

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 601 Session of
1997

INTRODUCED BY LYNCH, HUTCHINSON, McILHATTAN, SURRA, SCRIMENTI,
BATTISTO, ITKIN, ARGALL, STEELMAN, TRELLO, HENNESSEY,
SEYFERT, ROBERTS, COWELL AND BELFANTI, FEBRUARY 13, 1997

SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JUNE 9, 1998

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 AUXILIARY <—
6 SERVICES; AND THE DEFINITION OF "SCHOOL YEAR"; PROVIDING FOR <—
7 ADVANCE NOTIFICATION OF PESTICIDE APPLICATION WITHIN SCHOOLS,
8 SCHOOL GROUNDS, ATHLETIC FIELDS AND PLAYGROUNDS; FURTHER
9 PROVIDING FOR THE WITHHOLDING OF CERTAIN STATE PAYMENTS, FOR
10 DISTRESS IN SCHOOL DISTRICTS OF THE FIRST CLASS, FOR THE
11 CONTRACTUAL POWERS OF THE CHANCELLOR OF THE STATE SYSTEM OF
12 HIGHER EDUCATION AND FOR PUPIL TRANSPORTATION REIMBURSEMENT;
13 providing for community education councils, for powers and <—
14 duties of community education councils, for maximum class
15 sizes in certain classrooms; and making appropriations.
16 COUNCILS; AND ESTABLISHING THE POLICE OFFICER AND FIREFIGHTER <—
17 CHILD BENEFICIARY EDUCATION PROGRAM.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. ~~The act of March 10, 1949 (P.L.30, No.14), known~~ <—
21 ~~as the Public School Code of 1949, is amended by adding an~~
22 ~~article to read:~~

23 ARTICLE XIX D.

1 ~~COMMUNITY EDUCATION COUNCIL.~~

2 ~~Section 1901 D. Declaration of policy. It is the intent of~~
3 ~~the General Assembly, through this article, to provide for~~
4 ~~postsecondary education services in educationally underserved~~
5 ~~areas of this Commonwealth through the creation of community~~
6 ~~education councils. In light of the increasing emphasis on~~
7 ~~advanced degrees and retraining in the work force, this article~~
8 ~~seeks to provide access to postsecondary educational~~
9 ~~opportunities that are appropriate to the needs of the local~~
10 ~~community. The councils will assess the regional needs and~~
11 ~~interests of potential students as well as those of employers in~~
12 ~~the community.~~

13 ~~Section 1902 D. Definitions. For purposes of this article:~~

14 ~~(1) "Community education council." A nonprofit~~
15 ~~institutionally neutral educational organization, governed by a~~
16 ~~community based board of directors, which serves to provide~~
17 ~~access to post secondary education and training resources for~~
18 ~~citizens in educationally underserved areas of this~~
19 ~~Commonwealth.~~

20 ~~(2) "Educationally underserved area." An area designated by~~
21 ~~the Secretary of Education of the Commonwealth as an adult~~
22 ~~education, continuing education and/or post secondary education~~
23 ~~shortage area using criteria which take into account special~~
24 ~~barriers to the provision of education services.~~

25 ~~(3) "Institutionally neutral." Having no exclusive legal~~
26 ~~affiliation with any provider of post secondary education or a~~
27 ~~branch campus, branch location or outreach center of a provider~~
28 ~~of postsecondary education.~~

29 ~~(4) "Post secondary education resources." The term~~
30 ~~includes, but is not limited to, area vocational technical~~

~~schools, degree granting institutions of higher education
accredited by an accrediting agency recognized by the Federal
Government, institutions licensed under the act of December 15,
1986 (P.L.1585, No.174), known as the "Private Licensed Schools
Act", professional, vocational or occupational certification or
licensure programs, and educational technology.~~

~~(5) "Secretary." The Secretary of Education of the
Commonwealth.~~

~~Section 1903 D. Recognition and Approval of Community
Education Councils; Withdrawal of Recognition and Approval. (a)
The secretary shall establish procedures and criteria for
formally recognizing existing community education councils under
this article. The secretary shall also establish procedures and
criteria for the assessment of community need and approval of
additional councils, such approval to be conditioned upon the
appropriation of additional State funding necessary for those
new councils.~~

~~(b) The secretary shall also establish procedures for
withdrawing formal recognition and approval of any council
covered by subsection (a).~~

~~(c) Withdrawal of recognition and approval of a council
shall last until expiration of the Commonwealth's current fiscal
year, after which time the secretary may reconsider the council
for inclusion in the State allocation of funds. If funds have
been allocated for the current fiscal year, a council whose
recognition and approval subsequently have been withdrawn shall
return the proportionate share of annual allocations to the
secretary for the remainder of the fiscal year.~~

~~Section 1904 D. State Funds. (a) (1) The secretary, upon
consultation with approved councils, shall be responsible for~~

~~the allocation of State funding among community education
councils approved under this article.~~

~~(2) The allocation may not exceed eighty per centum (80%) of
the council's projected total expenditures for the fiscal year
of allocation.~~

~~(b) Community education councils shall use allocated State
funds to meet the cost of operation, including, but not limited
to, personnel, rent, utilities, insurance, supplies, equipment
and technology needs, staff development, marketing, maintenance
and instructional services.~~

~~Section 1905 D. Purpose of Community Education Council. (a)
The purpose of a community education council shall be to
identify, implement and oversee new or innovative efforts to
provide access to post secondary education opportunities in
educationally underserved communities within this Commonwealth.~~

~~(b) Post secondary educational opportunities may include,
but are not limited to, any of the following:~~

~~(1) Programs, courses or classes leading to professional,
vocational or occupational certification or licensure, an
associate degree, a bachelor's degree or a master's degree.~~

~~(2) GED preparation.~~

~~(3) Skill development or skill enhancement for the community
work force.~~

~~(c) A second function of a community education council shall
be to assist in the provision of resources and to serve as a
vehicle for employment opportunities which meet the community's
current and future economic development needs.~~

~~Section 1906 D. Board of Directors. (a) The policies of
any community education council established under this article
shall be administered and supervised by a community based board~~

1 ~~of directors.~~

2 ~~(b) The board of directors shall, for purposes of operating~~
3 ~~and maintaining a community education council, have the~~
4 ~~following powers and duties:~~

5 ~~(1) To hold, rent, lease, sell, purchase and improve~~
6 ~~buildings, furnishings, equipment, materials, books and~~
7 ~~supplies.~~

8 ~~(2) To enter into contracts or agreements for services with~~
9 ~~post secondary institutions, other educational providers or~~
10 ~~local government agencies in order to carry out the intent and~~
11 ~~purposes of this article.~~

12 ~~(3) To accept and receive gifts of real and personal~~
13 ~~property.~~

14 ~~(4) To apply for Federal, State and local funds and grants~~
15 ~~and to expend funds obtained from these sources.~~

16 ~~(5) To determine the needs and aspirations of potential~~
17 ~~students and employers in the community.~~

18 ~~(6) To make policies providing for identification of~~
19 ~~students, programs, courses or classes to be offered and any~~
20 ~~other matters related to administration of the community~~
21 ~~education council.~~

22 ~~(7) To hire employes to conduct the day to day operations~~
23 ~~and carry out the policy of the board.~~

24 ~~(8) To exercise such other powers and perform such other~~
25 ~~duties as are necessary to effect the intent and purposes of~~
26 ~~this article.~~

27 ~~Section 2. The act is amended by adding a section to read:~~

28 ~~Section 2115. Maximum Class Size. (a) No classroom in any~~
29 ~~public school district shall exceed the maximum class size for~~
30 ~~the grade levels and after the implementation dates set forth in~~

~~this section. Except as otherwise provided in this section, the maximum class sizes shall be as follows:~~

Grade	Maximum Class	Implementation
Level	Size	Date
Kindergarten	20	July 1, 1998
First grade	20	July 1, 1999
Second grade	20	July 1, 2000
Third grade	20	July 1, 2001

~~(b) This section shall not apply to special education classes established and operated pursuant to 22 Pa. Code Pt. 1 Subpt. A Ch. 14 (relating to special education services and programs) and Pt. XVI Ch. 342 (relating to special education services and programs). Any other special education classes shall utilize a maximum class size that the State Board of Education deems appropriate for the specific nature or special needs of the students being instructed in those special education classes.~~

~~(c) The maximum class sizes set forth in subsection (a) shall not apply in instrumental or vocal music classes, or similar classes, unless the effectiveness of the instructional program in those classes would be impaired.~~

~~(d) (1) No school district shall utilize split grade classes in order to comply with this section, unless the board of education for the district gives its prior approval.~~

~~(2) This section shall not prohibit a school district from utilizing transitional, ungraded or unstructured classes.~~

~~(3) All additional costs incurred by school districts shall be reimbursed from State funds appropriated for this purpose during the school year during which such costs are incurred.~~

~~Section 3. (a) The sum of \$550,000 is hereby appropriated~~

~~to the Department of Education for the fiscal year July 1, 1997,
to June 30, 1998, for the purposes of implementing the community
education councils' portion of this act.~~

~~(b) The sum of \$20,000,000, or as much thereof as may be
necessary, is hereby appropriated to the Department of Education
for the fiscal year July 1, 1997, to June 30, 1998, for grants
to school districts for the purchase of textbooks. Payments to
school districts shall be derived by multiplying the school
district's average daily membership by the product of 21.25
times the school district's market value personal income aid
ratio. The Department of Education shall require that school
districts provide an equitable share of the grant to the area
vocational technical schools which their students attend.~~

~~Section 4. This act shall take effect immediately.~~

~~SECTION 1. SECTION 922.1 A(C) OF THE ACT OF MARCH 10, 1949
(P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, ADDED
AUGUST 1, 1975 (P.L.180, NO.89), IS AMENDED TO READ:~~

