

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1210 Session of 2019

INTRODUCED BY JONES, PICKETT, RYAN, HICKERNELL AND GROVE, APRIL 15, 2019

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 17, 2019

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," repealing provisions relating to
6 report of racial and ethnic groupings, to study of public
7 schools that provide Internet instruction, to corporate seal,
8 to submission of plans, to approval of plans, to disapproval <--
9 of plans, to Department of Public Instruction to prepare
10 plans, to establishment of reorganized school districts, to
11 advance establishment, to special school watchmen-school
12 districts in townships of the second class, to copies of
13 school laws, to educational broadcasting, to residences for
14 teachers and janitors, to heating stoves to be shielded, to
15 ventilation and thermometer, to fireproof construction, to
16 doors to open outward and fire escapes, etc., to completion
17 of abandoned WPA projects in districts of the third and
18 fourth class, to condition of grounds and shade trees, to
19 summer schools, etc., to possession of telephone pagers
20 prohibited, to nonprofit school food program, to antitruancy
21 programs, to medical care for children under six with
22 defective hearing, to report, to care and treatment of pupils
23 and, to local wellness policy; in terms and courses of study, <--
24 further providing for fire and emergency evacuation drills;
25 and repealing provisions relating, to foreign language <--
26 academies, to monthly reports to school directors of the
27 districts second, third and fourth class, to Read to Succeed
28 Program, to department duties and powers, to schools or
29 classes, supervisors, principals, instructors, etc., to
30 estimate of expenses and reimbursements and appropriations,
31 to teachers of evening schools, to duties of public
32 institutions of higher education, to medical education loan
33 assistance and to special study on the revenue impact of out-

1 of-State tax credits.

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

4 ~~Section 1. Sections 112, 113, 212, 292, 293, 294, 295, 296, <--~~
5 ~~297, 510.1, 519, 523(a), 705, 736, 737, 738, 739, 760, 772,~~
6 ~~1208, 1317.1, 1337(f), 1338.2, 1378, 1308 A, 1414 and 1422.1 of~~
7 ~~the act of March 10, 1949 (P.L.30, No.14), known as the Public~~
8 ~~School Code of 1949, are repealed:~~

9 SECTION 1. SECTIONS 112, 113, 212, 292, 294, 295, 296, 297, <--
10 510.1, 519, 523(A), 705, 736, 737, 738, 739, 760, 772, 1208,
11 1317.1, 1337(F), 1338.2, 1378, 1308-A, 1414, 1422.1, 1522, 1534,
12 ARTICLE XV-B, SECTIONS 1503-E(10), 1804, 1811, 1923 AND 2002-
13 C(B), ARTICLE XXII-A AND SECTION 2596 OF THE ACT OF MARCH 10,
14 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,
15 ARE REPEALED:

16 [Section 112. Report of Racial and Ethnic Groupings.--The
17 Department of Education shall conduct a thorough review of the
18 1991-1992 PennData report "Statistical Summary for 1991-1992"
19 and identify those school districts that have special education
20 enrollments whose gender and ethnic representation exceeds by
21 five percent (5%) the gender and ethnic makeup of the student
22 population for the 1991-1992 school year. The Department of
23 Education shall report to the Committee on Education in the
24 Senate and the Committee on Education in the House of
25 Representatives by October 1993 the findings of the review by
26 the Department of Education, an outline of what further
27 investigative steps should be taken, recommendations for
28 appropriate actions to be taken by the Department of Education
29 and any technical assistance services to be provided by the
30 Department of Education to school districts.]

1 Section 113. Study of Public Schools that Provide Internet
2 Instruction.--(a) The Department of Education shall conduct a
3 study of public schools that provide instruction primarily
4 through the Internet. The study shall include:

- 5 (1) a review of academic accountability methods and systems;
- 6 (2) a summary of governance structures, approval processes
7 and oversight mechanisms of each public school that provides
8 instruction primarily through the Internet;
- 9 (3) an analysis and verification of the actual and
10 reasonable instructional cost per student for each public school
11 that provides instruction primarily through the Internet; and
12 (4) recommendations regarding funding alternatives.

13 (b) The Department of Education shall prepare a report that
14 includes its findings and recommendations from the study and
15 shall provide the report to the chairman and the minority
16 chairman of the Education Committee of the Senate and the
17 chairman and minority chairman of the Education Committee of the
18 House of Representatives by October 30, 2001.

19 (c) In the event that the report required under subsection
20 (b) is not provided by October 30, 2001, no school district
21 shall pay to any public school that provides instruction
22 primarily through the Internet an amount to exceed two thousand
23 dollars (\$2,000) per resident student enrolled.

24 Section 212. Corporate Seal.--Each school district in this
25 Commonwealth may, by a majority vote of the members of the board
26 of school directors of such district, adopt a corporate seal for
27 the use of said district. The seal shall have engraved thereon
28 the following: "School District of,
29 Pennsylvania," and such other inscription or design as the board
30 of school directors may direct.

