
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, RAYMOND, TRICH, STEELMAN, PETTIT AND WASHINGTON, JANUARY 27, 1997

SENATOR RHOADES, EDUCATION, IN SENATE, RE-REPORTED AS AMENDED, JUNE 9, 1997

AN ACT

1 ~~Establishing programs for the education of disruptive students.~~ <—
2 AMENDING THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), ENTITLED "AN <—
3 ACT RELATING TO THE PUBLIC SCHOOL SYSTEM, INCLUDING CERTAIN
4 PROVISIONS APPLICABLE AS WELL TO PRIVATE AND PAROCHIAL
5 SCHOOLS; AMENDING, REVISING, CONSOLIDATING AND CHANGING THE
6 LAWS RELATING THERETO," FURTHER PROVIDING FOR BACKGROUND
7 CHECKS OF PROSPECTIVE EMPLOYEES, FOR SCHOOL POLICE AND FOR
8 RESIDENCE AND RIGHT TO FREE SCHOOL PRIVILEGES; PROVIDING FOR
9 JUVENILES INCARCERATED IN ADULT FACILITIES, FOR THE EDUCATION
10 OF DISRUPTIVE STUDENTS AND FOR COMMONWEALTH PAYMENTS AND
11 CAPITAL SUBSIDY PAYMENTS TO INTERMEDIATE UNITS; FURTHER
12 PROHIBITING THE POSSESSION OF WEAPONS; FURTHER PROVIDING FOR
13 ASSIGNMENT OF EDUCATIONAL PROGRAMS DURING EXPULSION PERIODS,
14 FOR SCHOOL HOLIDAYS, FOR TECHNOLOGY GRANTS, FOR THE
15 REIMBURSEMENT FOR COMMUNITY COLLEGES, FOR BASIC EDUCATION
16 FUNDING, FOR PAYMENTS TO INTERMEDIATE UNITS AND FOR SPECIAL
17 EDUCATION PAYMENTS AND SCHOOL PERFORMANCE INCENTIVES;
18 PROVIDING FOR CHARTER SCHOOL GRANTS AND FOR EDUCATION
19 MENTORING AND DROPOUT PREVENTION PROGRAMS; AND MAKING
20 REPEALS.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

1 ~~Section 1.— Short title.~~

2 ~~This act shall be known and may be cited as the Alternative~~
3 ~~Education Act.~~

4 ~~Section 2.— Definitions.~~

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

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

1 ~~under an adult criminal proceeding. Except as provided in this~~
2 ~~act, all programs must comply with the Public School Code of~~
3 ~~1949 and regulations and standards provided for in 22 Pa. Code~~
4 ~~Ch. 1 (relating to preliminary provisions).~~

5 ~~"Applicant."— A school district or a combination of school~~
6 ~~districts which applies for funds under this act.~~

7 ~~"Community resources."— Those agencies and services for~~
8 ~~children and youth provided by the juvenile court and the~~
9 ~~Department of Health and the Department of Public Welfare and~~
10 ~~other public or private institutions.~~

11 ~~"Department."— The Department of Education of the~~
12 ~~Commonwealth.~~

13 ~~"Disruptive student."— A student who poses a clear threat to~~
14 ~~the safety and welfare of other students or the school staff,~~
15 ~~creates an unsafe school environment or whose behavior~~
16 ~~materially interferes with the learning of other students or~~
17 ~~disrupts the overall educational process. The disruptive student~~
18 ~~exhibits to a marked degree any or all of the following~~
19 ~~conditions:~~

20 ~~(1) Disregard for school authority, including persistent~~
21 ~~violation of school policy and rules.~~

22 ~~(2) Display or use of controlled substances on school~~
23 ~~property or during school affiliated activities.~~

24 ~~(3) Violent or threatening behavior on school property~~
25 ~~or during school affiliated activities.~~

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

29 ~~(5) Commission of a criminal act on school property or~~
30 ~~during school affiliated activities.~~

1 ~~(6) Misconduct that would merit suspension or expulsion~~
2 ~~under school policy.~~

3 ~~(7) Habitual truancy.~~

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

9 ~~"School." Any school classified by the Department of~~
10 ~~Education as a middle school, junior high school, senior high~~
11 ~~school or area vocational technical school.~~

12 ~~"Secretary." The Secretary of Education of the Commonwealth.~~
13 ~~Section 3. Applications.~~

14 ~~Applicants shall submit applications at the time, in the~~
15 ~~manner and containing or accompanied by such information as the~~
16 ~~department may prescribe but, in any case, shall document the~~
17 ~~following:~~

18 ~~(1) The program is developed in consultation with the~~
19 ~~faculty and administrative staff of the school and parents~~
20 ~~and members of the community.~~

21 ~~(2) That the applicants have established policies to~~
22 ~~identify those students who are eligible for placement in the~~
23 ~~program and that the placement of such students will comply~~
24 ~~with the informal hearing procedures set forth in 22 Pa. Code~~
25 ~~§ 12.8(c) (relating to hearings). Notice of the hearing~~
26 ~~should precede placement in the program. Where the student's~~
27 ~~presence poses a continuing danger to persons or property or~~
28 ~~an ongoing threat of disrupting the academic process, the~~
29 ~~student may be immediately removed from the regular education~~
30 ~~curriculum with notice and a hearing to follow as soon as~~

1 practicable.

2 ~~(3) That school personnel assigned to the alternative~~
3 ~~education program for which funding is sought under this act~~
4 ~~possess a Level I or Level II Pennsylvania certificate as~~
5 ~~provided for in 22 Pa. Code Ch. 49 (relating to certification~~
6 ~~of professional personnel).~~

7 ~~(4) The program provides participating students with a~~
8 ~~course of instruction which recognizes their special needs,~~
9 ~~prepares them for successful return to a regular school~~
10 ~~curriculum and/or completion of the requirements for~~
11 ~~graduation.~~

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

16 ~~(6) A determination of the scope, type and severity of~~
17 ~~student disruption and a survey of community and school~~
18 ~~resources available to the applicant for the remediation of~~
19 ~~student disruption.~~

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

28 ~~Section 4. Alternative school grants.~~

29 ~~The department shall establish grants for alternative school~~
30 ~~programs which meet the requirements of this act to include the~~

1 following:

2 ~~(1) An application procedure for grant eligibility.~~

3 ~~(2) A review process to annually evaluate the~~
4 ~~effectiveness of alternative school programs, to include an~~
5 ~~annual report to the Education Committee of the Senate and~~
6 ~~the Education Committee of the House of Representatives.~~

7 ~~(3) The department shall determine an annual grant~~
8 ~~amount calculated by dividing the amount appropriated by the~~
9 ~~total number of students enrolled in eligible programs,~~
10 ~~further divided by 36. Each applicant shall be eligible to~~
11 ~~receive this grant amount, per pupil enrolled, per week of~~
12 ~~participation in an eligible program. The Commonwealth shall~~
13 ~~not provide funding for more than 2% of the average daily~~
14 ~~membership of a school district grades 7 through 12.~~

15 ~~Section 5. Construction of act.~~

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

21 ~~Section 6. Retroactivity.~~

22 ~~This act shall be retroactive to July 1, 1996.~~

23 ~~Section 7. Effective date.~~

24 ~~This act shall take effect immediately.~~

25 SECTION 1. SECTION 111(E) OF THE ACT OF MARCH 10, 1949 ←
26 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,
27 AMENDED DECEMBER 19, 1990 (P.L.1362, NO.211), IS AMENDED TO
28 READ:

29 SECTION 111. BACKGROUND CHECKS OF PROSPECTIVE EMPLOYES;
30 CONVICTION OF EMPLOYES OF CERTAIN OFFENSES.--* * *

1 (E) NO PERSON SUBJECT TO THIS ACT SHALL BE EMPLOYED IN A
2 PUBLIC OR PRIVATE SCHOOL, INTERMEDIATE UNIT OR AREA VOCATIONAL-
3 TECHNICAL SCHOOL WHERE THE REPORT OF CRIMINAL HISTORY RECORD
4 INFORMATION INDICATES THE APPLICANT HAS BEEN CONVICTED, WITHIN
5 FIVE (5) YEARS IMMEDIATELY PRECEDING THE DATE OF THE REPORT, OF
6 ANY OF THE FOLLOWING OFFENSES:

7 (1) AN OFFENSE UNDER ONE OR MORE OF THE FOLLOWING PROVISIONS
8 OF TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES:

9 CHAPTER 25 (RELATING TO CRIMINAL HOMICIDE).

10 SECTION 2702 (RELATING TO AGGRAVATED ASSAULT).

11 SECTION 2709 (RELATING TO HARASSMENT AND STALKING).

12 SECTION 2901 (RELATING TO KIDNAPPING).

13 SECTION 2902 (RELATING TO UNLAWFUL RESTRAINT).

14 SECTION 3121 (RELATING TO RAPE).

15 [SECTION 3122 (RELATING TO STATUTORY RAPE).]

16 SECTION 3122.1 (RELATING TO STATUTORY SEXUAL ASSAULT).

17 SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
18 INTERCOURSE).

19 SECTION 3124.1 (RELATING TO SEXUAL ASSAULT).

20 SECTION 3125 (RELATING TO AGGRAVATED INDECENT ASSAULT).

21 SECTION 3126 (RELATING TO INDECENT ASSAULT).

22 SECTION 3127 (RELATING TO INDECENT EXPOSURE).

23 SECTION 4302 (RELATING TO INCEST).

24 SECTION 4303 (RELATING TO CONCEALING DEATH OF CHILD [BORN
25 OUT OF WEDLOCK]).

26 SECTION 4304 (RELATING TO ENDANGERING WELFARE OF
27 CHILDREN).

28 SECTION 4305 (RELATING TO DEALING IN INFANT CHILDREN).

29 A FELONY OFFENSE UNDER SECTION 5902(B) (RELATING TO
30 PROSTITUTION AND RELATED OFFENSES).

1 SECTION 5903(C) OR (D) (RELATING TO OBSCENE AND OTHER
2 SEXUAL MATERIALS AND PERFORMANCES).

3 SECTION 6301 (RELATING TO CORRUPTION OF MINORS).

4 SECTION 6312 (RELATING TO SEXUAL ABUSE OF CHILDREN).

5 (2) AN OFFENSE DESIGNATED AS A FELONY UNDER THE ACT OF APRIL
6 14, 1972 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED SUBSTANCE,
7 DRUG, DEVICE AND COSMETIC ACT."

8 (3) AN OUT-OF-STATE OR FEDERAL OFFENSE SIMILAR IN NATURE TO
9 THOSE CRIMES LISTED IN CLAUSES (1) AND (2).

10 * * *

11 SECTION 2. SECTION 778 OF THE ACT IS AMENDED TO READ:

12 SECTION 778. SCHOOL POLICE OFFICERS.--(A) ANY SCHOOL
13 DISTRICT MAY APPLY TO ANY JUDGE OF THE COURT OF COMMON PLEAS OF
14 THE COUNTY WITHIN WHICH THE SCHOOL DISTRICT IS SITUATED TO
15 APPOINT SUCH PERSON OR PERSONS AS THE BOARD OF DIRECTORS OF THE
16 SCHOOL DISTRICT MAY DESIGNATE TO ACT AS [POLICEMAN] SCHOOL
17 POLICE OFFICER FOR SAID SCHOOL DISTRICT. THE JUDGE, UPON SUCH
18 APPLICATION, MAY APPOINT SUCH PERSON, OR SO MANY OF THEM AS HE
19 MAY DEEM PROPER, TO BE SUCH [POLICEMEN] SCHOOL POLICE OFFICER,
20 AND SHALL NOTE THE FACT OF SUCH APPOINTMENT TO BE ENTERED UPON
21 THE RECORDS OF THE COURT. THE JUDGE MAY, AT THE REQUEST OF THE
22 SCHOOL DISTRICT, GRANT THE SCHOOL POLICE OFFICER THE POWER TO
23 ARREST AS PROVIDED IN SUBSECTION (C)(2), THE AUTHORITY TO ISSUE
24 CITATIONS FOR SUMMARY OFFENSES, OR THE AUTHORITY TO DETAIN
25 STUDENTS UNTIL THE ARRIVAL OF LOCAL LAW ENFORCEMENT, OR ANY
26 COMBINATION THEREOF.

27 (B) EVERY [POLICEMAN] SCHOOL POLICE OFFICER SO APPOINTED
28 SHALL, BEFORE ENTERING UPON THE DUTIES OF HIS OFFICE, TAKE AND
29 SUBSCRIBE TO THE OATH REQUIRED BY THE SEVENTH ARTICLE OF THE
30 CONSTITUTION, BEFORE AN ALDERMAN OR JUSTICE OF THE PEACE OR

1 PROTHONOTARY. SUCH OATH SHALL BE FILED BY THE JUSTICE OF THE
2 PEACE, ALDERMAN, OR PROTHONOTARY AMONG HIS PAPERS, AND A NOTE
3 MADE UPON HIS DOCKET OF THE FACT OF THE OATH HAVING BEEN TAKEN.

4 (C) SUCH [POLICEMAN] SCHOOL POLICE OFFICER SO APPOINTED
5 SHALL SEVERALLY POSSESS AND EXERCISE ALL THE [POWERS OF A
6 CONSTABLE IN THIS COMMONWEALTH IN ENFORCING THE SCHOOL LAWS OF
7 THE COMMONWEALTH IN THEIR RESPECTIVE DISTRICTS, AND IN POLICING
8 THE GROUNDS BELONGING TO SAID SCHOOL DISTRICTS, AND PROTECTING
9 THE PROPERTY THEREOF. THE KEEPER OF JAILS OR LOCKUPS OR STATION
10 HOUSE IN THE COUNTY IS REQUIRED TO RECEIVE ALL PERSONS ARRESTED
11 BY SUCH POLICEMAN FOR THE COMMISSION OF ANY OFFENSE AGAINST THE
12 LAWS OF THIS COMMONWEALTH, UPON OR NEAR TO THE GROUND OCCUPIED
13 BY SAID SCHOOL DISTRICT, TO BE DEALT WITH ACCORDING TO LAW.]