~~SECTION 922.1 A. AUXILIARY SERVICES. * * *~~

~~(C) PROGRAM OF AUXILIARY SERVICES. STUDENTS ATTENDING
NONPUBLIC SCHOOLS SHALL BE FURNISHED A PROGRAM OF AUXILIARY
SERVICES WHICH ARE PROVIDED TO PUBLIC SCHOOL STUDENTS IN THE
SCHOOL DISTRICT IN WHICH THEIR NONPUBLIC SCHOOL IS LOCATED. THE
PROGRAM OF AUXILIARY SERVICES SHALL BE PROVIDED BY THE
INTERMEDIATE UNIT IN WHICH THE NONPUBLIC SCHOOL IS LOCATED, IN
ACCORDANCE WITH STANDARDS OF THE SECRETARY OF EDUCATION. SUCH
SERVICES SHALL BE PROVIDED DIRECTLY TO THE NONPUBLIC SCHOOL
STUDENTS BY THE INTERMEDIATE UNIT [EXCEPT THAT SUCH SERVICES
SHALL NOT BE PROVIDED IN A CHURCH OR IN ANY FACILITY UNDER THE
CONTROL OF A SECTARIAN SCHOOL] IN THE SCHOOLS WHICH THE STUDENTS
ATTEND, IN MOBILE INSTRUCTIONAL UNITS LOCATED ON THE GROUNDS OF~~

~~SUCH SCHOOLS OR IN ANY ALTERNATIVE SETTING MUTUALLY AGREED UPON
BY THE SCHOOL AND THE INTERMEDIATE UNIT, TO THE EXTENT PERMITTED
BY THE CONSTITUTION OF THE UNITED STATES AND THE CONSTITUTION OF
THE COMMONWEALTH OF PENNSYLVANIA.~~

~~SUCH AUXILIARY SERVICES SHALL BE PROVIDED DIRECTLY BY THE
INTERMEDIATE UNITS AND NO AUXILIARY SERVICES PRESENTLY PROVIDED
TO PUBLIC SCHOOL STUDENTS BY THE INTERMEDIATE UNITS AND/OR
SCHOOL DISTRICTS BY MEANS OF STATE OR LOCAL REVENUES, DURING THE
SCHOOL YEAR 1974-1975, SHALL BE ELIMINATED. NO SCHOOL DISTRICTS
SHALL BE REQUIRED, PURSUANT TO ANY SECTION OF THIS ACT, TO OFFER
AUXILIARY SERVICES PROVIDED BY ANY OTHER SCHOOL DISTRICTS WITHIN
SUCH INTERMEDIATE UNITS.~~

~~* * *~~

SECTION 1. SECTION 102(4) OF THE ACT OF MARCH 10, 1949
(P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,
AMENDED APRIL 27, 1998 (P.L.270, NO.46), IS AMENDED TO READ:

SECTION 102. DEFINITIONS.--WHEN USED IN THIS ACT THE
FOLLOWING WORDS AND PHRASES SHALL HAVE THE FOLLOWING MEANINGS:

* * *

(4) "SCHOOL YEAR" SHALL MEAN THE PERIOD OF TIME ELAPSING IN
SCHOOL DISTRICTS OF THE FIRST CLASS BETWEEN THE FIRST DAY OF
JANUARY AND THE THIRTY-FIRST DAY OF DECEMBER OF ANY YEAR, AND IN
SCHOOL DISTRICTS OF ALL OTHER CLASSES BETWEEN THE FIRST DAY OF
JULY OF ONE YEAR AND THE THIRTIETH DAY OF JUNE OF THE FOLLOWING
YEAR. [SCHOOL] EFFECTIVE JULY 1, 1997, FOR THE 1997-1998 SCHOOL
YEAR AND EACH SCHOOL YEAR THEREAFTER SCHOOL DISTRICTS WITH A
YEAR-ROUND EDUCATION PROGRAM MAY SUBMIT A REQUEST TO THE
SECRETARY OF EDUCATION FOR APPROVAL OR DISAPPROVAL TO EXTEND THE
SCHOOL YEAR UNTIL AUGUST 15 FOR THE PURPOSE OF DETERMINING
AVERAGE DAILY MEMBERSHIPS FOR STUDENTS WHOSE ONE HUNDRED EIGHTY

1 (180) DAYS OF INSTRUCTION CONTINUE INTO THE SUMMER MONTHS.

2 * * *

3 SECTION 2. SECTION 633 OF THE ACT, AMENDED DECEMBER 19, 1975
4 (P.L.511, NO.150), IS AMENDED TO READ:

5 SECTION 633. REPORTS TO SECRETARY OF EDUCATION; WITHHOLDING
6 STATE APPROPRIATIONS.--IT SHALL BE THE DUTY OF THE SECRETARY OF
7 EDUCATION, TO REQUIRE, AS PART OF THE ANNUAL FINANCIAL REPORTS
8 OF ALL OF THE SCHOOL DISTRICTS, A LIST OF THE AMOUNT OF BONDS OR
9 OTHER INDEBTEDNESS THAT BECOMES DUE DURING THE FISCAL YEAR,
10 TOGETHER WITH THE AMOUNT PAID ON EACH ITEM OF INDEBTEDNESS. IN
11 CASE OF FAILURE ON THE PART OF ANY SCHOOL DISTRICT TO FURNISH
12 SUCH REPORT AT THE REQUIRED TIME AFTER THE CLOSE OF THE FISCAL
13 YEAR, THE SECRETARY OF EDUCATION MAY WITHHOLD ANY STATE
14 APPROPRIATION THAT MAY BECOME DUE TO ANY SUCH SCHOOL DISTRICT
15 UNTIL SUCH REPORT COVERING INFORMATION REGARDING THE MATURITIES
16 OF INDEBTEDNESS AND PAYMENTS ON SAME DURING THE PRECEDING FISCAL
17 YEAR, AS REQUIRED HEREIN, AND ANY OTHER INFORMATION WHICH HE MAY
18 REQUIRE OF A SCHOOL DISTRICT, HAS BEEN RECEIVED. IN ALL CASES
19 WHERE THE BOARD OF DIRECTORS OF ANY SCHOOL DISTRICT FAILS TO PAY
20 OR TO PROVIDE FOR THE PAYMENT OF ANY INDEBTEDNESS AT DATE OF
21 MATURITY OR DATE OF MANDATORY REDEMPTION OR ON ANY SINKING FUND
22 DEPOSIT DATE, OR ANY INTEREST DUE ON SUCH INDEBTEDNESS ON ANY
23 INTEREST PAYMENT DATE, OR ON ANY SINKING FUND DEPOSIT DATE IN
24 ACCORDANCE WITH THE SCHEDULE UNDER WHICH THE BONDS WERE ISSUED,
25 THE SECRETARY OF EDUCATION SHALL NOTIFY SUCH BOARD OF SCHOOL
26 DIRECTORS OF ITS OBLIGATION AND SHALL WITHHOLD OUT OF ANY STATE
27 APPROPRIATION DUE SUCH SCHOOL DISTRICT AN AMOUNT EQUAL TO THE
28 SUM OF THE PRINCIPAL AMOUNT MATURING OR SUBJECT TO MANDATORY
29 REDEMPTION AND INTEREST OWING BY SUCH SCHOOL DISTRICT, OR
30 SINKING FUND DEPOSIT DUE BY SUCH SCHOOL DISTRICT, AND SHALL PAY

1 OVER THE AMOUNT SO WITHHELD TO THE BANK OR OTHER PERSON ACTING
2 AS SINKING FUND DEPOSITARY FOR SUCH BOND ISSUE.

3 SECTION 3. SECTION 696(H)(1) OF THE ACT, ADDED APRIL 27,
4 1998 (P.L.270, NO.46), IS AMENDED TO READ:

5 SECTION 696. DISTRESS IN SCHOOL DISTRICTS OF THE FIRST
6 CLASS.--* * *

7 (H) THE CHIEF EXECUTIVE OFFICER AND THE SCHOOL REFORM
8 COMMISSION SHALL DIRECT FINANCIAL MATTERS RELATED TO THE
9 DISTRESSED SCHOOL DISTRICT OF THE FIRST CLASS AND:

10 (1) ALL TAXES AUTHORIZED TO BE LEVIED BY A SCHOOL DISTRICT
11 OF THE FIRST CLASS OR FOR A SCHOOL DISTRICT OF THE FIRST CLASS
12 BY A CITY OR COUNTY OF THE FIRST CLASS ON THE DATE OF THE
13 DECLARATION OF DISTRESS SHALL CONTINUE TO BE AUTHORIZED AND
14 LEVIED IN ACCORDANCE WITH THIS ACT AND SHALL BE TRANSMITTED TO
15 THE SCHOOL DISTRICT. FOR THE FIRST FISCAL YEAR OR PART THEREOF
16 AND EVERY FISCAL YEAR THEREAFTER IN WHICH THE SCHOOL DISTRICT IS
17 DECLARED TO BE DISTRESSED, THE AMOUNT [LEVIED, COLLECTED AND
18 TRANSMITTED FOR EACH TAX] APPROPRIATED OR PAID BY THE CITY OR
19 COUNTY TO THE SCHOOL DISTRICT SHALL BE IN AN AMOUNT NOT LESS
20 THAN THE HIGHEST AMOUNT PAID BY THE CITY OR COUNTY TO THE SCHOOL
21 DISTRICT DURING ANY OF THE THREE FULL PRECEDING FISCAL YEARS. IN
22 ADDITION, THE CITY OF THE FIRST CLASS SHALL PROVIDE TO THE
23 SCHOOL DISTRICT OF THE FIRST CLASS ALL OTHER AVAILABLE LOCAL
24 NON-TAX REVENUE, INCLUDING GRANTS, SUBSIDIES OR PAYMENTS MADE
25 DURING THE PRIOR YEAR.

26 * * *

27 SECTION 4. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

28 SECTION 772.1. NOTIFICATION OF PESTICIDE TREATMENTS AT
29 SCHOOLS.--(A) FOR AN INDOOR PESTICIDE TREATMENT AT A SCHOOL
30 BUILDING, THE CERTIFIED APPLICATOR OR PESTICIDE APPLICATION

1 TECHNICIAN SHALL SUPPLY THE PEST CONTROL INFORMATION SHEET AND A
2 PEST CONTROL SIGN, WHICH SHALL BE AT LEAST EIGHT AND ONE-HALF BY
3 ELEVEN (8 1/2 BY 11) INCHES IN SIZE, TO THE CHIEF ADMINISTRATOR
4 OR BUILDING MANAGER. THE CHIEF ADMINISTRATOR OR BUILDING MANAGER
5 SHALL BE RESPONSIBLE FOR ALL OF THE FOLLOWING:

6 (1) POSTING THE SIGN IN AN AREA OF COMMON ACCESS THAT THE
7 INDIVIDUALS ARE LIKELY TO CHECK ON A REGULAR BASIS AT LEAST
8 SEVENTY-TWO (72) HOURS BEFORE AND FOR AT LEAST TWO (2) DAYS
9 FOLLOWING EACH PLANNED TREATMENT.

