

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 123 Session of 1997

INTRODUCED BY MOWERY, SALVATORE, HART, TOMLINSON, JUBELIRER, AFFLERBACH, THOMPSON, MUSTO, KASUNIC, RHOADES, HELFRICK, DELP AND PICCOLA, JANUARY 21, 1997

SENATOR RHOADES, EDUCATION, AS AMENDED, JUNE 2, 1997

AN ACT

1 ~~Establishing the Basic Education — Higher Education Science Partnership Program; creating the Basic Education — Higher Education Science Partnership Advisory Committee; providing for business tax credits; and making an appropriation.~~ <—

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16 PROVIDING FOR A FEASIBILITY STUDY RELATING TO THE ESTABLISHMENT <—
17 OF A PENNSYLVANIA SCIENCE PARTNERSHIP PROGRAM.

18 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

19 (1) A WELL-TRAINED AND WELL-EDUCATED WORK FORCE IS
20 ESSENTIAL TO THE ECONOMIC WELL-BEING OF THIS COMMONWEALTH.

21 (2) MANY OF THE FASTEST GROWING SECTORS OF THE ECONOMY
22 ARE IN AREAS WHICH REQUIRE TECHNICAL COMPETENCE AND AN
23 EDUCATIONAL BACKGROUND THAT INCLUDES A SOLID FOUNDATION IN
24 THE CHEMICAL, PHYSICAL, BIOLOGICAL AND EARTH SCIENCES.

25 (3) MANY SCHOOLS IN THIS COMMONWEALTH DO NOT HAVE THE
26 FINANCIAL RESOURCES TO PROVIDE THEIR STUDENTS WITH THE
27 ADVANCED SCIENCE CURRICULUM NEEDED FOR THE WORKPLACES AND
28 HIGH TECHNOLOGY INDUSTRIES OF THE 21ST CENTURY. SHARING
29 RESOURCES IS A COST-EFFECTIVE AND PROVEN METHOD OF ENSURING
30 THAT ALL OF THIS COMMONWEALTH'S SCHOOL CHILDREN HAVE ACCESS

1 TO A HIGH-QUALITY SCIENCE CURRICULUM THAT PROVIDES HANDS-ON
2 EXPERIENCE WITH MODERN AND SOPHISTICATED SCIENTIFIC AND
3 TECHNICAL EQUIPMENT.

4 (4) SIGNIFICANT OPPORTUNITIES EXIST FOR COLLABORATION
5 BETWEEN THE BASIC EDUCATION AND HIGHER EDUCATION SYSTEMS OF
6 THIS COMMONWEALTH TO ENHANCE THE EDUCATION OF THIS
7 COMMONWEALTH'S SCHOOL CHILDREN.

8 (5) STUDENTS NEED THE OPPORTUNITY TO LEARN SCIENCE BY
9 PRACTICING SCIENCE. THIS COMMONWEALTH MUST GRADUATE STUDENTS
10 WHO ARE MORE SCIENTIFICALLY LITERATE AND WHO ARE BETTER ABLE
11 TO PURSUE CAREERS AND JOBS IN FIELDS THAT REQUIRE SUCH
12 LITERACY.

13 (6) TEACHERS WHO ARE THE ONLY PHYSICS OR CHEMISTRY
14 TEACHER IN THEIR SCHOOL NEED NOT WORK IN ISOLATION.

15 (7) TEACHERS REQUIRE GREATER OPPORTUNITIES FOR
16 PROFESSIONAL DEVELOPMENT IN SCIENCE, INCLUDING TRAINING TO
17 INCORPORATE NEW SCIENCE EQUIPMENT INTO THE TEACHING
18 CURRICULA.

