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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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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, DALEY,  
HESS, MANDERINO, L. I. COHEN, THOMAS, RAYMOND, TRICH,  
STEELMAN, PETTIT AND WASHINGTON, JANUARY 27, 1997

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AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,  
JUNE 11, 1997

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AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," further providing for background  
6 checks of prospective employees, for school police and for  
7 residence and right to free school privileges; providing for  
8 juveniles incarcerated in adult facilities, for the education  
9 of disruptive students and for Commonwealth payments and  
10 capital subsidy payments to intermediate units; further  
11 prohibiting the possession of weapons; further providing for  
12 assignment of educational programs during expulsion periods,  
13 for school holidays, for technology grants, for the  
14 reimbursement for community colleges, for basic education  
15 funding, for payments to intermediate units and for special  
16 education payments and school performance incentives;  
17 providing for charter school grants and for education  
18 mentoring and dropout prevention programs; and making  
19 repeals.

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

22 Section 1. Section 111(e) of the act of March 10, 1949

1 (P.L.30, No.14), known as the Public School Code of 1949,  
2 amended December 19, 1990 (P.L.1362, No.211), is amended to  
3 read:

4 Section 111. Background Checks of Prospective Employes;  
5 Conviction of Employes of Certain Offenses.--\* \* \*

6 (e) No person subject to this act shall be employed in a  
7 public or private school, intermediate unit or area vocational-  
8 technical school where the report of criminal history record  
9 information indicates the applicant has been convicted, within  
10 five (5) years immediately preceding the date of the report, of  
11 any of the following offenses:

12 (1) An offense under one or more of the following provisions  
13 of Title 18 of the Pennsylvania Consolidated Statutes:

14 Chapter 25 (relating to criminal homicide).

15 Section 2702 (relating to aggravated assault).

16 Section 2709 (relating to harassment and stalking).

17 Section 2901 (relating to kidnapping).

18 Section 2902 (relating to unlawful restraint).

19 Section 3121 (relating to rape).

20 [Section 3122 (relating to statutory rape).]

21 Section 3122.1 (relating to statutory sexual assault).

22 Section 3123 (relating to involuntary deviate sexual  
23 intercourse).

24 Section 3124.1 (relating to sexual assault).

25 Section 3125 (relating to aggravated indecent assault).

26 Section 3126 (relating to indecent assault).

27 Section 3127 (relating to indecent exposure).

28 Section 4302 (relating to incest).

29 Section 4303 (relating to concealing death of child [born  
30 out of wedlock]).

1 Section 4304 (relating to endangering welfare of  
2 children).

3 Section 4305 (relating to dealing in infant children).

4 A felony offense under section 5902(b) (relating to  
5 prostitution and related offenses).

6 Section 5903(c) or (d) (relating to obscene and other  
7 sexual materials and performances).

8 Section 6301 (relating to corruption of minors).

9 Section 6312 (relating to sexual abuse of children).

10 (2) An offense designated as a felony under the act of April  
11 14, 1972 (P.L.233, No.64), known as "The Controlled Substance,  
12 Drug, Device and Cosmetic Act."

13 (3) An out-of-State or Federal offense similar in nature to  
14 those crimes listed in clauses (1) and (2).

15 \* \* \*

16 Section 2. Section 778 of the act is amended to read:

17 Section 778. School Police Officers.--(a) Any school  
18 district may apply to any judge of the court of common pleas of  
19 the county within which the school district is situated to  
20 appoint such person or persons as the board of directors of the  
21 school district may designate to act as [policeman] school  
22 police officer for said school district. The judge, upon such  
23 application, may appoint such person, or so many of them as he  
24 may deem proper, to be such [policemen] school police officer,  
25 and shall note the fact of such appointment to be entered upon  
26 the records of the court. The judge may, at the request of the  
27 school district, grant the school police officer the power to  
28 arrest as provided in subsection (c)(2), the authority to issue  
29 citations for summary offenses, or the authority to detain  
30 students until the arrival of local law enforcement, or any

1 combination thereof.

2 (b) Every [policeman] school police officer so appointed  
3 shall, before entering upon the duties of his office, take and  
4 subscribe to the oath required by the seventh article of the  
5 Constitution, before an alderman or justice of the peace or  
6 prothonotary. Such oath shall be filed by the justice of the  
7 peace, alderman, or prothonotary among his papers, and a note  
8 made upon his docket of the fact of the oath having been taken.

9 (c) Such [policeman] school police officer so appointed  
10 shall severally possess and exercise all the [powers of a  
11 constable in this Commonwealth in enforcing the school laws of  
12 the Commonwealth in their respective districts, and in policing  
13 the grounds belonging to said school districts, and protecting  
14 the property thereof. The keeper of jails or lockups or station  
15 house in the county is required to receive all persons arrested  
16 by such policeman for the commission of any offense against the  
17 laws of this Commonwealth, upon or near to the ground occupied  
18 by said school district, to be dealt with according to law.]  
19 following powers and duties:

20 (1) To enforce good order in school buildings, on school  
21 buses and on school grounds in their respective school  
22 districts. For purposes of this paragraph, the term "school bus"  
23 shall include vehicles leased by the school district to  
24 transport students and vehicles of mass transit used by students  
25 to go to and from school when the school police officer is  
26 responding to a report of an incident involving a breach of good  
27 order or violation of law.

28 (2) If authorized by the court, to exercise the same powers  
29 as are now or may hereafter be exercised under authority of law  
30 or ordinance by the police of the municipality wherein the

1 school property is located.

2 (3) If authorized by the court, to issue summary citations  
3 or to detain individuals until local law enforcement is  
4 notified.

5 (d) Such [policeman] school police officer shall, when on  
6 duty, severally wear a metallic shield or badge with the words  
7 "School Police," and the name of the district for which  
8 appointed. Such shield shall always be worn in plain view when  
9 on duty except when employed as detective.

10 (e) The compensation of such [policemen] school police  
11 officers shall be paid by the school district for which the  
12 [policemen] school police officers are respectively appointed,  
13 as may be agreed upon between the board of school directors and  
14 the [policeman.] school police officer.

15 (f) School districts and municipalities may enter into  
16 cooperative police service agreements pursuant to 42 Pa.C.S. §  
17 8953(e) (relating to Statewide municipal police jurisdiction) to  
18 authorize the exercise of concurrent jurisdiction with local law  
19 enforcement within the municipality where the school or school  
20 district is located, or within the municipality in which a  
21 school event or activity will take place.

22 (g) When acting within the scope of this section, school  
23 police officers shall, at all times, be employes of the school  
24 district and shall be entitled to all of the rights and benefits  
25 accruing therefrom.