10 (2) PROVIDING THE INFORMATION SHEET TO EVERY INDIVIDUAL
11 WORKING IN THE BUILDING AT LEAST SEVENTY-TWO (72) HOURS BEFORE
12 EACH PLANNED TREATMENT.

13 (3) PROVIDING NOTICE IN WRITING TO THE PARENTS OR GUARDIANS
14 OF THE STUDENTS ENROLLED IN THAT SCHOOL AT LEAST SEVENTY-TWO
15 (72) HOURS BEFORE EACH PLANNED TREATMENT. THE NOTICE SHALL
16 INCLUDE THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE APPLICATOR
17 APPLYING THE TREATMENT, DAY OF TREATMENT AND THE PESTICIDE
18 UTILIZED. THE NOTICE MAY BE INCLUDED IN NORMAL SCHOOL
19 COMMUNICATIONS TO PARENTS OR GUARDIANS AND NEED NOT BE MAILED
20 SEPARATELY TO PARENTS OR GUARDIANS.

21 (B) FOR AN OUTDOOR TREATMENT TO BE APPLIED ANYWHERE ON THE
22 SCHOOL GROUNDS, INCLUDING, BUT NOT LIMITED TO, ATHLETIC FIELDS
23 OR PLAYGROUNDS, THE CERTIFIED APPLICATOR OR TECHNICIAN SHALL
24 SUPPLY THE PEST CONTROL INFORMATION SHEET AND A PEST CONTROL
25 SIGN, WHICH SHALL BE AT LEAST EIGHT AND ONE-HALF BY ELEVEN (8
26 1/2 BY 11) INCHES IN SIZE, TO THE CHIEF ADMINISTRATOR OR GROUNDS
27 MANAGER. THE PEST CONTROL SIGN SHALL BE POSTED AT THE FIELD OR
28 PLAYGROUND TO BE TREATED AT LEAST SEVENTY-TWO (72) HOURS BEFORE
29 AND FOR TWO (2) DAYS AFTER THE PLANNED TREATMENT.

30 (C) PERSONNEL AT A SCHOOL WITH AN ATHLETIC FIELD OR A

1 PLAYGROUND TO BE TREATED WITH A PESTICIDE ARE REQUIRED TO NOTIFY
2 IN WRITING THE PARENTS OR GUARDIANS OF THE CHILDREN ATTENDING
3 THE SCHOOL AT THE TIME THE CHILD IS REGISTERED OF THE FOLLOWING:

4 (1) THE SCHOOL PERIODICALLY APPLIES PESTICIDES INDOORS AND
5 ON SCHOOL GROUNDS.

6 (2) INFORMATION ON THE APPLICATION OF PESTICIDES IS
7 AVAILABLE AT THE REQUEST OF THE PARENTS OR GUARDIANS.

8 (D) THE STATE BOARD OF EDUCATION SHALL ESTABLISH BY
9 REGULATION PROCEDURES FOR EMERGENCY PESTICIDE APPLICATIONS FOR
10 WHICH THE REQUIRED NOTIFICATION IN SUBSECTIONS (A) AND (B) SHALL
11 BE WAIVED. THE REGULATIONS SHALL INCLUDE THE FOLLOWING:

12 (1) EMERGENCY PESTICIDE APPLICATIONS SHALL BE ALLOWED ONLY
13 IN THE EVENT OF AN IMMEDIATE THREAT TO THE HEALTH AND SAFETY OF
14 STUDENTS AND EMPLOYES.

15 (2) BEFORE ANY EMERGENCY APPLICATION, STUDENTS AND EMPLOYES
16 SHALL VACATE THE PORTION OF THE BUILDING OR GROUNDS TO BE
17 TREATED. THE STUDENTS OR EMPLOYES SHALL NOT BE ALLOWED TO RETURN
18 TO THE TREATED PORTION OF THE BUILDING FOR AT LEAST TWENTY-FOUR
19 (24) HOURS FOLLOWING THE APPLICATION NOR TO THE TREATED PORTION
20 OF THE GROUNDS FOR AT LEAST FOUR (4) HOURS AFTER APPLICATION OR
21 UNTIL THE ESTABLISHED RE-ENTRY TIME SET BY THE ENVIRONMENTAL
22 PROTECTION AGENCY, WHICHEVER IS LONGER.

23 (3) SCHOOL OFFICIALS SHALL NOTIFY BY TELEPHONE ANY PARENTS
24 OR GUARDIANS WHO HAVE REQUESTED SUCH NOTIFICATION. SCHOOLS SHALL
25 ADVISE PARENTS OF THEIR RIGHT TO REQUEST NOTIFICATION OF
26 EMERGENCY PESTICIDE USE ON AN ANNUAL BASIS AND EXPLAIN
27 PROCEDURES FOR REQUESTING SUCH NOTIFICATION.

28 (E) EACH SCHOOL DISTRICT AND PRIVATE ELEMENTARY OR SECONDARY
29 SCHOOL SHALL MAINTAIN DETAILED RECORDS OF ALL CHEMICAL PEST
30 CONTROL TREATMENTS FOR A PERIOD OF AT LEAST SEVEN (7) YEARS SO

1 THAT CHRONIC HEALTH PROBLEMS SUFFERED BY SCHOOL PERSONNEL AND
2 STUDENTS CAN BE MONITORED.

3 (F) THE BOARD OF SCHOOL DIRECTORS OF EACH PUBLIC SCHOOL
4 DISTRICT AND THE GOVERNING BOARDS OF PRIVATE SCHOOLS SHALL, ON
5 OR BEFORE SEPTEMBER 1, 1999, ADOPT AN INTEGRATED PEST MANAGEMENT
6 PLAN THAT INCORPORATES THE STANDARDS DEVELOPED BY THE
7 SECRETARIES OF EDUCATION AND AGRICULTURE.

8 (G) THE SECRETARIES OF EDUCATION AND AGRICULTURE, WITH THE
9 ASSISTANCE OF THE BOARD, SHALL DEVELOP AND ADOPT STANDARDS FOR
10 THE INTEGRATED PEST MANAGEMENT PLAN NO LATER THAN MARCH 1, 1999.
11 THE SECRETARIES SHALL ALSO PREPARE MODEL INTEGRATED PEST
12 MANAGEMENT PLANS AND SAMPLE MATERIALS FOR USE BY SCHOOLS IN
13 DEVELOPING AND ADOPTING THEIR INTEGRATED PEST MANAGEMENT PLANS.
14 IN DEVELOPING STANDARDS FOR THE INTEGRATED PEST MANAGEMENT PLAN,
15 THE BOARD SHALL CONSULT WITH A PERSON WHO IS KNOWLEDGEABLE IN
16 THE AREA OF INTEGRATED PEST MANAGEMENT IN SCHOOLS. THE STANDARDS
17 SHALL INCLUDE THE FOLLOWING:

18 (1) A REQUIREMENT THAT THE LEAST TOXIC METHODS AVAILABLE TO
19 CONTROL PESTS, RODENTS, INSECTS AND WEEDS BE USED.

20 (2) A HIERARCHY OF TREATMENTS THAT SCHOOLS SHALL USE IN
21 CONTROLLING PESTS, RODENTS, INSECTS AND WEEDS.

22 (3) A UNIFORM PEST CONTROL SIGN TO BE UTILIZED IN SCHOOL
23 BUILDINGS WHICH MEETS THE REQUIREMENTS OF THIS SECTION.

24 (H) (1) THE SECRETARY SHALL REQUIRE THAT A PESTICIDE MAY BE
25 APPLIED IN A SCHOOL BUILDING ONLY DURING PERIODS IN WHICH
26 STUDENTS ARE NOT EXPECTED TO USE THE BUILDING FOR NORMAL
27 ACADEMIC INSTRUCTION OR ORGANIZED EXTRACURRICULAR ACTIVITIES FOR
28 AT LEAST TWENTY-FOUR (24) HOURS FOLLOWING THE APPLICATION.

29 (2) THE SECRETARY SHALL ALSO REQUIRE THAT A PESTICIDE MAY BE
30 APPLIED ON SCHOOL GROUNDS ONLY DURING PERIODS IN WHICH STUDENTS

ARE NOT EXPECTED TO USE THE TREATED PORTION OF THE GROUNDS FOR
NORMAL ACADEMIC INSTRUCTION OR ORGANIZED EXTRACURRICULAR
ACTIVITIES FOR AT LEAST FOUR (4) HOURS FOLLOWING THE APPLICATION
OR UNTIL THE ESTABLISHED RE-ENTRY TIME SET BY THE ENVIRONMENTAL
PROTECTION AGENCY, WHICHEVER IS LONGER. THE STATE BOARD OF
EDUCATION SHALL ESTABLISH BY REGULATION STANDARDS FOR PESTICIDE
APPLICATION ON SCHOOL GROUNDS, INCLUDING, BUT NOT LIMITED TO,
THE BUFFER AREAS AROUND THE TREATED PORTION OF THE GROUNDS IN
WHICH STUDENTS WILL NOT BE PERMITTED FOR AT LEAST FOUR (4) HOURS
AFTER APPLICATION OR UNTIL THE ESTABLISHED RE-ENTRY TIME SET BY
THE ENVIRONMENTAL PROTECTION AGENCY, WHICHEVER IS LONGER.

(3) IF A PORTION OF A SCHOOL BUILDING HAVING A SEPARATE
VENTILATION SYSTEM WHICH IS SEPARATED FROM THE REMAINDER OF THE
BUILDING BY SMOKE OR FIRE DOORS IS TREATED WITH A PESTICIDE, THE
TWENTY-FOUR (24) HOUR WAITING PERIOD ESTABLISHED UNDER PARAGRAPH
(1) SHALL APPLY ONLY FOR THE TREATED PORTION OF THE BUILDING.
STUDENTS SHALL NOT BE PRESENT FOR NORMAL ACADEMIC INSTRUCTION OR
ORGANIZED EXTRACURRICULAR ACTIVITIES FOR AT LEAST TWELVE (12)
HOURS IN THE UNTREATED PORTION OF THE BUILDING. ACCESS TO THE
TREATED PORTION OF THE BUILDING, PLUS A BUFFER ZONE AS
PRESCRIBED BY THE SECRETARY, SHALL BE RESTRICTED FOR TWENTY-FOUR
(24) HOURS. IN ALL SUCH APPLICATIONS, THE SCHOOL SHALL MAKE
EVERY EFFORT TO PREVENT THE PESTICIDE FROM MIGRATING INTO THE
UNTREATED PORTION OF THE BUILDING, INCLUDING SEALING DOORS AND
WINDOWS FROM THE TREATED PORTION OF THE BUILDING.