19 (8) IT IS THEREFORE THE INTENT OF THE GENERAL ASSEMBLY
20 AND THE PURPOSE OF THIS ACT TO DIRECT THE DEPARTMENT OF
21 EDUCATION TO EXAMINE THE FEASIBILITY OF ESTABLISHING THE
22 PENNSYLVANIA SCIENCE PARTNERSHIP PROGRAM TO PROVIDE ENHANCED
23 EDUCATIONAL OPPORTUNITIES IN THE FIELDS OF SCIENCE TO THIS
24 COMMONWEALTH'S SCHOOL CHILDREN, ESPECIALLY CHILDREN ATTENDING
25 SCHOOLS THAT DO NOT HAVE THE FINANCIAL RESOURCES TO PROVIDE
26 AN ENRICHED SCIENCE CURRICULUM.

27 The General Assembly of the Commonwealth of Pennsylvania
28 hereby enacts as follows:

29 ~~Section 1. Short title.~~

30 ~~This act shall be known and may be cited as the Basic~~

<—

1 ~~Education and Higher Education Science Partnership Act.~~

2 ~~Section 2. Declaration of policy.~~

3 ~~(a) Findings. The General Assembly finds and declares as~~
4 ~~follows:~~

5 ~~(1) A well trained and well educated work force is~~
6 ~~essential to the economic well being of this Commonwealth.~~

7 ~~(2) Many of the fastest growing sectors of the economy~~
8 ~~are in areas which require technical competence and an~~
9 ~~educational background that includes a solid foundation in~~
10 ~~the chemical, physical, biological and earth sciences.~~

11 ~~(3) Many schools in this Commonwealth do not have the~~
12 ~~financial resources to provide their students with the~~
13 ~~advanced science curriculum needed for the workplaces and~~
14 ~~high technology industries of the 21st century.~~

15 ~~(4) Sharing resources is a cost effective and proven~~
16 ~~method of ensuring that all of this Commonwealth's school~~
17 ~~children have access to a high quality science curriculum~~
18 ~~that provides hands on experience with modern and~~
19 ~~sophisticated scientific and technical equipment and that~~
20 ~~provides teachers with the training and education they need~~
21 ~~to incorporate the use of these types of equipment into their~~
22 ~~teaching curricula.~~

23 ~~(5) Significant opportunities exist for collaboration~~
24 ~~between the basic education and higher education systems of~~
25 ~~this Commonwealth to enhance the education of this~~
26 ~~Commonwealth's school children.~~

27 ~~(b) Intent. It is the intent of the General Assembly and~~
28 ~~the purpose of this act to establish the Basic Education—~~
29 ~~Higher Education Science Partnership Program to provide enhanced~~
30 ~~educational opportunities in the fields of science to this~~

1 Commonwealth's school children, especially children attending
2 schools that do not have the financial resources to provide an
3 enriched science curriculum.

4 Section 3. Definitions.

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

8 "Basic education." Education provided by the elementary and
9 secondary schools of this Commonwealth.

10 "Business entity." A corporation having capital stock,
11 joint stock association or limited partnership, either organized
12 under the laws of the United States, this Commonwealth or any
13 other state, territory or foreign country or dependency, and
14 doing business in this Commonwealth, or having capital or
15 property employed or used in this Commonwealth by or in the name
16 of itself or any person, partnership, association, limited
17 partnership, joint stock association or corporation and subject
18 to taxes under Article IV or VI of the act of March 4, 1971
19 (P.L.6, No.2), known as the Tax Reform Code of 1971. The term
20 shall also include businesses operating as Pennsylvania S
21 corporations, sole proprietorships or partnerships that are
22 subject to taxes under Article III of the Tax Reform Code of
23 1971 and building and loan associations, banks, bank and trust
24 companies, national banks, savings institutions, trust companies
25 and insurance and surety companies that are subject to taxes
26 under Article VI, VII, VII A, VIII, VIII A, IX, X or XV of the
27 Tax Reform Code of 1971.

