
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 8

Session of
1995

INTRODUCED BY STAIRS, RYAN, PERZEL, BARLEY, FARGO, PITTS,
PHILLIPS, E. Z. TAYLOR, D. W. SNYDER, DEMPSEY, FARMER,
CHADWICK, LYNCH, EGOLF, SCHRODER, PETTIT, LEH, GLADECK,
CLARK, MERRY, BROWN, DENT, ROHRER, CORNELL, HERMAN, NYCE,
STERN, HARHART, WAUGH, FLICK, GODSHALL, DURHAM, HUTCHINSON,
M. N. WRIGHT, RAYMOND, STRITTMATTER, MARSICO, FLEAGLE,
J. TAYLOR, HABAY, KENNEY, SCHULER, BROWNE, BIRMELIN,
FAIRCHILD, FICHTER, MILLER, KING, HENNESSEY, SEMMEL, GEIST,
HERSHEY, SAYLOR, KIRKLAND, STISH, RUDY, TULLI, COWELL,
BATTISTO, SHEEHAN, MUNDY AND BAKER, JANUARY 19, 1995

SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, MAY 20, 1996

AN ACT

1 Establishing programs for the education of disruptive students.

2 The General Assembly of the Commonwealth of Pennsylvania

3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the ~~Disruptive~~ <—

6 ~~Student~~ ALTERNATIVE EDUCATION Program Act. <—

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall

9 have the meanings given to them in this section unless the

10 context clearly indicates otherwise:

11 "ALTERNATIVE EDUCATION PROGRAM." ANY APPLICANT'S PROGRAM <—

12 APPLYING FOR FUNDS UNDER THIS ACT, WHICH PROGRAM IS IMPLEMENTED

1 BY A SCHOOL DISTRICT, AN AREA VOCATIONAL-TECHNICAL SCHOOL, A
2 GROUP OF SCHOOL DISTRICTS OR AN INTERMEDIATE UNIT, WHICH REMOVES
3 DISRUPTIVE STUDENTS FROM REGULAR SCHOOL PROGRAMS IN ORDER TO
4 PROVIDE THOSE STUDENTS WITH A SOUND EDUCATIONAL PROGRAM AND A
5 COUNSELING PROGRAM DESIGNED TO MODIFY DISRUPTIVE BEHAVIOR AND
6 RETURN THE STUDENTS TO A REGULAR SCHOOL PROGRAM. NOTWITHSTANDING
7 SECTION 1502 OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN
8 AS THE PUBLIC SCHOOL CODE OF 1949, ALTERNATIVE EDUCATION
9 PROGRAMS MAY OPERATE OUTSIDE OF THE NORMAL SCHOOL DAY OF THE
10 APPLICANT DISTRICT, INCLUDING SATURDAYS. SCHOOL DISTRICTS SHALL
11 ADOPT A POLICY FOR PERIODIC REVIEW OF STUDENTS PLACED IN THE
12 ALTERNATIVE EDUCATION PROGRAM FOR DISRUPTIVE STUDENTS. THIS
13 REVIEW SHALL OCCUR, AT A MINIMUM, AT THE END OF EVERY SEMESTER
14 THE STUDENT IS IN THE PROGRAM OR MORE FREQUENTLY AT THE
15 DISTRICT'S DISCRETION. THE PURPOSE OF THIS REVIEW IS TO
16 DETERMINE WHETHER OR NOT THE STUDENT IS READY TO RETURN TO THE
17 REGULAR SCHOOL PROGRAM. SUCH PROGRAMS MAY INCLUDE SERVICES FOR
18 STUDENTS RETURNING FROM PLACEMENTS OR WHO ARE ON PROBATION
19 RESULTING FROM BEING ADJUDICATED DELINQUENT IN A PROCEEDING
20 UNDER 42 PA.C.S. CH. 63 (RELATING TO JUVENILE MATTERS), OR WHO
21 HAVE BEEN JUDGED TO HAVE COMMITTED A CRIME UNDER AN ADULT
22 CRIMINAL PROCEEDING.

<—

23 "Applicant." A school district or a combination of school
24 districts which applies for funds under this act.

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

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

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

8 (1) Disregard for school authority, including persistent
9 violation of school policy and rules.

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

12 (3) Violent or threatening behavior ON SCHOOL PROPERTY <—
13 OR DURING SCHOOL-AFFILIATED ACTIVITIES.

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

17 (5) Commission of a criminal act on school property OR <—
18 DURING SCHOOL-AFFILIATED ACTIVITIES.

19 (6) Misconduct that would merit suspension or expulsion
20 under school policy.

21 (7) Habitual truancy.

