year graduation rate for first-time-in-college students.

(3) The six-year graduation rate for students who are awarded a Pell Grant in their first year.

(4) The percentage of undergraduate students enrolled who received a Pell Grant during the previous school year.

(5) Student retention rates.

(6) Bachelor's degree production.

(7) Net tuition and fees per 120 credit hours.

(8) Postgraduation employment rates and salaries, including wage thresholds, that reflect the added value of a baccalaureate degree.

(9) The number and percentage of students enrolled, and degrees attained in fields determined to be of importance to this Commonwealth by the commission.

(10) The number and percentage of high school students who are dual-enrolled and the number of credits earned.

(11) The percentage of credits articulated.

(12) Other metrics listed in section 2001-I(h), or as determined by the commission.

(b) **Other considerations.**--As part of the development of the performance-based funding model, the commission may consider the following:

(1) Adjusting a performance-based funding incentive payment if a State-related university fails to meet the minimum eligibility thresholds.

(2) Establishing an improvement plan to assist a State-related university to make satisfactory progress toward meeting the minimum eligibility thresholds.

(3) A process to award or redistribute money for meeting the minimum eligibility thresholds and rewarding institutional excellence.

(c) Effective date of the performance-based funding model.--The performance-based funding model developed by the commission shall not go into effect unless the model is approved by an act of the General Assembly enacted after the effective date of this section.

(d) Level of State funding.--The General Assembly shall, through the annual nonpreferred appropriations process, determine the level of State funding for a State-related university.

(e) Definitions.--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:

"Base State funding." The minimum amount of funding, as recommended by the commission, to be appropriated to each State-related university for the 2023-2024 fiscal year.

"Commission." The Public Higher Education Funding Commission established under section 2001-I.

"Institutional investment." A reallocated percentage of the base State funding.

"Performance-based funding incentive payment." Consists of the following:

(1) Institutional investment.

(2) State investment for excellence.

"State investment for excellence." An amount appropriated by the General Assembly that exceeds the base State funding and is used to reward excellence as measured by the performance-based funding metrics determined by the commission.

"State-related university." The Pennsylvania State University, the University of Pittsburgh and Temple University and associated branch campuses.

Section 2003-I. Prohibition on scholarship displacement at public institutions of higher education.

(a) General rule.--A public institution of higher education may reduce a student's institutional financial aid as a result of the awarding of private scholarships to the student only under the circumstances enumerated in subsections (b) and (c).

(b) When institutional financial aid exceeds cost of attendance.--If a student's total financial aid from all sources exceeds the student's cost of attendance, a public institution of higher education may reduce the student's institutional financial aid until the student's total financial aid no longer exceeds the student's cost of attendance.

(c) Student athletes.--If a student is an athlete at a public institution of higher education, the public institution of higher education may reduce the student's institutional financial aid in order to comply with the individual or team financial aid restrictions of an athletic association, conference or other group or organization with authority over intercollegiate athletics, including, but not limited to, the National Collegiate Athletic Association.

(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:

"Cost of attendance." The average annual cost for a student to attend a college or university, including tuition and fees, room and board, books, supplies and other expenses and is used to calculate financial aid of an eligible student under Title

IV of the Higher Education Act of 1965 (Public Law 89-329, 20 U.S.C. § 1070 et. seq.).

"Institutional financial aid." The sum of all need-based and merit-based grants, scholarships, tuition waivers and all other forms of financial assistance provided to a student by a public institution of higher education that are not loans or work-study programs.

"Private scholarship." A scholarship awarded by a business, private foundation, nonprofit organization or service group.

The term does not include an award funded by a private organization which is affiliated with a public institution of higher education and requests the public institution of higher education's assistance in selecting the recipient of the award.