14 FOLLOWING POWERS AND DUTIES:

15 (1) TO ENFORCE GOOD ORDER IN SCHOOL BUILDINGS, ON SCHOOL
16 BUSES AND ON SCHOOL GROUNDS IN THEIR RESPECTIVE SCHOOL
17 DISTRICTS. FOR PURPOSES OF THIS PARAGRAPH, THE TERM "SCHOOL BUS"
18 SHALL INCLUDE VEHICLES LEASED BY THE SCHOOL DISTRICT TO
19 TRANSPORT STUDENTS AND VEHICLES OF MASS TRANSIT USED BY STUDENTS
20 TO GO TO AND FROM SCHOOL WHEN THE SCHOOL POLICE OFFICER IS
21 RESPONDING TO A REPORT OF AN INCIDENT INVOLVING A BREACH OF GOOD
22 ORDER OR VIOLATION OF LAW.

23 (2) IF AUTHORIZED BY THE COURT, TO EXERCISE THE SAME POWERS
24 AS ARE NOW OR MAY HEREAFTER BE EXERCISED UNDER AUTHORITY OF LAW
25 OR ORDINANCE BY THE POLICE OF THE MUNICIPALITY WHEREIN THE
26 SCHOOL PROPERTY IS LOCATED.

27 (3) IF AUTHORIZED BY THE COURT, TO ISSUE SUMMARY CITATIONS
28 OR TO DETAIN INDIVIDUALS UNTIL LOCAL LAW ENFORCEMENT IS
29 NOTIFIED.

30 (D) SUCH [POLICEMAN] SCHOOL POLICE OFFICER SHALL, WHEN ON

1 DUTY, SEVERALLY WEAR A METALLIC SHIELD OR BADGE WITH THE WORDS
2 "SCHOOL POLICE," AND THE NAME OF THE DISTRICT FOR WHICH
3 APPOINTED. SUCH SHIELD SHALL ALWAYS BE WORN IN PLAIN VIEW WHEN
4 ON DUTY EXCEPT WHEN EMPLOYED AS DETECTIVE.

5 (E) THE COMPENSATION OF SUCH [POLICEMEN] SCHOOL POLICE
6 OFFICERS SHALL BE PAID BY THE SCHOOL DISTRICT FOR WHICH THE
7 [POLICEMEN] SCHOOL POLICE OFFICERS ARE RESPECTIVELY APPOINTED,
8 AS MAY BE AGREED UPON BETWEEN THE BOARD OF SCHOOL DIRECTORS AND
9 THE [POLICEMAN.] SCHOOL POLICE OFFICER.

10 (F) SCHOOL DISTRICTS AND MUNICIPALITIES MAY ENTER INTO
11 COOPERATIVE POLICE SERVICE AGREEMENTS PURSUANT TO 42 PA.C.S. §
12 8953(E) (RELATING TO STATEWIDE MUNICIPAL POLICE JURISDICTION) TO
13 AUTHORIZE THE EXERCISE OF CONCURRENT JURISDICTION WITH LOCAL LAW
14 ENFORCEMENT WITHIN THE MUNICIPALITY WHERE THE SCHOOL OR SCHOOL
15 DISTRICT IS LOCATED, OR WITHIN THE MUNICIPALITY IN WHICH A
16 SCHOOL EVENT OR ACTIVITY WILL TAKE PLACE.

17 (G) WHEN ACTING WITHIN THE SCOPE OF THIS SECTION, SCHOOL
18 POLICE OFFICERS SHALL, AT ALL TIMES, BE EMPLOYES OF THE SCHOOL
19 DISTRICT AND SHALL BE ENTITLED TO ALL OF THE RIGHTS AND BENEFITS
20 ACCRUING THEREFROM.

21 (H) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PRECLUDE A
22 SCHOOL DISTRICT FROM EMPLOYING OTHER SECURITY PERSONNEL AS THE
23 SCHOOL DISTRICT DEEMS NECESSARY.

24 SECTION 3. SECTIONS 917.1-A AND 919.1-A OF THE ACT ARE
25 AMENDED BY ADDING SUBSECTIONS TO READ:

26 SECTION 917.1-A. COMMONWEALTH PAYMENTS.--* * *

27 (G) FOR THE 1997-1998 SCHOOL YEAR, EACH INTERMEDIATE UNIT
28 SHALL RECEIVE THE AMOUNT OF ITS PAYMENT RECEIVED UNDER THIS
29 SECTION DURING THE 1996-1997 SCHOOL YEAR.

30 SECTION 919.1-A. CAPITAL SUBSIDY.--* * *

1 (D) NOTWITHSTANDING ANY PROVISION OF THIS ACT TO THE
2 CONTRARY, FOR THE 1997-1998 SCHOOL YEAR, EACH INTERMEDIATE UNIT
3 SHALL RECEIVE THE ACTUAL PAYMENT FOR CAPITAL SUBSIDY WHICH IT
4 RECEIVED UNDER THIS SECTION AND SECTION 2502.6(B) DURING THE
5 1996-1997 SCHOOL YEAR.

6 SECTION 4. SECTION 1302 OF THE ACT, AMENDED DECEMBER 14,
7 1967 (P.L.859, NO.381), IS AMENDED TO READ:

8 SECTION 1302. RESIDENCE AND RIGHT TO FREE SCHOOL
9 PRIVILEGES.--A CHILD SHALL BE CONSIDERED A RESIDENT OF THE
10 SCHOOL DISTRICT IN WHICH HIS PARENTS OR THE GUARDIAN OF HIS
11 PERSON RESIDES. FEDERAL INSTALLATIONS ARE CONSIDERED A PART OF
12 THE SCHOOL DISTRICT OR DISTRICTS IN WHICH THEY ARE SITUATE AND
13 THE CHILDREN RESIDING ON SUCH INSTALLATIONS SHALL BE COUNTED AS
14 RESIDENT PUPILS OF THE SCHOOL DISTRICT. WHEN A RESIDENT OF ANY
15 SCHOOL DISTRICT KEEPS IN HIS HOME A CHILD OF SCHOOL AGE, NOT HIS
16 OWN, SUPPORTING THE CHILD GRATIS AS IF IT WERE HIS OWN, SUCH
17 CHILD SHALL BE ENTITLED TO ALL FREE SCHOOL PRIVILEGES ACCORDED
18 TO RESIDENT SCHOOL CHILDREN OF THE DISTRICT, INCLUDING THE RIGHT
19 TO ATTEND THE PUBLIC HIGH SCHOOL MAINTAINED IN SUCH DISTRICT OR
20 IN OTHER DISTRICTS IN THE SAME MANNER AS THOUGH SUCH CHILD WERE
21 IN FACT A RESIDENT SCHOOL CHILD OF THE DISTRICT, AND SHALL BE
22 SUBJECT TO ALL THE REQUIREMENTS PLACED UPON RESIDENT SCHOOL
23 CHILDREN OF THE DISTRICT. BEFORE [ACCEPTING] SUCH CHILD MAY BE
24 ACCEPTED AS A PUPIL, [THE BOARD OF SCHOOL DIRECTORS OF THE
25 DISTRICT MAY REQUIRE] SUCH RESIDENT [TO] SHALL FILE WITH THE
26 SECRETARY OF THE BOARD APPROPRIATE LEGAL DOCUMENTATION TO SHOW
27 DEPENDENCY OR GUARDIANSHIP OR A SWORN STATEMENT THAT HE IS A
28 RESIDENT OF THE DISTRICT, THAT HE IS SUPPORTING THE CHILD
29 GRATIS, THAT HE WILL ASSUME ALL PERSONAL OBLIGATIONS FOR THE
30 CHILD RELATIVE TO SCHOOL REQUIREMENTS, AND THAT HE INTENDS TO SO

1 KEEP AND SUPPORT THE CHILD CONTINUOUSLY AND NOT MERELY THROUGH
2 THE SCHOOL TERM.

3 SECTION 5. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

4 SECTION 1306.2. JUVENILES INCARCERATED IN ADULT
5 FACILITIES.--(A) A PERSON UNDER TWENTY-ONE (21) YEARS OF AGE WHO
6 IS CONFINED TO AN ADULT STATE OR LOCAL CORRECTIONAL INSTITUTION
7 FOLLOWING CONVICTION FOR A CRIMINAL OFFENSE WHO IS OTHERWISE
8 ELIGIBLE FOR EDUCATIONAL SERVICES AS PROVIDED UNDER THIS ACT
9 SHALL BE ELIGIBLE TO RECEIVE EDUCATIONAL SERVICES FROM THE BOARD
10 OF SCHOOL DIRECTORS IN THE SAME MANNER AND TO THE SAME EXTENT AS
11 A STUDENT WHO HAS BEEN EXPELLED PURSUANT TO SECTION 1318.

12 (B) A PERSON UNDER TWENTY-ONE (21) YEARS OF AGE WHO IS
13 CONFINED TO AN ADULT STATE OR LOCAL CORRECTIONAL INSTITUTION
14 FOLLOWING A CHARGE FOR A CRIMINAL OFFENSE WHO IS OTHERWISE
15 ELIGIBLE FOR EDUCATIONAL SERVICES AS PROVIDED UNDER THIS ACT
16 SHALL BE ELIGIBLE TO RECEIVE SERVICES FROM THE BOARD OF SCHOOL
17 DIRECTORS IN THE SAME MANNER AND TO THE SAME EXTENT AS A STUDENT
18 WHO HAS BEEN PLACED IN AN ALTERNATIVE EDUCATION PROGRAM FOR
19 DISRUPTIVE STUDENTS.

20 (C) THE BOARD OF SCHOOL DIRECTORS SHALL RECEIVE PAYMENT FOR
21 SUCH SERVICES IN ACCORDANCE WITH SECTION 1308.

22 (D) FOR PURPOSES OF THIS SECTION, THE TERM "CONVICTED" MEANS
23 A FINDING OF GUILTY BY A JUDGE OR A JURY OR THE ENTRY OF A PLEA
24 OF GUILTY OR NOLO CONTENDERE FOR AN OFFENSE UNDER 18 PA.C.S.
25 (RELATING TO CRIMES AND OFFENSES) WHETHER OR NOT JUDGMENT OF
26 SENTENCE HAS BEEN IMPOSED.

27 (E) FOR PURPOSES OF THIS SECTION, A "LOCAL CORRECTION
28 INSTITUTION" SHALL INCLUDE ANY JAIL, PRISON OR DETENTION
29 FACILITY OPERATED BY A COUNTY OR JOINTLY BY MORE THAN ONE COUNTY
30 OR BY A MUNICIPALITY. THE TERM DOES NOT INCLUDE ANY FACILITY

1 USED FOR THE DETENTION OR CONFINEMENT OF JUVENILES.

2 SECTION 6. SECTIONS 1317.2, 1303-A AND 1304-A OF THE ACT,
3 ADDED JUNE 30, 1995 (P.L.220, NO.26), ARE AMENDED TO READ:

4 SECTION 1317.2. POSSESSION OF WEAPONS PROHIBITED.--(A)
5 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A SCHOOL DISTRICT
6 OR AREA VOCATIONAL-TECHNICAL SCHOOL SHALL EXPEL, FOR A PERIOD OF
7 NOT LESS THAN ONE YEAR, ANY STUDENT WHO IS DETERMINED TO HAVE
8 BROUGHT ONTO OR IS IN POSSESSION OF A WEAPON [ONTO] ON ANY
9 SCHOOL PROPERTY, ANY SCHOOL-SPONSORED ACTIVITY OR ANY PUBLIC
10 CONVEYANCE PROVIDING TRANSPORTATION TO A SCHOOL OR SCHOOL-
11 SPONSORED ACTIVITY.

12 (B) EVERY SCHOOL DISTRICT AND AREA VOCATIONAL-TECHNICAL
13 SCHOOL SHALL DEVELOP A WRITTEN POLICY REGARDING EXPULSIONS FOR
14 POSSESSION OF A WEAPON AS REQUIRED UNDER THIS SECTION.
15 EXPULSIONS SHALL BE CONDUCTED PURSUANT TO ALL APPLICABLE
16 REGULATIONS.

17 (C) THE SUPERINTENDENT OF A SCHOOL DISTRICT OR AN
18 ADMINISTRATIVE DIRECTOR OF AN AREA VOCATIONAL-TECHNICAL SCHOOL
19 MAY RECOMMEND [DISCIPLINE SHORT OF EXPULSION] MODIFICATIONS OF
20 SUCH EXPULSION REQUIREMENTS FOR A STUDENT ON A CASE-BY-CASE
21 BASIS. THE SUPERINTENDENT OR OTHER CHIEF ADMINISTRATIVE OFFICER
22 OF A SCHOOL ENTITY SHALL, IN THE CASE OF AN EXCEPTIONAL STUDENT,
23 TAKE ALL STEPS NECESSARY TO COMPLY WITH THE INDIVIDUALS WITH
24 DISABILITIES EDUCATION ACT (PUBLIC LAW 91-230, 20 U.S.C. § 1400
25 ET SEQ.).