26 (h) Nothing in this section shall be construed to preclude a  
27 school district from employing other security personnel as the  
28 school district deems necessary.

29 Section 3. Sections 917.1-A and 919.1-A of the act are  
30 amended by adding subsections to read:

1 Section 917.1-A. Commonwealth Payments.--\* \* \*

2 (g) For the 1997-1998 school year, each intermediate unit  
3 shall receive the amount of its payment received under this  
4 section during the 1996-1997 school year.

5 Section 919.1-A. Capital Subsidy.--\* \* \*

6 (d) Notwithstanding any provision of this act to the  
7 contrary, for the 1997-1998 school year, each intermediate unit  
8 shall receive the actual payment for capital subsidy which it  
9 received under this section and section 2502.6(b) during the  
10 1996-1997 school year.

11 Section 4. Section 1302 of the act, amended December 14,  
12 1967 (P.L.859, No.381), is amended to read:

13 Section 1302. Residence and Right to Free School  
14 Privileges.--A child shall be considered a resident of the  
15 school district in which his parents or the guardian of his  
16 person resides. Federal installations are considered a part of  
17 the school district or districts in which they are situate and  
18 the children residing on such installations shall be counted as  
19 resident pupils of the school district. When a resident of any  
20 school district keeps in his home a child of school age, not his  
21 own, supporting the child gratis as if it were his own, such  
22 child shall be entitled to all free school privileges accorded  
23 to resident school children of the district, including the right  
24 to attend the public high school maintained in such district or  
25 in other districts in the same manner as though such child were  
26 in fact a resident school child of the district, and shall be  
27 subject to all the requirements placed upon resident school  
28 children of the district. Before [accepting] such child may be  
29 accepted as a pupil, [the board of school directors of the  
30 district may require] such resident [to] shall file with the

1 secretary of the board appropriate legal documentation to show  
2 dependency or guardianship or a sworn statement that he is a  
3 resident of the district, that he is supporting the child  
4 gratis, that he will assume all personal obligations for the  
5 child relative to school requirements, and that he intends to so  
6 keep and support the child continuously and not merely through  
7 the school term.

8 Section 5. The act is amended by adding a section to read:

9 Section 1306.2. Juveniles Incarcerated in Adult

10 Facilities.--(a) A person under twenty-one (21) years of age who  
11 is confined to an adult State or local correctional institution <—  
12 following conviction for a criminal offense who is otherwise  
13 eligible for educational services as provided under this act  
14 shall be eligible to receive educational services from the board  
15 of school directors in the same manner and to the same extent as  
16 a student who has been expelled pursuant to section 1318.

17 (b) A person under twenty-one (21) years of age who is  
18 confined to an adult State or local correctional institution <—  
19 following a charge for a criminal offense who is otherwise  
20 eligible for educational services as provided under this act  
21 shall be eligible to receive services from the board of school  
22 directors in the same manner and to the same extent as a student  
23 who has been placed in an alternative education program for  
24 disruptive students.

25 ~~(c) The board of school directors shall receive payment for~~ <—  
26 ~~such services in accordance with section 1308.~~

27 (C) THE DEPARTMENT SHALL EFFECTUATE NECESSARY PROCEDURES FOR <—  
28 THE TRANSFER OF FUNDS FROM THE SCHOOL DISTRICT OF RESIDENCE TO  
29 THE SCHOOL DISTRICT IN WHICH THE LOCAL CORRECTIONAL INSTITUTION  
30 IS LOCATED. IN EFFECTUATING THE TRANSFER OF FUNDS, THE

1 DEPARTMENT MAY DEDUCT THE APPROPRIATE AMOUNT FROM THE BASIC  
2 EDUCATION FUNDING ALLOCATION OF ANY SCHOOL DISTRICT, WHICH HAD  
3 RESIDENT STUDENTS WHO WERE PROVIDED EDUCATIONAL SERVICES IN THE  
4 LOCAL CORRECTIONAL FACILITY.

5 (d) For purposes of this section, the term "convicted" means  
6 a finding of guilty by a judge or a jury or the entry of a plea  
7 of guilty or nolo contendere for an offense under 18 Pa.C.S.  
8 (relating to crimes and offenses) whether or not judgment of  
9 sentence has been imposed.

10 (e) For purposes of this section, a "local correction  
11 institution" shall include any jail, prison or detention  
12 facility operated by a county or jointly by more than one county  
13 or by a municipality. The term does not include any facility  
14 used for the detention or confinement of juveniles.

15 Section 6. Sections 1317.2, 1303-A and 1304-A of the act,  
16 added June 30, 1995 (P.L.220, No.26), are amended to read:

17 Section 1317.2. Possession of Weapons Prohibited.--(a)  
18 Except as otherwise provided in this section, a school district  
19 or area vocational-technical school shall expel, for a period of  
20 not less than one year, any student who is determined to have  
21 brought onto or is in possession of a weapon [onto] on any  
22 school property, any school-sponsored activity or any public  
23 conveyance providing transportation to a school or school-  
24 sponsored activity.

25 (b) Every school district and area vocational-technical  
26 school shall develop a written policy regarding expulsions for  
27 possession of a weapon as required under this section.  
28 Expulsions shall be conducted pursuant to all applicable  
29 regulations.

30 (c) The superintendent of a school district or an



1 administrative director of an area vocational-technical school  
2 may recommend [discipline short of expulsion] modifications of  
3 such expulsion requirements for a student on a case-by-case  
4 basis. The superintendent or other chief administrative officer  
5 of a school entity shall, in the case of an exceptional student,  
6 take all steps necessary to comply with the Individuals with  
7 Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400  
8 et seq.).

9 (d) The provisions of this section shall not apply to the  
10 following:

11 (1) a weapon being used as part of a program approved by a  
12 school by an individual who is participating in the program; or

13 (2) a weapon that is unloaded and is possessed by an  
14 individual while traversing school property for the purpose of  
15 obtaining access to public or private lands used for lawful  
16 hunting, if the entry on school premises is authorized by school  
17 authorities.

18 (e) Nothing in this section shall be construed as limiting  
19 the authority or duty of a school or area vocational-technical  
20 school to make an alternative assignment or provide alternative  
21 educational services during the period of expulsion.

22 (e.1) A school district receiving a student who transfers  
23 from a public or private school during a period of expulsion for  
24 an act or offense involving a weapon may assign that student to  
25 an alternative assignment or provide alternative education  
26 services, provided that the assignment may not exceed the period  
27 of expulsion.

28 (f) All school districts and area vocational-technical  
29 schools shall report all incidents involving possession of a  
30 weapon prohibited by this section as follows:

1 (1) The school superintendent or chief administrator shall  
2 report the discovery of any weapon prohibited by this section to  
3 local law enforcement officials.