1 Section 292. Submission of Plans.--Each county board of
2 school directors, on or before July 1, 1964, shall prepare a
3 plan of organization of administrative units for the county,
4 conforming to the standards for approval of administrative units
5 adopted by the State Board of Education. The plan shall be
6 submitted to the Department of Public Instruction not less than
7 thirty (30) days nor more than sixty (60) days after it is
8 prepared. Any school district which considers itself aggrieved
9 by the plan may set forth its specific objections in a petition
10 which shall be served by registered or certified mail on the
11 secretary of the county board of school directors. All such
12 petitions filed shall be appended to the plan prior to
13 submission to the Department of Public Instruction. No plan of
14 organization of administrative units shall be submitted which
15 violates any written agreement entered into by several school
16 districts for the establishment of a joint school or department,
17 unless the agreement is amended to provide that it shall be
18 discontinued at the time the proposed administrative unit is
19 deemed established as a school district. A plan of organization
20 of administrative units shall be deemed to violate a written
21 agreement entered into by several school districts for the
22 establishment of a joint school or department only when it
23 formulates an administrative unit, which in whole or in part
24 comprises less than all of the school districts joined by such
25 agreement. In preparing its plans, a county board of school
26 directors shall confer with school directors and administrators
27 of all school districts of the county, and may confer with the
28 staff of the Department of Public Instruction and upon written
29 request shall confer with other interested persons. Each plan
30 shall assure the continuity of special education and area

1 technical school programs by providing special education and
2 area technical school attendance areas established in accordance
3 with standards approved by the State Board of Education.

4 Each county board of school directors which prepared and
5 submitted to the Department of Public Instruction prior to
6 January 1, 1963, a plan of organization of administrative units
7 for the county, shall, in compliance with the provisions hereof,
8 reconsider such plan and submit the same or a revised plan on or
9 before July 1, 1964, irrespective of the action taken on the
10 prior plan. In those cases where the prior plan was approved by
11 the State Council of Education, the plan submitted when approved
12 by the Council of Basic Education shall supersede the prior
13 approved plan as the plan of organization of administrative
14 units for the county.

15 ~~Section 293. Approval of Plans. (a) When any plan of~~ <--
16 ~~organization of administrative units for a county is found to~~
17 ~~conform to the standards for approval of administrative units~~
18 ~~adopted by the State Board of Education, the Department of~~
19 ~~Public Instruction shall cause such plan to be placed upon the~~
20 ~~agenda of the Council of Basic Education. The Council of Basic~~
21 ~~Education shall review all plans placed upon its agenda, and~~
22 ~~approve such plans as it deems wise in the best interests of the~~
23 ~~educational system of the Commonwealth. Except as hereinafter~~
24 ~~provided, no plan of organization of administrative units shall~~
25 ~~be approved in which any proposed school district contains a~~
26 ~~pupil population of less than four thousand (4,000), unless when~~
27 ~~factors of topography, pupil population, community~~
28 ~~characteristics, transportation of pupils, use of existing~~
29 ~~school buildings, existing administrative units, potential~~
30 ~~population changes and the capability of providing a~~

1 comprehensive program of education are considered by the Council
2 of Basic Education as requiring the approval of a plan of
3 organization of administrative units in which one or more
4 proposed school districts contains a pupil population of less
5 than four thousand (4,000). (b) A plan of organization of
6 administrative units for a county shall be approved by the
7 Council of Basic Education, if the plan contains (i) no unit
8 with a pupil population less than that of the unit with the
9 smallest pupil population in the last previous county wide plan
10 submitted to and approved by the State Council of Education
11 prior to September 12, 1961, and (ii) no more units than were in
12 the aforesaid county wide plan plus an additional unit for each
13 second class district which was not required to be a part of
14 such county wide plan and which was not included in an
15 administrative unit thereof. (c) Pupil population as used in
16 this section shall mean the average daily membership for the
17 school year 1961-1962 including kindergarten or grade one
18 through grade twelve.

19 Section 294. Disapproval of Plans.--When any plan of
20 organization of administrative units for a county is disapproved
21 by the Council of Basic Education, it shall be returned to the
22 county board of school directors which submitted the plan for
23 reconsideration, amendment and resubmission in accordance with
24 the recommendations of the Council of Basic Education.

25 Section 295. Department of Public Instruction to Prepare
26 Plans.--In the event that no plan of organization of
27 administrative units is approved by the Council of Basic
28 Education for a county prior to January 1, 1965, the Department
29 of Public Instruction shall prepare and place upon the agenda of
30 the Council of Basic Education a plan of organization of

1 administrative units for the county. When approved by the
2 Council of Basic Education, such plan shall be deemed the
3 approved plan of organization of administrative units for the
4 county.

5 Any school district which considers itself aggrieved by a
6 plan of organization of administrative units approved by the
7 Council of Basic Education may appeal to the State Board of
8 Education by filing a petition, within thirty (30) days after
9 approval of the plan, setting forth the grounds for such appeal.
10 A copy of such petition shall be served by registered or
11 certified mail on the secretary of the county board of school
12 directors. The State Board of Education, or its representative,
13 shall fix a day and time for hearing, shall give written notice
14 to all parties interested, and may hear and consider such
15 testimony as it may deem advisable to enable it to make a
16 decision. After reaching its decision, the State Board of
17 Education shall enter such order as appears to it just and
18 proper, either directing the Council of Basic Education to
19 approve the plan in an amended form or confirming the plan in
20 the form previously approved by the Council of Basic Education.
21 The decision of the State Board of Education shall be final,
22 unless an appeal is taken as now provided under the provisions
23 of the "Administrative Agency Law."

24 Section 296. Establishment of Reorganized School
25 Districts.--On July 1, 1966, or on the date of advance
26 establishment, all administrative units contained in plans of
27 organization of administrative units approved by the Council of
28 Basic Education shall constitute and be deemed established as
29 school districts, and shall belong to the class to which they
30 are entitled as provided by law: Provided, however, if any

1 approved administrative unit includes any district or districts
2 of the second, third, or fourth class with any district of the
3 first class A, such district or districts of the second, third,
4 or fourth class shall be merged into and become part of said
5 district of the first class A, and said district of the first
6 class A as thus enlarged shall be the reorganized district and
7 shall be considered as having had continued existence.