(4) UNDER NO CIRCUMSTANCES SHALL PESTICIDES BE APPLIED IN A
SCHOOL BUILDING OR ON SCHOOL GROUNDS WHEN STUDENTS ARE PRESENT
IN THE SCHOOL BUILDING OR ON SCHOOL GROUNDS FOR NORMAL ACADEMIC
INSTRUCTION OR ORGANIZED EXTRACURRICULAR ACTIVITIES, EXCEPT AS
PROVIDED IN SUBSECTION (D).

1 (5) THE STATE BOARD OF EDUCATION SHALL PROMULGATE
2 REGULATIONS WHICH ESTABLISH PROCEDURES FOR PESTICIDE
3 APPLICATIONS IN SCHOOL BUILDINGS AND ON SCHOOL GROUNDS OF
4 SCHOOLS IN WHICH STUDENTS ARE IN RESIDENCE.

5 (I) (1) DISINFECTANT AND ANTIMICROBIAL PRODUCTS SHALL BE
6 EXEMPTED FROM THE NOTIFICATION AND RECORDKEEPING REQUIREMENTS OF
7 SUBSECTIONS (A) AND (E) AND THE RESTRICTIONS ON APPLICATION IN
8 SUBSECTION (H).

9 (2) APPLICATION OF SELF-CONTAINED BAIT PACKAGES PLACED IN
10 AREAS NOT ACCESSIBLE TO STUDENTS SHALL BE EXEMPTED FROM THE
11 NOTIFICATION AND RESTRICTION ON APPLICATION REQUIREMENTS OF
12 SUBSECTIONS (A) AND (H).

13 (J) THE COMMONWEALTH SHALL REIMBURSE A SCHOOL DISTRICT FOR
14 INCREASED COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS ACT
15 IF THE SCHOOL DISTRICT CAN DEMONSTRATE THAT THE ACT HAS
16 INCREASED TOTAL PEST CONTROL COSTS FOR THE DISTRICT, AFTER
17 ADJUSTING FOR SAVINGS FROM REDUCED PESTICIDE USE. COSTS FOR
18 BUILDING AND GROUNDS MAINTENANCE ARE NOT ELIGIBLE FOR
19 REIMBURSEMENT. COSTS FOR FIRST CLASS MAILINGS OF NOTICES TO
20 PARENTS ARE NOT ELIGIBLE FOR REIMBURSEMENT UNLESS A DISTRICT CAN
21 DEMONSTRATE A COMPELLING NEED TO USE OTHER THAN NORMAL SCHOOL
22 COMMUNICATIONS TO NOTIFY PARENTS IN A TIMELY FASHION. THE STATE
23 BOARD OF EDUCATION SHALL ESTABLISH STANDARDS BY REGULATION WHICH
24 WILL SPECIFY REASONABLE COSTS ELIGIBLE FOR REIMBURSEMENT, A
25 SCHEDULE FOR SUBMISSION OF REIMBURSEMENT REQUESTS BY SCHOOL
26 DISTRICTS AND PROCEDURES FOR REVIEW AND VERIFICATION OF
27 REIMBURSEMENT REQUESTS.

28 (K) THE SECRETARY OF AGRICULTURE MAY PROMULGATE REGULATIONS
29 WHICH DESIGNATE CERTAIN TYPES OF APPLICATORS USING ANY PESTICIDE
30 ON THEIR OWN PROPERTY OR THAT OF THEIR EMPLOYER AS COMMERCIAL

1 APPLICATORS UNDER THIS SECTION.

2 (L) THE STATE BOARD OF EDUCATION SHALL PROMULGATE
3 REGULATIONS WHICH DEFINE A PERIMETER TREATMENT AND ADOPT THE
4 DEFINITIONS PROVIDED BY FEDERAL LAW FOR THE PURPOSE OF INDOOR
5 PESTICIDE TREATMENT.

6 (M) THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS
7 SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION
8 UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

9 "APPLICATOR." A CERTIFIED APPLICATOR, PRIVATE APPLICATOR,
10 COMMERCIAL APPLICATOR OR PUBLIC APPLICATOR.

11 "BOARD." THE PESTICIDE ADVISORY BOARD OF THE DEPARTMENT OF
12 AGRICULTURE OF THE COMMONWEALTH.

13 "CERTIFIED APPLICATOR." AN INDIVIDUAL WHO IS CERTIFIED UNDER
14 SECTION 16.1, 17 OR 17.1 OF THE ACT OF MARCH 1, 1974 (P.L.90,
15 NO.24), KNOWN AS THE "PENNSYLVANIA PESTICIDE CONTROL ACT OF
16 1973," AS COMPETENT TO USE OR SUPERVISE THE USE OR APPLICATION
17 OF ANY PESTICIDE.

18 "COMMERCIAL APPLICATOR." A CERTIFIED APPLICATOR, WHETHER OR
19 NOT HE IS A PRIVATE APPLICATOR WITH RESPECT TO SOME USES, WHO
20 USES OR SUPERVISES THE USE OF ANY PESTICIDE ON THE PROPERTY OR
21 PREMISES OF ANOTHER OR ON EASEMENTS GRANTED UNDER STATE LAW, OR
22 ANY APPLICATOR WHO USES OR SUPERVISES THE USE OF ANY RESTRICTED-
23 USE PESTICIDE ON PROPERTY OWNED OR RENTED BY HIM OR HIS
24 EMPLOYER, WHEN NOT FOR PURPOSES OF PRODUCING AN AGRICULTURAL
25 PRODUCT. THE TERM SHALL ALSO INCLUDE ANY TYPE OF APPLICATOR
26 DESIGNATED BY THE SECRETARY OF AGRICULTURE UNDER SUBSECTION (K).

27 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
28 COMMONWEALTH.

29 "INDOOR PESTICIDE TREATMENT." A PESTICIDE TREATMENT THAT
30 INCLUDES AN OUTSIDE PERIMETER TREATMENT OF THE BUILDING IF THE

1 PRIMARY PURPOSE OF THE TREATMENT IS TO TREAT THE INSIDE OF THE
2 BUILDING.

3 "INSECT." ANY OF THE NUMEROUS SMALL INVERTEBRATE ANIMALS
4 GENERALLY HAVING A MORE OR LESS OBVIOUSLY SEGMENTED BODY, FOR
5 THE MOST PART BELONGING TO THE CLASS INSECTA, COMPRISING SIX-
6 LEGGED, USUALLY WINGED FORMS, AS, FOR EXAMPLE, BEETLES, BUGS,
7 BEES AND FLIES, AND TO OTHER ALLIED CLASSES OF ARTHROPODS WHOSE
8 MEMBERS ARE WINGLESS AND USUALLY HAVE MORE THAN SIX LEGS, AS,
9 FOR EXAMPLE, SPIDERS, MITES, TICKS, CENTIPEDES AND WOOD LICE.

10 "INTEGRATED PEST MANAGEMENT PLAN." A DECISION-MAKING PROCESS
11 WHICH INCLUDES INSPECTION AND PEST IDENTIFICATION, MONITORING OF
12 PEST AND BENEFICIAL INSECT POPULATIONS AND RECORDKEEPING OF
13 SAME, INJURY-LEVEL ASSESSMENT TO DETERMINE WHEN TREATMENT IS
14 NEEDED, TREATMENT SELECTION AND APPLICATION WITH PEST PREVENTION
15 METHODS, SUCH AS HABITAT MODIFICATION AND SANITATION MEASURES,
16 AND NONTOXIC CONTROLS BEING THE PRIMARY SELECTIONS, AND
17 EVALUATION OF RESULTS.

18 "NEMATODE." INVERTEBRATE ANIMALS OF THE PHYLUM
19 NEMATHELMINTHES AND CLASS NEMATODA, THAT IS, UNSEGMENTED ROUND
20 WORMS WITH ELONGATED, FUSIFORM OR SAC-LIKE BODIES COVERED WITH
21 CUTICLE AND INHABITING SOIL, WATER, PLANTS OR PLANT PARTS; MAY
22 ALSO BE CALLED NEMAS OR EELWORMS.

23 "OUTDOOR PESTICIDE TREATMENT." AN OUTDOOR PESTICIDE
24 TREATMENT THAT IS APPLIED ANYWHERE ON THE SCHOOL GROUNDS,
25 INCLUDING, BUT NOT LIMITED TO, ATHLETIC FIELDS OR PLAYGROUNDS.

26 "PERSON." AN INDIVIDUAL, PARTNERSHIP, ASSOCIATION,
27 CORPORATION OR ANY ORGANIZED GROUP OF PERSONS, WHETHER
28 INCORPORATED OR NOT.

29 "PEST." AN INSECT, RODENT, NEMATODE, FUNGUS, WEED OR OTHER
30 FORM OF TERRESTRIAL OR AQUATIC PLANT OR ANIMAL LIFE OR VIRUS,

1 BACTERIA OR OTHER MICRO-ORGANISM, EXCEPT VIRUSES, BACTERIA OR
2 OTHER MICRO-ORGANISMS ON OR IN LIVING MAN OR OTHER LIVING
3 ANIMALS, DECLARED TO BE A PEST UNDER SECTION 25(C)(1) OF THE
4 FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (61 STAT.
5 163, 7 U.S.C. § 136 ET SEQ.).

6 "PEST CONTROL INFORMATION SHEET." A DOCUMENT WHICH CONTAINS
7 THE DATE OF TREATMENT, THE NAME, ADDRESS AND TELEPHONE NUMBER OF
8 THE APPLICATOR, THE PESTICIDE UTILIZED AND ANY OTHER INFORMATION
9 THAT IS REQUIRED BY THE SECRETARY OF AGRICULTURE.

10 "PESTICIDE." A SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED
11 FOR PREVENTING, DESTROYING, REPELLING OR MITIGATING ANY PEST AND
12 A SUBSTANCE OR MIXTURE OF SUBSTANCES INTENDED FOR USE AS A PLANT
13 REGULATOR, DEFOLIANT OR DESICCANT.