4 (2) The school superintendent or chief administrator shall  
5 report to the Department of Education all incidents relating to  
6 expulsions for possession of a weapon on school grounds, school-  
7 sponsored activities or public conveyances providing  
8 transportation to a school or school-sponsored activity. Reports  
9 shall include all information as required under section 1303-A.

10 (g) As used in this section, the term "weapon" shall  
11 include, but not be limited to, any knife, cutting instrument,  
12 cutting tool, nunchaku, firearm, shotgun, rifle and any other  
13 tool, instrument or implement capable of inflicting serious  
14 bodily injury.

15 Section 1303-A. Reporting.--(a) The office shall conduct a  
16 one-time survey of all school entities to determine the number  
17 of incidents involving acts of violence on school property and  
18 all cases involving possession of a weapon by any person on  
19 school property which occurred within the last five (5) years.  
20 The survey shall be based on the best available information  
21 provided by school entities.

22 (b) All school entities shall report all new incidents  
23 involving acts of violence [or] possession of a weapon or  
24 possession, use or sale of controlled substances as defined in  
25 the act of April 14, 1972 (P.L.233, No.64), known as "The  
26 Controlled Substance, Drug, Device and Cosmetic Act," or  
27 possession, use or sale of alcohol or tobacco by any person on  
28 school property at least [twice] once a year, as provided by the  
29 office, on a form to be developed and provided by the office.  
30 The form shall include:

- 1 (1) Age or grade of student.
- 2 (2) Name and address of school.
- 3 (3) Circumstances surrounding the incident, including type
- 4 of weapon, controlled substance, alcohol or tobacco.
- 5 (4) Sanction imposed by the school.
- 6 (5) Notification of law enforcement.
- 7 (6) Remedial programs involved.
- 8 (7) Parental involvement required.
- 9 (8) Arrests, convictions and adjudications, if known.

10 If a person other than a student is involved, the report shall  
11 state the relationship of the individual involved to the school  
12 entity.

13 (c) All school entities shall develop a memorandum of  
14 understanding with local law enforcement which sets forth  
15 procedures to be followed when an incident involving an act of  
16 violence or possession of a weapon by any person occurs on  
17 school property. Law enforcement protocols shall be developed in  
18 cooperation with local law enforcement and the Pennsylvania  
19 State Police.

20 Section 1304-A. Sworn Statement.--(a) Prior to admission to  
21 any school entity, the parent, guardian or other person having  
22 control or charge of a student shall, upon registration, provide  
23 a sworn statement or affirmation stating whether the pupil was  
24 previously or is presently suspended or expelled from any public  
25 or private school of this Commonwealth or any other state for an  
26 act or offense involving weapons, alcohol or drugs or for the  
27 wilful infliction of injury to another person or for any act of  
28 violence committed on school property. The registration shall  
29 include the name of the school from which the student was  
30 expelled or suspended for the above-listed reasons with the

1 dates of expulsion or suspension and shall be maintained as part  
2 of the student's disciplinary record.

3 (b) Any wilful false statement made under this section shall  
4 be a misdemeanor of the third degree.

5 Section 7. Section 1502(a) of the act, amended May 6, 1996  
6 (P.L.150, No.28), is amended to read:

7 Section 1502. Days Schools not to be Kept Open.--(a) Except  
8 as provided in subsection (c), no school shall be kept open on  
9 any Saturday for the purpose of ordinary instruction, except  
10 when Monday is fixed by the board of school directors as the  
11 weekly holiday, or on Sunday, Memorial Day, Fourth of July, [or]  
12 Christmas, Thanksgiving, the First of January and up to five  
13 additional days designated as local holidays in the adopted  
14 school calendar by the board of school directors as official  
15 local school district holidays nor shall any school be kept open  
16 in any district during the time of holding the teachers'  
17 institute for such district. The board of school directors may  
18 cancel any day designated as a local holiday in the event of a  
19 weather emergency or natural disaster.

20 \* \* \*

21 Section 8. Section 1502-A of the act is amended by adding a  
22 definition to read:

23 Section 1502-A. Definitions.--As used in this article,

24 \* \* \*

25 "Community education council" shall mean a nonprofit  
26 institutionally neutral educational organization, governed by a  
27 community-based board of directors, which serves to provide  
28 access to postsecondary education and training resources for  
29 citizens in communities that have a shortage of adult education,  
30 continuing education and/or postsecondary education services.

1 \* \* \*

2 Section 9. Sections 1503-A and 1504-A of the act, added July  
3 11, 1996 (P.L.633, No.107), are amended to read:

4 Section 1503-A. Basic Education Grants.--(a) Grants shall  
5 be allocated to school districts and to area vocational-  
6 technical schools by the department from funds appropriated for  
7 this purpose. A nonpublic school, [an area vocational-technical  
8 school,] an intermediate unit or local library may participate  
9 in the grant process through a partnership with a school  
10 district.

11 (b) Grants shall be used to:

12 (1) Improve the quality and quantity of educational  
13 technology [within the school by purchasing technology and  
14 software] in accordance with [standards] minimum standards and  
15 specifications developed by the department and the Office of  
16 Administration.

17 (2) Equip schools and other entities with the appropriate  
18 [local area networking (LAN) and wide area network (WAN)  
19 technologies so that schools can connect to] networking and  
20 Internet technologies to build the Pennsylvania Education  
21 Network.

22 (3) Provide for the training of teachers and staff in ways  
23 to effectively integrate the technology with the curriculum.

24 (4) Begin implementing the regional action plans that were  
25 developed as part of the shared vision and action plan project  
26 activities.

27 (5) Improve the quality of technology services at the State  
28 Library of Pennsylvania.

29 (c) (1) Grants shall be allocated through a grant review  
30 process established by the Secretary of Education.

1 (2) The secretary shall establish matching requirements for  
2 grant recipients with a market value/income aid ratio, as  
3 defined in section 2501 of this act, which is less than .4000.  
4 Grant recipients with a market value/income aid ratio which is  
5 equal to or greater than .7000 shall be eligible for larger  
6 grant awards as determined by the secretary. A school district  
7 of the first class shall be eligible for a grant award which  
8 shall not exceed three million dollars (\$3,000,000), and a  
9 school district of the first class A shall be eligible for a  
10 grant award which shall not exceed six hundred thousand dollars  
11 (\$600,000), unless the grant awards are included within a  
12 partnership.

13 (2.1) For the 1997-1998 school year a school district shall  
14 be eligible for a grant in the same amount as a school district  
15 was eligible to receive for the 1996-1997 school year as  
16 provided in clause (2).