26 (D) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE
27 FOLLOWING:

28 (1) A WEAPON BEING USED AS PART OF A PROGRAM APPROVED BY A
29 SCHOOL BY AN INDIVIDUAL WHO IS PARTICIPATING IN THE PROGRAM; OR

30 (2) A WEAPON THAT IS UNLOADED AND IS POSSESSED BY AN

1 INDIVIDUAL WHILE TRAVERSING SCHOOL PROPERTY FOR THE PURPOSE OF
2 OBTAINING ACCESS TO PUBLIC OR PRIVATE LANDS USED FOR LAWFUL
3 HUNTING, IF THE ENTRY ON SCHOOL PREMISES IS AUTHORIZED BY SCHOOL
4 AUTHORITIES.

5 (E) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS LIMITING
6 THE AUTHORITY OR DUTY OF A SCHOOL OR AREA VOCATIONAL-TECHNICAL
7 SCHOOL TO MAKE AN ALTERNATIVE ASSIGNMENT OR PROVIDE ALTERNATIVE
8 EDUCATIONAL SERVICES DURING THE PERIOD OF EXPULSION.

9 (E.1) A SCHOOL DISTRICT RECEIVING A STUDENT WHO TRANSFERS
10 FROM A PUBLIC OR PRIVATE SCHOOL DURING A PERIOD OF EXPULSION FOR
11 AN ACT OR OFFENSE INVOLVING A WEAPON MAY ASSIGN THAT STUDENT TO
12 AN ALTERNATIVE ASSIGNMENT OR PROVIDE ALTERNATIVE EDUCATION
13 SERVICES, PROVIDED THAT THE ASSIGNMENT MAY NOT EXCEED THE PERIOD
14 OF EXPULSION.

15 (F) ALL SCHOOL DISTRICTS AND AREA VOCATIONAL-TECHNICAL
16 SCHOOLS SHALL REPORT ALL INCIDENTS INVOLVING POSSESSION OF A
17 WEAPON PROHIBITED BY THIS SECTION AS FOLLOWS:

18 (1) THE SCHOOL SUPERINTENDENT OR CHIEF ADMINISTRATOR SHALL
19 REPORT THE DISCOVERY OF ANY WEAPON PROHIBITED BY THIS SECTION TO
20 LOCAL LAW ENFORCEMENT OFFICIALS.

21 (2) THE SCHOOL SUPERINTENDENT OR CHIEF ADMINISTRATOR SHALL
22 REPORT TO THE DEPARTMENT OF EDUCATION ALL INCIDENTS RELATING TO
23 EXPULSIONS FOR POSSESSION OF A WEAPON ON SCHOOL GROUNDS, SCHOOL-
24 SPONSORED ACTIVITIES OR PUBLIC CONVEYANCES PROVIDING
25 TRANSPORTATION TO A SCHOOL OR SCHOOL-SPONSORED ACTIVITY. REPORTS
26 SHALL INCLUDE ALL INFORMATION AS REQUIRED UNDER SECTION 1303-A.

27 (G) AS USED IN THIS SECTION, THE TERM "WEAPON" SHALL
28 INCLUDE, BUT NOT BE LIMITED TO, ANY KNIFE, CUTTING INSTRUMENT,
29 CUTTING TOOL, NUNCHAKU, FIREARM, SHOTGUN, RIFLE AND ANY OTHER
30 TOOL, INSTRUMENT OR IMPLEMENT CAPABLE OF INFLICTING SERIOUS

1 BODILY INJURY.

2 SECTION 1303-A. REPORTING.--(A) THE OFFICE SHALL CONDUCT A
3 ONE-TIME SURVEY OF ALL SCHOOL ENTITIES TO DETERMINE THE NUMBER
4 OF INCIDENTS INVOLVING ACTS OF VIOLENCE ON SCHOOL PROPERTY AND
5 ALL CASES INVOLVING POSSESSION OF A WEAPON BY ANY PERSON ON
6 SCHOOL PROPERTY WHICH OCCURRED WITHIN THE LAST FIVE (5) YEARS.
7 THE SURVEY SHALL BE BASED ON THE BEST AVAILABLE INFORMATION
8 PROVIDED BY SCHOOL ENTITIES.

9 (B) ALL SCHOOL ENTITIES SHALL REPORT ALL NEW INCIDENTS
10 INVOLVING ACTS OF VIOLENCE [OR] POSSESSION OF A WEAPON OR
11 POSSESSION, USE OR SALE OF CONTROLLED SUBSTANCES AS DEFINED IN
12 THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS "THE
13 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," OR
14 POSSESSION, USE OR SALE OF ALCOHOL OR TOBACCO BY ANY PERSON ON
15 SCHOOL PROPERTY AT LEAST [TWICE] ONCE A YEAR, AS PROVIDED BY THE
16 OFFICE, ON A FORM TO BE DEVELOPED AND PROVIDED BY THE OFFICE.
17 THE FORM SHALL INCLUDE:

- 18 (1) AGE OR GRADE OF STUDENT.
- 19 (2) NAME AND ADDRESS OF SCHOOL.
- 20 (3) CIRCUMSTANCES SURROUNDING THE INCIDENT, INCLUDING TYPE
21 OF WEAPON, CONTROLLED SUBSTANCE, ALCOHOL OR TOBACCO.
- 22 (4) SANCTION IMPOSED BY THE SCHOOL.
- 23 (5) NOTIFICATION OF LAW ENFORCEMENT.
- 24 (6) REMEDIAL PROGRAMS INVOLVED.
- 25 (7) PARENTAL INVOLVEMENT REQUIRED.
- 26 (8) ARRESTS, CONVICTIONS AND ADJUDICATIONS, IF KNOWN.

27 IF A PERSON OTHER THAN A STUDENT IS INVOLVED, THE REPORT SHALL
28 STATE THE RELATIONSHIP OF THE INDIVIDUAL INVOLVED TO THE SCHOOL
29 ENTITY.

30 (C) ALL SCHOOL ENTITIES SHALL DEVELOP A MEMORANDUM OF

1 UNDERSTANDING WITH LOCAL LAW ENFORCEMENT WHICH SETS FORTH
2 PROCEDURES TO BE FOLLOWED WHEN AN INCIDENT INVOLVING AN ACT OF
3 VIOLENCE OR POSSESSION OF A WEAPON BY ANY PERSON OCCURS ON
4 SCHOOL PROPERTY. LAW ENFORCEMENT PROTOCOLS SHALL BE DEVELOPED IN
5 COOPERATION WITH LOCAL LAW ENFORCEMENT AND THE PENNSYLVANIA
6 STATE POLICE.

7 SECTION 1304-A. SWORN STATEMENT.--(A) PRIOR TO ADMISSION TO
8 ANY SCHOOL ENTITY, THE PARENT, GUARDIAN OR OTHER PERSON HAVING
9 CONTROL OR CHARGE OF A STUDENT SHALL, UPON REGISTRATION, PROVIDE
10 A SWORN STATEMENT OR AFFIRMATION STATING WHETHER THE PUPIL WAS
11 PREVIOUSLY OR IS PRESENTLY SUSPENDED OR EXPELLED FROM ANY PUBLIC
12 OR PRIVATE SCHOOL OF THIS COMMONWEALTH OR ANY OTHER STATE FOR AN
13 ACT OR OFFENSE INVOLVING WEAPONS, ALCOHOL OR DRUGS OR FOR THE
14 WILFUL INFLICTION OF INJURY TO ANOTHER PERSON OR FOR ANY ACT OF
15 VIOLENCE COMMITTED ON SCHOOL PROPERTY. THE REGISTRATION SHALL
16 INCLUDE THE NAME OF THE SCHOOL FROM WHICH THE STUDENT WAS
17 EXPELLED OR SUSPENDED FOR THE ABOVE-LISTED REASONS WITH THE
18 DATES OF EXPULSION OR SUSPENSION AND SHALL BE MAINTAINED AS PART
19 OF THE STUDENT'S DISCIPLINARY RECORD.

20 (B) ANY WILFUL FALSE STATEMENT MADE UNDER THIS SECTION SHALL
21 BE A MISDEMEANOR OF THE THIRD DEGREE.

22 SECTION 7. SECTION 1502(A) OF THE ACT, AMENDED MAY 6, 1996
23 (P.L.150, NO.28), IS AMENDED TO READ:

24 SECTION 1502. DAYS SCHOOLS NOT TO BE KEPT OPEN.--(A) EXCEPT
25 AS PROVIDED IN SUBSECTION (C), NO SCHOOL SHALL BE KEPT OPEN ON
26 ANY SATURDAY FOR THE PURPOSE OF ORDINARY INSTRUCTION, EXCEPT
27 WHEN MONDAY IS FIXED BY THE BOARD OF SCHOOL DIRECTORS AS THE
28 WEEKLY HOLIDAY, OR ON SUNDAY, MEMORIAL DAY, FOURTH OF JULY, [OR]
29 CHRISTMAS, THANKSGIVING, THE FIRST OF JANUARY AND UP TO FIVE
30 ADDITIONAL DAYS DESIGNATED AS LOCAL HOLIDAYS IN THE ADOPTED

1 SCHOOL CALENDAR BY THE BOARD OF SCHOOL DIRECTORS AS OFFICIAL
2 LOCAL SCHOOL DISTRICT HOLIDAYS NOR SHALL ANY SCHOOL BE KEPT OPEN
3 IN ANY DISTRICT DURING THE TIME OF HOLDING THE TEACHERS'
4 INSTITUTE FOR SUCH DISTRICT. THE BOARD OF SCHOOL DIRECTORS MAY
5 CANCEL ANY DAY DESIGNATED AS A LOCAL HOLIDAY IN THE EVENT OF A
6 WEATHER EMERGENCY OR NATURAL DISASTER.

7 * * *

8 SECTION 8. SECTION 1502-A OF THE ACT IS AMENDED BY ADDING A
9 DEFINITION TO READ:

10 SECTION 1502-A. DEFINITIONS.--AS USED IN THIS ARTICLE,

11 * * *

12 "COMMUNITY EDUCATION COUNCIL" SHALL MEAN A NONPROFIT
13 INSTITUTIONALLY NEUTRAL EDUCATIONAL ORGANIZATION, GOVERNED BY A
14 COMMUNITY-BASED BOARD OF DIRECTORS, WHICH SERVES TO PROVIDE
15 ACCESS TO POSTSECONDARY EDUCATION AND TRAINING RESOURCES FOR
16 CITIZENS IN COMMUNITIES THAT HAVE A SHORTAGE OF ADULT EDUCATION,
17 CONTINUING EDUCATION AND/OR POSTSECONDARY EDUCATION SERVICES.

18 * * *

19 SECTION 9. SECTIONS 1503-A AND 1504-A OF THE ACT, ADDED JULY
20 11, 1996 (P.L.633, NO.107), ARE AMENDED TO READ:

21 SECTION 1503-A. BASIC EDUCATION GRANTS.--(A) GRANTS SHALL
22 BE ALLOCATED TO SCHOOL DISTRICTS AND TO AREA VOCATIONAL-
23 TECHNICAL SCHOOLS BY THE DEPARTMENT FROM FUNDS APPROPRIATED FOR
24 THIS PURPOSE. A NONPUBLIC SCHOOL, [AN AREA VOCATIONAL-TECHNICAL
25 SCHOOL,] AN INTERMEDIATE UNIT OR LOCAL LIBRARY MAY PARTICIPATE
26 IN THE GRANT PROCESS THROUGH A PARTNERSHIP WITH A SCHOOL
27 DISTRICT.

28 (B) GRANTS SHALL BE USED TO:

29 (1) IMPROVE THE QUALITY AND QUANTITY OF EDUCATIONAL
30 TECHNOLOGY [WITHIN THE SCHOOL BY PURCHASING TECHNOLOGY AND

1 SOFTWARE] IN ACCORDANCE WITH [STANDARDS] MINIMUM STANDARDS AND
2 SPECIFICATIONS DEVELOPED BY THE DEPARTMENT AND THE OFFICE OF
3 ADMINISTRATION.

4 (2) EQUIP SCHOOLS AND OTHER ENTITIES WITH THE APPROPRIATE
5 [LOCAL AREA NETWORKING (LAN) AND WIDE AREA NETWORK (WAN)
6 TECHNOLOGIES SO THAT SCHOOLS CAN CONNECT TO] NETWORKING AND
7 INTERNET TECHNOLOGIES TO BUILD THE PENNSYLVANIA EDUCATION
8 NETWORK.

9 (3) PROVIDE FOR THE TRAINING OF TEACHERS AND STAFF IN WAYS
10 TO EFFECTIVELY INTEGRATE THE TECHNOLOGY WITH THE CURRICULUM.

11 (4) BEGIN IMPLEMENTING THE REGIONAL ACTION PLANS THAT WERE
12 DEVELOPED AS PART OF THE SHARED VISION AND ACTION PLAN PROJECT
13 ACTIVITIES.

14 (5) IMPROVE THE QUALITY OF TECHNOLOGY SERVICES AT THE STATE
15 LIBRARY OF PENNSYLVANIA.

16 (C) (1) GRANTS SHALL BE ALLOCATED THROUGH A GRANT REVIEW
17 PROCESS ESTABLISHED BY THE SECRETARY OF EDUCATION.