28 "Computer equipment." A data processor which can be
29 programmed in at least two standard computer languages, which
30 has a random access memory with a capacity for at least 32,000

~~1 bytes and is or can be used connected to a screen for visual
2 display of data and information. The term includes display
3 screens or monitors, printers, disk drives, including CD-ROM
4 (compact disk read only memory) drives or readers, networking
5 and computer hardware and software to enable local area
6 networking (LAN), wide area networking (WAN) and Internet
7 capabilities, installation costs and software, if donated with a
8 data processor or that can be used to enhance a school's
9 existing computer resources or capabilities.~~

~~10 "Computer software."—Computer programs and instruction in
11 the use of the program donated by a business entity.~~

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

~~14 "Donated equipment."—Computer, scientific or technical
15 equipment given to a basic education—higher education science
16 partnership solely for educational purposes and not transferred
17 for money, property, services or other consideration. The
18 original use of the equipment immediately after the donation
19 shall be by the donee.~~

~~20 "Donated services."—Labor donated by an individual to a
21 basic education higher education science partnership used either
22 in classroom instruction or training to classroom teachers
23 participating in the Basic Education—Higher Education Science
24 Partnership Program, provided that the individual is an employee
25 of a business entity and has donated the labor with the
26 knowledge and assent of that business entity. Donated labor
27 shall include, but not be limited to, instruction and training
28 on the use of the donated equipment, installation of the donated
29 equipment and any necessary modifications to a school classroom
30 or school facility, including, but not limited to, rewiring of~~

1 ~~the electrical system, in order for the donated equipment to~~
2 ~~function.~~

3 ~~"Donated supplies."—Chemicals and other materials used in~~
4 ~~conducting scientific experiments or in conjunction with~~
5 ~~scientific or technical equipment, including, but not limited~~
6 ~~to, safety glasses, beakers, graduated cylinders and other~~
7 ~~scientific glassware.~~

8 ~~"Higher education institution."—Any public or private two-~~
9 ~~year or four year or higher postsecondary institution in this~~
10 ~~Commonwealth that has been accredited at the college level by an~~
11 ~~accrediting agency recognized by the United States Secretary of~~
12 ~~Education.~~

13 ~~"Market value."—The retail sale price of computer,~~
14 ~~scientific or technical equipment.~~

15 ~~"Participating school and school district."—A public school~~
16 ~~or school district that elects to participate in the Basic~~
17 ~~Education—Higher Education Science Partnership Program.~~

18 ~~"Program."—The Basic Education—Higher Education Science~~
19 ~~Partnership Program created under this act.~~

20 ~~"Residual value."—The difference between the market price of~~
21 ~~the donated equipment and any depreciation allowances which have~~
22 ~~been authorized for the equipment.~~

23 ~~"Scientific or technical equipment."—Technical or electronic~~
24 ~~equipment used in teaching science courses, including laboratory~~
25 ~~equipment which is not older than five years. The equipment may~~
26 ~~include equipment that is routinely used in the teaching of~~
27 ~~science and equipment that is not routinely used in the teaching~~
28 ~~of a science curriculum but that is commonly used in the~~
29 ~~workplaces and fields of health, the environment, scientific~~
30 ~~research, biology, chemistry, geology or other earth sciences,~~

1 ~~physics or other scientific field, and which can be used by a~~
2 ~~basic education—higher education science partnership to~~
3 ~~significantly enhance the teaching of and students' exposure to~~
4 ~~science.~~

5 ~~"Secretary."—The Secretary of Education of the Commonwealth.~~
6 ~~Section 4.—Establishment of Basic Education—Higher Education~~
7 ~~Science Partnership Program.~~

8 ~~There is hereby established the Basic Education—Higher~~
9 ~~Education Science Partnership Program to augment and complement~~
10 ~~the science curriculum provided by the public schools of this~~
11 ~~Commonwealth.~~

12 ~~Section 5.—School collaborative regions.~~

13 ~~The department shall divide this Commonwealth into six~~
14 ~~contiguous school collaborative regions that have approximately~~
15 ~~an equal number of school children for administration of the~~
16 ~~Basic Education—Higher Education Science Partnership Program.~~