17 (2.2) For the 1997-1998 school year an area vocational-  
18 technical school shall be eligible to receive from the amount of  
19 three million dollars (\$3,000,000) appropriated for the purposes  
20 of this clause a grant in the same manner as a school district  
21 as provided in clause (2). If the sum provided in this clause is  
22 not sufficient to pay in full the total amount to which a  
23 qualifying area vocational-technical school is entitled to  
24 receive the allocation shall be proportionately reduced to the  
25 extent necessary to bring the aggregate of the allocations with  
26 the limit of the amount provided in this clause.

27 (3) The application for a grant shall be made at such time  
28 and in such form as the Secretary of Education may require.

29 (4) [Priority will be given to those applications which  
30 consist of partnerships.] In order to receive funds, a school

1 district or area vocational-technical school must form a  
2 partnership with one or more of the following: a political  
3 subdivision, a school district, an area vocational-technical  
4 school, an intermediate unit, a nonpublic school, a local  
5 library, an independent institution of higher education, a  
6 State-owned institution, a State-related institution, a  
7 community education council or any other entity approved by the  
8 Department of Education. Exceptions to this requirement may be  
9 requested in the application where the applicant school district  
10 or area vocational-technical school justifies why it is better  
11 for the applicant to apply as a separate entity.

12 Section 1504-A. Higher Education Funding.--(a) The  
13 department and the Office of Administration shall establish  
14 management teams to provide direction and oversight and to  
15 distribute funds appropriated for the researching, planning and  
16 development of the Pennsylvania Education Network which [shall]  
17 can include when appropriate, but not be limited to, the  
18 following focus areas:

19 (1) Documenting public and private technology resources,  
20 including, but not limited to, existing telecommunications  
21 networks, video conferencing capabilities and distance education  
22 courses and identifying technology transfer opportunities that  
23 can be leveraged for the Pennsylvania Education Network.

24 (2) Establishing technology [test-bed sites] infrastructure  
25 investment grants to develop educational content and [evaluate]  
26 implement Pennsylvania Education Network strategies and  
27 connectivity by using competing technologies and methodologies.

28 (i) Funds for infrastructure investment grants shall be  
29 distributed through a grant application at such time and in such  
30 form as the Secretary of Education may require.

1        (ii) Applicants may include public and private institutions  
2 of higher education, community education councils, not-for-  
3 profit organizations in Pennsylvania and any other entity  
4 approved by the Department of Education.

5        (iii) Priority shall be given to applications consisting of  
6 partnerships.

7        (3) [Developing] Implementing a shared Statewide vision and  
8 strategic plan for building the Pennsylvania Education Network.

9        (4) Developing methods and resources to ensure educators are  
10 able to use the technology effectively with the curriculum.

11        (b) The management teams shall be comprised of  
12 representatives from State-owned institutions, State-related  
13 institutions, community colleges and independent [colleges and  
14 universities] institutions of higher education in Pennsylvania,  
15 intermediate units [and representatives from the Commonwealth],  
16 community education councils and representatives from other  
17 public and not-for-profit organizations in Pennsylvania.

18        (c) [Each team shall be responsible for defining the scope  
19 of work, goals, objectives, task assignments and budget for its  
20 respective focus area.] Project managers will be nominated by  
21 the institutions in subsection (b). Prospective project managers  
22 shall be reviewed and selected jointly by the department and the  
23 Office of Administration.

24        (d) [(1) Funds] Each management team shall be responsible  
25 for defining the scope of work, goals, objectives, task  
26 assignment and budget for its respective focus area. Funds for  
27 management teams shall be distributed through [a request for  
28 proposal process which will be scored based on merit.] an  
29 application to the Office of Administration and the department  
30 to be approved through a joint review process.



1 [(2) Eligible applicants shall include the State System of  
2 Higher Education, the State-related universities, including the  
3 Pennsylvania College of Technology, community colleges and  
4 independent colleges and universities.

5 (3) Priority shall be given to applications consisting of  
6 partnerships.]

7 (e) Each team manager shall report to and shall be held  
8 accountable by the Secretary of Education and the Secretary of  
9 Administration or their designee, the form and manner to be  
10 determined by the Secretary of Education.

11 Section 10. Section 1913-A(b)(1.4) of the act, amended July  
12 11, 1996 (P.L.633, No.107), is amended to read:

13 Section 1913-A. Financial Program; Reimbursement or  
14 Payments.--\* \* \*

15 (b) \* \* \*

16 (1.4) The equivalent full-time student reimbursement of a  
17 community college shall be the sum of credit course, noncredit  
18 course and stipend reimbursements. These reimbursements shall be  
19 calculated using a reimbursement factor of one thousand and  
20 forty dollars (\$1,040) for the 1993-1994 fiscal year, of one  
21 thousand eighty dollars (\$1,080) for the 1994-1995 fiscal year  
22 and of one thousand one hundred eighty dollars (\$1,180) for the  
23 1995-1996 fiscal year and one thousand and two hundred and ten  
24 dollars (\$1,210) for the 1996-1997 fiscal year and one thousand  
25 two hundred sixty dollars (\$1,260) for the 1997-1998 fiscal year  
26 and for each year thereafter and shall be determined as follows:

27 (i) Credit course reimbursement shall be calculated by  
28 multiplying the reimbursement factor by the number of equivalent  
29 full-time students enrolled in credit courses as determined by  
30 an audit to be made in a manner prescribed by the State Board of

1 Education.

2 (ii) Noncredit course reimbursement shall be calculated as  
3 follows:

4 (A) eighty percent (80%) of the reimbursement factor  
5 multiplied by the number of equivalent full-time students  
6 enrolled in eligible noncredit courses for the 1993-1994 fiscal  
7 year, as determined by the audit referred to in paragraph (i);

8 (B) seventy percent (70%) of the reimbursement factor  
9 multiplied by the number of equivalent full-time students  
10 enrolled in eligible noncredit courses for the 1994-1995 fiscal  
11 year and for each year thereafter, as determined by the audit  
12 referred to in paragraph (i); or

13 (C) one hundred percent (100%) of the reimbursement factor  
14 multiplied by the number of equivalent full-time students  
15 enrolled in eligible noncredit public safety courses that  
16 provide training for volunteer firefighters and emergency  
17 medical services for the 1995-1996 fiscal year and for each year  
18 thereafter, as determined by the audit referred to in paragraph  
19 (i).