14 "PESTICIDE APPLICATION TECHNICIAN." AN INDIVIDUAL EMPLOYED
15 BY A COMMERCIAL APPLICATOR OR GOVERNMENTAL AGENCY WHO, HAVING
16 MET THE COMPETENCY REQUIREMENTS AS SET FORTH IN THE ACT OF MARCH
17 1, 1974 (P.L.90, NO.24), KNOWN AS THE "PENNSYLVANIA PESTICIDE
18 CONTROL ACT OF 1973," IS REGISTERED BY THE SECRETARY OF
19 AGRICULTURE TO APPLY ANY PESTICIDES UNDER THE DIRECT SUPERVISION
20 OF A CERTIFIED APPLICATOR.

21 "PRIVATE APPLICATOR." A CERTIFIED APPLICATOR WHO USES OR
22 SUPERVISES THE USE OF ANY PESTICIDE WHICH IS CLASSIFIED FOR
23 RESTRICTED USE FOR PURPOSES OF PRODUCING ANY AGRICULTURAL
24 COMMODITY ON PROPERTY OWNED OR RENTED BY HIM OR HIS EMPLOYER OR,
25 IF APPLIED WITHOUT COMPENSATION OTHER THAN TRADING OF PERSONAL
26 SERVICES BETWEEN PRODUCERS OF AGRICULTURAL COMMODITIES, ON THE
27 PROPERTY OF ANOTHER PERSON.

28 "PUBLIC APPLICATOR." A CERTIFIED APPLICATOR WHO APPLIES
29 PESTICIDES AS AN EMPLOYEE OF THE COMMONWEALTH OR ITS
30 INSTRUMENTALITIES OR ANY LOCAL AGENCY.

1 "SCHOOL." A PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL
2 WHEREIN A RESIDENT OF THIS COMMONWEALTH MAY FULFILL THE
3 COMPULSORY SCHOOL ATTENDANCE REQUIREMENTS AND WHICH MEETS THE
4 APPLICABLE REQUIREMENTS OF TITLE IV OF THE CIVIL RIGHTS ACT OF
5 1964 (PUBLIC LAW 88-352, 78 STAT. 241). THE TERM ALSO INCLUDES A
6 KINDERGARTEN PROGRAM OPERATED BY A SCHOOL.

7 "SECRETARY." THE SECRETARY OF EDUCATION OF THE COMMONWEALTH.

8 SECTION 5. SECTION 785 OF THE ACT, AMENDED MARCH 28, 1994
9 (P.L.117, NO.12), IS AMENDED TO READ:

10 SECTION 785. FAILURE TO PAY RENT OR MAKE PAYMENTS;
11 WITHHOLDING APPROPRIATION.--(A) IN ALL CASES WHERE THE BOARD OF
12 DIRECTORS OF ANY SCHOOL DISTRICT FAILS TO PAY OR TO PROVIDE FOR
13 THE PAYMENT OF ANY RENTAL, PAYMENT OR RENTALS OR PAYMENTS DUE
14 THE STATE PUBLIC SCHOOL BUILDING AUTHORITY FOR ANY PERIOD IN
15 ACCORDANCE WITH THE TERMS OF ANY LEASE, LOAN AGREEMENT OR OTHER
16 LENDING INSTRUMENT OR CONTRACT, ENTERED INTO UNDER THE TERMS OF
17 SUBDIVISION (F) OF THIS ARTICLE, UPON WRITTEN NOTICE THEREOF
18 FROM THE AUTHORITY, THE SECRETARY OF EDUCATION SHALL NOTIFY SUCH
19 BOARD OF SCHOOL DIRECTORS OF ITS OBLIGATION AND SHALL WITHHOLD
20 OUT OF ANY STATE APPROPRIATION DUE SUCH SCHOOL DISTRICT AN
21 AMOUNT EQUAL TO THE AMOUNT OF THE RENTAL, PAYMENT OR RENTALS OR
22 PAYMENTS OWING BY SUCH SCHOOL DISTRICT TO THE STATE PUBLIC
23 SCHOOL BUILDING AUTHORITY AND SHALL PAY OVER THE AMOUNT SO
24 WITHHELD TO THE AUTHORITY IN PAYMENT OF THE RENTAL OR PAYMENT.

25 (B) IN ORDER TO PROVIDE ADDITIONAL SECURITY FOR THE PROMPT
26 PAYMENT IN FULL OF ANY RENTALS OR LOAN CONTRACT PAYMENTS BY
27 SCHOOL DISTRICTS TO THE STATE PUBLIC SCHOOL BUILDING AUTHORITY,
28 THE SCHOOL DISTRICT FOR WHOM THE STATE PUBLIC SCHOOL BUILDING
29 AUTHORITY HAS ISSUED ITS BONDS, NOTES OR OTHER OBLIGATIONS IS
30 AUTHORIZED TO ENTER INTO AN AGREEMENT WITH THE STATE TREASURER

1 WHICH PROVIDES FOR THE WITHHOLDING OF ANY STATE APPROPRIATION
2 DUE SUCH SCHOOL DISTRICT AND THE PAYMENT DIRECTLY TO THE STATE
3 PUBLIC SCHOOL BUILDING AUTHORITY IN FULL SATISFACTION OF SUCH
4 RENTALS OR LOAN CONTRACT PAYMENTS DUE FROM THE SCHOOL DISTRICT
5 DURING THE FISCAL YEAR.

6 SECTION ~~2~~ 6. THE ACT IS AMENDED BY ADDING AN ARTICLE TO
7 READ:

8 ARTICLE XIX-D.

9 COMMUNITY EDUCATION COUNCILS.

10 SECTION 1901-D. DEFINITIONS.--FOR PURPOSES OF THIS ARTICLE:

11 (1) "COMMUNITY EDUCATION COUNCIL" OR "CEC." A NONPROFIT
12 EDUCATIONAL ORGANIZATION, GOVERNED BY A COMMUNITY-BASED BOARD OF
13 DIRECTORS, WHICH SERVES TO PROVIDE ACCESS TO POST-SECONDARY
14 EDUCATION AND TRAINING RESOURCES FOR CITIZENS IN EDUCATIONALLY
15 UNDERSERVED AREAS OF THIS COMMONWEALTH.

16 (2) "DIRECT COST." THE COST OF OPERATION, INCLUDING, BUT
17 NOT LIMITED TO, PERSONNEL, RENT, UTILITIES, INSURANCE, SUPPLIES,
18 EQUIPMENT AND TECHNOLOGY NEEDS, STAFF DEVELOPMENT, MARKETING,
19 MAINTENANCE AND INSTRUCTIONAL SERVICES.

20 ~~(2)~~ (3) "EDUCATIONALLY UNDERSERVED AREA." AN AREA
21 DESIGNATED BY THE SECRETARY OF EDUCATION OF THE COMMONWEALTH AS
22 AN ADULT EDUCATION, CONTINUING EDUCATION AND/OR POST-SECONDARY
23 EDUCATION SHORTAGE AREA USING CRITERIA WHICH TAKE INTO ACCOUNT
24 SPECIAL BARRIERS TO THE PROVISION OF EDUCATION SERVICES.

25 (4) "INSTITUTIONALLY NEUTRAL." HAVING NO EXCLUSIVE LEGAL
26 AFFILIATION WITH ANY PROVIDER OF POSTSECONDARY EDUCATION OR A
27 BRANCH CAMPUS, BRANCH LOCATION OR OUTREACH CENTER OF A PROVIDER
28 OF POSTSECONDARY EDUCATION. THIS TERM SHALL APPLY TO ALL
29 COMMUNITY EDUCATION COUNCILS AND FOUNDATIONS ESTABLISHED AFTER
30 JUNE 30, 1999.

~~(3)~~ (5) "POST-SECONDARY EDUCATION RESOURCES." THE TERM
INCLUDES, BUT IS NOT LIMITED TO, AREA VOCATIONAL-TECHNICAL
SCHOOLS, DEGREE-GRANTING INSTITUTIONS OF HIGHER EDUCATION
ACCREDITED BY AN ACCREDITING AGENCY RECOGNIZED BY THE FEDERAL
GOVERNMENT, INSTITUTIONS LICENSED UNDER THE ACT OF DECEMBER 15,
1986 (P.L.1585, NO.174), KNOWN AS THE "PRIVATE LICENSED SCHOOLS
ACT", PROFESSIONAL, VOCATIONAL OR OCCUPATIONAL CERTIFICATION OR
LICENSURE PROGRAMS, AND EDUCATIONAL TECHNOLOGY.

~~(4)~~ (6) "SECRETARY." THE SECRETARY OF EDUCATION OF THE
COMMONWEALTH.

SECTION 1902-D. POWERS AND DUTIES OF SECRETARY OF
EDUCATION.--(A) FOR ANYONE SUBMITTING AN APPLICATION TO
ESTABLISH A COMMUNITY EDUCATION COUNCIL AFTER JUNE 30, 1998, THE
SECRETARY SHALL EITHER APPROVE OR DISAPPROVE SUCH APPLICATION
PRIOR TO THE COUNCIL BEING ELIGIBLE TO RECEIVE STATE FUNDING.
THE APPLICATION SHALL INCLUDE AN EDUCATION PLAN, A STATISTICAL
ASSESSMENT OF THE STUDENT SERVICE AREA AND THE EDUCATIONAL NEEDS
THEREOF, AND A DEMONSTRATION OF FISCAL SUPPORT AND STABILITY.

(B) THE SECRETARY MAY REVOKE THE APPROVAL OF A COUNCIL IF
THE COUNCIL FAILS TO MEET THE CRITERIA ESTABLISHED UNDER THIS
SECTION. THE APPROVAL OF A COUNCIL SHALL REMAIN IN EFFECT UNLESS
REVOKED BY THE SECRETARY.

~~SECTION 1902-D~~ 1903-D. POWERS AND DUTIES OF COMMUNITY
EDUCATION COUNCIL.--(A) COMMUNITY EDUCATION COUNCILS SHALL
IDENTIFY, IMPLEMENT AND OVERSEE NEW OR INNOVATIVE EFFORTS TO
PROVIDE ACCESS TO POST-SECONDARY EDUCATION OPPORTUNITIES IN
EDUCATIONALLY UNDERSERVED COMMUNITIES WITHIN THIS COMMONWEALTH.

(B) POST-SECONDARY EDUCATIONAL OPPORTUNITIES MAY INCLUDE,
BUT ARE NOT LIMITED TO, ANY OF THE FOLLOWING:

(1) PROGRAMS, COURSES OR CLASSES LEADING TO PROFESSIONAL,

VOCATIONAL OR OCCUPATIONAL CERTIFICATION OR LICENSURE, AN
ASSOCIATE DEGREE, A BACHELOR'S DEGREE OR A MASTER'S DEGREE.