"Public institution of higher education." Any of the following:

- (1) A community college operating under Article XIX-A.
- (2) A rural regional college established under Article XIX-G.
- (3) A university within the State System of Higher Education under Article XX-A.
- (4) A State-related institution as defined in section 2001-C.
- (5) The Thaddeus Stevens College of Technology.
- (6) The Pennsylvania College of Technology.

"Student." An individual enrolled at a public institution of higher education.

Section 51. Section 2204-B(b)(1) of the act is amended to read:

Section 2204-B. Agency.

* * *

(b) Eligibility criteria.--The eligibility criteria developed for the receipt of a scholarship under subsection (a) shall, at a minimum, require all of the following:

- (1) Total annual household income not to exceed [\$110,000] **\$126,000**. With each new award year, the agency may annually adjust the total annual household income threshold under this paragraph to reflect any upward changes in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area.

* * *

Section 52. The act is amended by adding a section to read:
Section 2326. State Aid for Fiscal Year 2022-2023.

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 2022-2023 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 2021-2022 under section 2325 by the total State-aid subsidy for fiscal year 2021-2022.
 - (ii) Multiply the quotient under subparagraph (i) by \$69,720,000.
- (2) The amount of \$750,000 shall be distributed by the State Librarian to district library centers that received less than the amount specified under 24 Pa.C.S. § 9338(b)(2) (relating to district library center aid) in fiscal year 2012-2013 through fiscal year 2021-2022.
- (3) Following distribution of funds appropriated for State aid to libraries under paragraphs (1) and (2), any

remaining funds may be distributed at the discretion of the State Librarian.

(4) If funds appropriated for State aid to libraries in fiscal year 2022-2023 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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 53. Section 2502.8(b) of the act is amended to read:
Section 2502.8. Payments on Account of Pupils Enrolled in Career and Technical Curriculums.--* * *

(b) For the 1981-1982 school year through the 1984-1985 school year, each school district so entitled shall be paid, in addition to any other subsidy to which it is entitled, an amount on account of resident pupils enrolled in career and technical curriculums; for the 1985-1986 school year through the 1999-2000 school year, each school district and area career and technical school shall be paid an amount on account of students enrolled in career and technical curriculums; for the 2000-2001 school year and each school year thereafter, each school district, area career and technical school and charter school shall be paid an amount on account of students enrolled in career and technical curriculums, determined as follows:

(1) Determine the increase in the weighted average daily membership by multiplying the number of students in average daily membership in career and technical curriculums in area career and technical schools by twenty-one hundredths (.21) and the number of students in average daily membership in school district and charter school career and technical curriculums by seventeen hundredths (.17)[.]; **except, for the 2021-2022 school year and each fiscal year thereafter, determine the increase in the weighted average daily membership by multiplying the number of students in average daily membership in career and technical curriculums in area career and technical schools by two thousand two hundred seventy-six ten thousandths (.2276) and the number of students in average daily membership in school district and charter school career and technical**

curriculums by one thousand eight hundred forty-four ten thousandths (.1844).

(2) Multiply the lesser of the district's actual instruction expense per weighted average daily membership or the base earned for reimbursement by the market value/income aid ratio or by three hundred seventy-five thousandths (.375), whichever is greater.

(3) Multiply the increase in weighted average daily membership determined in clause (1) by the result of clause (2).

(4) For the 1985-1986 through 1999-2000 school years, the Commonwealth shall pay the amount required by this section to the school district or area career and technical school which provides the program upon which reimbursement is based.

(5) For the 2000-2001 school year and each school year thereafter, the Commonwealth shall pay the amount required under this section to the school district, area career and technical school or charter school which provides the programs upon which reimbursement is based.

* * *

Section 54. Section 2502.53(b) of the act, amended June 30, 2021 (P.L.158, No.26), is amended to read:

Section 2502.53. Student-Weighted Basic Education Funding.--* * *

(b) For the 2015-2016 school year and each school year thereafter, except the 2019-2020 school year which shall be governed by subsection (b.1), the Commonwealth shall pay to each school district a basic education funding allocation which shall consist of the following:

(1) An amount equal to the school district's basic education funding allocation for the 2013-2014 school year.