20 (iii) Stipend reimbursement on account of a community  
21 college's operating costs for all equivalent full-time students  
22 enrolled in the following categories of two-year or less than  
23 two-year occupational or technical programs, shall be the sum of  
24 the following:

25 (A) One thousand one hundred dollars (\$1,100) per full-time  
26 equivalent student enrolled in advanced technology programs. For  
27 the fiscal year 1995-1996 and each year thereafter, the  
28 reimbursement rate shall be calculated at one thousand one  
29 hundred seventy-five dollars (\$1,175) per full-time equivalent  
30 student enrolled in advanced technology programs. Advanced

1 technology programs are programs using new or advanced  
2 technologies which hold promise for creating new job  
3 opportunities, including such fields as robotics, biotechnology,  
4 specialized materials and engineering and engineering-related  
5 programs.

6 (B) One thousand dollars (\$1,000) per full-time equivalent  
7 student enrolled in programs designated as Statewide programs.  
8 For the fiscal year 1995-1996 and each year thereafter, the  
9 reimbursement rate shall be calculated at one thousand seventy-  
10 five dollars (\$1,075) per full-time equivalent student enrolled  
11 in programs designated as Statewide programs. A Statewide  
12 program is a program which meets one or more of the following  
13 criteria:

14 (I) Program enrollment from out-of-sponsor area is twenty  
15 per cent or more of the enrollment for the program.

16 (II) A consortial arrangement exists with another community  
17 college to cooperatively operate a program or share regions in  
18 order to avoid unnecessary program duplication.

19 (C) Five hundred dollars (\$500) per full-time equivalent  
20 student enrolled in other occupational or technical programs.  
21 For the fiscal year 1995-1996 and each year thereafter, the  
22 reimbursement rate shall be calculated at five hundred seventy-  
23 five dollars (\$575) per full-time equivalent student enrolled in  
24 other occupational or technical programs.

25 \* \* \*

26 Section 11. The act is amended by adding an article to read:

27 ARTICLE XIX-C.

28 DISRUPTIVE STUDENT PROGRAMS.

29 Section 1901-C. Definitions.--For purposes of this article,  
30 the following terms shall have the following meanings:

1       (1) "Alternative education program" or "program." Any  
2 applicant's program applying for funds under this article, which  
3 program is implemented by a school district, an area vocational-  
4 technical school, a group of school districts or an intermediate  
5 unit, which removes disruptive students from regular school  
6 programs in order to provide those students with a sound  
7 educational course of study and counseling designed to modify  
8 disruptive behavior and return the students to a regular school  
9 curriculum. Notwithstanding section 1502, alternative education  
10 programs may operate outside the normal school day of the  
11 applicant district, including Saturdays. School districts shall  
12 adopt a policy for periodic review of students placed in the  
13 alternative education program for disruptive students. This  
14 review shall occur, at a minimum, at the end of every semester  
15 the student is in the program or more frequently at the  
16 district's discretion. The purpose of this review is to  
17 determine whether or not the student is ready to return to the  
18 regular school curriculum. Programs may include services for  
19 students returning from placements or who are on probation  
20 resulting from being adjudicated delinquent in a proceeding  
21 under 42 Pa.C.S. Ch. 63 (relating to juvenile matters), or who  
22 have been judged to have committed a crime under an adult  
23 criminal proceeding.

24       (2) "Applicant." A school district or a combination of  
25 school districts which applies for funds under this article.

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

30       (4) "Department." The Department of Education of the

1 Commonwealth.

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

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

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

13 (iii) Violent or threatening behavior on school property or  
14 during school-affiliated activities.

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

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

20 (vi) Misconduct that would merit suspension or expulsion  
21 under school policy.

22 (vii) Habitual truancy.

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

28 (6) "School." Any school classified by the Department of  
29 Education as a middle school, junior high school, senior high  
30 school or area vocational-technical school.

1       (7) "Secretary." The Secretary of Education of the  
2 Commonwealth.

3       Section 1902-C. Applications.--Applicants shall submit  
4 applications at the time, in the manner, and containing or  
5 accompanied by such information as the department may prescribe  
6 but, in any case, shall document the following:

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

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

20       (3) That school personnel assigned to the alternative  
21 education program for which funding is sought under this article  
22 possess a Level I or Level II Pennsylvania certificate as  
23 provided for in 22 Pa. Code Ch. 49 (relating to certification of  
24 professional personnel).

25       (4) The program provides participating students with a  
26 course of instruction which recognizes their special needs,  
27 prepares them for successful return to a regular school  
28 curriculum and/or completion of the requirements for graduation.

29       (5) The program is used only when other established methods  
30 of discipline have been utilized and have failed unless the

1 seriousness of the student's behavior warrants immediate  
2 placement.

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

7 (7) A description of the educational program to be provided.  
8 The program may modify the requirements established in sections  
9 1327, 1501 and 1504 insofar as they are related to the number of  
10 days or hours of instruction. The application shall describe how  
11 the student will make normal academic progress and meet  
12 requirements for graduation.

13 Section 1903-C. Alternative Education Grants.--The  
14 department shall establish grants for alternative education  
15 programs which meet the requirements of this article to include  
16 the following:

17 (1) An application procedure for grant eligibility.

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

22 (3) The department shall determine an annual grant amount  
23 calculated by dividing the amount appropriated by the estimated  
24 average number of students enrolled in eligible programs,  
25 further divided by thirty-six. Each applicant shall be eligible  
26 to receive this grant amount, per average number of pupils  
27 enrolled, per week of participation in an eligible program.

28 Commonwealth grants shall be limited to funds appropriated for  
29 this program, but in no event shall a school district receive  
30 funding for more than two per cent (2%) of a school district's

1 average daily membership as defined in section 2501 of this act  
2 for students enrolled in grades seven through twelve.

3 Section 1904-C. Construction of Article.--Nothing contained  
4 in this article shall be construed to supersede or preempt any  
5 provisions of a collective bargaining agreement negotiated by a  
6 school entity and an exclusive representative of the employees  
7 in accordance with the act of July 23, 1970 (P.L.563, No.195),  
8 known as the "Public Employe Relations Act."

9 Section 1905-C. Retroactivity.--This article shall be  
10 retroactive to July 1, 1996.

11 Section 12. Section 2501 of the act is amended by adding  
12 definitions to read:

13 Section 2501. Definitions.--For the purposes of this article  
14 the following terms shall have the following meanings:

15 \* \* \*

16 (22) "Immediately Preceding School Year." The school year  
17 one year prior to the current school year.

18 (23) "Next Preceding School Year." The school year two  
19 years prior to the current school year.

20 Section 13. The act is amended by adding sections to read:

21 Section 2502.33. Basic Education Funding for 1996-1997  
22 School Year.--For the 1996-1997 school year, the Commonwealth  
23 shall pay to each school district a basic education funding  
24 allocation which shall consist of the following:

25 (1) An amount equal to the basic education funding  
26 allocation for the 1995-1996 school year pursuant to section  
27 2502.31.