(2) GED PREPARATION.

(3) SKILL DEVELOPMENT OR SKILL ENHANCEMENT FOR THE COMMUNITY
WORK FORCE.

(4) CUSTOMIZED JOB TRAINING FOR COMMUNITY EMPLOYERS.

(C) COMMUNITY EDUCATION COUNCILS SHALL ALSO ASSIST IN THE
PROVISION OF RESOURCES AND SERVE AS A VEHICLE FOR EMPLOYMENT
OPPORTUNITIES WHICH MEET THE COMMUNITY'S CURRENT AND FUTURE
ECONOMIC DEVELOPMENT NEEDS.

SECTION ~~1903-D~~ 1904-D. POWERS AND DUTIES OF BOARD OF
DIRECTORS.--(A) A COMMUNITY EDUCATION COUNCIL ESTABLISHED UNDER
THIS ARTICLE SHALL BE ADMINISTERED AND SUPERVISED BY A
COMMUNITY-BASED BOARD OF DIRECTORS.

(B) THE BOARD OF DIRECTORS SHALL, FOR PURPOSES OF OPERATING
AND MAINTAINING A COMMUNITY EDUCATION COUNCIL, HAVE THE
FOLLOWING POWERS AND DUTIES:

(1) TO HOLD, RENT, LEASE, SELL, PURCHASE AND IMPROVE
BUILDINGS, FURNISHINGS, EQUIPMENT, MATERIALS, BOOKS AND
SUPPLIES.

(2) TO ENTER INTO CONTRACTS OR AGREEMENTS FOR SERVICES WITH
POST-SECONDARY INSTITUTIONS, OTHER EDUCATIONAL PROVIDERS OR
LOCAL GOVERNMENT AGENCIES IN ORDER TO CARRY OUT THE INTENT AND
PURPOSES OF THIS ARTICLE.

(3) TO ACCEPT AND RECEIVE GIFTS OF REAL AND PERSONAL
PROPERTY.

(4) TO APPLY FOR FEDERAL, STATE AND LOCAL FUNDS AND GRANTS
AND TO EXPEND FUNDS OBTAINED FROM THESE SOURCES.

(5) TO DETERMINE THE NEEDS AND ASPIRATIONS OF POTENTIAL
STUDENTS AND EMPLOYERS IN THE COMMUNITY.

1 (6) TO MAKE POLICIES PROVIDING FOR IDENTIFICATION OF
2 STUDENTS, PROGRAMS, COURSES OR CLASSES TO BE OFFERED AND ANY
3 OTHER MATTERS RELATED TO ADMINISTRATION OF THE COMMUNITY
4 EDUCATION COUNCIL.

5 (7) TO HIRE EMPLOYES TO CONDUCT THE DAY-TO-DAY OPERATIONS
6 AND CARRY OUT THE POLICY OF THE BOARD.

7 (8) TO EXERCISE SUCH OTHER POWERS AND PERFORM SUCH OTHER
8 DUTIES AS ARE NECESSARY TO EFFECT THE INTENT AND PURPOSES OF
9 THIS ARTICLE. NOTHING IN THIS ACT SHALL AUTHORIZE ANY DEGREE-
10 GRANTING.

11 ~~SECTION 1904 D. STATE GRANTS. THE SECRETARY MAY AWARD~~ <—
12 ~~GRANTS TO ELIGIBLE COMMUNITY EDUCATION COUNCILS TO ASSIST THEM~~
13 ~~IN PROVIDING INDIVIDUALS AND EMPLOYERS IN EDUCATIONALLY~~
14 ~~UNDERSERVED COMMUNITIES IN THIS COMMONWEALTH WITH ACCESS TO~~
15 ~~POST SECONDARY EDUCATION OPPORTUNITIES. GRANTS MADE UNDER THIS~~
16 ~~SECTION SHALL BE MADE FROM AND LIMITED TO FUNDS APPROPRIATED FOR~~
17 ~~THIS PURPOSE. THE SECRETARY SHALL ESTABLISH ELIGIBILITY CRITERIA~~
18 ~~WHICH COMMUNITY EDUCATION COUNCILS MUST ANNUALLY MEET IN ORDER~~
19 ~~TO QUALIFY FOR ASSISTANCE UNDER THIS ARTICLE. HOWEVER, THOSE~~
20 ~~COMMUNITY EDUCATION COUNCILS RECEIVING STATE ASSISTANCE DURING~~
21 ~~THE 1997 1998 FISCAL YEAR SHALL BE DEEMED TO MEET THE~~
22 ~~QUALIFICATIONS FOR FINANCIAL ASSISTANCE UNDER THIS ARTICLE.~~
23 ~~PRIORITY FOR FINANCIAL ASSISTANCE DURING THE FIRST FISCAL YEAR~~
24 ~~IN WHICH THIS ARTICLE BECOMES EFFECTIVE SHALL BE GIVEN TO THOSE~~
25 ~~COMMUNITY EDUCATION COUNCILS, INCLUDING, BUT NOT LIMITED TO, THE~~
26 ~~FOUNDATIONS SERVING BEDFORD AND SOMERSET COUNTIES, THAT RECEIVED~~
27 ~~STATE ASSISTANCE DURING 1997 1998.~~

28 ~~SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.~~

29 ~~SECTION 1905-D. STATE FUNDING.--(A) FUNDING ALLOCATED UNDER~~ <—
30 ~~THIS SECTION SHALL BE ALLOCATED FROM AND LIMITED TO FUNDS~~

1 APPROPRIATED FOR THIS PURPOSE AND SHALL ONLY BE USED FOR DIRECT
2 COSTS FOR ANY INSTITUTION THAT PROVIDES COURSES WITHIN THE
3 COMMONWEALTH.

4 (B) COMMUNITY EDUCATION COUNCILS WILL SUBMIT PROJECTED
5 EXPENDITURES TO THE SECRETARY OF EDUCATION FOR REVIEW PRIOR TO
6 ALLOCATION OF FUNDING. THE SECRETARY SHALL ESTABLISH ELIGIBILITY
7 CRITERIA WHICH COMMUNITY EDUCATION COUNCILS MUST ANNUALLY MEET
8 IN ORDER TO QUALIFY FOR ASSISTANCE UNDER THIS ARTICLE.

9 (C) THE SECRETARY, UPON CONSULTATION WITH APPROVED COUNCILS,
10 SHALL BE RESPONSIBLE FOR THE ALLOCATION AND DISTRIBUTION OF
11 STATE FUNDING AMONG COMMUNITY EDUCATION COUNCILS. PRIORITY FOR
12 FINANCIAL ASSISTANCE SHALL BE GIVEN TO THOSE COMMUNITY EDUCATION
13 COUNCILS AND THE FOUNDATIONS SERVING BEDFORD AND SOMERSET
14 COUNTIES, THAT RECEIVED STATE ASSISTANCE DURING 1997-1998.

15 SECTION 7. SECTION 2005-A OF THE ACT IS AMENDED BY ADDING A
16 CLAUSE TO READ:

17 SECTION 2005-A. THE CHANCELLOR.--THE CHIEF EXECUTIVE OFFICER
18 OF THE SYSTEM SHALL BE A CHANCELLOR, WHO SHALL BE EMPLOYED BY
19 THE BOARD IN ACCORDANCE WITH CLAUSE (1) OF SECTION 2006-A. IN
20 ADDITION TO THOSE PRESCRIBED BY THE BOARD, THE CHANCELLOR SHALL
21 HAVE THE FOLLOWING DUTIES:

22 * * *

23 (12) TO ENTER INTO MULTI-PARTY CONTRACTUAL RELATIONSHIPS, IN
24 ACCORDANCE WITH THE PROCUREMENT CODE OR DIRECT NEGOTIATION, WITH
25 BUSINESSES, INDUSTRIES, ORGANIZATIONS, STATE AND LOCAL
26 GOVERNMENTS AND THE FEDERAL GOVERNMENT TO PROVIDE ECONOMIC AND
27 WORKFORCE DEVELOPMENT.

28 SECTION 8. SECTION 2541(A) OF THE ACT, AMENDED NOVEMBER 20,
29 1979 (P.L.465, NO.97), IS AMENDED TO READ:

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

1 (A) SCHOOL DISTRICTS SHALL BE PAID BY THE COMMONWEALTH FOR
2 EVERY SCHOOL YEAR ON ACCOUNT OF PUPIL TRANSPORTATION WHICH, AND
3 THE MEANS AND CONTRACTS PROVIDING FOR WHICH, HAVE BEEN APPROVED
4 BY THE DEPARTMENT OF EDUCATION, IN THE CASES HEREINAFTER
5 ENUMERATED, AN AMOUNT TO BE DETERMINED BY MULTIPLYING THE COST
6 OF APPROVED REIMBURSABLE PUPIL TRANSPORTATION INCURRED BY THE
7 DISTRICT BY THE DISTRICT'S AID RATIO. IN DETERMINING THE FORMULA
8 FOR THE COST OF APPROVED REIMBURSABLE TRANSPORTATION, THE
9 SECRETARY OF EDUCATION MAY PRESCRIBE THE METHODS OF DETERMINING
10 APPROVED MILEAGES AND THE UTILIZED PASSENGER CAPACITY OF
11 VEHICLES FOR REIMBURSEMENT PURPOSES. FOR THE SCHOOL YEAR 1998-
12 1999 AND EACH SCHOOL YEAR THEREAFTER, ANY SCHOOL ENTITY WHICH
13 CONTRACTS WITH ONE OR MORE SCHOOL ENTITIES TO PROVIDE PUPIL
14 TRANSPORTATION SERVICES SHALL BE REIMBURSED IN ACCORDANCE WITH
15 THE FORMULA SPECIFIED BY THE DEPARTMENT OF EDUCATION FOR
16 DISTRICT-OWNED VEHICLES. IN ADDITION THERETO, THE COMMONWEALTH
17 SHALL PAY TO EACH DISTRICT QUALIFYING A PAYMENT FOR EXCESSIVE
18 COST OF TRANSPORTATION, SAID AMOUNT TO BE DETERMINED BY
19 SUBTRACTING FROM THE COST OF THE APPROVED REIMBURSABLE
20 TRANSPORTATION THE SUM OF THE COMMONWEALTH TRANSPORTATION
21 PAYMENT IMMEDIATELY ABOVE, PLUS THE PRODUCT OF ONE-HALF MILL
22 (0.0005) TIMES THE LATEST MARKET VALUE OF THE DISTRICT AS
23 DETERMINED BY THE STATE TAX EQUALIZATION BOARD, PROVIDED SUCH
24 AMOUNT IS NOT NEGATIVE. IN ADDITION THERETO, THE COMMONWEALTH
25 SHALL PAY TO SCHOOL DISTRICTS WHICH OWN THEIR OWN VEHICLES, AN
26 ANNUAL DEPRECIATION CHARGE OF TEN PER CENTUM (10%), TO BE
27 CALCULATED ON THE BASIS OF THE APPROVED COST AT WHICH THE
28 DISTRICT ACQUIRED THE VEHICLE FOR WHICH DEPRECIATION IS CLAIMED.
29 WITH RESPECT TO VEHICLES PURCHASED PRIOR TO JANUARY 1, 1956, THE
30 NUMBER OF DEPRECIATION PAYMENTS SHALL BE LIMITED TO TEN SUCH