8 Section 297. Advance Establishment.--(a) Any administrative
9 unit contained in a plan of organization of administrative units
10 approved by the Council of Basic Education may constitute and be
11 deemed established as a school district on July 1, 1964, or on
12 July 1, 1965, when the following conditions have been satisfied:

13 (1) All appeals to the State Board of Education from the
14 action of the Council of Basic Education approving the plan of
15 organization of administrative units have been finally
16 determined;

17 (2) At a regular meeting or at a special meeting called for
18 such purpose, the board of school directors of each school
19 district composing the administrative unit has approved by
20 majority vote the establishment in advance of July 1, 1966, of
21 the proposed school district contained in the plan of
22 organization of administrative units approved by the Council of
23 Basic Education;

24 (3) A copy of the resolution of each school district is
25 filed with the Department of Public Instruction; and

26 (4) The Superintendent of Public Instruction certifies to
27 the Council of Basic Education that all school districts
28 composing the administrative unit have filed resolutions with
29 the Department of Public Instruction approving the establishment
30 of the school district in advance of July 1, 1966. The

1 certification shall state the date when the school district
2 shall be deemed established.

3 (b) Any school district established in advance of July 1,
4 1966, shall be entitled to all the benefits of this act and
5 shall be subject to all of the provisions of this act as if the
6 school district were constituted and deemed established on July
7 1, 1966: Provided, however, That in the case of school districts
8 established on July 1, 1964, the provisions of section 303.1 of
9 this act relating to election of school directors shall be
10 advanced two years: And provided further, That in the case of
11 school districts established on July 1, 1965, the provisions of
12 section 303.1 of this act shall not be advanced.

13 Section 510.1. Special School Watchmen-School Districts in
14 Townships of the Second Class.--The board of school directors of
15 school districts in townships of the second class may, by
16 resolution, appoint and fix the salary of special school
17 watchmen, who shall have the duty of patrolling school grounds
18 and protecting school property.

19 Section 519. Copies of School Laws.--The Superintendent of
20 Public Instruction shall send to each member of every board of
21 school directors in the State, a bound copy of each new edition
22 of the School Laws, as soon as possible after the same shall
23 have been published.]

24 Section 523. Educational Broadcasting.--

25 [(a) The State Board of Education shall adopt and amend,
26 when necessary, a State Plan for Educational Broadcasting. The
27 State plan shall provide for the development of educational
28 broadcasting facilities in the Commonwealth and shall define
29 educational broadcasting service areas which shall be served by
30 specified broadcasting centers. The Department of Education

1 shall promulgate regulations to implement the State plan. Prior
2 to adoption or amendment of the State plan, the board shall
3 submit the plan to the Pennsylvania Public Television Network
4 Commission and receive its comments thereon.]

5 * * *

6 [Section 705. Residences for Teachers and Janitors.--The
7 board of directors of any school district of the fourth class,
8 when they consider it necessary, may purchase or build a
9 residence or residences for the use of the principal or teacher
10 or janitor, or any of them, as shall be deemed advisable, in the
11 same manner and upon the same procedure as other school
12 buildings are purchased or erected. Such school districts, with
13 the approval of the Department of Public Instruction, are
14 authorized to expend the funds of the school district and to
15 borrow money for the purchase or erection of such residences in
16 the same manner as for other school buildings. Any such district
17 may fix and charge a rental for the use of such building, which
18 rental shall be paid into the school treasury. All property
19 acquired under this section shall be held by the school district
20 the same as other school property.

21 Section 736. Heating Stoves to be Shielded.--No board of
22 school directors in this Commonwealth shall use a common heating
23 stove for the purpose of heating any school room, unless such
24 stove is in part enclosed within a shield or jacket made of
25 galvanized iron, or other suitable material, and of sufficient
26 height, and so placed, as to protect all pupils while seated at
27 their desks from direct rays of heat.

28 Section 737. Ventilation; Thermometer.--No school room or
29 recitation room shall be used in any public school which is not
30 provided with ample means of ventilation, and whose windows,

1 when they are the only means of ventilation, shall not admit of
2 ready adjustment both at the top and bottom, and which does not
3 have some device to protect pupils from currents of cold air.

4 Every school room or recitation room shall be furnished with a
5 thermometer.

6 Section 738. Fireproof Construction.--All school buildings,
7 two or more stories high, hereafter erected or leased in any
8 school district of the first class in this Commonwealth shall be
9 of fireproof construction; and in any school district of the
10 second, third, or fourth class, every building more than two
11 stories high, hereafter built or leased for school purposes,
12 shall be of fireproof construction.

13 Section 739. Doors to Open Outward; Fire Escapes; etc.--All
14 doors of entrance into any building used for public school
15 purposes shall open outward.

16 In all school buildings erected after the first day of May,
17 one thousand nine hundred twenty-five, or buildings leased or
18 used for school purposes, all entrance and exit doors, as well
19 as all doors leading to or from all regular, special, or general
20 rooms, shall open outward.

21 Every school building shall be provided with necessary fire-
22 escapes and safety-appliances as required by law.

23 On and after January 1, 1973, each new school building and
24 every addition to an existing school building equipped with
25 windows and with no emergency fire rescue door to the outside,
26 shall be equipped with escape windows of such type and at such
27 locations as may be approved by the Department of Labor and
28 Industry.