18 (2) THE SECRETARY SHALL ESTABLISH MATCHING REQUIREMENTS FOR
19 GRANT RECIPIENTS WITH A MARKET VALUE/INCOME AID RATIO, AS
20 DEFINED IN SECTION 2501 OF THIS ACT, WHICH IS LESS THAN .4000.
21 GRANT RECIPIENTS WITH A MARKET VALUE/INCOME AID RATIO WHICH IS
22 EQUAL TO OR GREATER THAN .7000 SHALL BE ELIGIBLE FOR LARGER
23 GRANT AWARDS AS DETERMINED BY THE SECRETARY. A SCHOOL DISTRICT
24 OF THE FIRST CLASS SHALL BE ELIGIBLE FOR A GRANT AWARD WHICH
25 SHALL NOT EXCEED THREE MILLION DOLLARS (\$3,000,000), AND A
26 SCHOOL DISTRICT OF THE FIRST CLASS A SHALL BE ELIGIBLE FOR A
27 GRANT AWARD WHICH SHALL NOT EXCEED SIX HUNDRED THOUSAND DOLLARS
28 (\$600,000), UNLESS THE GRANT AWARDS ARE INCLUDED WITHIN A
29 PARTNERSHIP.

30 (2.1) FOR THE 1997-1998 SCHOOL YEAR A SCHOOL DISTRICT SHALL

1 BE ELIGIBLE FOR A GRANT IN THE SAME AMOUNT AS A SCHOOL DISTRICT
2 WAS ELIGIBLE TO RECEIVE FOR THE 1996-1997 SCHOOL YEAR AS
3 PROVIDED IN CLAUSE (2).

4 (2.2) FOR THE 1997-1998 SCHOOL YEAR AN AREA VOCATIONAL-
5 TECHNICAL SCHOOL SHALL BE ELIGIBLE TO RECEIVE FROM THE AMOUNT OF
6 THREE MILLION DOLLARS (\$3,000,000) APPROPRIATED FOR THE PURPOSES
7 OF THIS CLAUSE A GRANT IN THE SAME MANNER AS A SCHOOL DISTRICT
8 AS PROVIDED IN CLAUSE (2). IF THE SUM PROVIDED IN THIS CLAUSE IS
9 NOT SUFFICIENT TO PAY IN FULL THE TOTAL AMOUNT TO WHICH A
10 QUALIFYING AREA VOCATIONAL-TECHNICAL SCHOOL IS ENTITLED TO
11 RECEIVE THE ALLOCATION SHALL BE PROPORTIONATELY REDUCED TO THE
12 EXTENT NECESSARY TO BRING THE AGGREGATE OF THE ALLOCATIONS WITH
13 THE LIMIT OF THE AMOUNT PROVIDED IN THIS CLAUSE.

14 (3) THE APPLICATION FOR A GRANT SHALL BE MADE AT SUCH TIME
15 AND IN SUCH FORM AS THE SECRETARY OF EDUCATION MAY REQUIRE.

16 (4) [PRIORITY WILL BE GIVEN TO THOSE APPLICATIONS WHICH
17 CONSIST OF PARTNERSHIPS.] IN ORDER TO RECEIVE FUNDS, A SCHOOL
18 DISTRICT OR AREA VOCATIONAL-TECHNICAL SCHOOL MUST FORM A
19 PARTNERSHIP WITH ONE OR MORE OF THE FOLLOWING: A POLITICAL
20 SUBDIVISION, A SCHOOL DISTRICT, AN AREA VOCATIONAL-TECHNICAL
21 SCHOOL, AN INTERMEDIATE UNIT, A NONPUBLIC SCHOOL, A LOCAL
22 LIBRARY, AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION, A
23 STATE-OWNED INSTITUTION, A STATE-RELATED INSTITUTION, A
24 COMMUNITY EDUCATION COUNCIL OR ANY OTHER ENTITY APPROVED BY THE
25 DEPARTMENT OF EDUCATION. EXCEPTIONS TO THIS REQUIREMENT MAY BE
26 REQUESTED IN THE APPLICATION WHERE THE APPLICANT SCHOOL DISTRICT
27 OR AREA VOCATIONAL-TECHNICAL SCHOOL JUSTIFIES WHY IT IS BETTER
28 FOR THE APPLICANT TO APPLY AS A SEPARATE ENTITY.

29 SECTION 1504-A. HIGHER EDUCATION FUNDING.--(A) THE
30 DEPARTMENT AND THE OFFICE OF ADMINISTRATION SHALL ESTABLISH

1 MANAGEMENT TEAMS TO PROVIDE DIRECTION AND OVERSIGHT AND TO
2 DISTRIBUTE FUNDS APPROPRIATED FOR THE RESEARCHING, PLANNING AND
3 DEVELOPMENT OF THE PENNSYLVANIA EDUCATION NETWORK WHICH [SHALL]
4 CAN INCLUDE WHEN APPROPRIATE, BUT NOT BE LIMITED TO, THE
5 FOLLOWING FOCUS AREAS:

6 (1) DOCUMENTING PUBLIC AND PRIVATE TECHNOLOGY RESOURCES,
7 INCLUDING, BUT NOT LIMITED TO, EXISTING TELECOMMUNICATIONS
8 NETWORKS, VIDEO CONFERENCING CAPABILITIES AND DISTANCE EDUCATION
9 COURSES AND IDENTIFYING TECHNOLOGY TRANSFER OPPORTUNITIES THAT
10 CAN BE LEVERAGED FOR THE PENNSYLVANIA EDUCATION NETWORK.

11 (2) ESTABLISHING TECHNOLOGY [TEST-BED SITES] INFRASTRUCTURE
12 INVESTMENT GRANTS TO DEVELOP EDUCATIONAL CONTENT AND [EVALUATE]
13 IMPLEMENT PENNSYLVANIA EDUCATION NETWORK STRATEGIES AND
14 CONNECTIVITY BY USING COMPETING TECHNOLOGIES AND METHODOLOGIES.

15 (I) FUNDS FOR INFRASTRUCTURE INVESTMENT GRANTS SHALL BE
16 DISTRIBUTED THROUGH A GRANT APPLICATION AT SUCH TIME AND IN SUCH
17 FORM AS THE SECRETARY OF EDUCATION MAY REQUIRE.

18 (II) APPLICANTS MAY INCLUDE PUBLIC AND PRIVATE INSTITUTIONS
19 OF HIGHER EDUCATION, COMMUNITY EDUCATION COUNCILS, NOT-FOR-
20 PROFIT ORGANIZATIONS IN PENNSYLVANIA AND ANY OTHER ENTITY
21 APPROVED BY THE DEPARTMENT OF EDUCATION.

22 (III) PRIORITY SHALL BE GIVEN TO APPLICATIONS CONSISTING OF
23 PARTNERSHIPS.

24 (3) [DEVELOPING] IMPLEMENTING A SHARED STATEWIDE VISION AND
25 STRATEGIC PLAN FOR BUILDING THE PENNSYLVANIA EDUCATION NETWORK.

26 (4) DEVELOPING METHODS AND RESOURCES TO ENSURE EDUCATORS ARE
27 ABLE TO USE THE TECHNOLOGY EFFECTIVELY WITH THE CURRICULUM.

28 (B) THE MANAGEMENT TEAMS SHALL BE COMPRISED OF
29 REPRESENTATIVES FROM STATE-OWNED INSTITUTIONS, STATE-RELATED
30 INSTITUTIONS, COMMUNITY COLLEGES AND INDEPENDENT [COLLEGES AND

1 UNIVERSITIES] INSTITUTIONS OF HIGHER EDUCATION IN PENNSYLVANIA,
2 INTERMEDIATE UNITS [AND REPRESENTATIVES FROM THE COMMONWEALTH],
3 COMMUNITY EDUCATION COUNCILS AND REPRESENTATIVES FROM OTHER
4 PUBLIC AND NOT-FOR-PROFIT ORGANIZATIONS IN PENNSYLVANIA.

5 (C) [EACH TEAM SHALL BE RESPONSIBLE FOR DEFINING THE SCOPE
6 OF WORK, GOALS, OBJECTIVES, TASK ASSIGNMENTS AND BUDGET FOR ITS
7 RESPECTIVE FOCUS AREA.] PROJECT MANAGERS WILL BE NOMINATED BY
8 THE INSTITUTIONS IN SUBSECTION (B). PROSPECTIVE PROJECT MANAGERS
9 SHALL BE REVIEWED AND SELECTED JOINTLY BY THE DEPARTMENT AND THE
10 OFFICE OF ADMINISTRATION.

11 (D) [(1) FUNDS] EACH MANAGEMENT TEAM SHALL BE RESPONSIBLE
12 FOR DEFINING THE SCOPE OF WORK, GOALS, OBJECTIVES, TASK
13 ASSIGNMENT AND BUDGET FOR ITS RESPECTIVE FOCUS AREA. FUNDS FOR
14 MANAGEMENT TEAMS SHALL BE DISTRIBUTED THROUGH [A REQUEST FOR
15 PROPOSAL PROCESS WHICH WILL BE SCORED BASED ON MERIT.] AN
16 APPLICATION TO THE OFFICE OF ADMINISTRATION AND THE DEPARTMENT
17 TO BE APPROVED THROUGH A JOINT REVIEW PROCESS.

18 [(2) ELIGIBLE APPLICANTS SHALL INCLUDE THE STATE SYSTEM OF
19 HIGHER EDUCATION, THE STATE-RELATED UNIVERSITIES, INCLUDING THE
20 PENNSYLVANIA COLLEGE OF TECHNOLOGY, COMMUNITY COLLEGES AND
21 INDEPENDENT COLLEGES AND UNIVERSITIES.

22 (3) PRIORITY SHALL BE GIVEN TO APPLICATIONS CONSISTING OF
23 PARTNERSHIPS.]

24 (E) EACH TEAM MANAGER SHALL REPORT TO AND SHALL BE HELD
25 ACCOUNTABLE BY THE SECRETARY OF EDUCATION AND THE SECRETARY OF
26 ADMINISTRATION OR THEIR DESIGNEE, THE FORM AND MANNER TO BE
27 DETERMINED BY THE SECRETARY OF EDUCATION.

28 SECTION 10. SECTION 1913-A(B)(1.4) OF THE ACT, AMENDED JULY
29 11, 1996 (P.L.633, NO.107), IS AMENDED TO READ:

30 SECTION 1913-A. FINANCIAL PROGRAM; REIMBURSEMENT OR

1 PAYMENTS.--* * *

2 (B) * * *

3 (1.4) THE EQUIVALENT FULL-TIME STUDENT REIMBURSEMENT OF A
4 COMMUNITY COLLEGE SHALL BE THE SUM OF CREDIT COURSE, NONCREDIT
5 COURSE AND STIPEND REIMBURSEMENTS. THESE REIMBURSEMENTS SHALL BE
6 CALCULATED USING A REIMBURSEMENT FACTOR OF ONE THOUSAND AND
7 FORTY DOLLARS (\$1,040) FOR THE 1993-1994 FISCAL YEAR, OF ONE
8 THOUSAND EIGHTY DOLLARS (\$1,080) FOR THE 1994-1995 FISCAL YEAR
9 AND OF ONE THOUSAND ONE HUNDRED EIGHTY DOLLARS (\$1,180) FOR THE
10 1995-1996 FISCAL YEAR AND ONE THOUSAND AND TWO HUNDRED AND TEN
11 DOLLARS (\$1,210) FOR THE 1996-1997 FISCAL YEAR AND ONE THOUSAND
12 TWO HUNDRED SIXTY DOLLARS (\$1,260) FOR THE 1997-1998 FISCAL YEAR
13 AND FOR EACH YEAR THEREAFTER AND SHALL BE DETERMINED AS FOLLOWS:

14 (I) CREDIT COURSE REIMBURSEMENT SHALL BE CALCULATED BY
15 MULTIPLYING THE REIMBURSEMENT FACTOR BY THE NUMBER OF EQUIVALENT
16 FULL-TIME STUDENTS ENROLLED IN CREDIT COURSES AS DETERMINED BY
17 AN AUDIT TO BE MADE IN A MANNER PRESCRIBED BY THE STATE BOARD OF
18 EDUCATION.

19 (II) NONCREDIT COURSE REIMBURSEMENT SHALL BE CALCULATED AS
20 FOLLOWS:

21 (A) EIGHTY PERCENT (80%) OF THE REIMBURSEMENT FACTOR
22 MULTIPLIED BY THE NUMBER OF EQUIVALENT FULL-TIME STUDENTS
23 ENROLLED IN ELIGIBLE NONCREDIT COURSES FOR THE 1993-1994 FISCAL
24 YEAR, AS DETERMINED BY THE AUDIT REFERRED TO IN PARAGRAPH (I);

25 (B) SEVENTY PERCENT (70%) OF THE REIMBURSEMENT FACTOR
26 MULTIPLIED BY THE NUMBER OF EQUIVALENT FULL-TIME STUDENTS
27 ENROLLED IN ELIGIBLE NONCREDIT COURSES FOR THE 1994-1995 FISCAL
28 YEAR AND FOR EACH YEAR THEREAFTER, AS DETERMINED BY THE AUDIT
29 REFERRED TO IN PARAGRAPH (I); OR

30 (C) ONE HUNDRED PERCENT (100%) OF THE REIMBURSEMENT FACTOR

1 MULTIPLIED BY THE NUMBER OF EQUIVALENT FULL-TIME STUDENTS
2 ENROLLED IN ELIGIBLE NONCREDIT PUBLIC SAFETY COURSES THAT
3 PROVIDE TRAINING FOR VOLUNTEER FIREFIGHTERS AND EMERGENCY
4 MEDICAL SERVICES FOR THE 1995-1996 FISCAL YEAR AND FOR EACH YEAR
5 THEREAFTER, AS DETERMINED BY THE AUDIT REFERRED TO IN PARAGRAPH
6 (I).