(2) A student-based allocation to be calculated as follows:

(i) Multiply the school district's student-weighted average daily membership by the median household income index and local effort capacity index.

(ii) Multiply the product in subparagraph (i) by the difference between the amount appropriated for the allocation of basic education funding to school districts and the amount appropriated for the allocation in paragraph (1).

(iii) Divide the product in subparagraph (ii) by the sum of the products in subparagraph (i) for all school districts.

(iv) For the 2018-2019 school year, the difference determined under subparagraph (ii) shall be \$698,667,244.

(v) For the 2020-2021 school year, the difference determined under subparagraph (ii) shall be \$898,667,244.

(vi) For the 2021-2022 school year, the difference determined under subparagraph (ii) shall be \$1,423,667,244.

* * *

Section 55. The act is amended by adding a section to read:

Section 2502.55. Level-Up Supplement for 2021-2022 School Year.--The Commonwealth shall pay to qualifying school districts a Level-Up Supplement allocation for the 2021-2022 school year as follows:

(1) There shall be a determination of the qualifying school districts with an amount less than or equal to the amount that represents the twentieth percentile for all school districts in the following calculation:

(i) For each of the five preceding school years, calculate the following:

(A) For each school district, the sum of the amount of student weights calculated under section 2502.53(c)(1)(ii),

(iii), (iv), (v) and (vi) and the amount of weighted special education headcounts calculated under section 2509.5(bbb) (2) (i).

(B) For each school district, divide the current expenditures by the sum calculated for the school district in clause (A).

(C) For each school district, calculate the average of the quotients calculated under clause (B).

(ii) (Reserved).

(2) Qualifying school districts determined under paragraph (1) shall receive an amount calculated as follows:

(i) For each qualifying school district, multiply the product in section 2502.53(b) (2) (i) for the 2021-2022 school year by \$225,000,000.

(ii) Divide the product in subparagraph (i) by the sum of the products in section 2502.53(b) (2) (i) for the 2021-2022 school year for all qualifying school districts.

(3) Payments made under this section shall be deemed to be part of the school district's allocation amount under section 2502.53(b) (1) for the 2022-2023 school year and each school year thereafter.

(4) The provisions contained in sections 2502.53 and 2509.5 shall apply to the calculation of the respective factors in this section.

Section 56. Section 2509.1(c.2) (1) of the act, amended June 30, 2021 (P.L.158, No.26), is amended to read:

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

(c.2) The following apply:

(1) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021 [and], 2021-2022 and 2022-2023 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.

* * *

Section 57. Section 2509.5(bbb) (2) (i), (vii) and (viii) of the act are amended and the paragraph is amended by adding subparagraphs to read:

Section 2509.5. Special Education Payments to School Districts.--* * *

(bbb) * * *

(2) For the purposes of paragraph (1) (i):

(i) [The] **Except as otherwise provided in subparagraph (i.1), the** weighted special education student headcount for each school district shall be the sum of the following:

(A) The number of special education students who reside in the school district for which the annual expenditure is in Category 1 multiplied by one and fifty-one hundredths (1.51).

(B) The number of special education students who reside in the school district for which the annual expenditure is in Category 2 multiplied by three and seventy-seven hundredths (3.77).

(C) The number of special education students who reside in the school district for which the annual expenditure is in Category 3 multiplied by seven and forty-six hundredths (7.46).

(i.1) Beginning in the 2022-2023 school year and each year thereafter, the weighted special education student headcount for each school district shall be the sum of the following:

(A) The most recent three-year average of the number of special education students who reside in the school district for which the annual expenditure is in Category 1 multiplied by one and sixty-four hundredths (1.64).

(B) The most recent three-year average of the number of special education students who reside in the school district

for which the annual expenditure is in Category 2 multiplied by three and eight hundredths (3.08).