29 Section 760. Completion of Abandoned WPA Projects, Districts
30 Third and Fourth Class.--Whenever any school district of the

1 third or fourth class, pursuant to contract with the Works
2 Projects Administration or any other agency of the United States
3 Government, shall have expended money for the erection of a
4 school building to be erected by such agency, and after the
5 erection of such building has been begun, but before the
6 completion thereof the project is abandoned by the Works
7 Projects Administration or other agency of the United States
8 Government, the board of directors of such school district may,
9 with the approval of the Superintendent of Public Instruction,
10 enter into a contract for the immediate continuation of the work
11 of erecting such school building to an extent necessary to
12 protect the work already completed from loss or damage by the
13 elements. Such contract may be let on competitive bids solicited
14 from at least three responsible bidders and approved by the
15 Superintendent of Public Instruction.

16 Section 772. Condition of Grounds; Shade Trees.--The board
17 of school directors in each school district shall put the
18 grounds about every school building in a neat, proper and
19 sanitary condition and so maintain the same and shall provide
20 and maintain a proper number of shade trees.

21 Section 1208. Summer Schools, etc.--The State Board of
22 Education shall provide for summer schools in State colleges,
23 colleges, universities and other educational institutions, and
24 for extension courses and correspondence courses for all
25 teachers employed in the public school system of the
26 Commonwealth who wish to acquire the minimum qualifications
27 prescribed herein, or such further qualifications as may be
28 desirable.

29 Section 1317.1. Possession of Telephone Pagers Prohibited.--
30 (a) The possession by students of telephone paging devices,

1 commonly referred to as beepers, shall be prohibited on school
2 grounds, at school sponsored activities and on buses or other
3 vehicles provided by the school district.

4 (b) The prohibition contained in subsection (a) shall not
5 apply in the following cases, provided that the school
6 authorities approve of the presence of the beeper in each case:

7 (1) A student who is a member of a volunteer fire company,
8 ambulance or rescue squad.

9 (2) A student who has a need for a beeper due to the medical
10 condition of an immediate family member.]

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

12 [(f) Studies, Appraisals and Reports to Governor. The
13 Department of Education is hereby authorized, to the extent that
14 funds are available for that purpose and in cooperation with
15 other appropriate agencies and organizations, to conduct studies
16 of methods of improving and expanding school food programs and
17 promoting nutritional education in the schools, to conduct
18 appraisals of the nutritive benefits of school food programs and
19 to report its findings and recommendations, from time to time,
20 to the Governor.

21 Section 1338.2. Antitruancy Programs.--The Department of
22 Education shall formulate recommendations for the General
23 Assembly concerning the establishment and funding of effective
24 community-based antitruancy pilot programs. In formulating these
25 recommendations, the Department of Education shall seek advice
26 and counsel from educators, parents, students, district
27 attorneys, law enforcement representatives, attendance officers,
28 social service agencies experienced in providing services to
29 truant children, counselors, judges, probation officers and
30 representatives from the Pennsylvania Commission on Crime and

1 Delinquency and the Juvenile Court Judges' Commission.

2 Section 1378. Medical Care for Children Under Six with
3 Defective Hearing.--Whenever the county medical director of the
4 Department of Health reports to the medical examiner of any
5 school district a case of a minor under six (6) years of age,
6 who is totally deaf or whose hearing is impaired, who is not
7 receiving adequate care and treatment, and whose parent or
8 guardian is financially unable to provide the same, such medical
9 examiner shall provide such care and treatment at the expense of
10 the school district or of the Commonwealth, as the case may be,
11 charged by law with the providing of medical examinations for
12 the schools of the school district. Such care and treatment may
13 be administered by the medical examiner or by some doctor of
14 medicine selected by him.

15 Section 1308-A. Report.--The Secretary of Education shall
16 survey all school districts and nonpublic schools to determine
17 the extent to which additional costs have been incurred in
18 implementing administrative and reporting requirements
19 established for public and nonpublic schools in section 1317.2
20 and in sections 1304-A through 1307-A. The Secretary of
21 Education shall issue a report to the chairman and the minority
22 chairman of the Appropriations Committee and the Education
23 Committee of the Senate and the Appropriations Committee and
24 Education Committee of the House of Representatives by April 1,
25 1996, concerning the extent to which additional costs have been
26 incurred by school districts and nonpublic schools.

27 Section 1414. Care and Treatment of Pupils.--Any school
28 district or joint school board may provide for the care and
29 treatment of defective eyes, ears and teeth of all children of
30 school age within the district.

1 Section 1422.1. Local Wellness Policy.--(a) Not later than
2 the first day of the school year beginning after June 30, 2006,
3 each local education agency shall, pursuant to section 204 of
4 the Child Nutrition and WIC Reauthorization Act of 2004 (Public
5 Law 108-265, 118 Stat. 729), establish a local wellness policy
6 for schools within the local education agency.

7 (c) A local education agency may submit its local wellness
8 policy or information on other initiatives regarding child
9 health, nutrition, food allergy reaction management and physical
10 education to the Department of Education for inclusion in the
11 clearinghouse established under section 1422.3(3).† <--

12 Section 2. ~~Section 1517(d) of the act is amended to read:~~

13 Section 1517. ~~Fire and Emergency Evacuation Drills. * * *~~

14 ~~(d) (1) All school entities using or contracting for school
15 buses for the transportation of school children shall conduct on
16 school grounds two emergency evacuation drills on buses during
17 each school year, the first to be conducted during the first
18 week of the first school term and the second during the month of
19 March, and at such other times as the chief school administrator
20 may require. Each such drill shall include the practice and
21 instruction concerning the location, use and operation of
22 emergency exit doors and fire extinguishers and the proper
23 evacuation of buses in the event of fires or accidents.~~

