

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 275 Session of 2009

INTRODUCED BY COX, BARRAR, BOYD, CREIGHTON, GOODMAN, HUTCHINSON,
LONGIETTI, MUSTIO, READSHAW, ROCK, ROHRER, SIPTROTH, STERN,
SWANGER AND WANSACZ, FEBRUARY 6, 2009

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 6, 2009

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in disruptive student programs,
6 defining "cyber alternative education program"; and providing
7 for cyber alternative education programs.

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

10 Section 1. Section 1901-C of the act of March 10, 1949 (P.L.
11 30, No.14), known as the Public School Code of 1949, amended or
12 added June 25, 1997 (P.L.297, No.30), June 29, 2002 (P.L.524,
13 No.88) and July 9, 2008 (P.L.846, No.61), is amended to read:

14 Section 1901-C. Definitions.--For purposes of this article,
15 the following terms shall have the following meanings:

16 [(1)] "Alternative education program" or "program." Any
17 applicant's program applying for funds under this article, which
18 program is implemented by a school district, an area vocational-
19 technical school, a group of school districts or an intermediate
20 unit, which removes disruptive students from regular school

1 programs in order to provide those students with a sound
2 educational course of study and counseling designed to modify
3 disruptive behavior and return the students to a regular school
4 curriculum. Notwithstanding section 1502, alternative education
5 programs may operate outside the normal school day of the
6 applicant district, including Saturdays. School districts and
7 private alternative education institutions operating pursuant to
8 the provisions of Article XIX-E shall adopt a policy for
9 periodic review of those students placed in their respective
10 alternative education program for disruptive students. This
11 review shall occur, at a minimum, at the end of every semester
12 the student is in the program or more frequently at the
13 district's or private alternative education institution's
14 discretion. The purpose of this review is to determine whether
15 or not the student is ready to return to the regular school
16 curriculum. Programs may include services for students returning
17 from placements or who are on probation resulting from being
18 adjudicated delinquent in a proceeding under 42 Pa.C.S. Ch. 63
19 (relating to juvenile matters) or who have been judged to have
20 committed a crime under an adult criminal proceeding.

21 [(2)] "Applicant." A school district, a combination of
22 school districts or a charter school that provides an
23 alternative education program within or to a chartering school
24 district or school districts as the central mission of its
25 charter and that applies for funds under this article.

26 [(3)] "Community resources." Those agencies and services
27 for children and youth provided by the juvenile court and the
28 Department of Health and the Department of Public Welfare and
29 other public or private institutions.

30 "Cyber alternative education program." An alternative

education program which uses technology in order to provide a significant portion of its curriculum and to deliver a significant portion of instruction to its students through the Internet or other electronic means.

[(4)] "Department." The Department of Education of the Commonwealth.

[(5)] "Disruptive student." (1) A student who poses a clear threat to the safety and welfare of other students or the school staff, who creates an unsafe school environment or whose behavior materially interferes with the learning of other students or disrupts the overall educational process. The disruptive student exhibits to a marked degree any or all of the following conditions:

(i) Disregard for school authority, including persistent violation of school policy and rules.

(ii) Display or use of controlled substances on school property or during school-affiliated activities.

(iii) Violent or threatening behavior on school property or during school-affiliated activities.

(iv) Possession of a weapon on school property, as defined under 18 Pa.C.S. § 912 (relating to possession of weapon on school property).

(v) Commission of a criminal act on school property or during school-affiliated activities.

(vi) Misconduct that would merit suspension or expulsion under school policy.

(vii) Habitual truancy.

(2) No student who is eligible for special education services pursuant to the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) shall be

1 deemed a disruptive student for the purposes of this act, except
2 as provided for in 22 Pa. Code [§ 14.35 (relating to
3 discipline)] § 14.143 (relating to disciplinary placements).

4 [(6)] "School." Any school classified by the Department of
5 Education as a middle school, junior high school, senior high
6 school or area vocational-technical school.

7 [(7)] "Secretary." The Secretary of Education of the
8 Commonwealth.

9 Section 2. The act is amended by adding a section to read:

10 Section 1907-C. Cyber alternative education programs.--(a)
11 An applicant may establish a cyber alternative education
12 program. Such program shall be considered an alternative
13 education program for the purposes of applying for grant funding
14 under the provisions of section 1903-C and shall comply with all
15 provisions of section 1902-C.

16 (b) (1) An applicant seeking funding for a cyber
17 alternative education program may:

18 (i) operate the program;
19 (ii) contract with a private alternative education
20 institution for disruptive students approved pursuant to Article
21 XIX-E; or

22 (iii) contract with a cyber charter school approved and
23 operating pursuant to Article XVII-A.

24 (2) The placement of a student in a cyber alternative
25 education program shall satisfy the provisions governing
26 exclusions from school, in-school suspension and hearings
27 related thereto as set forth in 22 Pa. Code Ch. 12 (relating to
28 students and student services).

29 (3) An applicant choosing to establish a cyber alternative
30 education program shall be considered in the same manner as a

1 parent or guardian for purposes of enrollment in a cyber charter
2 school under the provisions of Article XVII-A.
3 (4) A school shall make every effort to protect against any
4 discrimination on the basis of race, religion, gender, national
5 origin or disability in assigning students to a cyber
6 alternative education program.

7 Section 3. This act shall take effect immediately.