PAYMENTS. WITH RESPECT TO VEHICLES PURCHASED ON OR AFTER JANUARY 1, 1956, THE ANNUAL DEPRECIATION CHARGE SHALL NOT EXCEED SEVEN HUNDRED DOLLARS (\$700) FOR SUCH VEHICLES. THE NUMBER OF ANNUAL DEPRECIATION CHARGES SHALL BE LIMITED, SO THAT THE TOTAL AMOUNT OF SUCH PAYMENTS SHALL NOT EXCEED THE COST OF THE VEHICLE AS APPROVED BY THE DEPARTMENT OF EDUCATION AT THE TIME OF THE PURCHASE. IN NO CASE SHALL THE COMMONWEALTH PAY, IN DEPRECIATION CHARGES, MORE THAN TEN THOUSAND FIVE HUNDRED DOLLARS (\$10,500) FOR ANY ONE VEHICLE.

* * *

SECTION 9. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

ARTICLE XXVI-I.

POLICE OFFICER AND FIREFIGHTER

CHILD BENEFICIARY EDUCATION PROGRAM.

SECTION 2601-I. DEFINITIONS.--FOR PURPOSES OF THIS ARTICLE:

"ASSOCIATE DEGREE." AN UNDERGRADUATE DEGREE AWARDED BY A COMMUNITY COLLEGE, A STATE-OWNED INSTITUTION OR A STATE-RELATED INSTITUTION.

"BACCALAUREATE DEGREE." AN UNDERGRADUATE DEGREE AWARDED BY A STATE-OWNED OR STATE-RELATED INSTITUTION.

"CHILD" OR "CHILDREN." A RESIDENT OF THIS COMMONWEALTH WHO IS THE CHILD BY BIRTH OR ADOPTION OF A DECEASED POLICE OFFICER OR FIREFIGHTER KILLED IN THE PERFORMANCE OF HIS OR HER DUTIES.

"COMMUNITY COLLEGE." A PUBLIC COLLEGE OR TECHNICAL INSTITUTE WHICH IS ESTABLISHED AND OPERATED UNDER ARTICLE XIX-A AND ALL BRANCHES OR CAMPUSES OF A COMMUNITY COLLEGE.

"EDUCATIONAL GRATUITY." THE WAIVER BY A COMMUNITY COLLEGE OR A STATE-OWNED OR STATE-RELATED INSTITUTION OF TUITION, FEES AND ROOM AND BOARD CHARGES FOR AN ELIGIBLE CHILD.

"FIREFIGHTER." AN INDIVIDUAL EMPLOYED IN THAT CAPACITY ON A

1 FULL-TIME BASIS BY A MUNICIPALITY OR A MEMBER OF A VOLUNTEER
2 FIRE COMPANY OF THIS COMMONWEALTH. THE TERM INCLUDES MEMBERS OF
3 A RESCUE SQUAD OR AMBULANCE SERVICE AS DEFINED IN THE ACT OF
4 JUNE 24, 1976 (P.L.424, NO.101), REFERRED TO AS THE EMERGENCY
5 AND LAW ENFORCEMENT PERSONNEL DEATH BENEFITS ACT.

6 "MUNICIPALITY." A COUNTY, CITY, BOROUGH, INCORPORATED TOWN
7 OR TOWNSHIP, REGARDLESS OF FORM OF GOVERNMENT.

8 "PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY" OR "PHEAA."
9 THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY CREATED BY
10 THE ACT OF AUGUST 7, 1963 (P.L.549, NO.290), REFERRED TO AS THE
11 PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY ACT.

12 "POLICE OFFICER." AN INDIVIDUAL EMPLOYED ON A FULL-TIME
13 BASIS BY THE COMMONWEALTH AS A MEMBER OF THE PENNSYLVANIA STATE
14 POLICE FORCE OR AN INDIVIDUAL EMPLOYED ON A FULL-TIME BASIS AS A
15 POLICE OFFICER BY A MUNICIPALITY OF THIS COMMONWEALTH.

16 "PROGRAM." THE POSTSECONDARY EDUCATIONAL GRATUITY PROGRAM
17 CREATED BY THIS ARTICLE.

18 "ROOM AND BOARD CHARGE." THE AMOUNT CHARGED BY A COMMUNITY
19 COLLEGE OR A STATE-OWNED OR STATE-RELATED INSTITUTION FOR
20 PROVISION OF LODGING AND MEALS TO STUDENTS ENROLLED AT THE
21 COMMUNITY COLLEGE OR STATE-OWNED OR STATE-RELATED INSTITUTION.

22 "STATE-OWNED INSTITUTION." AN INSTITUTION WHICH IS PART OF
23 THE STATE SYSTEM OF HIGHER EDUCATION UNDER ARTICLE XX-A AND ALL
24 BRANCHES AND CAMPUSES OF A STATE-OWNED INSTITUTION.

25 "STATE-RELATED INSTITUTION." THE PENNSYLVANIA STATE
26 UNIVERSITY, THE UNIVERSITY OF PITTSBURGH, TEMPLE UNIVERSITY,
27 LINCOLN UNIVERSITY AND THE PENNSYLVANIA COLLEGE OF TECHNOLOGY.

28 "TOTAL INSTITUTION CHARGES." TUITION AND FEES PLUS ROOM AND
29 BOARD CHARGES.

30 "TUITION AND FEES." THE INSTRUCTIONAL CHARGE AND ANY OTHER

FEE ESTABLISHED BY THE GOVERNING BOARD OF A COMMUNITY COLLEGE
FOR COMMONWEALTH RESIDENTS ATTENDING THE COMMUNITY COLLEGE OR
THE INSTRUCTIONAL FEE ESTABLISHED BY THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION FOR COMMONWEALTH RESIDENTS
ATTENDING STATE-OWNED INSTITUTIONS. THE TERM INCLUDES TUITION
AND FEES SET BY THE RESPECTIVE GOVERNING BODIES OF THE STATE-
RELATED INSTITUTIONS.

"VOLUNTEER FIRE COMPANY." A NONPROFIT CHARTERED CORPORATION,
ASSOCIATION OR ORGANIZATION LOCATED IN THIS COMMONWEALTH WHICH
PROVIDES FIRE PROTECTION SERVICES WITHIN THIS COMMONWEALTH.

SECTION 2602-I. POSTSECONDARY EDUCATIONAL GRATUITY
PROGRAM.--(A) THERE IS HEREBY ESTABLISHED THE POSTSECONDARY
EDUCATIONAL GRATUITY PROGRAM FOR CHILDREN OF POLICE OFFICERS AND
FIREFIGHTERS OF THIS COMMONWEALTH WHO ARE KILLED WHILE ACTING IN
THE PERFORMANCE OF THEIR DUTIES.

(B) (1) POLICE OFFICERS SHALL BE DEEMED TO HAVE BEEN KILLED
IN THE PERFORMANCE OF THEIR DUTIES IF DEATH RESULTS FROM JOB-
RELATED INJURIES SUSTAINED OR INFLICTED WHILE PERFORMING ANY OF
THE FOLLOWING:

(I) ANSWERING AN EMERGENCY CALL.

(II) CONDUCTING INTERROGATIONS OF CRIME SUSPECTS OR
INTERROGATIONS PURSUANT TO A RESPONSE TO AN EMERGENCY CALL.

(III) CONDUCTING VEHICLE STOPS FOR TRAFFIC VIOLATIONS.

(IV) ACTIVELY RESPONDING TO REQUESTS FOR ASSISTANCE FROM THE
PUBLIC.

(V) MAINTAINING ORDER AND SECURITY AT THE SCENE OF AN
EMERGENCY.

(2) FIREFIGHTERS SHALL BE DEEMED TO HAVE BEEN KILLED IN THE
PERFORMANCE OF THEIR DUTIES IF DEATH RESULTS FROM JOB-RELATED
INJURIES SUSTAINED OR INFLICTED WHILE PERFORMING ANY OF THE

1 FOLLOWING:

2 (I) BEING PRESENT AT THE SCENE OF A FIRE OR GOING TO AND
3 FROM A FIRE. IN THE CASE OF VOLUNTEER FIREFIGHTERS, "GOING TO
4 AND FROM A FIRE" SHALL INCLUDE TRAVELING FROM AND DIRECTLY
5 RETURNING TO THE FIREFIGHTER'S HOME, PLACE OF BUSINESS OR OTHER
6 LOCATION WHERE THE FIREFIGHTER WAS WHEN THE FIRE CALL OR ALARM
7 WAS RECEIVED FOR A FIRE WHICH THE FIREFIGHTER'S VOLUNTEER FIRE
8 COMPANY ATTENDED.

9 (II) ANSWERING AN EMERGENCY CALL.

10 (III) MAINTAINING ORDER AND SECURITY AT THE SCENE OF AN
11 EMERGENCY.

12 (3) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, DEATHS
13 WHICH OCCUR AS THE DIRECT AND PROXIMATE RESULT OF PREEXISTING
14 PHYSICAL CONDITIONS, DISEASES OR ILLNESSES SHALL BE EXCLUDED
15 FROM ELIGIBILITY UNDER THIS SECTION.