17 ~~Section 6.—Voluntary participation.~~

18 ~~Participation by school districts in the program shall be~~
19 ~~voluntary. A nonparticipating school district may not prohibit~~
20 ~~any school within the school district from participating in the~~
21 ~~program.~~

22 ~~Section 7.—Request for proposals.~~

23 ~~The department shall solicit proposals from higher education~~
24 ~~institutions within each school collaborative region for the~~
25 ~~implementation and operation of the Basic Education—Higher~~
26 ~~Education Science Partnership Program. Each proposal shall state~~
27 ~~the manner in which the higher education institution will~~
28 ~~provide a science program that strengthens and enhances the~~
29 ~~science curricula being taught at the participating schools and~~
30 ~~school districts in the school collaborative region, including,~~

1 ~~but not limited to, the field or fields of science that will be~~
2 ~~covered, the manner in which access to modern and sophisticated~~
3 ~~scientific and technical equipment will be provided to students~~
4 ~~and teachers in participating schools and school districts that~~
5 ~~may include the use of mobile vans which travel from school to~~
6 ~~school on a scheduled basis, the grade level or levels of~~
7 ~~instruction and the professional development activities that~~
8 ~~will be provided to upgrade the knowledge and skills of science~~
9 ~~teachers in participating schools and school districts. A higher~~
10 ~~education institution may enter into an agreement with one or~~
11 ~~more private or nonprofit entities for the provision of all or~~
12 ~~part of the science program.~~

13 ~~Section 8. Formation of basic education—higher education~~
14 ~~science partnerships.~~

15 ~~The participating schools and school districts within each~~
16 ~~school collaborative region shall select the higher education~~
17 ~~institution with which they will form a basic education—higher~~
18 ~~education science partnership from among the proposals received~~
19 ~~by the department from the higher education institutions within~~
20 ~~the region. In the event that no higher education institution~~
21 ~~within a school collaborative region submits a proposal or the~~
22 ~~proposal or proposals that are submitted are not acceptable to~~
23 ~~the participating schools and school districts, the schools and~~
24 ~~school districts may petition a higher education institution~~
25 ~~located outside the region to form a partnership.~~

26 ~~Section 9. State funding.~~

27 ~~The Commonwealth shall annually provide \$50 per student~~
28 ~~receiving science instruction through a basic education—higher~~
29 ~~education science partnership for each participating school~~
30 ~~district or participating school within a nonparticipating~~

1 ~~school district with a market value/personal income aid ratio of~~
2 ~~0.5000 or greater. Participating school districts and~~
3 ~~participating schools located in nonparticipating school~~
4 ~~districts with a market value/personal income aid ratio of less~~
5 ~~than 0.5000 and nonpublic schools that seek to belong to a basic~~
6 ~~education—higher education science partnership shall pay the~~
7 ~~department \$50 per student receiving science instruction through~~
8 ~~a science partnership program to help defray the cost of the~~
9 ~~program.~~

10 ~~Section 10.—Grants and other funding sources.~~

11 ~~The department shall provide assistance, when necessary, to~~
12 ~~participating schools and school districts and their higher~~
13 ~~education partners to obtain additional funding for the program~~
14 ~~from governmental, corporate or private sources in the form of~~
15 ~~grants, donations or other funding mechanisms.~~

16 ~~Section 11.—Basic Education—Higher Education Science~~
17 ~~Partnership Advisory Committee.~~

18 ~~There is hereby created the Basic Education—Higher~~
19 ~~Education Science Partnership Advisory Committee. The committee~~
20 ~~shall consist of 15 members, as follows:~~

21 ~~(1) The Secretary of Education or his designee.~~

22 ~~(2) Two representatives designated by participating~~
23 ~~schools and school districts from each of the school~~
24 ~~collaborative regions.~~

