

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 818

Session of
1987

INTRODUCED BY BURNS, COWELL, CLYMER, REINARD, MELIO, GANNON,
WOGAN, PERZEL AND KENNEY, MARCH 11, 1987

REFERRED TO COMMITTEE ON EDUCATION, MARCH 11, 1987

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," establishing alternative education
6 programs for the education of disruptive students.

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

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding an
11 article to read:

12 ARTICLE XIII-A.

13 ALTERNATIVE EDUCATION PROGRAMS.

14 Section 1301-A. Definitions.--For purposes of this article
15 the following terms shall have the following meanings:

16 (1) "Alternative education program" shall mean any program
17 requesting funds under the provisions of this act, which program
18 is implemented by a school district, area vocational-technical
19 school, group of school districts or intermediate unit, which

removes disruptive students from regular school programs in order to provide those students with a sound educational program and a school counseling program designed to modify disruptive behavior and return the students to a regular school program.

(2) "Applicant" shall mean a school district or intermediate unit or a combination of school districts, area vocational-technical schools and intermediate units which apply for grants under this article.

(3) "Community resources" shall mean those agencies and services for children and youth provided by the juvenile court and the Departments of Health and Public Welfare.

(4) "Curriculum" shall mean those planned courses and instructional and counseling methods approved by the secretary which are designed to eliminate disruptive behavior.

(5) "Disruptive student" shall mean a student who exhibits any or all of the conditions listed below to such an extent that they either interfere significantly with the learning of the student or disrupt the learning of other students in the class or school:

(i) Chronic truancy.

(ii) Rebelliousness toward school officials.

(iii) Physical disruptiveness while in school or on school grounds.

(iv) Persistent violation of legally adopted school rules and regulations.

(v) Display of misuse of drugs or alcohol during school hours.

(6) "School" shall mean any school classified by the Department of Education as a middle school, junior high school, senior high school or area vocational-technical school.

1 (7) "Secretary" shall mean the Secretary of Education.

2 Section 1302-A. Programs.--School districts may develop and
3 implement an alternative education program in accordance with
4 this article. School districts may pool monetary and personnel
5 resources with other school districts, intermediate units and
6 area vocational-technical schools to provide alternate education
7 programs.

8 Section 1303-A. Eligibility.--Disruptive students who are
9 not eligible for placement in classes for exceptional children,
10 as defined in section 1371 of this act, are eligible for
11 placement in an alternative education program.

12 Section 1304-A. Local Planning Requirements.--Applicants
13 seeking funds under this article shall include the following
14 information in the application for a grant:

15 (1) A needs assessment to determine the scope, type and
16 severity of student disruption.

17 (2) A resource assessment to indicate community and school
18 resources available to the applicant for the remediation of
19 student disruption.

20 (3) A curriculum using school and community resources
21 designed to remediate student needs determined through the needs
22 assessment.

23 Section 1305-A. Applications.--Applicants shall submit
24 applications at the time, in the manner, and containing or
25 accompanied by such information as the secretary may prescribe
26 but, in any case, shall document the following:

27 (1) The program is developed in consultation with the
28 faculty and administrative staff of the school.

29 (2) The school board has established policies to determine
30 those students who are eligible for placement in the alternative

education program, which policies shall include a procedure for informing the student of the reasons for the placement and an opportunity for the student to respond before the placement becomes effective. However, in the case of an assault by a student, or other serious offense, the offending student shall be transferred immediately into the alternate education program, absent any legal action against the student by the district. The opportunity to respond to such placement shall be provided to the student as soon thereafter as is practical.

(3) The program utilizes appropriate certificated school personnel to help modify disruptive behavior.

(4) The program provides participating students with the courses of instruction which recognize their special needs and qualify the students for graduation.

(5) The program is only used when other established methods of discipline have been utilized and have failed unless the seriousness of the student's behavior warrants immediate placement.

Section 1306-A. State Assistance.--(a) School districts shall be reimbursed by the Commonwealth one hundred and twenty-five dollars (\$125) per pupil for each nine (9) weeks a student is enrolled in the alternative education program up to a maximum of five hundred dollars (\$500) per year. The Commonwealth shall not provide funding for more than two per centum (2%) of the average daily membership of students enrolled in grades 7 through 12.

(b) The Department of Education shall reimburse programs operating during the 1986-1987 school year under the provisions of subsection (a) of this section. Programs requesting funding shall comply with the provisions of sections 1302-A, 1303-A,

1 1304-A and 1305-A.

2 Section 2. This act shall apply to existing programs
3 requesting funding for the 1986-1987 school year.

4 Section 3. Nothing contained in this act shall be construed
5 to supersede or preempt any provisions of a collective
6 bargaining agreement negotiated by a school entity and an
7 exclusive representative of the employees in accordance with the
8 act of July 23, 1970 (P.L.563, No.195), known as the Public
9 Employe Relations Act.

10 Section 4. This act shall take effect July 1, 1987.