24 ~~(2) Bus operators shall be provided with proper training and
25 instructions to enable them to carry out the provisions of this
26 subsection and may be required to attend classes and drills in
27 connection therewith.~~

28 * * *

29 Section 3. ~~Sections 1522, 1534, Article XV B, sections 1503
30 E(10), 1804, 1811, 1923 and 2002 C(b), Article XXII A and~~

1 ~~section 2596 of the act are repealed:~~

2 †Section 1522. Foreign Language Academies.--(a) The
3 Department of Education shall establish a summer foreign
4 language academy grant program utilizing Federal education funds
5 and matching grants for students in this Commonwealth. To the
6 greatest extent possible, the department shall establish
7 guidelines for the programs which involve the universities and
8 colleges, local school districts and intermediate units. Those
9 students who are to participate in the program shall be selected
10 by the local school districts.

11 (b) At least one summer foreign language academy shall be in
12 operation by the summer of 1993.

13 (c) The department shall prepare an annual report of the
14 summer foreign language academies program which shall be
15 submitted to the Governor, the Education Committee of the Senate
16 and the Education Committee of the House of Representatives.

17 Section 1534. Monthly Reports to School Directors; Districts
18 Second, Third and Fourth Class.--In school districts of the
19 second, third and fourth class every teacher employed in the
20 public schools shall, at the end of each school month, or within
21 five days thereafter, make a report for the past month to the
22 board of school directors. Such reports shall state correctly
23 the number of days the schools were kept open, and, if closed on
24 any days, the reason therefor, the number, age, and sex of all
25 pupils, and the number of days attended by each. Such reports
26 shall be made on blank forms to be furnished the teachers by the
27 board of school directors. No teacher shall be paid more than
28 one-half of his salary for the current month until such report
29 is made. Such reports shall be filed with the secretary of the
30 board, and shall at all times be open to inspection by the

1 public. Any school principal may make such report for the entire
2 school.

3 ARTICLE XV-B.

4 READ TO SUCCEED PROGRAM.

5 Section 1501-B. Establishment of Program.--There is hereby
6 established in the Department of Education the Read to Succeed
7 Program. The program shall provide competitive grants to school
8 districts and charter schools to build strong reading skills in
9 Pennsylvania students. The program shall emphasize students with
10 the greatest need for intensive reading instruction and school
11 programs that will enable students to learn to read by the end
12 of the third grade.

13 Section 1502-B. Eligibility Requirements.--(a) The
14 Department of Education shall establish eligibility criteria to
15 be used to select schools and students in kindergarten through
16 third grade to participate in the Read to Succeed Program.

17 (b) The secretary shall establish matching requirements for
18 grant recipients.

19 Section 1503-B. Program Requirements.--School districts and
20 charter schools shall apply for grants as prescribed by the
21 Department of Education. The application will contain the
22 following:

- 23 (1) Identification of students with the greatest need.
- 24 (2) Methods of ongoing assessment.
- 25 (3) Reading instruction based on current reading research.
- 26 (4) Integration with the reading instruction programs and
27 activities of the school district.
- 28 (5) Professional development plan.
- 29 (6) Opportunities for extended learning time.
- 30 (7) Coordination with community-based reading activities,

1 including family literacy programs.

2 (8) Staff and program facilities.

3 (9) A multiyear plan that shows how the school district or
4 charter school will assume full financial and programmatic
5 responsibility for the Read to Succeed Program at the conclusion
6 of the grant period.

7 (10) The estimated budget for each specific program
8 activity.

9 Section 1504-B. Technical Assistance and Monitoring.--The
10 Department of Education shall provide technical assistance and
11 establish methods to ensure the quality of the program receiving
12 a grant, including program monitoring and onsite visitation.

13 Section 1505-B. Reports.--(a) A school district or charter
14 school participating in the Read to Succeed Program shall
15 provide program and fiscal reports as required by the Department
16 of Education.

17 (b) Beginning in the year 2000, the department shall submit
18 a report by December 31 of each year to the majority and
19 minority chairman of the Education Committee of the Senate and
20 the majority and minority chairman of the Education Committee of
21 the House of Representatives.]

22 Section 1503-E. Department duties and powers.

23 The department shall:

24 * * *

25 [(10) Prepare and submit an annual report to the
26 Education Committee of the Senate and the Education Committee
27 of the House of Representatives regarding the administration
28 and operation of programs and grants awarded under the grant
29 program. The report shall include:

30 (i) A summary of the guidelines and criteria

1 established by the department and the establishment and
2 operation of the grant program.

3 (ii) A listing of the sources of funding sought by
4 the department for use in the grant program.

5 (iii) A listing of the number of school districts
6 that established and implemented programs.

7 (iv) A description of each school district's program
8 and the integration into the curriculum.

9 (v) A description of measures utilized by school
10 districts to provide parent, professional educator and
11 community involvement.

12 Section 1804. Schools or Classes; Supervisors; Principals;
13 Instructors, etc.--In carrying out the provisions of this act,
14 the State Board for Vocational Education shall provide for
15 vocational schools or classes, with the necessary staffs, in
16 accordance with the State Plan for Vocational Education,
17 approved by the Federal Board for Vocational Education.

18 Principals, instructors and lecturers for the Public Service
19 Institute shall be elected by the State Board for Vocational
20 Education. They shall possess the qualifications established in
21 the State Plan for Vocational Education approved by the Federal
22 Board for Vocational Education.