28 (2) A base supplement payable to qualifying school  
29 districts.

30 (i) To qualify for the base supplement, a school district's



1 1997-1998 market value/income aid ratio must be equal to or  
2 greater than four thousand ten-thousandths (0.4000).

3 (ii) The base supplement is calculated for qualifying school  
4 districts as follows: multiply the school district's 1997-1998  
5 market value/income aid ratio times its 1996-1997 average daily  
6 membership; multiply this product times sixty-six million  
7 dollars (\$66,000,000); divide the resultant product by the sum  
8 of the products of the 1997-1998 market value/income aid ratio  
9 times the 1996-1997 average daily membership for all qualifying  
10 districts.

11 (3) A growth supplement payable to qualifying school  
12 districts.

13 (i) To qualify for the growth supplement, a school  
14 district's average daily membership must have increased between  
15 the 1994-1995 and 1996-1997 school years.

16 (ii) The growth supplement is calculated for qualifying  
17 school districts as follows: if the increase in average daily  
18 membership between the 1994-1995 and 1996-1997 school years is  
19 equal to or greater than four and five-tenths per centum (4.5%),  
20 multiply two hundred dollars (\$200) times the increase in  
21 average daily membership; if the increase is less than four and  
22 five-tenths per centum (4.5%), multiply one hundred dollars  
23 (\$100) times the increase in average daily membership.

24 (4) Each school district will be guaranteed a minimum  
25 increase to be calculated as follows:

26 (i) Each school district with a 1997-1998 market  
27 value/income aid ratio equal to or greater than seven thousand  
28 ten-thousandths (0.7000) will receive additional funding, as  
29 necessary, so that the sum of the amounts in clauses (2), (3)  
30 and (4) will equal at least four per centum (4%) of the amount

1 in clause (1).

2 (ii) Each school district with a 1997-1998 market  
3 value/income aid ratio less than seven thousand ten-thousandths  
4 (0.7000) will receive additional funding, as necessary, so that  
5 the sum of the amounts in clauses (2), (3) and (4) will equal at  
6 least one per centum (1%) of the amount in clause (1).

7 Section 2502.34. School Performance Incentives.--For the  
8 1997-1998 fiscal year, a minimum of ten per centum (10%) of the  
9 difference between the total Basic Education Funding  
10 appropriation for the prior fiscal year and the current fiscal  
11 year, as provided in Article XXV, shall be directed for School  
12 Performance Incentives as established by the department. For the  
13 1998-1999 fiscal year and each fiscal year thereafter, funding  
14 for School Performance Incentives shall be as provided in the  
15 General Appropriations Act.

16 Section 14. Section 2509.1(d) of the act, amended June 30,  
17 1995 (P.L.220, No.26), is amended and the section is amended by  
18 adding a subsection to read:

19 Section 2509.1. Payments to Intermediate Units.--\* \* \*

20 (b.5) Up to twelve million dollars (\$12,000,000) may be  
21 utilized for programs administered and operated during the 1997-  
22 1998 school year for institutionalized children by intermediate  
23 units as established in subsection (b.1).

24 \* \* \*

25 (d) (1) For the 1991-1992 school year, each intermediate  
26 unit which is coterminous to a school district of the first  
27 class or first class A shall be paid fifty percent (50%) of the  
28 amount received by the intermediate unit for the cost of  
29 operating and administering classes or schools for children with  
30 exceptionalities, as approved by the Department of Education for

1 the 1990-1991 school year. For the 1991-1992 school year, each  
2 intermediate unit not coterminous with a school district which  
3 operates all the special education programs for children with  
4 disabilities for its constituent school districts shall be paid  
5 ten percent (10%) of the amount received by the intermediate  
6 unit for the cost of operating and administering classes or  
7 schools for children with disabilities, as approved by the  
8 Department of Education for the 1990-1991 school year. For the  
9 1992-1993 and the 1993-1994 school years up to and including the  
10 1994-1995 school year, each intermediate unit which is  
11 coterminous to a school district of the first class or first  
12 class A shall be paid twenty-five percent (25%) of the amount  
13 received by the intermediate unit for the cost of operating and  
14 administering classes or schools for children with  
15 exceptionalities, as approved by the Department of Education for  
16 the 1990-1991 school year.

17 (2) For the 1995-1996 school year, each intermediate unit  
18 which is coterminous to a school district of the first class or  
19 first class A shall be paid a proportionate share of twenty-nine  
20 million nine hundred thousand dollars (\$29,900,000) based on the  
21 amount received by the intermediate unit for the cost of  
22 operating and administering classes or schools for children with  
23 exceptionalities, as approved by the Department of Education for  
24 the 1990-1991 school year.

25 (3) For the 1996-1997 and 1997-1998 school [year] years,  
26 each intermediate unit which is coterminous to a school district  
27 of the first class or first class A shall be paid a  
28 proportionate share of twenty million six hundred thousand  
29 dollars (\$20,600,000) based on the amount received by the  
30 intermediate unit for the cost of operating and administering

1 classes or schools for children with exceptionalities, as  
2 approved by the Department of Education for the 1990-1991 school  
3 year.

4 (4) For the [1997-1998] 1998-1999 school year, each  
5 intermediate unit which is coterminous to a school district of  
6 the first class or first class A shall be paid a proportionate  
7 share of ten million three hundred thousand dollars  
8 (\$10,300,000) based on the amount received by the intermediate  
9 unit for the cost of operating and administering classes or  
10 schools for children with exceptionalities, as approved by the  
11 Department of Education for the 1990-1991 school year.

12 \* \* \*

13 Section 15. Section 2509.5 of the act is amended by adding  
14 subsections to read:

15 Section 2509.5. Special Education Payments to School  
16 Districts.--\* \* \*

17 (1) During the 1997-1998 school year, each school district  
18 shall be paid:

19 (1) an amount to be determined by multiplying fifteen  
20 percent (15%) of its school-age average daily membership by one  
21 thousand one hundred fifty dollars (\$1,150); and

22 (2) an amount to be determined by multiplying one percent  
23 (1%) of its school-age average daily membership by thirteen  
24 thousand four hundred fifty dollars (\$13,450).

25 (m) During the 1997-1998 school year, up to ten million one  
26 hundred seven thousand dollars (\$10,107,000) of the funds  
27 appropriated to the Department of Education for special  
28 education shall be available to provide supplemental funding for  
29 special education to school districts which operate special  
30 education programs. Only school districts that qualify under the

1 provisions of subsection (n) will be eligible to receive this  
2 supplemental special education funding.

