

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 8

Session of 1997

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, DALEY, HESS, MANDERINO, L. I. COHEN, THOMAS AND RAYMOND, JANUARY 27, 1997

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, AS AMENDED, FEBRUARY 3, 1997

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-

1 technical school, a group of school districts or an intermediate
2 unit, which removes disruptive students from regular school
3 programs in order to provide those students with a sound
4 educational course of study and counseling designed to modify
5 disruptive behavior and return the students to a regular school
6 curriculum. Notwithstanding section 1502 of the act of March 10,
7 1949 (P.L.30, No.14), known as the Public School Code of 1949,
8 alternative education programs may operate outside the normal
9 school day of the applicant district, including Saturdays.
10 School districts shall adopt a policy for periodic review of
11 students placed in the alternative education program for
12 disruptive students. This review shall occur, at a minimum, at
13 the end of every semester the student is in the program or more
14 frequently at the district's discretion. The purpose of this
15 review is to determine whether or not the student is ready to
16 return to the regular school curriculum. Programs may include
17 services for students returning from placements or who are on
18 probation resulting from being adjudicated delinquent in a
19 proceeding under 42 Pa.C.S. Ch. 63 (relating to juvenile
20 matters), or who have been judged to have committed a crime
21 under an adult criminal proceeding. EXCEPT AS PROVIDED IN THIS ←
22 ACT, ALL PROGRAMS MUST COMPLY WITH THE PUBLIC SCHOOL CODE OF
23 1949 AND REGULATIONS AND STANDARDS PROVIDED FOR IN 22 PA. CODE
24 CH. 1 (RELATING TO PRELIMINARY PROVISIONS).

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

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

1 "Department." The Department of Education of the
2 Commonwealth.

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

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

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

14 (3) Violent or threatening behavior on school property
15 or during school-affiliated activities.

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

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

21 (6) Misconduct that would merit suspension or expulsion
22 under school policy.

23 (7) Habitual truancy.

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

29 "School." Any school classified by the Department of
30 Education as a middle school, junior high school, senior high

1 school or area vocational-technical school.

2 "Secretary." The Secretary of Education of the Commonwealth.
3 Section 3. Applications.

4 Applicants shall submit applications at the time, in the
5 manner and containing or accompanied by such information as the
6 department may prescribe but, in any case, shall document the
7 following:

8 (1) The program is developed in consultation with the
9 faculty and administrative staff of the school and parents
10 and members of the community.

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

22 ~~(3) That school personnel involved in the program are~~ <—
23 ~~properly certificated:~~

24 ~~(i) for alternative, innovative and experimental~~
25 ~~assignments when determined by the department; or~~

26 ~~(ii) for programs authorized by this act.~~

27 (3) THAT SCHOOL PERSONNEL ASSIGNED TO THE ALTERNATIVE <—
28 EDUCATION PROGRAM FOR WHICH FUNDING IS SOUGHT UNDER THIS ACT
29 POSSESS A LEVEL I OR LEVEL II PENNSYLVANIA CERTIFICATE AS
30 PROVIDED FOR IN 22 PA. CODE CH. 49 (RELATING TO CERTIFICATION

1 OF PROFESSIONAL PERSONNEL).

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

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

9 (6) A determination of the scope, type and severity of
10 student disruption and a survey of community and school
11 resources available to the applicant for the remediation of
12 student disruption.

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

21 Section 4. Alternative school grants.

22 The department shall establish grants for alternative school
23 programs which meet the requirements of this act to include the
24 following:

25 (1) An application procedure for grant eligibility.

26 (2) A review process to annually evaluate the
27 effectiveness of alternative school programs, to include an
28 annual report to the Education Committee of the Senate and
29 the Education Committee of the House of Representatives.

30 ~~(3) Commonwealth grants which shall be limited to funds~~ <—

1 ~~appropriated for this program, but in no event shall a school~~
2 ~~district receive funding for more than 2% of a school~~
3 ~~district's average daily membership as defined in section~~
4 ~~2501 of the Public School Code of 1949 for students enrolled~~
5 ~~in grades 7 through 12.~~

6 (3) THE DEPARTMENT SHALL DETERMINE AN ANNUAL GRANT ←—
7 AMOUNT CALCULATED BY DIVIDING THE AMOUNT APPROPRIATED BY THE
8 TOTAL NUMBER OF STUDENTS ENROLLED IN ELIGIBLE PROGRAMS,
9 FURTHER DIVIDED BY 36. EACH APPLICANT SHALL BE ELIGIBLE TO
10 RECEIVE THIS GRANT AMOUNT, PER PUPIL ENROLLED, PER WEEK OF
11 PARTICIPATION IN AN ELIGIBLE PROGRAM. THE COMMONWEALTH SHALL
12 NOT PROVIDE FUNDING FOR MORE THAN 2% OF THE AVERAGE DAILY
13 MEMBERSHIP OF A SCHOOL DISTRICT GRADES 7 THROUGH 12.

14 Section 5. Construction of act.

15 Nothing contained in this act shall be construed to supersede
16 or preempt any provisions of a collective bargaining agreement
17 negotiated by a school entity and an exclusive representative of
18 the employees in accordance with the act of July 23, 1970
19 (P.L.563, No.195), known as the Public Employee Relations Act.

20 Section 6. Retroactivity.

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

22 Section 7. Effective date.

23 This act shall take effect immediately.