23 Section 1811. Estimate of Expenses and Reimbursements;
24 Appropriations.--On or before the first Wednesday of January of
25 any year in which the regular session of the Legislature is
26 held, the State Board for Vocational Education shall present to
27 the Legislature an estimate of the amount of money necessary to
28 meet the expenditures to be incurred in the administration of
29 this act for the fiscal year beginning with the first day of the
30 ensuing June, 1961, and beginning with the first day of July of

1 each year thereafter; and the amount necessary to meet the
2 claims of school districts and unions of school districts
3 maintaining approved vocational schools or departments, under
4 the provisions of this act for the school year beginning with
5 the first day of the preceding July. On the basis of such
6 statement, the Legislature shall make an appropriation of such
7 amounts as may be necessary to meet the expense of carrying this
8 act into effect, and of reimbursing such school districts and
9 unions of school districts for such school year as herein
10 provided.

11 Section 1923. Teachers of Evening Schools.--All teachers of
12 evening schools must have proper certificates as provided in
13 this act.]

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

16 * * *

17 [(b) Reporting requirements.--A public institution of higher
18 education shall submit to the department a series of interim
19 reports outlining the actions that the public institution of
20 higher education has undertaken or intends to undertake to
21 comply with subsection (a), which shall be filed December 31,
22 2006, June 30, 2007, and December 31, 2007.]

23 * * *

24 [ARTICLE XXII-A.

25 MEDICAL EDUCATION LOAN ASSISTANCE.

26 (a) General Provisions.

27 Section 2201-A. Scope.

28 This article deals with medical education loan assistance.

29 Section 2202-A. Purpose.

30 The purpose of this article is to provide an incentive to

1 Pennsylvania students to pursue higher education and training in
2 medicine, professional nursing, biomedicine and the life
3 sciences in order to maintain the delivery of quality health
4 care services in this Commonwealth.

5 Section 2203-A. Definitions.

6 The following words and phrases when used in this article
7 shall have the meanings given to them in this section unless the
8 context clearly indicates otherwise:

9 "Accredited medical college." An institution of higher
10 education located in this Commonwealth that is accredited by the
11 Liaison Committee on Medical Education to provide courses in
12 medicine and empowered to grant professional and academic
13 degrees in medicine as defined in the act of December 20, 1985
14 (P.L.457, No.112), known as the Medical Practice Act of 1985.

15 "Agency." The Pennsylvania Higher Education Assistance
16 Agency.

17 "Approved institution of higher learning." An institution of
18 higher learning located in this Commonwealth and approved by the
19 agency.

20 "Approved nursing program." An institution located in this
21 Commonwealth and accredited to grant professional and academic
22 degrees or diplomas in nursing as defined in the act of May 22,
23 1951 (P.L.317, No.69), known as The Professional Nursing Law.

24 "Degree in medicine." A degree from an accredited medical
25 college that qualifies the degree recipient to be licensed as a
26 physician.

27 "Designated area." Any of the following:

28 (1) A geographic area of this Commonwealth that is
29 designated by the Secretary of Health as having a shortage of
30 physicians.

1 (2) A geographic area of this Commonwealth designated by
2 the United States Department of Health and Human Services as
3 a medically underserved area or designated to have a
4 medically underserved population.

5 "Eligible applicant." An individual who holds an
6 undergraduate degree from an institution of higher learning and
7 is enrolled in:

8 (1) an accredited medical college; or

9 (2) an approved institution of higher learning for
10 purposes of obtaining a graduate degree in biomedicine or
11 life sciences.

12 "Guarantor." An insurance company or not-for-profit
13 guarantor whose primary purpose is to provide default coverage
14 and loss prevention services to an offeror of unsecured student
15 loans.

16 "Licensed health care facility." A health care facility that
17 is enrolled in the Commonwealth's medical assistance program and
18 is licensed under Article X of the act of June 13, 1967 (P.L.31,
19 No.21), known as the Public Welfare Code, or the act of July 19,
20 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

21 "Nursing school applicant." An individual who is a resident
22 of this Commonwealth and is enrolled in an approved nursing
23 program.

24 "Offeror." An institution that makes unsecured loans to
25 eligible students in cooperation with the agency.

26 "Physician." An individual licensed to practice medicine and
27 surgery within the scope of the act of October 5, 1978
28 (P.L.1109, No.261), known as the Osteopathic Medical Practice
29 Act, or the act of December 20, 1985 (P.L.457, No.112), known as
30 the Medical Practice Act of 1985.

1 "Registered nurse." An individual licensed to practice
2 professional nursing under the act of May 22, 1951 (P.L.317,
3 No.69), known as The Professional Nursing Law.

4 "Work requirement for nurses." Postgraduate, full-time
5 employment in direct patient care with a licensed health care
6 facility located in this Commonwealth in an occupation related
7 to an approved course of study. The term does not include a paid
8 student internship, a paid fellowship, volunteer service or
9 employment before graduation.

10 (b) Program.

11 Section 2211-A. Pennsylvania Medical Education Loan Assistance
12 Program.

13 The agency shall establish and administer the Pennsylvania
14 Medical Education Loan Assistance Program as set forth in
15 sections 2212-A and 2213-A to provide financial assistance to
16 individuals who acquire the required degree or diploma in
17 medicine, professional nursing, biomedicine or life sciences and
18 to recruit these individuals to practice their professions in
19 Pennsylvania.

20 Section 2212-A. Loan guarantor program.

21 (a) Establishment of program.--The agency shall administer a
22 loan guarantor program on a Statewide basis. The agency shall
23 utilize funds in the Medical School Loan Account to encourage
24 eligible applicants to attend an accredited medical college or
25 an approved institution of higher learning.