16 (4) ANY CHILD OF A POLICE OFFICER OR FIREFIGHTER KILLED IN
17 THE PERFORMANCE OF HIS OR HER DUTIES SHALL BE ELIGIBLE FOR AN
18 EDUCATIONAL GRATUITY, PROVIDED THE CHILD IS TWENTY-FIVE (25)
19 YEARS OF AGE OR YOUNGER AT THE TIME OF APPLICATION FOR
20 PARTICIPATION IN THIS PROGRAM, MEETS ALL ADMISSION REQUIREMENTS
21 OF THE COMMUNITY COLLEGE OR STATE-OWNED OR STATE-RELATED
22 INSTITUTION TO WHICH APPLICATION IS MADE AND IS ENROLLED AS A
23 FULL-TIME STUDENT AT A COMMUNITY COLLEGE OR A STATE-OWNED OR
24 STATE-RELATED INSTITUTION.

25 (5) A CHILD WHO IS TWENTY-FIVE (25) YEARS OF AGE OR YOUNGER
26 AT THE TIME OF THE CHILD'S APPLICATION FOR PARTICIPATION IN THIS
27 PROGRAM AND WHO MEETS ALL OTHER ELIGIBILITY REQUIREMENTS MAY
28 RECEIVE AN EDUCATIONAL GRATUITY FOR UP TO FIVE (5) YEARS
29 PROVIDED THE CHILD OTHERWISE CONTINUES TO BE ELIGIBLE FOR
30 PARTICIPATION.

1 (C) (1) THE BENEFIT AVAILABLE UNDER THIS SECTION SHALL BE
2 PROVIDED ONLY FOR FULL-TIME STUDENTS WHO ARE PURSUING
3 UNDERGRADUATE STUDIES LEADING TO AN ASSOCIATE DEGREE OR A
4 BACCALAUREATE DEGREE.

5 (2) A CHILD BECOMES ELIGIBLE FOR THIS BENEFIT AFTER HE OR
6 SHE HAS APPLIED FOR AVAILABLE SCHOLARSHIPS AND FEDERAL AND STATE
7 GRANTS TO COVER TUITION AND ROOM AND BOARD COSTS. THE CHILD MUST
8 PROVIDE A RECORD OF APPLICATION FOR SUCH FINANCIAL AID TO THE
9 COMMUNITY COLLEGE OR STATE-OWNED OR STATE-RELATED INSTITUTION TO
10 WHICH HE OR SHE IS APPLYING.

11 (3) A COMMUNITY COLLEGE OR A STATE-OWNED OR STATE-RELATED
12 INSTITUTION SHALL WAIVE ALL REMAINING TUITION AND ROOM AND BOARD
13 CHARGES (TOTAL TUITION, ROOM AND BOARD AND FEES MINUS AWARDED
14 SCHOLARSHIPS AND FEDERAL AND STATE GRANTS) FOR AN ELIGIBLE CHILD
15 DURING THE TIME THE CHILD IS ENROLLED AS A FULL-TIME STUDENT,
16 PROVIDED THE CHILD MEETS ALL REQUIREMENTS FOR ADMISSION TO THE
17 COMMUNITY COLLEGE OR STATE-OWNED OR STATE-RELATED INSTITUTION
18 AND DURING THE CHILD'S ENROLLMENT COMPLIES WITH ALL REQUIREMENTS
19 OF THE INSTITUTION FOR CONTINUED ATTENDANCE AND AWARD OF AN
20 ASSOCIATE DEGREE OR A BACCALAUREATE DEGREE.

21 (D) (1) COPIES OF ALL POLICE OFFICER AND FIREFIGHTER DEATH
22 CERTIFICATIONS RECEIVED BY THE DEPARTMENT OF GENERAL SERVICES
23 UNDER THE ACT OF JUNE 24, 1976 (P.L.424, NO.101), REFERRED TO AS
24 THE EMERGENCY AND LAW ENFORCEMENT PERSONNEL DEATH BENEFITS ACT,
25 SHALL BE PROVIDED BY THE DEPARTMENT OF GENERAL SERVICES TO PHEAA
26 WITHIN TWENTY (20) DAYS OF THEIR RECEIPT.

27 (2) APPLICATIONS FOR AN EDUCATIONAL GRATUITY SHALL BE
28 SUBMITTED TO PHEAA BY THE CHILD OR THE SURVIVING PARENT OR
29 GUARDIAN OF THE CHILD, TOGETHER WITH A CERTIFIED COPY OF THE
30 CHILD'S BIRTH CERTIFICATE OR ADOPTION RECORD OR OTHER

1 DOCUMENTATION OF BIRTH OR ADOPTION ACCEPTABLE TO PHEAA. THE
2 APPLICATION SHALL INCLUDE A COPY OF THE CHILD'S LETTER OF
3 ACCEPTANCE AT A COMMUNITY COLLEGE OR A STATE-OWNED OR STATE-
4 RELATED INSTITUTION. IF NO DEATH CERTIFICATION HAS BEEN RECEIVED
5 FROM THE DEPARTMENT OF GENERAL SERVICES, PHEAA MAY ELECT TO
6 ACCEPT OTHER DOCUMENTATION CERTIFYING THAT THE CHILD'S PARENT
7 WAS A POLICE OFFICER OR FIREFIGHTER KILLED DURING THE
8 PERFORMANCE OF HIS OR HER DUTIES.

9 (3) WITHIN THIRTY (30) DAYS OF RECEIPT OF A COMPLETED
10 APPLICATION, PHEAA SHALL SEND WRITTEN NOTICE TO THE CHILD AND
11 THE COMMUNITY COLLEGE OR STATE-OWNED OR STATE-RELATED
12 INSTITUTION OF THE CHILD'S ELIGIBILITY OR NONELIGIBILITY FOR
13 PARTICIPATION IN THIS PROGRAM. IF THE CHILD IS DETERMINED NOT TO
14 BE ELIGIBLE FOR AN EDUCATIONAL GRATUITY, THE NOTICE SHALL
15 INCLUDE THE REASON OR REASONS FOR SUCH DETERMINATION AND AN
16 INDICATION THAT AN APPEAL OF PHEAA'S DETERMINATION MAY BE MADE
17 PURSUANT TO 2 PA.C.S. (RELATING TO ADMINISTRATIVE LAW AND
18 PROCEDURE).

19 (4) UPON RECEIPT OF NOTIFICATION OF THE CHILD'S ELIGIBILITY
20 FROM PHEAA, A COMMUNITY COLLEGE OR A STATE-OWNED OR STATE-
21 RELATED INSTITUTION IS PROHIBITED FROM CHARGING THE CHILD OR THE
22 CHILD'S PARENT OR GUARDIAN ANY TUITION FEE OR ROOM AND BOARD
23 CHARGE. IF MONEYS HAVE BEEN RECEIVED BY THE COMMUNITY COLLEGE OR
24 THE STATE-OWNED OR STATE-RELATED INSTITUTION FOR THESE PURPOSES,
25 THOSE MONEYS MUST BE REFUNDED IN FULL WITHIN THIRTY (30) DAYS OF
26 RECEIPT BY THE COMMUNITY COLLEGE OR THE STATE-OWNED OR STATE-
27 RELATED INSTITUTION OF THE NOTICE OF THE CHILD'S ELIGIBILITY.

28 (5) EACH COMMUNITY COLLEGE OR STATE-OWNED OR STATE-RELATED
29 INSTITUTION AT WHICH AN ELIGIBLE CHILD IS ENROLLED SHALL NOTIFY
30 PHEAA UPON THE CHILD'S GRADUATION OR WHEN THE CHILD IS NO LONGER

1 ENROLLED AT THE COMMUNITY COLLEGE OR STATE-OWNED OR STATE-
2 RELATED INSTITUTION.

3 SECTION 2603-I. REPORT TO GENERAL ASSEMBLY.--EACH YEAR AS
4 PART OF ITS BUDGET PRESENTATION TO THE GENERAL ASSEMBLY, PHEAA
5 SHALL PROVIDE A REPORT ON:

6 (1) THE NUMBER OF APPLICATIONS SUBMITTED DURING THE PRIOR
7 YEAR, INCLUDING NUMBERS OF APPLICATIONS APPROVED AND
8 DISAPPROVED.

9 (2) THE NUMBER OF CHILDREN CURRENTLY PARTICIPATING IN THIS
10 PROGRAM AT COMMUNITY COLLEGES OR STATE-OWNED OR STATE-RELATED
11 INSTITUTIONS.

12 (3) THE NUMBER OF PROGRAM PARTICIPANTS WHO HAVE COMPLETED
13 REQUIREMENTS FOR AN ASSOCIATE DEGREE OR A BACCALAUREATE DEGREE
14 DURING THE PRIOR YEAR.

15 (4) THE TOTAL NUMBER OF PROGRAM PARTICIPANTS WHO HAVE
16 RECEIVED AN ASSOCIATE DEGREE OR A BACCALAUREATE DEGREE SINCE THE
17 PROGRAM'S INCEPTION.

18 (5) THE NUMBER OF PROGRAM PARTICIPANTS WHO WERE APPROVED FOR
19 AN EDUCATIONAL GRATUITY BUT WHO NEVER OBTAINED AN ASSOCIATE
20 DEGREE OR A BACCALAUREATE DEGREE.

21 SECTION 2604-I. REGULATIONS.--PHEAA SHALL, IN THE MANNER
22 PROVIDED BY LAW, PROMULGATE THE RULES AND REGULATIONS NECESSARY
23 TO CARRY OUT THIS ARTICLE.

24 SECTION 2605-I. SEVERABILITY.--THE PROVISIONS OF THIS
25 ARTICLE ARE SEVERABLE. IF ANY PROVISION OF THIS ARTICLE OR ITS
26 APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE
27 INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF
28 THIS ARTICLE WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID
29 PROVISION OR APPLICATION.

30 SECTION 2606-I. RETROACTIVITY.--THIS ARTICLE SHALL BE

1 RETROACTIVE TO JANUARY 1, 1976, AND THE BENEFIT PROVIDED SHALL
2 BE AVAILABLE TO QUALIFIED CHILDREN OF POLICE OFFICERS AND
3 FIREFIGHTERS OF THIS COMMONWEALTH KILLED IN THE PERFORMANCE OF
4 THEIR DUTIES SINCE THAT DATE. NO COMMUNITY COLLEGE, STATE-OWNED
5 OR STATE-RELATED INSTITUTION SHALL REIMBURSE QUALIFIED CHILDREN
6 FOR TUITION AND FEES OR ROOM AND BOARD CHARGES PAID BETWEEN
7 JANUARY 1, 1976, AND THE EFFECTIVE DATE OF THIS ARTICLE.

8 SECTION 10. THE AMENDMENT OF SECTION 102(4) OF THE ACT SHALL
9 BE RETROACTIVE TO JULY 1, 1997.

10 SECTION 11. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.