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THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

**HOUSE BILL**

**No. 8**

Session of  
1997

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INTRODUCED BY STAIRS, COWELL, PLATTS, FLICK, SCHULER, TULLI,  
KREBS, HERMAN, EGOLF, RUBLEY, SAYLOR, GORDNER, FICHTER,  
OLASZ, LYNCH, MUNDY, ITKIN, NICKOL, BROWNE, DEMPSEY, FARGO,  
VANCE, GRUPPO, GEIST, E. Z. TAYLOR, STERN, SATHER, B. SMITH,  
HERSHEY, BATTISTO, BOSCOLA, BAKER, COY, ARGALL, VAN HORNE,  
CLYMER, PISTELLA, SHANER, HARHART, STABACK, MILLER,  
S. H. SMITH, DeLUCA, D. W. SNYDER, SEMMEL, PHILLIPS AND  
DALEY, JANUARY 27, 1997

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REFERRED TO COMMITTEE ON EDUCATION, JANUARY 27, 1997

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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 Alternative  
6 Education 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" or "program." Any  
12 applicant's program applying for funds under this act, which  
13 program is implemented by a school district, an area vocational-  
14 technical school, a group of school districts or an intermediate

1 unit, which removes disruptive students from regular school  
2 programs in order to provide those students with a sound  
3 educational course of study and counseling designed to modify  
4 disruptive behavior and return the students to a regular school  
5 curriculum. Notwithstanding section 1502 of the act of March 10,  
6 1949 (P.L.30, No.14), known as the Public School Code of 1949,  
7 alternative education programs may operate outside the normal  
8 school day of the applicant district, including Saturdays.  
9 School districts shall adopt a policy for periodic review of  
10 students placed in the alternative education program for  
11 disruptive students. This review shall occur, at a minimum, at  
12 the end of every semester the student is in the program or more  
13 frequently at the district's discretion. The purpose of this  
14 review is to determine whether or not the student is ready to  
15 return to the regular school curriculum. Programs may include  
16 services for students returning from placements or who are on  
17 probation resulting from being adjudicated delinquent in a  
18 proceeding under 42 Pa.C.S. Ch. 63 (relating to juvenile  
19 matters), or who have been judged to have committed a crime  
20 under an adult criminal proceeding.

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

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

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

29 "Disruptive student." A student who poses a clear threat to  
30 the safety and welfare of other students or the school staff,

1 creates an unsafe school environment or whose behavior  
2 materially interferes with the learning of other students or  
3 disrupts the overall educational process. The disruptive student  
4 exhibits to a marked degree any or all of the following  
5 conditions:

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

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

10 (3) Violent or threatening behavior on school property  
11 or during school-affiliated activities.

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

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

17 (6) Misconduct that would merit suspension or expulsion  
18 under school policy.

19 (7) Habitual truancy.

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

25 "School." Any school classified by the Department of  
26 Education as a middle school, junior high school, senior high  
27 school or area vocational-technical school.

28 "Secretary." The Secretary of Education of the Commonwealth.  
29 Section 3. Applications.

30 Applicants shall submit applications at the time, in the

1 manner and containing or accompanied by such information as the  
2 department may prescribe but, in any case, shall document the  
3 following:

4 (1) The program is developed in consultation with the  
5 faculty and administrative staff of the school and parents  
6 and members of the community.

7 (2) That the applicants have established policies to  
8 identify those students who are eligible for placement in the  
9 program and that the placement of such students will comply  
10 with the informal hearing procedures set forth in 22 Pa. Code  
11 § 12.8(c) (relating to hearings). Notice of the hearing  
12 should precede placement in the program. Where the student's  
13 presence poses a continuing danger to persons or property or  
14 an ongoing threat of disrupting the academic process, the  
15 student may be immediately removed from the regular education  
16 curriculum with notice and a hearing to follow as soon as  
17 practicable.

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

20 (i) for alternative, innovative and experimental  
21 assignments when determined by the department; or

22 (ii) for programs authorized by this act.

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

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

30 (6) A determination of the scope, type and severity of

1 student disruption and a survey of community and school  
2 resources available to the applicant for the remediation of  
3 student disruption.

4 (7) A description of the educational program to be  
5 provided. The program may modify the requirements established  
6 in sections 1327, 1501 and 1504 of the act of March 10, 1949  
7 (P.L.30, No.14), known as the Public School Code of 1949,  
8 insofar as they are related to the number of days or hours of  
9 instruction. The application shall describe how the student  
10 will make normal academic progress and meet requirements for  
11 graduation.

12 Section 4. Alternative school grants.

13 The department shall establish grants for alternative school  
14 programs which meet the requirements of this act to include the  
15 following:

16 (1) An application procedure for grant eligibility.

17 (2) A review process to annually evaluate the  
18 effectiveness of alternative school programs, to include an  
19 annual report to the Education Committee of the Senate and  
20 the Education Committee of the House of Representatives.

21 (3) Commonwealth grants which shall be limited to funds  
22 appropriated for this program, but in no event shall a school  
23 district receive funding for more than 2% of a school  
24 district's average daily membership as defined in section  
25 2501 of the Public School Code of 1949 for students enrolled  
26 in grades 7 through 12.

27 Section 5. Construction of act.

28 Nothing contained in this act shall be construed to supersede  
29 or preempt any provisions of a collective bargaining agreement  
30 negotiated by a school entity and an exclusive representative of

1 the employees in accordance with the act of July 23, 1970  
2 (P.L.563, No.195), known as the Public Employe Relations Act.

3 Section 6. Retroactivity.

4 This act shall be retroactive to July 1, 1996.

5 Section 7. Effective date.

6 This act shall take effect immediately.