22 No student who is eligible for special education services
23 pursuant to the Individuals with Disabilities Education Act
24 (Public Law 91-230, 20 U.S.C. § 1400 et seq.) shall be deemed a
25 disruptive student for the purposes of this act, except as
26 provided for in 22 Pa. Code § 14.35 (relating to discipline).

27 ~~"Disruptive student program." Any applicant's program <—~~
28 ~~applying for funds under this act, which program is implemented~~
29 ~~by a school district, an area vocational technical school, a~~
30 ~~group of school districts or an intermediate unit, which removes~~

~~1 disruptive students from regular school programs in order to
2 provide those students with a sound educational program and a
3 counseling program designed to modify disruptive behavior and
4 return the students to a regular school program. School
5 districts shall adopt a policy for periodic review of students
6 placed in the alternative education program for disruptive
7 students. This review shall occur, at a minimum, at the end of
8 every semester the student is in the program or more frequently
9 at the district's discretion. The purpose of this review is to
10 determine whether or not the student is ready to return to the
11 regular school program. Such programs may include transition
12 services for pupils returning from placement in juvenile
13 detention centers or from adult proceedings.~~

14 "School." Any school classified by the Department of
15 Education as a middle school, junior high school, senior high
16 school or area vocational-technical school.

17 "Secretary." The Secretary of Education of the Commonwealth.
18 Section 3. Applications.

19 Applicants shall submit applications at the time, in the
20 manner and containing or accompanied by such information as the
21 department may prescribe but, in any case, shall document the
22 following:

23 (1) The program is developed in consultation with the
24 faculty and administrative staff of the school AND PARENTS <—
25 AND MEMBERS OF THE COMMUNITY.

26 ~~(2) The school board or boards of those entities forming <—
27 a consortium have established policies to determine those
28 students who are eligible for placement in the disruptive
29 student program, which policies shall include a procedure for
30 informing the student and the parents or guardians of the~~

~~student of the reasons for the placement and an opportunity
for the student and the parents or guardians of the student
to respond before the placement becomes effective. However,
in the case of an assault, or other serious offense, by a
student the offending student shall be transferred
immediately into the disruptive student ALTERNATIVE 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 and the parents or guardians of
the student as soon thereafter as is practical UNDER 22 PA.
CODE § 12.6 (RELATING TO EXCLUSIONS FROM SCHOOL).~~

(2) THAT THE APPLICANTS HAVE ESTABLISHED POLICIES TO
IDENTIFY THOSE STUDENTS WHO ARE ELIGIBLE FOR PLACEMENT IN THE
DISRUPTIVE STUDENT PROGRAM AND THAT THE PLACEMENT OF SUCH
STUDENTS WILL COMPLY WITH THE INFORMAL HEARING PROCEDURES SET
FORTH IN 22 PA.CODE § 12.8(C) (RELATING TO HEARINGS). NOTICE
OF THE HEARING SHOULD PRECEDE PLACEMENT IN THE PROGRAM. WHERE
THE STUDENT'S PRESENCE POSES A CONTINUING DANGER TO PERSONS
OR PROPERTY OR AN ONGOING THREAT OF DISRUPTING THE ACADEMIC
PROCESS, THE STUDENT MAY BE IMMEDIATELY REMOVED FROM THE
REGULAR EDUCATION PROGRAM WITH NOTICE AND A HEARING TO FOLLOW
AS SOON AS PRACTICABLE.

(3) That school personnel involved in the program are
properly certificated:

- (I) FOR ALTERNATIVE, INNOVATIVE AND EXPERIMENTAL
ASSIGNMENTS AS WHEN DETERMINED BY THE DEPARTMENT; OR
- (II) FOR PROGRAMS AUTHORIZED BY THIS ACT.

(4) The program provides participating students with a
program of instruction which recognizes their special needs
and qualifies the students for graduation.

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

5 (6) A determination of the scope, type and severity of
6 student disruption and a survey of community and school
7 resources available to the applicant for the remediation of
8 student disruption.

9 ~~Section 4. State incentive.~~

<—

10 ~~(a) Reimbursement. School districts shall be reimbursed by~~
11 ~~the Commonwealth \$125 per pupil for each nine weeks a student at~~
12 ~~or beyond the middle level of education, as provided for in 22~~
13 ~~Pa. Code § 5.212 (relating to middle level education), is~~
14 ~~enrolled in the disruptive student program, up to a maximum of~~
15 ~~\$500 per year. The Commonwealth shall not provide funding for~~
16 ~~more than 2% of the school district's average daily membership~~
17 ~~of students enrolled in grades 7 through 12.~~