3 (n) School districts will qualify for supplemental payments  
4 under subsection (m) if:

5 (1) (i) the school district's special education expenditures  
6 for the 1994-1995 school year, as a percentage of the sum of the  
7 school district's 1994-1995 school year expenditures for regular  
8 education, vocational-technical education and special education  
9 are equal to or greater than the special education expenditures  
10 of all school districts for the 1994-1995 school year, as a  
11 percentage of the sum of the 1994-1995 school year expenditures  
12 of all school districts for regular education, vocational-  
13 technical education and special education; and

14 (ii) the school district's market value/income aid ratio for  
15 the 1996-1997 school year is equal to or greater than .6000; and

16 (iii) the school district's equalized millage for the 1994-  
17 1995 school year is equal to or greater than 21.0; or

18 (2) The school district satisfies the criterion set forth in  
19 subsection (n)(1)(i), does not satisfy the criterion set forth  
20 in subsection (n)(1)(ii) but the school district's equalized  
21 millage for the 1994-1995 school year is equal to or greater  
22 than 25.2; or

23 (3) The school district does not satisfy the criteria of  
24 subsections (n)(1) or (2) but does satisfy the following:

25 (i) the number of children in low-income families in 1995 is  
26 equal to or greater than fifteen percent (15%) of the school  
27 district's 1995-1996 school year average daily membership; and

28 (ii) the school district's market value/income aid ratio for  
29 the 1996-1997 school year is equal to or greater than .7000.

30 (o) Qualifying school districts will receive an additional

1 twenty percent (20%) of the amount calculated at subsection  
2 (l)(1) of this section. This amount shall be paid pursuant to  
3 the payment schedule established in subsection (c) of this  
4 section.

5 During the 1997-1998 school year, however, no school district  
6 shall receive less payment under subsection (l) and subsection  
7 (m) than the amount of the payments the school district received  
8 during the 1996-1997 school year under subsections (j)(3) and  
9 (k) of this section.

10 Section 16. The act is amended by adding a section to read:

11 Section 2509.11. Eligible Young Children.--(a) Beginning  
12 with the 1997-1998 school year, programming for children over  
13 the age established for an eligible young child as defined in  
14 this section shall be paid for from funds appropriated under  
15 sections 2509, 2509.1 and 2509.5 and their successor provisions.  
16 Funds appropriated for early intervention services for eligible  
17 young children shall not be used for this programming.

18 (b) As used in this section, "eligible young child" shall  
19 mean a child who is younger than the earliest admission age to a  
20 school district's kindergarten program for children five years  
21 of age; or when no kindergarten program is provided, the  
22 admission age for beginners; and at least three years of age and  
23 who meets any of the following criteria:

24 (1) The child has any of the following physical or mental  
25 disabilities: autism/pervasive developmental disorder, serious  
26 emotional disturbance, neurological impairment, deafness/hearing  
27 impairment, specific learning disability, mental retardation,  
28 multi-handicap, other health impairment, physical disability,  
29 speech impairment or blindness/visual impairment.

30 (2) The child is considered to have a developmental delay,

1 as defined by regulations of the State Board of Education and  
2 the standards of the Department of Education.

3 Section 17. Section 2541 of the act is amended by adding a  
4 subsection to read:

5 Section 2541. Payments on Account of Pupil Transportation.--

6 \* \* \*

7 (e) School districts and intermediate units that provide  
8 transportation for any eligible young child as defined in  
9 section 2509.11 shall receive payments for this expense from  
10 funds appropriated under this section and section 2509.1.

11 Section 18. Section 2561(5) of the act, added December 8,  
12 1959 (P.L.1713, No.626), is amended to read:

13 Section 2561. Tuition Charges for Pupils of Other  
14 Districts.--A school district or vocational school district  
15 receiving elementary or high school pupils or vocational or  
16 other extension education pupils who are residents of another  
17 school district or another vocational school district shall  
18 compute the tuition charges as follows:

19 \* \* \*

20 (5) A school district shall compute the tuition charges for  
21 pupils who are residents of another school district for  
22 budgetary purposes at the beginning of each school year, and  
23 shall use the expenses of the next preceding school year as a  
24 basis for such computation. At the end of each school year, the  
25 tuition charges shall again be computed and be based on the  
26 actual expenses for the school year immediately preceding and  
27 the tuition charges for non-resident pupils shall then be  
28 adjusted in accordance with this latter computation. The school  
29 district in which the non-resident pupil is a legal resident  
30 shall pay the tuition charges in accordance with the computation

1 based upon [the] these actual expenses.

2 \* \* \*

3 Section 19. Sections 2595 and 2597 of the act are repealed.

4 Section 20. The act is amended by adding sections to read:

5 Section 2597.1 Education Mentoring and School Dropout  
6 Prevention Programs.--The General Assembly finds and declares  
7 that large numbers of students need additional support in order  
8 to be successful in school, graduate and become productive  
9 citizens of this Commonwealth and that too many students leave  
10 school without the benefits of positive adult role models,  
11 career goals or skills needed to support strong families and  
12 communities. It is the intent of this section and sections  
13 2597.2 through 2597.6 to promote the development of educational  
14 mentoring programs to provide positive adult role models to  
15 students, establish a dropout prevention grant program to reduce  
16 the number of school dropouts, and to promote the collection of  
17 information on dropouts for the purpose of developing local  
18 programs designed to prevent current students from dropping out.

19 Section 2597.2. Program Established.--The Department of  
20 Education shall establish education mentoring and school dropout  
21 prevention programs.

22 Section 2597.3. Eligible Grant Applicants.--Applications for  
23 grants may be submitted by school districts and nonprofit  
24 community-based organizations. Community-based organizations  
25 must demonstrate that the program will operate in collaboration  
26 with a school district, intermediate unit or area vocational-  
27 technical school.

28 Section 2597.4. Program Requirements.--Services and programs  
29 may be provided to students in grades kindergarten through  
30 twelve. Services and programs shall include the following:



1     (1) Education Mentoring Program. This program is to  
2 establish planned activities to build sustained relationships  
3 between students and adult mentors. Mentors are to be recruited  
4 from various sources, including business, professional,  
5 religious, higher education, senior citizen organizations and  
6 the local community. Program components are to include:

7     (i) Screening and assignment of mentors.

8     (ii) Orientation and training of mentors.

9     (iii) Ongoing supervision and support.

10    (iv) Matching mentors with students.

11    (v) Follow-up activities.

12    (2) Dropout Prevention Programs. Services and programs shall  
13 include the following:

14    (i) Academic coursework.

15    (ii) Remedial education.

16    (iii) Other courses required for graduation.

17    (iv) Vocational education and school-to-work transition.