26 (b) Loan Guarantor Program.--The Loan Guarantor Program
27 shall provide for the following:

28 (1) Life of loan servicing.

29 (2) Contracting for insurance with a guarantor, approved
30 by the agency, which offers a low-cost loan with competitive

1 interest rates and loan fees to eligible applicants.

2 (3) Predetermining the eligibility of applicants who
3 receive a loan from an offeror to attend an accredited
4 medical school or an approved institution of higher learning
5 that is insured by a guarantor.

6 (4) Evaluating the benefit package of a guarantor for
7 adequacy, accessibility and availability of funds necessary
8 to provide adequate loss prevention.

9 (c) Low-cost loans.--An eligible applicant shall apply to an
10 offeror for a low-cost loan to attend an accredited medical
11 college or an approved institution of higher learning. A low-
12 cost loan made under this subsection shall be guaranteed by an
13 approved guarantor through a contract with the agency. Low-cost
14 loans made under this subsection shall provide reduced interest
15 rates and loan fees to eligible applicants compared to loans
16 made for the same purpose that are not guaranteed by this
17 article.

18 (d) Loan requirements.--Loans provided under this section
19 shall cover up to 100% of the actual cost of tuition, room and
20 board at an accredited medical college or an approved
21 institution of higher learning and the actual cost of course-
22 required textbooks and supplies for the recipient.

23 (e) Default.--If a recipient fails to repay a loan received
24 under this section, the agency shall collect the loan pursuant
25 to one of the following:

26 (1) Section 4.3 of the act of August 7, 1963 (P.L.549,
27 No.290), referred to as the Pennsylvania Higher Education
28 Assistance Agency Act.

29 (2) A process established by the applicable guarantors.

30 (3) Any other collection procedure or process deemed

1 appropriate by the agency.

2 (f) Medical Education Loan Loss Account.--An account is
3 hereby established within the agency to receive funds
4 appropriated for purposes of this section. Moneys in the account
5 are hereby appropriated to the agency to provide the loan
6 guarantor program. When funds in the account are expended, no
7 additional loans shall be offered.

8 (g) Interest rate reduction.--The agency or an offeror may
9 modify loans under this section to further reduce interest rates
10 as follows:

11 (1) The agency or the offeror may reduce the interest
12 rate of the loan by not less than 1% if the loan recipient,
13 upon completion of a graduate degree in biomedicine or life
14 sciences or upon licensure as a physician, agrees to practice
15 medicine or be employed to conduct research on a full-time
16 basis in Pennsylvania for a period of three consecutive
17 years.

18 (2) The agency or the offeror may reduce the interest
19 rate of the loan by not less than 2% if the loan recipient,
20 upon licensure as a physician, agrees to practice medicine
21 for not less than three consecutive years in a designated
22 area.

23 (h) Contract.--In addition to the requirements of subsection
24 (g), in order to be eligible for an interest rate reduction, a
25 loan recipient shall enter into a contract with the agency or an
26 offeror or its assigns at the time the loan is made. The
27 contract shall include the following:

28 (1) The loan recipient practicing in a designated area
29 shall agree to treat patients eligible for medical assistance
30 and Medicare.

1 (2) The loan recipient shall permit the agency or the
2 offeror to monitor the recipient's practice or employment to
3 determine compliance with the terms of the contract and this
4 article.

5 (3) The agency shall certify compliance with the terms
6 of the contract.

7 (4) Upon the loan recipient's death or total or
8 permanent disability, the agency or the offeror shall nullify
9 the service obligation of the recipient.

10 (5) If the loan recipient is convicted of or pleads
11 guilty or no contest to a felony or if the licensing board
12 has determined that the recipient has committed an act of
13 gross negligence in the performance of service obligations or
14 has suspended or revoked the license to practice, the agency
15 or the offeror shall terminate the loan recipient's
16 participation in the program and seek repayment of the amount
17 of the loan on the date of the conviction, determination,
18 suspension or revocation.

19 (6) A loan recipient who fails to comply with a contract
20 shall pay to the agency or the offeror the amount of loan
21 received under the original contract as of the time of
22 default. Providing false information or misrepresentation on
23 an application or verification of service shall constitute
24 default.

25 (i) Accountability.--In July 2004, the agency shall conduct
26 a performance review of the program and services provided. The
27 performance review shall include the following:

28 (1) The goals and objectives of the program.

29 (2) A determination of whether the goals and objectives
30 were achieved by the agency-participating guarantor and

1 offeror.

2 (3) The specific methodology used to evaluate the
3 results.

4 (4) Recommendations for improvement.

5 Section 2213-A. Loan forgiveness program.

6 (a) Establishment of program.--The agency shall administer a
7 loan forgiveness program for nursing school applicants on a
8 Statewide basis. The agency may provide loan forgiveness as
9 provided in subsection (b) for recipients of loans who by
10 contract with the agency agree to practice professional nursing
11 in this Commonwealth upon attainment of the required license.

12 (b) Loan forgiveness.--Agency-administered, federally
13 insured student loans for higher education provided to a nursing
14 school applicant may be forgiven by the agency as follows:

15 (1) The agency may forgive 50% of the loan, not to
16 exceed \$50,000, if a loan recipient enters into a contract
17 with the agency that requires the recipient upon successful
18 completion of an approved nursing program and licensure as a
19 registered nurse to practice nursing in this Commonwealth for
20 a period of not less than three consecutive years.

21 (2) Loan forgiveness awards made pursuant to paragraph
22 (1) shall be forgiven over a period of three years at an
23 annual rate of 33 1/3% of the award and shall be made from
24 funds appropriated for this purpose.