18 ~~(b) Procedure. The department shall reimburse programs~~
19 ~~operating during the 1994 1995 school year, and each school year~~
20 ~~thereafter, under the provisions of subsection (a). Programs~~
21 ~~requesting funding shall comply with the provisions of section~~
22 ~~3.~~

23 ~~(c) Undistributed funds. Notwithstanding the limitations~~
24 ~~imposed under subsection (a), the department shall award any~~
25 ~~appropriated but undistributed funds authorized under subsection~~
26 ~~(b) to school districts or consortiums of school districts which~~
27 ~~have to the satisfaction of the secretary demonstrated need for~~
28 ~~additional funding.~~

29 ~~(d) Disruptive student program. School districts initiating~~
30 ~~a disruptive student program in the 1995 1996 school year shall~~

~~1 be eligible for current year funding, as a result of costs
2 incurred in developing the program, of \$125 per pupil for each
3 nine weeks a student at or beyond the middle level of education,
4 as provided for in 22 Pa. Code § 5.212, is enrolled in the
5 program, up to a maximum of \$500 per year. The Commonwealth
6 shall not provide funding for more than 2% of the school
7 district's average daily membership of students enrolled in
8 grades 7 through 12. The district shall submit sufficient
9 information to the department by April 1, 1996, to determine the
10 appropriate level of funding. The information shall be submitted
11 on a form developed by the department. Payments to the school
12 district shall be made on the first day of June in conjunction
13 with payments for the equalized subsidy for basic education and
14 supplements thereto as provided for in Article XXV of the act of
15 March 10, 1949 (P.L.30, No.14), known as the Public School Code
16 of 1949. School districts receiving payments under this
17 subsection shall also be eligible for reimbursement payments
18 provided in this section for programs operated in the 1995-1996
19 school year.~~

~~20 Section 5. Payment schedule.~~

~~21 For the 1994-1995 school year, and each school year
22 thereafter, the amount apportioned and allotted to each school
23 district shall be divided into six payments and the Secretary of
24 Education shall draw his requisition six times upon the State
25 Treasurer in favor of each district for the amount to which it
26 is entitled. The first five payments shall be estimates based on
27 but not to exceed 15% each of the total net amount apportioned
28 and allocated to the district for the payment year. The final
29 payment shall be the balance of the apportionment due for the
30 applicable school year. Payment thereof shall be made to all~~

~~eligible districts on the last Thursday of August, October,
December, February and April and the first day of June.~~

(7) APPLICANTS SHALL DESCRIBE THE EDUCATIONAL PROGRAM TO
BE PROVIDED. THE PROGRAM MAY MODIFY THE REQUIREMENTS
ESTABLISHED IN SECTIONS 1327, 1501 AND 1504 OF THE ACT OF
MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL
CODE OF 1949, INsofar AS THEY ARE RELATED TO THE NUMBER OF
DAYS OR HOURS OF INSTRUCTION. THE APPLICATION SHALL DESCRIBE
HOW THE STUDENT WILL MAKE NORMAL ACADEMIC PROGRESS AND MEET
REQUIREMENTS FOR GRADUATION.

SECTION 4. ALTERNATIVE SCHOOL GRANTS.

THE DEPARTMENT SHALL ESTABLISH A GRANT PROGRAM FOR
ALTERNATIVE SCHOOL PROGRAMS WHICH MEET THE REQUIREMENTS OF THIS
ACT TO INCLUDE THE FOLLOWING:

(1) AN APPLICATION PROCEDURE FOR GRANT ELIGIBILITY.

(2) A REVIEW PROCESS TO ANNUALLY EVALUATE THE
EFFECTIVENESS OF ALTERNATIVE SCHOOL PROGRAMS, TO INCLUDE AN
ANNUAL REPORT TO THE EDUCATION COMMITTEE OF THE SENATE AND
THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

(3) COMMONWEALTH GRANTS SHALL BE LIMITED TO FUNDS
APPROPRIATED FOR THIS PROGRAM BUT IN NO EVENT SHALL A SCHOOL
DISTRICT RECEIVE FUNDING FOR MORE THAN 2% OF A SCHOOL
DISTRICT'S AVERAGE DAILY MEMBERSHIP AS DEFINED IN SECTION
2501 OF THE PUBLIC SCHOOL CODE OF 1949 FOR STUDENTS ENROLLED
IN GRADES 7 THROUGH 12.

Section 6 5. Construction of act.

Nothing contained in this act shall be construed to supersede
or preempt any provisions of a collective bargaining agreement
negotiated by a school entity and an exclusive representative of
the employees in accordance with the act of July 23, 1970

1 (P.L.563, No.195), known as the Public Employe Relations Act.

2 Section 7 6. Effective date.

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3 This act shall take effect July 1, 1996.