7 (III) STIPEND REIMBURSEMENT ON ACCOUNT OF A COMMUNITY
8 COLLEGE'S OPERATING COSTS FOR ALL EQUIVALENT FULL-TIME STUDENTS
9 ENROLLED IN THE FOLLOWING CATEGORIES OF TWO-YEAR OR LESS THAN
10 TWO-YEAR OCCUPATIONAL OR TECHNICAL PROGRAMS, SHALL BE THE SUM OF
11 THE FOLLOWING:

12 (A) ONE THOUSAND ONE HUNDRED DOLLARS (\$1,100) PER FULL-TIME
13 EQUIVALENT STUDENT ENROLLED IN ADVANCED TECHNOLOGY PROGRAMS. FOR
14 THE FISCAL YEAR 1995-1996 AND EACH YEAR THEREAFTER, THE
15 REIMBURSEMENT RATE SHALL BE CALCULATED AT ONE THOUSAND ONE
16 HUNDRED SEVENTY-FIVE DOLLARS (\$1,175) PER FULL-TIME EQUIVALENT
17 STUDENT ENROLLED IN ADVANCED TECHNOLOGY PROGRAMS. ADVANCED
18 TECHNOLOGY PROGRAMS ARE PROGRAMS USING NEW OR ADVANCED
19 TECHNOLOGIES WHICH HOLD PROMISE FOR CREATING NEW JOB
20 OPPORTUNITIES, INCLUDING SUCH FIELDS AS ROBOTICS, BIOTECHNOLOGY,
21 SPECIALIZED MATERIALS AND ENGINEERING AND ENGINEERING-RELATED
22 PROGRAMS.

23 (B) ONE THOUSAND DOLLARS (\$1,000) PER FULL-TIME EQUIVALENT
24 STUDENT ENROLLED IN PROGRAMS DESIGNATED AS STATEWIDE PROGRAMS.
25 FOR THE FISCAL YEAR 1995-1996 AND EACH YEAR THEREAFTER, THE
26 REIMBURSEMENT RATE SHALL BE CALCULATED AT ONE THOUSAND SEVENTY-
27 FIVE DOLLARS (\$1,075) PER FULL-TIME EQUIVALENT STUDENT ENROLLED
28 IN PROGRAMS DESIGNATED AS STATEWIDE PROGRAMS. A STATEWIDE
29 PROGRAM IS A PROGRAM WHICH MEETS ONE OR MORE OF THE FOLLOWING
30 CRITERIA:

1 (I) PROGRAM ENROLLMENT FROM OUT-OF-SPONSOR AREA IS TWENTY
2 PER CENT OR MORE OF THE ENROLLMENT FOR THE PROGRAM.

3 (II) A CONSORTIAL ARRANGEMENT EXISTS WITH ANOTHER COMMUNITY
4 COLLEGE TO COOPERATIVELY OPERATE A PROGRAM OR SHARE REGIONS IN
5 ORDER TO AVOID UNNECESSARY PROGRAM DUPLICATION.

6 (C) FIVE HUNDRED DOLLARS (\$500) PER FULL-TIME EQUIVALENT
7 STUDENT ENROLLED IN OTHER OCCUPATIONAL OR TECHNICAL PROGRAMS.
8 FOR THE FISCAL YEAR 1995-1996 AND EACH YEAR THEREAFTER, THE
9 REIMBURSEMENT RATE SHALL BE CALCULATED AT FIVE HUNDRED SEVENTY-
10 FIVE DOLLARS (\$575) PER FULL-TIME EQUIVALENT STUDENT ENROLLED IN
11 OTHER OCCUPATIONAL OR TECHNICAL PROGRAMS.

12 * * *

13 SECTION 11. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

14 ARTICLE XIX-C.

15 DISRUPTIVE STUDENT PROGRAMS.

16 SECTION 1901-C. DEFINITIONS.--FOR PURPOSES OF THIS ARTICLE,
17 THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

18 (1) "ALTERNATIVE EDUCATION PROGRAM" OR "PROGRAM." ANY
19 APPLICANT'S PROGRAM APPLYING FOR FUNDS UNDER THIS ARTICLE, WHICH
20 PROGRAM IS IMPLEMENTED BY A SCHOOL DISTRICT, AN AREA VOCATIONAL-
21 TECHNICAL SCHOOL, A GROUP OF SCHOOL DISTRICTS OR AN INTERMEDIATE
22 UNIT, WHICH REMOVES DISRUPTIVE STUDENTS FROM REGULAR SCHOOL
23 PROGRAMS IN ORDER TO PROVIDE THOSE STUDENTS WITH A SOUND
24 EDUCATIONAL COURSE OF STUDY AND COUNSELING DESIGNED TO MODIFY
25 DISRUPTIVE BEHAVIOR AND RETURN THE STUDENTS TO A REGULAR SCHOOL
26 CURRICULUM. NOTWITHSTANDING SECTION 1502, ALTERNATIVE EDUCATION
27 PROGRAMS MAY OPERATE OUTSIDE THE NORMAL SCHOOL DAY OF THE
28 APPLICANT DISTRICT, INCLUDING SATURDAYS. SCHOOL DISTRICTS SHALL
29 ADOPT A POLICY FOR PERIODIC REVIEW OF STUDENTS PLACED IN THE
30 ALTERNATIVE EDUCATION PROGRAM FOR DISRUPTIVE STUDENTS. THIS

1 REVIEW SHALL OCCUR, AT A MINIMUM, AT THE END OF EVERY SEMESTER
2 THE STUDENT IS IN THE PROGRAM OR MORE FREQUENTLY AT THE
3 DISTRICT'S DISCRETION. THE PURPOSE OF THIS REVIEW IS TO
4 DETERMINE WHETHER OR NOT THE STUDENT IS READY TO RETURN TO THE
5 REGULAR SCHOOL CURRICULUM. PROGRAMS MAY INCLUDE SERVICES FOR
6 STUDENTS RETURNING FROM PLACEMENTS OR WHO ARE ON PROBATION
7 RESULTING FROM BEING ADJUDICATED DELINQUENT IN A PROCEEDING
8 UNDER 42 PA.C.S. CH. 63 (RELATING TO JUVENILE MATTERS), OR WHO
9 HAVE BEEN JUDGED TO HAVE COMMITTED A CRIME UNDER AN ADULT
10 CRIMINAL PROCEEDING.

11 (2) "APPLICANT." A SCHOOL DISTRICT OR A COMBINATION OF
12 SCHOOL DISTRICTS WHICH APPLIES FOR FUNDS UNDER THIS ARTICLE.

13 (3) "COMMUNITY RESOURCES." THOSE AGENCIES AND SERVICES FOR
14 CHILDREN AND YOUTH PROVIDED BY THE JUVENILE COURT AND THE
15 DEPARTMENT OF HEALTH AND THE DEPARTMENT OF PUBLIC WELFARE AND
16 OTHER PUBLIC OR PRIVATE INSTITUTIONS.

17 (4) "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
18 COMMONWEALTH.

19 (5) "DISRUPTIVE STUDENT." A STUDENT WHO POSES A CLEAR
20 THREAT TO THE SAFETY AND WELFARE OF OTHER STUDENTS OR THE SCHOOL
21 STAFF, CREATES AN UNSAFE SCHOOL ENVIRONMENT, OR WHOSE BEHAVIOR
22 MATERIALLY INTERFERES WITH THE LEARNING OF OTHER STUDENTS OR
23 DISRUPTS THE OVERALL EDUCATIONAL PROCESS. THE DISRUPTIVE STUDENT
24 EXHIBITS TO A MARKED DEGREE ANY OR ALL OF THE FOLLOWING
25 CONDITIONS:

26 (I) DISREGARD FOR SCHOOL AUTHORITY, INCLUDING PERSISTENT
27 VIOLATION OF SCHOOL POLICY AND RULES.

28 (II) DISPLAY OR USE OF CONTROLLED SUBSTANCES ON SCHOOL
29 PROPERTY OR DURING SCHOOL-AFFILIATED ACTIVITIES.

30 (III) VIOLENT OR THREATENING BEHAVIOR ON SCHOOL PROPERTY OR

1 DURING SCHOOL-AFFILIATED ACTIVITIES.

2 (IV) POSSESSION OF A WEAPON ON SCHOOL PROPERTY, AS DEFINED
3 UNDER 18 PA.C.S. § 912 (RELATING TO POSSESSION OF WEAPON ON
4 SCHOOL PROPERTY).

5 (V) COMMISSION OF A CRIMINAL ACT ON SCHOOL PROPERTY OR
6 DURING SCHOOL-AFFILIATED ACTIVITIES.

7 (VI) MISCONDUCT THAT WOULD MERIT SUSPENSION OR EXPULSION
8 UNDER SCHOOL POLICY.

9 (VII) HABITUAL TRUANCY.

10 NO STUDENT WHO IS ELIGIBLE FOR SPECIAL EDUCATION SERVICES
11 PURSUANT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT
12 (PUBLIC LAW 91-230, 20 U.S.C. § 1400 ET SEQ.) SHALL BE DEEMED A
13 DISRUPTIVE STUDENT FOR THE PURPOSES OF THIS ACT, EXCEPT AS
14 PROVIDED FOR IN 22 PA. CODE § 14.35 (RELATING TO DISCIPLINE).

15 (6) "SCHOOL." ANY SCHOOL CLASSIFIED BY THE DEPARTMENT OF
16 EDUCATION AS A MIDDLE SCHOOL, JUNIOR HIGH SCHOOL, SENIOR HIGH
17 SCHOOL OR AREA VOCATIONAL-TECHNICAL SCHOOL.

18 (7) "SECRETARY." THE SECRETARY OF EDUCATION OF THE
19 COMMONWEALTH.

20 SECTION 1902-C. APPLICATIONS.--APPLICANTS SHALL SUBMIT
21 APPLICATIONS AT THE TIME, IN THE MANNER, AND CONTAINING OR
22 ACCOMPANIED BY SUCH INFORMATION AS THE DEPARTMENT MAY PRESCRIBE
23 BUT, IN ANY CASE, SHALL DOCUMENT THE FOLLOWING:

24 (1) THE PROGRAM IS DEVELOPED IN CONSULTATION WITH THE
25 FACULTY AND ADMINISTRATIVE STAFF OF THE SCHOOL AND PARENTS AND
26 MEMBERS OF THE COMMUNITY.

27 (2) THAT THE APPLICANTS HAVE ESTABLISHED POLICIES TO
28 IDENTIFY THOSE STUDENTS WHO ARE ELIGIBLE FOR PLACEMENT IN THE
29 PROGRAM AND THAT THE PLACEMENT OF SUCH STUDENTS WILL COMPLY WITH
30 THE INFORMAL HEARING PROCEDURES SET FORTH IN 22 PA. CODE §

1 12.8(C) (RELATING TO HEARINGS). NOTICE OF THE HEARING SHOULD
2 PRECEDE PLACEMENT IN THE PROGRAM. WHERE THE STUDENT'S PRESENCE
3 POSES A CONTINUING DANGER TO PERSONS OR PROPERTY OR AN ONGOING
4 THREAT OF DISRUPTING THE ACADEMIC PROCESS, THE STUDENT MAY BE
5 IMMEDIATELY REMOVED FROM THE REGULAR EDUCATION CURRICULUM WITH
6 NOTICE AND A HEARING TO FOLLOW AS SOON AS PRACTICABLE.

7 (3) THAT SCHOOL PERSONNEL ASSIGNED TO THE ALTERNATIVE
8 EDUCATION PROGRAM FOR WHICH FUNDING IS SOUGHT UNDER THIS ARTICLE
9 POSSESS A LEVEL I OR LEVEL II PENNSYLVANIA CERTIFICATE AS
10 PROVIDED FOR IN 22 PA. CODE CH. 49 (RELATING TO CERTIFICATION OF
11 PROFESSIONAL PERSONNEL).

12 (4) THE PROGRAM PROVIDES PARTICIPATING STUDENTS WITH A
13 COURSE OF INSTRUCTION WHICH RECOGNIZES THEIR SPECIAL NEEDS,
14 PREPARES THEM FOR SUCCESSFUL RETURN TO A REGULAR SCHOOL
15 CURRICULUM AND/OR COMPLETION OF THE REQUIREMENTS FOR GRADUATION.

16 (5) THE PROGRAM IS USED ONLY WHEN OTHER ESTABLISHED METHODS
17 OF DISCIPLINE HAVE BEEN UTILIZED AND HAVE FAILED UNLESS THE
18 SERIOUSNESS OF THE STUDENT'S BEHAVIOR WARRANTS IMMEDIATE
19 PLACEMENT.

20 (6) A DETERMINATION OF THE SCOPE, TYPE AND SEVERITY OF
21 STUDENT DISRUPTION AND A SURVEY OF COMMUNITY AND SCHOOL
22 RESOURCES AVAILABLE TO THE APPLICANT FOR THE REMEDIATION OF
23 STUDENT DISRUPTION.

24 (7) A DESCRIPTION OF THE EDUCATIONAL PROGRAM TO BE PROVIDED.
25 THE PROGRAM MAY MODIFY THE REQUIREMENTS ESTABLISHED IN SECTIONS
26 1327, 1501 AND 1504 INSOFAR AS THEY ARE RELATED TO THE NUMBER OF
27 DAYS OR HOURS OF INSTRUCTION. THE APPLICATION SHALL DESCRIBE HOW
28 THE STUDENT WILL MAKE NORMAL ACADEMIC PROGRESS AND MEET
29 REQUIREMENTS FOR GRADUATION.

30 SECTION 1903-C. ALTERNATIVE EDUCATION GRANTS.--THE

1 DEPARTMENT SHALL ESTABLISH GRANTS FOR ALTERNATIVE EDUCATION
2 PROGRAMS WHICH MEET THE REQUIREMENTS OF THIS ARTICLE TO INCLUDE
3 THE FOLLOWING:

4 (1) AN APPLICATION PROCEDURE FOR GRANT ELIGIBILITY.