25 (3) The contract entered into with the agency pursuant
26 to paragraph (1) shall be considered a contract with the
27 Commonwealth and shall include the following terms:

28 (i) An unlicensed recipient shall apply for a
29 registered nurse's license to practice in this
30 Commonwealth at the earliest practicable opportunity upon

1 successfully completing a degree in nursing.

2 (ii) Within six months after licensure, a recipient
3 shall engage in the practice of nursing in this
4 Commonwealth according to the terms of the loan
5 forgiveness award.

6 (iii) The recipient shall agree to practice in a
7 licensed health care facility in the provision of direct
8 patient care on a full-time basis.

9 (iv) The recipient shall permit the agency to
10 determine compliance with the work requirement for nurses
11 and all other terms of the contract.

12 (v) Upon the recipient's death or total or permanent
13 disability, the agency shall nullify the service
14 obligation of the recipient.

15 (vi) If the recipient is convicted of or pleads
16 guilty or no contest to a felony or if the licensing
17 board has determined that the recipient has committed an
18 act of gross negligence in the performance of service
19 obligations or has suspended or revoked the license to
20 practice, the agency shall have the authority to
21 terminate the recipient's service in the program and
22 demand repayment of the amount of the loan as of the date
23 of the conviction, determination, suspension or
24 revocation.

25 (vii) Loan recipients who fail to begin or complete
26 the obligations contracted for shall pay to the agency
27 the amount of the loan received under the terms of the
28 contract pursuant to this section. Providing false
29 information or misrepresentation on an application or
30 verification of service shall be deemed a default.

1 Determination as to the time of default shall be made by
2 the agency.

3 (4) Notwithstanding 42 Pa.C.S. § 8127 (relating to
4 personal earnings exempt from process), the agency may seek
5 garnishment of wages in order to collect the amount of the
6 loan following default under paragraph (3)(vii).

7 Section 2214-A. Tax applicability.

8 Loan forgiveness repayments received by a student shall not
9 be considered taxable income for purposes of Article III of the
10 act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code
11 of 1971.

12 (c) Miscellaneous Provisions.

13 Section 2231-A. Annual report.

14 (a) Development of report.--The agency shall publish a
15 report by September 1, 2002, and every year thereafter for the
16 immediately preceding fiscal year. The report shall include
17 information regarding the operation of the programs established
18 under this article, including:

19 (1) The number and amount of loan guarantees and loan
20 contracts executed and renewed for eligible applicants in
21 medicine, biomedicine or life sciences and the nursing loan
22 forgiveness program.

23 (2) The number and amount of nursing loan forgiveness
24 contracts executed and renewed for nursing school applicants.

25 (3) The number of defaulted nursing loan forgiveness
26 contracts, reported by cause.

27 (4) The number of nurses participating in the nursing
28 loan forgiveness program, reported by type of institution
29 attended, including four-year educational institutions,
30 community colleges, independent two-year colleges, private

1 licensed schools, hospital-based courses of study and
2 certificate programs.

3 (5) The number and type of enforcement actions taken by
4 the agency.

5 (b) Submission.--The annual report shall be submitted to the
6 Governor, the chair and minority chair of the Appropriations
7 Committee of the Senate, the chair and minority chair of the
8 Appropriations Committee of the House of Representatives, the
9 chair and minority chair of the Education Committee of the
10 Senate, the chair and minority chair of the Education Committee
11 of the House of Representatives, the chair and minority chair of
12 the Public Health and Welfare Committee of the Senate and the
13 chair and minority chair of the Health and Human Services
14 Committee of the House of Representatives.

15 Section 2232-A. Appeals.

16 The provisions of this article shall be subject to 22 Pa.
17 Code Ch. 121 (relating to student financial aid).

18 Section 2233-A. Regulations.

19 The agency shall adopt regulations and procedures necessary
20 to carry out the purposes of this article.

21 Section 2234-A. Funding.

22 Loan guarantor program payments and loan forgiveness
23 repayments shall be made only to the extent that funds are
24 appropriated for that purpose and are sufficient to cover
25 administration of the programs. The receipt of a loan under this
26 article shall not constitute an entitlement derived from the
27 Commonwealth or a claim on any funds of the Commonwealth.

28 Section 2596. Special Study on the Revenue Impact of Out-of-
29 State Tax Credits.--(a) The Department of Education shall
30 undertake a special study to assess the revenue impact on

1 Pennsylvania school districts of residents who work in bordering
2 states. Particular emphasis shall be placed on districts meeting
3 the following criteria:

4 (1) Districts that levy a local earned income tax under the
5 act of December 31, 1965 (P.L.1257, No.511), known as "The Local
6 Tax Enabling Act"; and

7 (2) Districts that include as resident taxpayers individuals
8 who are subject to state and/or local income taxes at their out-
9 of-State place of employment and who, therefore, claim tax
10 credits in Pennsylvania as a result of these levies.

11 (b) The assessment shall include:

12 (1) Identification of all districts which meet the above
13 criteria.

14 (2) Compilation of data indicating, on a per district basis,
15 the number of resident taxpayers claiming a tax credit for out-
16 of-State payments.

17 (3) Analysis of the individual taxpayer data in order to
18 assess the effect on the local and State revenues for each
19 affected school district.

20 (c) The Secretary of Education shall present a report
21 summarizing the results of this study to the Chairman and the
22 Minority Chairman of the House Education Committee and the
23 Chairman and the Minority Chairman of the Senate Education
24 Committee no later than April 1, 1989.]

25 Section 4 2. This act shall take effect in 60 days.

<--