18    (v) Programs of employment and training and related  
19 services, counseling and assessment.

20    (vi) Involvement of parents and guardians of students and  
21 individuals enrolled in dropout prevention programs.

22    (vii) Public information and outreach activities.

23    (viii) Human, social and community services.

24    (ix) Mentoring.

25    (x) Partnerships with business.

26    (xi) Community service.

27    (xii) Anti-truancy and attendance improvement strategies.

28    (xiii) Peer mediation and conflict resolution programs.

29    Section 2597.5. Criteria for Awarding Grants.--(a) In  
30 awarding grants, the Secretary of Education shall be guided by

1 the criteria set forth in subsections (b) and (c).

2 (b) Education mentoring is to be measured by the anticipated  
3 results for new programs of education mentoring, or actual  
4 results for existing programs which:

5 (1) Reflect satisfactory improvements in academic  
6 achievement.

7 (2) Result in improvements in transition into postsecondary  
8 education, job training and employment among mentored students.

9 (3) Result in reductions in truancy, disciplinary referrals  
10 and dropout rates of students enrolled in mentoring programs.

11 (4) Demonstrate a significant need for mentoring services in  
12 terms of numbers of students requiring mentors.

13 (5) Demonstrate the cost-effective use of State funding.

14 (6) Demonstrate maximum use of local resources to maximize  
15 the numbers of students served by the mentoring program.

16 (c) Dropout prevention is to be measured by:

17 (1) The extent to which dropout rates in the school district  
18 exceed the Statewide average dropout rate.

19 (2) The program effectiveness in prior years if the grant  
20 application is intended to provide funding for programs already  
21 in existence, expressed in terms of:

22 (i) A decline in both the number and percentage of students  
23 leaving school prior to graduation.

24 (ii) Improvement in the promotion rate, attendance rate and  
25 academic achievement of students enrolled in the program.

26 (3) The anticipated results of new programs, expressed in  
27 terms of:

28 (i) A decline in both the number and percentage of students  
29 leaving school prior to graduation.

30 (ii) Improvement in the promotion rate, attendance rate and

1 academic achievement of students enrolled in the program.

2 (4) The extent to which the school district program is  
3 linked to those of other relevant service providers, such as  
4 literacy councils, area vocational-technical schools,  
5 postsecondary educational and training institutions, private  
6 industry councils, social service agencies and community-based  
7 organizations.

8 (5) The number of dropouts in the school district.

9 Section 2597.6. Duties and Responsibilities of the Secretary  
10 of Education.--(a) The Secretary of Education shall develop  
11 applications for grants and make them available to school  
12 districts and nonprofit community-based organizations, shall  
13 develop any regulations, guidelines or standards required for  
14 the implementation of this act and shall review all grant  
15 applications and make grants from funds appropriated for this  
16 purpose.

17 (b) The Secretary of Education shall prepare a report by the  
18 first day of February of each year which must, at a minimum,  
19 contain the following:

20 (1) Number of students leaving school without graduating.

21 (2) Grade levels at the time of their withdrawal from  
22 school.

23 (3) Age at the time of their withdrawal from school.

24 (4) Reasons for withdrawing from school.

25 (5) The post-withdrawal activities of individuals who left  
26 school prior to graduation.

27 (6) Numbers of students enrolled in dropout prevention and  
28 mentoring programs.

29 (7) An evaluation of programs provided in the prior school  
30 year and their effectiveness.

1 (c) Notwithstanding any provision to the contrary, no one  
2 school district or a combination of a school district and a  
3 community organization shall receive more than ten percent (10%)  
4 of the total funds available under this program established by  
5 the Secretary of Education in any one school year to provide  
6 services within a single school district.

7 Section 2598. Charter School Grants.--(a) The Secretary of  
8 Education shall allocate grants for planning to eligible  
9 applicants from funds appropriated for this purpose. Planning  
10 grant applications shall be filed on a form and by a date  
11 determined by the Secretary of Education. The amount of a grant  
12 may vary depending on the size and scope of the planning needed  
13 by the applicant. The application shall address the manner in  
14 which the applicant plans to operate a charter school.

15 (b) Eligible applicants shall include an individual; one or  
16 more teachers who will teach at the proposed charter school;  
17 parents or guardians of students who will attend the charter  
18 school; any nonsectarian college, university or museum located  
19 in this Commonwealth; any nonsectarian corporation not-for-  
20 profit, as defined in 15 Pa.C.S. (relating to corporations and  
21 unincorporated associations); any firm, corporation,  
22 association, partnership, or any combination thereof.

23 (c) The applicant shall include a copy of a letter informing  
24 the local board of school directors of the school entity of the  
25 application for the planning grant if the location of the  
26 proposed charter school is known.

27 Section 21. The act is amended by adding an article to read:

28 ARTICLE XXVI-H  
29 POSTSECONDARY DEGREES.

30 Section 2601-H. Power to Confer Degrees.--Notwithstanding

1 the provisions of section 305 of the act of December 19, 1990  
2 (P.L.834, No.198), known as the "GAA Amendments Act of 1990,"  
3 the Department of Education may grant a certificate of authority  
4 to a for-profit corporation as defined in 15 Pa.C.S. (relating  
5 to corporations and unincorporated associations) authorizing the  
6 conferring of baccalaureate degrees in the arts, science,  
7 philosophy or literature, but only upon students who have  
8 completed a college or university course normally covering four  
9 (4) years, or such other degrees at the associate, baccalaureate  
10 or advanced level as may be specified in the certificate of  
11 authority. Certificates of authority under this section shall be  
12 granted in accordance with the provisions of 24 Pa.C.S. Ch. 65  
13 (relating to private colleges, universities and seminaries). The  
14 qualifications of admission to these four-year courses, or to  
15 advanced classes in these courses, shall be not less than four  
16 (4) years of academic or high school preparation, or its  
17 equivalent, and shall be subject to the standards promulgated by  
18 the State Board of Education.

19 Section 22. (a) The following acts or parts of acts are  
20 repealed:

21 Act of July 10, 1987 (P.L.284, No.49), entitled "An act  
22 promoting the development of programs to prevent students from  
23 dropping out of school."

24 Act of July 2, 1993 (P.L.248, No.45), known as the  
25 Educational Resource Sharing Through Distance Learning Act.

26 (b) All other acts and parts of acts are repealed insofar as  
27 they are inconsistent with this act.

28 Section 23. This act shall take effect as follows:

29 (1) The amendment or addition of Article XIX-C and  
30 sections 2501 and 2561(5) of the act shall take effect

1 immediately.

2 (2) This section shall take effect immediately.

3 (3) The remainder of this act shall take effect July 1,  
4 1997, or immediately, whichever is later.