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

9 (3) THE DEPARTMENT SHALL DETERMINE AN ANNUAL GRANT AMOUNT
10 CALCULATED BY DIVIDING THE AMOUNT APPROPRIATED BY THE ESTIMATED
11 AVERAGE NUMBER OF STUDENTS ENROLLED IN ELIGIBLE PROGRAMS,
12 FURTHER DIVIDED BY THIRTY-SIX. EACH APPLICANT SHALL BE ELIGIBLE
13 TO RECEIVE THIS GRANT AMOUNT, PER AVERAGE NUMBER OF PUPILS
14 ENROLLED, PER WEEK OF PARTICIPATION IN AN ELIGIBLE PROGRAM.
15 COMMONWEALTH GRANTS SHALL BE LIMITED TO FUNDS APPROPRIATED FOR
16 THIS PROGRAM, BUT IN NO EVENT SHALL A SCHOOL DISTRICT RECEIVE
17 FUNDING FOR MORE THAN TWO PER CENT (2%) OF A SCHOOL DISTRICT'S
18 AVERAGE DAILY MEMBERSHIP AS DEFINED IN SECTION 2501 OF THIS ACT
19 FOR STUDENTS ENROLLED IN GRADES SEVEN THROUGH TWELVE.

20 SECTION 1904-C. CONSTRUCTION OF ARTICLE.--NOTHING CONTAINED
21 IN THIS ARTICLE SHALL BE CONSTRUED TO SUPERSEDE OR PREEMPT ANY
22 PROVISIONS OF A COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BY A
23 SCHOOL ENTITY AND AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES
24 IN ACCORDANCE WITH THE ACT OF JULY 23, 1970 (P.L.563, NO.195),
25 KNOWN AS THE "PUBLIC EMPLOYE RELATIONS ACT."

26 SECTION 1905-C. RETROACTIVITY.--THIS ARTICLE SHALL BE
27 RETROACTIVE TO JULY 1, 1996.

28 SECTION 12. SECTION 2501 OF THE ACT IS AMENDED BY ADDING
29 DEFINITIONS TO READ:

30 SECTION 2501. DEFINITIONS.--FOR THE PURPOSES OF THIS ARTICLE

1 THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

2 * * *

3 (22) "IMMEDIATELY PRECEDING SCHOOL YEAR." THE SCHOOL YEAR
4 ONE YEAR PRIOR TO THE CURRENT SCHOOL YEAR.

5 (23) "NEXT PRECEDING SCHOOL YEAR." THE SCHOOL YEAR TWO
6 YEARS PRIOR TO THE CURRENT SCHOOL YEAR.

7 SECTION 13. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

8 SECTION 2502.33. BASIC EDUCATION FUNDING FOR 1996-1997
9 SCHOOL YEAR.--FOR THE 1996-1997 SCHOOL YEAR, THE COMMONWEALTH
10 SHALL PAY TO EACH SCHOOL DISTRICT A BASIC EDUCATION FUNDING
11 ALLOCATION WHICH SHALL CONSIST OF THE FOLLOWING:

12 (1) AN AMOUNT EQUAL TO THE BASIC EDUCATION FUNDING
13 ALLOCATION FOR THE 1995-1996 SCHOOL YEAR PURSUANT TO SECTION
14 2502.31.

15 (2) A BASE SUPPLEMENT PAYABLE TO QUALIFYING SCHOOL
16 DISTRICTS.

17 (I) TO QUALIFY FOR THE BASE SUPPLEMENT, A SCHOOL DISTRICT'S
18 1997-1998 MARKET VALUE/INCOME AID RATIO MUST BE EQUAL TO OR
19 GREATER THAN FOUR THOUSAND TEN-THOUSANDTHS (0.4000).

20 (II) THE BASE SUPPLEMENT IS CALCULATED FOR QUALIFYING SCHOOL
21 DISTRICTS AS FOLLOWS: MULTIPLY THE SCHOOL DISTRICT'S 1997-1998
22 MARKET VALUE/INCOME AID RATIO TIMES ITS 1996-1997 AVERAGE DAILY
23 MEMBERSHIP; MULTIPLY THIS PRODUCT TIMES SIXTY-SIX MILLION
24 DOLLARS (\$66,000,000); DIVIDE THE RESULTANT PRODUCT BY THE SUM
25 OF THE PRODUCTS OF THE 1997-1998 MARKET VALUE/INCOME AID RATIO
26 TIMES THE 1996-1997 AVERAGE DAILY MEMBERSHIP FOR ALL QUALIFYING
27 DISTRICTS.

28 (3) A GROWTH SUPPLEMENT PAYABLE TO QUALIFYING SCHOOL
29 DISTRICTS.

30 (I) TO QUALIFY FOR THE GROWTH SUPPLEMENT, A SCHOOL

1 DISTRICT'S AVERAGE DAILY MEMBERSHIP MUST HAVE INCREASED BETWEEN
2 THE 1994-1995 AND 1996-1997 SCHOOL YEARS.

3 (II) THE GROWTH SUPPLEMENT IS CALCULATED FOR QUALIFYING
4 SCHOOL DISTRICTS AS FOLLOWS: IF THE INCREASE IN AVERAGE DAILY
5 MEMBERSHIP BETWEEN THE 1994-1995 AND 1996-1997 SCHOOL YEARS IS
6 EQUAL TO OR GREATER THAN FOUR AND FIVE-TENTHS PER CENTUM (4.5%),
7 MULTIPLY TWO HUNDRED DOLLARS (\$200) TIMES THE INCREASE IN
8 AVERAGE DAILY MEMBERSHIP; IF THE INCREASE IS LESS THAN FOUR AND
9 FIVE-TENTHS PER CENTUM (4.5%), MULTIPLY ONE HUNDRED DOLLARS
10 (\$100) TIMES THE INCREASE IN AVERAGE DAILY MEMBERSHIP.

11 (4) EACH SCHOOL DISTRICT WILL BE GUARANTEED A MINIMUM
12 INCREASE TO BE CALCULATED AS FOLLOWS:

13 (I) EACH SCHOOL DISTRICT WITH A 1997-1998 MARKET
14 VALUE/INCOME AID RATIO EQUAL TO OR GREATER THAN SEVEN THOUSAND
15 TEN-THOUSANDTHS (0.7000) WILL RECEIVE ADDITIONAL FUNDING, AS
16 NECESSARY, SO THAT THE SUM OF THE AMOUNTS IN CLAUSES (2), (3)
17 AND (4) WILL EQUAL AT LEAST FOUR PER CENTUM (4%) OF THE AMOUNT
18 IN CLAUSE (1).

19 (II) EACH SCHOOL DISTRICT WITH A 1997-1998 MARKET
20 VALUE/INCOME AID RATIO LESS THAN SEVEN THOUSAND TEN-THOUSANDTHS
21 (0.7000) WILL RECEIVE ADDITIONAL FUNDING, AS NECESSARY, SO THAT
22 THE SUM OF THE AMOUNTS IN CLAUSES (2), (3) AND (4) WILL EQUAL AT
23 LEAST ONE PER CENTUM (1%) OF THE AMOUNT IN CLAUSE (1).

24 SECTION 2502.34. SCHOOL PERFORMANCE INCENTIVES.--FOR THE
25 1997-1998 FISCAL YEAR, A MINIMUM OF TEN PER CENTUM (10%) OF THE
26 DIFFERENCE BETWEEN THE TOTAL BASIC EDUCATION FUNDING
27 APPROPRIATION FOR THE PRIOR FISCAL YEAR AND THE CURRENT FISCAL
28 YEAR, AS PROVIDED IN ARTICLE XXV, SHALL BE DIRECTED FOR SCHOOL
29 PERFORMANCE INCENTIVES AS ESTABLISHED BY THE DEPARTMENT. FOR THE
30 1998-1999 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, FUNDING

1 FOR SCHOOL PERFORMANCE INCENTIVES SHALL BE AS PROVIDED IN THE
2 GENERAL APPROPRIATIONS ACT.

3 SECTION 14. SECTION 2509.1(D) OF THE ACT, AMENDED JUNE 30,
4 1995 (P.L.220, NO.26), IS AMENDED AND THE SECTION IS AMENDED BY
5 ADDING A SUBSECTION TO READ:

6 SECTION 2509.1. PAYMENTS TO INTERMEDIATE UNITS.--* * *

7 (B.5) UP TO TWELVE MILLION DOLLARS (\$12,000,000) MAY BE
8 UTILIZED FOR PROGRAMS ADMINISTERED AND OPERATED DURING THE 1997-
9 1998 SCHOOL YEAR FOR INSTITUTIONALIZED CHILDREN BY INTERMEDIATE
10 UNITS AS ESTABLISHED IN SUBSECTION (B.1).

11 * * *

12 (D) (1) FOR THE 1991-1992 SCHOOL YEAR, EACH INTERMEDIATE
13 UNIT WHICH IS COTERMINOUS TO A SCHOOL DISTRICT OF THE FIRST
14 CLASS OR FIRST CLASS A SHALL BE PAID FIFTY PERCENT (50%) OF THE
15 AMOUNT RECEIVED BY THE INTERMEDIATE UNIT FOR THE COST OF
16 OPERATING AND ADMINISTERING CLASSES OR SCHOOLS FOR CHILDREN WITH
17 EXCEPTIONALITIES, AS APPROVED BY THE DEPARTMENT OF EDUCATION FOR
18 THE 1990-1991 SCHOOL YEAR. FOR THE 1991-1992 SCHOOL YEAR, EACH
19 INTERMEDIATE UNIT NOT COTERMINOUS WITH A SCHOOL DISTRICT WHICH
20 OPERATES ALL THE SPECIAL EDUCATION PROGRAMS FOR CHILDREN WITH
21 DISABILITIES FOR ITS CONSTITUENT SCHOOL DISTRICTS SHALL BE PAID
22 TEN PERCENT (10%) OF THE AMOUNT RECEIVED BY THE INTERMEDIATE
23 UNIT FOR THE COST OF OPERATING AND ADMINISTERING CLASSES OR
24 SCHOOLS FOR CHILDREN WITH DISABILITIES, AS APPROVED BY THE
25 DEPARTMENT OF EDUCATION FOR THE 1990-1991 SCHOOL YEAR. FOR THE
26 1992-1993 AND THE 1993-1994 SCHOOL YEARS UP TO AND INCLUDING THE
27 1994-1995 SCHOOL YEAR, EACH INTERMEDIATE UNIT WHICH IS
28 COTERMINOUS TO A SCHOOL DISTRICT OF THE FIRST CLASS OR FIRST
29 CLASS A SHALL BE PAID TWENTY-FIVE PERCENT (25%) OF THE AMOUNT
30 RECEIVED BY THE INTERMEDIATE UNIT FOR THE COST OF OPERATING AND

1 ADMINISTERING CLASSES OR SCHOOLS FOR CHILDREN WITH
2 EXCEPTIONALITIES, AS APPROVED BY THE DEPARTMENT OF EDUCATION FOR
3 THE 1990-1991 SCHOOL YEAR.

4 (2) FOR THE 1995-1996 SCHOOL YEAR, EACH INTERMEDIATE UNIT
5 WHICH IS COTERMINOUS TO A SCHOOL DISTRICT OF THE FIRST CLASS OR
6 FIRST CLASS A SHALL BE PAID A PROPORTIONATE SHARE OF TWENTY-NINE
7 MILLION NINE HUNDRED THOUSAND DOLLARS (\$29,900,000) BASED ON THE
8 AMOUNT RECEIVED BY THE INTERMEDIATE UNIT FOR THE COST OF
9 OPERATING AND ADMINISTERING CLASSES OR SCHOOLS FOR CHILDREN WITH
10 EXCEPTIONALITIES, AS APPROVED BY THE DEPARTMENT OF EDUCATION FOR
11 THE 1990-1991 SCHOOL YEAR.

12 (3) FOR THE 1996-1997 AND 1997-1998 SCHOOL [YEAR] YEARS,
13 EACH INTERMEDIATE UNIT WHICH IS COTERMINOUS TO A SCHOOL DISTRICT
14 OF THE FIRST CLASS OR FIRST CLASS A SHALL BE PAID A
15 PROPORTIONATE SHARE OF TWENTY MILLION SIX HUNDRED THOUSAND
16 DOLLARS (\$20,600,000) BASED ON THE AMOUNT RECEIVED BY THE
17 INTERMEDIATE UNIT FOR THE COST OF OPERATING AND ADMINISTERING
18 CLASSES OR SCHOOLS FOR CHILDREN WITH EXCEPTIONALITIES, AS
19 APPROVED BY THE DEPARTMENT OF EDUCATION FOR THE 1990-1991 SCHOOL
20 YEAR.

21 (4) FOR THE [1997-1998] 1998-1999 SCHOOL YEAR, EACH
22 INTERMEDIATE UNIT WHICH IS COTERMINOUS TO A SCHOOL DISTRICT OF
23 THE FIRST CLASS OR FIRST CLASS A SHALL BE PAID A PROPORTIONATE
24 SHARE OF TEN MILLION THREE HUNDRED THOUSAND DOLLARS
25 (\$10,300,000) BASED ON THE AMOUNT RECEIVED BY THE INTERMEDIATE
26 UNIT FOR THE COST OF OPERATING AND ADMINISTERING CLASSES OR
27 SCHOOLS FOR CHILDREN WITH EXCEPTIONALITIES, AS APPROVED BY THE
28 DEPARTMENT OF EDUCATION FOR THE 1990-1991 SCHOOL YEAR.