(C) The most recent three-year average of the number of special education students who reside in the school district for which the annual expenditure is in Category 3 multiplied by six and thirty-four hundredths (6.34).

* * *

(vii) The dollar ranges for the annual expenditure amounts designated as Category 1, Category 2 and Category 3 under subparagraph (i) shall be based on the information reported to the department under section 1372(8). For the purposes of subparagraph (i), Category 3 shall be the sum of the students reported in Categories 3A and 3B under section 1372(8)[.], and for any school year in which information is compiled and available for Category 1A and Category 1B under section 1372(8), Category 1 shall be the sum of Category 1A and Category 1B.

(viii) [The data used to calculate the weighted special education student headcount under subparagraph (i) shall be based on information from the most recent year for which data is available as determined by the Department of Education.] The data used to calculate the provisions under subparagraphs (ii), (iii) and (vi) shall be averaged for the three most recent years for which data is available as determined by the Department of Education.

(ix) The data used for the calculations made in this section shall be fixed as of the first day of June preceding the school year in which the allocation occurs. Data fixed on the first day of June shall be revised by the Department of Education if it is subsequently found to be incorrect.

* * *

Section 58. Section 2510.3(a)(2) of the act, amended June 30, 2021 (P.L.158, No.26), is amended to read:

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, 2018-2019, 2019-2020, 2020-2021 [and], 2021-2022 and 2022-2023 fiscal years, the Department of Education may utilize up to seven million dollars (\$7,000,000) of undistributed funds not expended, encumbered or committed from appropriations for grants, subsidies and assessments 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 59. Sections 2574 and 2599.6 of the act are amended by adding subsections to read:

Section 2574. Approved Reimbursable Rental for Leases Hereafter Approved and Approved Reimbursable Sinking Fund Charges on Indebtedness.--* * *

(g) (1) Reimbursement documentation for an approved school building project that has unclaimed prior year reimbursements for payments made prior to July 1, 2017, must be submitted, in a complete and approvable form, to the department by December 31, 2023. A claim for reimbursement that is not submitted or

remains incomplete or unapproved by the department as of December 31, 2023, shall expire.

(2) The department shall send to applicants a notice that details the unclaimed prior year reimbursements for which documentation must be submitted no later than 60 days after the effective date of this subsection. The department shall send a subsequent notice no later than January 1, 2023.

Section 2599.6. Ready-to-Learn Block Grant.--* * *

(a.2) For the 2022-2023 school year and each school year thereafter, each school entity shall receive a Ready-to-Learn Block Grant in an amount not less than the amount received by the school entity from the appropriation for the Ready-to-Learn Block Grant during the 2021-2022 fiscal year.

(a.3) For the 2022-2023 school year, the sum of \$100,000,000 shall be transferred within 15 days of the effective date of this subsection from the appropriation to the Department of Education for the Ready-to-Learn Block Grant to the School Safety and Security Fund.

* * *

Section 60. Section 2608-J of the act, amended June 30, 2021 (P.L.158, No.26), is amended to read:

Section 2608-J. Applicability.

This article shall apply to projects for which approval and reimbursement is sought and to the maintenance project grant program beginning July 1, [2022] **2023**.

Section 61. The following shall apply:

(1) The amendment of section 1525 of the act shall apply to any agreement between a school district and an institution of higher education entered into or renewed after the effective date of this section.

(2) The addition of section 2003.1-G of the act shall apply to school years that begin after the effective date of this section.

Section 62. This act shall take effect as follows:

(1) The following shall take effect December 31, 2022:

(i) The addition of section 2007-G of the act.

(ii) (Reserved).

(2) The following shall take effect July 1, 2023:

(i) The amendment of sections 2001-G, 2003-G, 2004-G and 2006-G.

(ii) (Reserved).

(3) The remainder of this act shall take effect immediately.

APPROVED--The 8th day of July, A.D. 2022.

TOM WOLF