29 * * *

30 SECTION 15. SECTION 2509.5 OF THE ACT IS AMENDED BY ADDING

1 SUBSECTIONS TO READ:

2 SECTION 2509.5. SPECIAL EDUCATION PAYMENTS TO SCHOOL
3 DISTRICTS.--* * *

4 (L) DURING THE 1997-1998 SCHOOL YEAR, EACH SCHOOL DISTRICT
5 SHALL BE PAID:

6 (1) AN AMOUNT TO BE DETERMINED BY MULTIPLYING FIFTEEN
7 PERCENT (15%) OF ITS SCHOOL-AGE AVERAGE DAILY MEMBERSHIP BY ONE
8 THOUSAND ONE HUNDRED FIFTY DOLLARS (\$1,150); AND

9 (2) AN AMOUNT TO BE DETERMINED BY MULTIPLYING ONE PERCENT
10 (1%) OF ITS SCHOOL-AGE AVERAGE DAILY MEMBERSHIP BY THIRTEEN
11 THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$13,450).

12 (M) DURING THE 1997-1998 SCHOOL YEAR, UP TO TEN MILLION ONE
13 HUNDRED SEVEN THOUSAND DOLLARS (\$10,107,000) OF THE FUNDS
14 APPROPRIATED TO THE DEPARTMENT OF EDUCATION FOR SPECIAL
15 EDUCATION SHALL BE AVAILABLE TO PROVIDE SUPPLEMENTAL FUNDING FOR
16 SPECIAL EDUCATION TO SCHOOL DISTRICTS WHICH OPERATE SPECIAL
17 EDUCATION PROGRAMS. ONLY SCHOOL DISTRICTS THAT QUALIFY UNDER THE
18 PROVISIONS OF SUBSECTION (N) WILL BE ELIGIBLE TO RECEIVE THIS
19 SUPPLEMENTAL SPECIAL EDUCATION FUNDING.

20 (N) SCHOOL DISTRICTS WILL QUALIFY FOR SUPPLEMENTAL PAYMENTS
21 UNDER SUBSECTION (M) IF:

22 (1) (I) THE SCHOOL DISTRICT'S SPECIAL EDUCATION EXPENDITURES
23 FOR THE 1994-1995 SCHOOL YEAR, AS A PERCENTAGE OF THE SUM OF THE
24 SCHOOL DISTRICT'S 1994-1995 SCHOOL YEAR EXPENDITURES FOR REGULAR
25 EDUCATION, VOCATIONAL-TECHNICAL EDUCATION AND SPECIAL EDUCATION
26 ARE EQUAL TO OR GREATER THAN THE SPECIAL EDUCATION EXPENDITURES
27 OF ALL SCHOOL DISTRICTS FOR THE 1994-1995 SCHOOL YEAR, AS A
28 PERCENTAGE OF THE SUM OF THE 1994-1995 SCHOOL YEAR EXPENDITURES
29 OF ALL SCHOOL DISTRICTS FOR REGULAR EDUCATION, VOCATIONAL-
30 TECHNICAL EDUCATION AND SPECIAL EDUCATION; AND

1 (II) THE SCHOOL DISTRICT'S MARKET VALUE/INCOME AID RATIO FOR
2 THE 1996-1997 SCHOOL YEAR IS EQUAL TO OR GREATER THAN .6000; AND

3 (III) THE SCHOOL DISTRICT'S EQUALIZED MILLAGE FOR THE 1994-
4 1995 SCHOOL YEAR IS EQUAL TO OR GREATER THAN 21.0; OR

5 (2) THE SCHOOL DISTRICT SATISFIES THE CRITERION SET FORTH IN
6 SUBSECTION (N)(1)(I), DOES NOT SATISFY THE CRITERION SET FORTH
7 IN SUBSECTION (N)(1)(II) BUT THE SCHOOL DISTRICT'S EQUALIZED
8 MILLAGE FOR THE 1994-1995 SCHOOL YEAR IS EQUAL TO OR GREATER
9 THAN 25.2; OR

10 (3) THE SCHOOL DISTRICT DOES NOT SATISFY THE CRITERIA OF
11 SUBSECTIONS (N)(1) OR (2) BUT DOES SATISFY THE FOLLOWING:

12 (I) THE NUMBER OF CHILDREN IN LOW-INCOME FAMILIES IN 1995 IS
13 EQUAL TO OR GREATER THAN FIFTEEN PERCENT (15%) OF THE SCHOOL
14 DISTRICT'S 1995-1996 SCHOOL YEAR AVERAGE DAILY MEMBERSHIP; AND

15 (II) THE SCHOOL DISTRICT'S MARKET VALUE/INCOME AID RATIO FOR
16 THE 1996-1997 SCHOOL YEAR IS EQUAL TO OR GREATER THAN .7000.

17 (O) QUALIFYING SCHOOL DISTRICTS WILL RECEIVE AN ADDITIONAL
18 TWENTY PERCENT (20%) OF THE AMOUNT CALCULATED AT SUBSECTION
19 (L)(1) OF THIS SECTION. THIS AMOUNT SHALL BE PAID PURSUANT TO
20 THE PAYMENT SCHEDULE ESTABLISHED IN SUBSECTION (C) OF THIS
21 SECTION.

22 DURING THE 1997-1998 SCHOOL YEAR, HOWEVER, NO SCHOOL DISTRICT
23 SHALL RECEIVE LESS PAYMENT UNDER SUBSECTION (L) AND SUBSECTION
24 (M) THAN THE AMOUNT OF THE PAYMENTS THE SCHOOL DISTRICT RECEIVED
25 DURING THE 1996-1997 SCHOOL YEAR UNDER SUBSECTIONS (J)(3) AND
26 (K) OF THIS SECTION.

27 SECTION 16. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

28 SECTION 2509.11. ELIGIBLE YOUNG CHILDREN.--(A) BEGINNING
29 WITH THE 1997-1998 SCHOOL YEAR, PROGRAMMING FOR CHILDREN OVER
30 THE AGE ESTABLISHED FOR AN ELIGIBLE YOUNG CHILD AS DEFINED IN

1 THIS SECTION SHALL BE PAID FOR FROM FUNDS APPROPRIATED UNDER
2 SECTIONS 2509, 2509.1 AND 2509.5 AND THEIR SUCCESSOR PROVISIONS.
3 FUNDS APPROPRIATED FOR EARLY INTERVENTION SERVICES FOR ELIGIBLE
4 YOUNG CHILDREN SHALL NOT BE USED FOR THIS PROGRAMMING.

5 (B) AS USED IN THIS SECTION, "ELIGIBLE YOUNG CHILD" SHALL
6 MEAN A CHILD WHO IS YOUNGER THAN THE EARLIEST ADMISSION AGE TO A
7 SCHOOL DISTRICT'S KINDERGARTEN PROGRAM FOR CHILDREN FIVE YEARS
8 OF AGE; OR WHEN NO KINDERGARTEN PROGRAM IS PROVIDED, THE
9 ADMISSION AGE FOR BEGINNERS; AND AT LEAST THREE YEARS OF AGE AND
10 WHO MEETS ANY OF THE FOLLOWING CRITERIA:

11 (1) THE CHILD HAS ANY OF THE FOLLOWING PHYSICAL OR MENTAL
12 DISABILITIES: AUTISM/PERVASIVE DEVELOPMENTAL DISORDER, SERIOUS
13 EMOTIONAL DISTURBANCE, NEUROLOGICAL IMPAIRMENT, DEAFNESS/HEARING
14 IMPAIRMENT, SPECIFIC LEARNING DISABILITY, MENTAL RETARDATION,
15 MULTI-HANDICAP, OTHER HEALTH IMPAIRMENT, PHYSICAL DISABILITY,
16 SPEECH IMPAIRMENT OR BLINDNESS/VISUAL IMPAIRMENT.

17 (2) THE CHILD IS CONSIDERED TO HAVE A DEVELOPMENTAL DELAY,
18 AS DEFINED BY REGULATIONS OF THE STATE BOARD OF EDUCATION AND
19 THE STANDARDS OF THE DEPARTMENT OF EDUCATION.

20 SECTION 17. SECTION 2541 OF THE ACT IS AMENDED BY ADDING A
21 SUBSECTION TO READ:

22 SECTION 2541. PAYMENTS ON ACCOUNT OF PUPIL TRANSPORTATION.--

23 * * *

24 (E) SCHOOL DISTRICTS AND INTERMEDIATE UNITS THAT PROVIDE
25 TRANSPORTATION FOR ANY ELIGIBLE YOUNG CHILD AS DEFINED IN
26 SECTION 2509.11 SHALL RECEIVE PAYMENTS FOR THIS EXPENSE FROM
27 FUNDS APPROPRIATED UNDER THIS SECTION AND SECTION 2509.1.

28 SECTION 18. SECTION 2561(5) OF THE ACT, ADDED DECEMBER 8,
29 1959 (P.L.1713, NO.626), IS AMENDED TO READ:

30 SECTION 2561. TUITION CHARGES FOR PUPILS OF OTHER

1 DISTRICTS.--A SCHOOL DISTRICT OR VOCATIONAL SCHOOL DISTRICT
2 RECEIVING ELEMENTARY OR HIGH SCHOOL PUPILS OR VOCATIONAL OR
3 OTHER EXTENSION EDUCATION PUPILS WHO ARE RESIDENTS OF ANOTHER
4 SCHOOL DISTRICT OR ANOTHER VOCATIONAL SCHOOL DISTRICT SHALL
5 COMPUTE THE TUITION CHARGES AS FOLLOWS:

6 * * *

7 (5) A SCHOOL DISTRICT SHALL COMPUTE THE TUITION CHARGES FOR
8 PUPILS WHO ARE RESIDENTS OF ANOTHER SCHOOL DISTRICT FOR
9 BUDGETARY PURPOSES AT THE BEGINNING OF EACH SCHOOL YEAR, AND
10 SHALL USE THE EXPENSES OF THE NEXT PRECEDING SCHOOL YEAR AS A
11 BASIS FOR SUCH COMPUTATION. AT THE END OF EACH SCHOOL YEAR, THE
12 TUITION CHARGES SHALL AGAIN BE COMPUTED AND BE BASED ON THE
13 ACTUAL EXPENSES FOR THE SCHOOL YEAR IMMEDIATELY PRECEDING AND
14 THE TUITION CHARGES FOR NON-RESIDENT PUPILS SHALL THEN BE
15 ADJUSTED IN ACCORDANCE WITH THIS LATTER COMPUTATION. THE SCHOOL
16 DISTRICT IN WHICH THE NON-RESIDENT PUPIL IS A LEGAL RESIDENT
17 SHALL PAY THE TUITION CHARGES IN ACCORDANCE WITH THE COMPUTATION
18 BASED UPON [THE] THESE ACTUAL EXPENSES.

19 * * *

20 SECTION 19. SECTIONS 2595 AND 2597 OF THE ACT ARE REPEALED.

21 SECTION 20. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

22 SECTION 2597.1 EDUCATION MENTORING AND SCHOOL DROPOUT
23 PREVENTION PROGRAMS.--THE GENERAL ASSEMBLY FINDS AND DECLARES
24 THAT LARGE NUMBERS OF STUDENTS NEED ADDITIONAL SUPPORT IN ORDER
25 TO BE SUCCESSFUL IN SCHOOL, GRADUATE AND BECOME PRODUCTIVE
26 CITIZENS OF THIS COMMONWEALTH AND THAT TOO MANY STUDENTS LEAVE
27 SCHOOL WITHOUT THE BENEFITS OF POSITIVE ADULT ROLE MODELS,
28 CAREER GOALS OR SKILLS NEEDED TO SUPPORT STRONG FAMILIES AND
29 COMMUNITIES. IT IS THE INTENT OF THIS SECTION AND SECTIONS
30 2597.2 THROUGH 2597.6 TO PROMOTE THE DEVELOPMENT OF EDUCATIONAL

1 MENTORING PROGRAMS TO PROVIDE POSITIVE ADULT ROLE MODELS TO
2 STUDENTS, ESTABLISH A DROPOUT PREVENTION GRANT PROGRAM TO REDUCE
3 THE NUMBER OF SCHOOL DROPOUTS, AND TO PROMOTE THE COLLECTION OF
4 INFORMATION ON DROPOUTS FOR THE PURPOSE OF DEVELOPING LOCAL
5 PROGRAMS DESIGNED TO PREVENT CURRENT STUDENTS FROM DROPPING OUT.

6 SECTION 2597.2. PROGRAM ESTABLISHED.--THE DEPARTMENT OF
7 EDUCATION SHALL ESTABLISH EDUCATION MENTORING AND SCHOOL DROPOUT
8 PREVENTION PROGRAMS.

9 SECTION 2597.3. ELIGIBLE GRANT APPLICANTS.--APPLICATIONS FOR
10 GRANTS MAY BE SUBMITTED BY SCHOOL DISTRICTS AND NONPROFIT
11 COMMUNITY-BASED ORGANIZATIONS. COMMUNITY-BASED ORGANIZATIONS
12 MUST DEMONSTRATE THAT THE PROGRAM WILL OPERATE IN COLLABORATION
13 WITH A SCHOOL DISTRICT, INTERMEDIATE UNIT OR AREA VOCATIONAL-
14 TECHNICAL SCHOOL.

15 SECTION 2597.4. PROGRAM REQUIREMENTS.--SERVICES AND PROGRAMS
16 MAY BE PROVIDED TO STUDENTS IN GRADES KINDERGARTEN THROUGH
17 TWELVE. SERVICES AND PROGRAMS SHALL INCLUDE THE FOLLOWING:

18 (1) EDUCATION MENTORING PROGRAM. THIS PROGRAM IS TO
19 ESTABLISH PLANNED ACTIVITIES TO BUILD SUSTAINED RELATIONSHIPS
20 BETWEEN STUDENTS AND ADULT MENTORS. MENTORS ARE TO BE RECRUITED
21 FROM VARIOUS SOURCES, INCLUDING BUSINESS, PROFESSIONAL,
22 RELIGIOUS, HIGHER EDUCATION, SENIOR CITIZEN ORGANIZATIONS AND
23 THE LOCAL COMMUNITY. PROGRAM COMPONENTS ARE TO INCLUDE:

24 (I) SCREENING AND ASSIGNMENT OF MENTORS.

25 (II) ORIENTATION AND TRAINING OF MENTORS.

26 (III) ONGOING SUPERVISION AND SUPPORT.

27 (IV) MATCHING MENTORS WITH STUDENTS.

28 (V) FOLLOW-UP ACTIVITIES.

29 (2) DROPOUT PREVENTION PROGRAMS. SERVICES AND PROGRAMS SHALL
30 INCLUDE THE FOLLOWING:

- 1 (I) ACADEMIC COURSEWORK.
- 2 (II) REMEDIAL EDUCATION.
- 3 (III) OTHER COURSES REQUIRED FOR GRADUATION.
- 4 (IV) VOCATIONAL EDUCATION AND SCHOOL-TO-WORK TRANSITION.
- 5 (V) PROGRAMS OF EMPLOYMENT AND TRAINING AND RELATED
- 6 SERVICES, COUNSELING AND ASSESSMENT.
- 7 (VI) INVOLVEMENT OF PARENTS AND GUARDIANS OF STUDENTS AND
- 8 INDIVIDUALS ENROLLED IN DROPOUT PREVENTION PROGRAMS.
- 9 (VII) PUBLIC INFORMATION AND OUTREACH ACTIVITIES.
- 10 (VIII) HUMAN, SOCIAL AND COMMUNITY SERVICES.
- 11 (IX) MENTORING.
- 12 (X) PARTNERSHIPS WITH BUSINESS.
- 13 (XI) COMMUNITY SERVICE.
- 14 (XII) ANTI-TRUANCY AND ATTENDANCE IMPROVEMENT STRATEGIES.
- 15 (XIII) PEER MEDIATION AND CONFLICT RESOLUTION PROGRAMS.

16 SECTION 2597.5. CRITERIA FOR AWARDING GRANTS.--(A) IN
17 AWARDING GRANTS, THE SECRETARY OF EDUCATION SHALL BE GUIDED BY
18 THE CRITERIA SET FORTH IN SUBSECTIONS (B) AND (C).

19 (B) EDUCATION MENTORING IS TO BE MEASURED BY THE ANTICIPATED
20 RESULTS FOR NEW PROGRAMS OF EDUCATION MENTORING, OR ACTUAL
21 RESULTS FOR EXISTING PROGRAMS WHICH:

22 (1) REFLECT SATISFACTORY IMPROVEMENTS IN ACADEMIC
23 ACHIEVEMENT.

24 (2) RESULT IN IMPROVEMENTS IN TRANSITION INTO POSTSECONDARY
25 EDUCATION, JOB TRAINING AND EMPLOYMENT AMONG MENTORED STUDENTS.

26 (3) RESULT IN REDUCTIONS IN TRUANCY, DISCIPLINARY REFERRALS
27 AND DROPOUT RATES OF STUDENTS ENROLLED IN MENTORING PROGRAMS.

28 (4) DEMONSTRATE A SIGNIFICANT NEED FOR MENTORING SERVICES IN
29 TERMS OF NUMBERS OF STUDENTS REQUIRING MENTORS.

30 (5) DEMONSTRATE THE COST-EFFECTIVE USE OF STATE FUNDING.

1 (6) DEMONSTRATE MAXIMUM USE OF LOCAL RESOURCES TO MAXIMIZE
2 THE NUMBERS OF STUDENTS SERVED BY THE MENTORING PROGRAM.

3 (C) DROPOUT PREVENTION IS TO BE MEASURED BY:

4 (1) THE EXTENT TO WHICH DROPOUT RATES IN THE SCHOOL DISTRICT
5 EXCEED THE STATEWIDE AVERAGE DROPOUT RATE.

6 (2) THE PROGRAM EFFECTIVENESS IN PRIOR YEARS IF THE GRANT
7 APPLICATION IS INTENDED TO PROVIDE FUNDING FOR PROGRAMS ALREADY
8 IN EXISTENCE, EXPRESSED IN TERMS OF:

9 (I) A DECLINE IN BOTH THE NUMBER AND PERCENTAGE OF STUDENTS
10 LEAVING SCHOOL PRIOR TO GRADUATION.

11 (II) IMPROVEMENT IN THE PROMOTION RATE, ATTENDANCE RATE AND
12 ACADEMIC ACHIEVEMENT OF STUDENTS ENROLLED IN THE PROGRAM.

13 (3) THE ANTICIPATED RESULTS OF NEW PROGRAMS, EXPRESSED IN
14 TERMS OF:

15 (I) A DECLINE IN BOTH THE NUMBER AND PERCENTAGE OF STUDENTS
16 LEAVING SCHOOL PRIOR TO GRADUATION.

17 (II) IMPROVEMENT IN THE PROMOTION RATE, ATTENDANCE RATE AND
18 ACADEMIC ACHIEVEMENT OF STUDENTS ENROLLED IN THE PROGRAM.

19 (4) THE EXTENT TO WHICH THE SCHOOL DISTRICT PROGRAM IS
20 LINKED TO THOSE OF OTHER RELEVANT SERVICE PROVIDERS, SUCH AS
21 LITERACY COUNCILS, AREA VOCATIONAL-TECHNICAL SCHOOLS,
22 POSTSECONDARY EDUCATIONAL AND TRAINING INSTITUTIONS, PRIVATE
23 INDUSTRY COUNCILS, SOCIAL SERVICE AGENCIES AND COMMUNITY-BASED
24 ORGANIZATIONS.

25 (5) THE NUMBER OF DROPOUTS IN THE SCHOOL DISTRICT.

26 SECTION 2597.6. DUTIES AND RESPONSIBILITIES OF THE SECRETARY
27 OF EDUCATION.--(A) THE SECRETARY OF EDUCATION SHALL DEVELOP
28 APPLICATIONS FOR GRANTS AND MAKE THEM AVAILABLE TO SCHOOL
29 DISTRICTS AND NONPROFIT COMMUNITY-BASED ORGANIZATIONS, SHALL
30 DEVELOP ANY REGULATIONS, GUIDELINES OR STANDARDS REQUIRED FOR

1 THE IMPLEMENTATION OF THIS ACT AND SHALL REVIEW ALL GRANT
2 APPLICATIONS AND MAKE GRANTS FROM FUNDS APPROPRIATED FOR THIS
3 PURPOSE.

4 (B) THE SECRETARY OF EDUCATION SHALL PREPARE A REPORT BY THE
5 FIRST DAY OF FEBRUARY OF EACH YEAR WHICH MUST, AT A MINIMUM,
6 CONTAIN THE FOLLOWING:

7 (1) NUMBER OF STUDENTS LEAVING SCHOOL WITHOUT GRADUATING.

8 (2) GRADE LEVELS AT THE TIME OF THEIR WITHDRAWAL FROM
9 SCHOOL.

10 (3) AGE AT THE TIME OF THEIR WITHDRAWAL FROM SCHOOL.

11 (4) REASONS FOR WITHDRAWING FROM SCHOOL.

12 (5) THE POST-WITHDRAWAL ACTIVITIES OF INDIVIDUALS WHO LEFT
13 SCHOOL PRIOR TO GRADUATION.

14 (6) NUMBERS OF STUDENTS ENROLLED IN DROPOUT PREVENTION AND
15 MENTORING PROGRAMS.

16 (7) AN EVALUATION OF PROGRAMS PROVIDED IN THE PRIOR SCHOOL
17 YEAR AND THEIR EFFECTIVENESS.

18 (C) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, NO ONE
19 SCHOOL DISTRICT OR A COMBINATION OF A SCHOOL DISTRICT AND A
20 COMMUNITY ORGANIZATION SHALL RECEIVE MORE THAN TEN PERCENT (10%)
21 OF THE TOTAL FUNDS AVAILABLE UNDER THIS PROGRAM ESTABLISHED BY
22 THE SECRETARY OF EDUCATION IN ANY ONE SCHOOL YEAR TO PROVIDE
23 SERVICES WITHIN A SINGLE SCHOOL DISTRICT.

24 SECTION 2598. CHARTER SCHOOL GRANTS.--(A) THE SECRETARY OF
25 EDUCATION SHALL ALLOCATE GRANTS FOR PLANNING TO ELIGIBLE
26 APPLICANTS FROM FUNDS APPROPRIATED FOR THIS PURPOSE. PLANNING
27 GRANT APPLICATIONS SHALL BE FILED ON A FORM AND BY A DATE
28 DETERMINED BY THE SECRETARY OF EDUCATION. THE AMOUNT OF A GRANT
29 MAY VARY DEPENDING ON THE SIZE AND SCOPE OF THE PLANNING NEEDED
30 BY THE APPLICANT. THE APPLICATION SHALL ADDRESS THE MANNER IN

1 WHICH THE APPLICANT PLANS TO OPERATE A CHARTER SCHOOL.

2 (B) ELIGIBLE APPLICANTS SHALL INCLUDE AN INDIVIDUAL; ONE OR
3 MORE TEACHERS WHO WILL TEACH AT THE PROPOSED CHARTER SCHOOL;
4 PARENTS OR GUARDIANS OF STUDENTS WHO WILL ATTEND THE CHARTER
5 SCHOOL; ANY NONSECTARIAN COLLEGE, UNIVERSITY OR MUSEUM LOCATED
6 IN THIS COMMONWEALTH; ANY NONSECTARIAN CORPORATION NOT-FOR-
7 PROFIT, AS DEFINED IN 15 PA.C.S. (RELATING TO CORPORATIONS AND
8 UNINCORPORATED ASSOCIATIONS); ANY FIRM, CORPORATION,
9 ASSOCIATION, PARTNERSHIP, OR ANY COMBINATION THEREOF.

10 (C) THE APPLICANT SHALL INCLUDE A COPY OF A LETTER INFORMING
11 THE LOCAL BOARD OF SCHOOL DIRECTORS OF THE SCHOOL ENTITY OF THE
12 APPLICATION FOR THE PLANNING GRANT IF THE LOCATION OF THE
13 PROPOSED CHARTER SCHOOL IS KNOWN.

14 SECTION 21. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

15 ARTICLE XXVI-H
16 POSTSECONDARY DEGREES.

17 SECTION 2601-H. POWER TO CONFER DEGREES.--NOTWITHSTANDING
18 THE PROVISIONS OF SECTION 305 OF THE ACT OF DECEMBER 19, 1990
19 (P.L.834, NO.198), KNOWN AS THE "GAA AMENDMENTS ACT OF 1990,"
20 THE DEPARTMENT OF EDUCATION MAY GRANT A CERTIFICATE OF AUTHORITY
21 TO A FOR-PROFIT CORPORATION AS DEFINED IN 15 PA.C.S. (RELATING
22 TO CORPORATIONS AND UNINCORPORATED ASSOCIATIONS) AUTHORIZING THE
23 CONFERRING OF BACCALAUREATE DEGREES IN THE ARTS, SCIENCE,
24 PHILOSOPHY OR LITERATURE, BUT ONLY UPON STUDENTS WHO HAVE
25 COMPLETED A COLLEGE OR UNIVERSITY COURSE NORMALLY COVERING FOUR
26 (4) YEARS, OR SUCH OTHER DEGREES AT THE ASSOCIATE, BACCALAUREATE
27 OR ADVANCED LEVEL AS MAY BE SPECIFIED IN THE CERTIFICATE OF
28 AUTHORITY. CERTIFICATES OF AUTHORITY UNDER THIS SECTION SHALL BE
29 GRANTED IN ACCORDANCE WITH THE PROVISIONS OF 24 PA.C.S. CH. 65
30 (RELATING TO PRIVATE COLLEGES, UNIVERSITIES AND SEMINARIES). THE

1 QUALIFICATIONS OF ADMISSION TO THESE FOUR-YEAR COURSES, OR TO
2 ADVANCED CLASSES IN THESE COURSES, SHALL BE NOT LESS THAN FOUR
3 (4) YEARS OF ACADEMIC OR HIGH SCHOOL PREPARATION, OR ITS
4 EQUIVALENT, AND SHALL BE SUBJECT TO THE STANDARDS PROMULGATED BY
5 THE STATE BOARD OF EDUCATION.

6 SECTION 22. (A) THE FOLLOWING ACTS OR PARTS OF ACTS ARE
7 REPEALED:

8 ACT OF JULY 10, 1987 (P.L.284, NO.49), ENTITLED "AN ACT
9 PROMOTING THE DEVELOPMENT OF PROGRAMS TO PREVENT STUDENTS FROM
10 DROPPING OUT OF SCHOOL."

11 ACT OF JULY 2, 1993 (P.L.248, NO.45), KNOWN AS THE
12 EDUCATIONAL RESOURCE SHARING THROUGH DISTANCE LEARNING ACT.

13 (B) ALL OTHER ACTS AND PARTS OF ACTS ARE REPEALED INSOFAR AS
14 THEY ARE INCONSISTENT WITH THIS ACT.

15 SECTION 23. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

16 (1) THE AMENDMENT OR ADDITION OF ARTICLE XIX-C AND
17 SECTIONS 2501 AND 2561(5) OF THE ACT SHALL TAKE EFFECT
18 IMMEDIATELY.

19 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

20 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JULY 1,
21 1997, OR IMMEDIATELY, WHICHEVER IS LATER.