25 ~~(3) One member of the Council of Basic Education.~~

26 ~~(4) One member of the Council of Higher Education.~~

27 ~~The committee shall establish standards for the implementation~~
28 ~~and operation of the Basic Education—Higher Education Science~~
29 ~~Partnership Program.~~

30 ~~Section 12.—Meetings and chairperson.~~

1 ~~The secretary shall convene the first meeting of the~~
2 ~~committee within three months of the effective date of this act.~~
3 ~~Meetings of the committee shall be held at least quarterly or at~~
4 ~~the call of the chairperson. A chairperson shall be chosen by a~~
5 ~~majority vote of the advisory committee members present at the~~
6 ~~first regularly scheduled meeting.~~

7 ~~Section 13.— Compensation and expenses.~~

8 ~~Committee members shall be entitled to no compensation for~~
9 ~~their services as members, but shall be entitled to~~
10 ~~reimbursement for all necessary expenses incurred in connection~~
11 ~~with the performance of their duties as members of the~~
12 ~~committee.~~

13 ~~Section 14.— Support.~~

14 ~~The department shall provide the appropriate administrative~~
15 ~~and technical support needed by the committee in order to~~
16 ~~fulfill its responsibilities.~~

17 ~~Section 15.— Powers and duties of department.~~

18 ~~The department has the power and its duty shall be to adopt~~
19 ~~rules, regulations, procedures and forms that may be necessary~~
20 ~~to implement the Basic Education—Higher Education Science~~
21 ~~Partnership Program established under this act.~~

22 ~~Section 16.— Business tax credit for donated equipment or~~
23 ~~supplies authorized.~~

24 ~~There is hereby authorized a business tax credit for~~
25 ~~computer, scientific or technical equipment, computer software~~
26 ~~or services or supplies that have been donated and approved for~~
27 ~~use by a basic education—higher education science partnership.~~
28 ~~A business entity shall be entitled to a credit against taxes~~
29 ~~imposed under Article III, IV, VI, VII, VII A, VIII, VIII A, IX,~~
30 ~~X or XV of the act of March 4, 1971 (P.L.6, No.2), known as the~~

1 ~~Tax Reform Code of 1971, or any tax substituted in lieu thereof,~~
2 ~~for the tax year in which any computer, scientific or technical~~
3 ~~equipment, computer software or supplies were donated for use by~~
4 ~~a basic education—higher education science partnership. The~~
5 ~~credit shall be calculated as follows:~~

6 ~~(1) For new computer, scientific or technical equipment,~~
7 ~~50% of the market value.~~

8 ~~(2) For used computer equipment or used scientific or~~
9 ~~technical equipment that is two years old or less, 50% of the~~
10 ~~residual value.~~

11 ~~(3) For used computer equipment or used scientific or~~
12 ~~technical equipment that is more than two years old but less~~
13 ~~than five years old, 25% of the residual value.~~

14 ~~(4) For computer software, 50% of the actual acquisition~~
15 ~~cost of the software.~~

16 ~~(5) For supplies, 25% of the actual acquisition cost.~~

17 ~~(6) For service donations, 50% of the wages or salary of~~
18 ~~the employee whose labor has been donated.~~

19 ~~Section 17. Note of donation.~~

20 ~~In accordance with regulations adopted by the Department of~~
21 ~~Revenue, the business entity shall submit a note of donation~~
22 ~~which shall include the following:~~

23 ~~(1) A description of the donated equipment, computer~~
24 ~~software, supplies or services.~~

25 ~~(2) An appraisal of the value of the donated equipment,~~
26 ~~computer software, supplies or services.~~

27 ~~(3) A statement by the donee that the donated equipment,~~
28 ~~computer software, supplies or services have been received~~
29 ~~and verifying that the equipment, computer software, supplies~~
30 ~~or services will be used by a basic education—higher~~

1 ~~education science partnership.~~

2 ~~(4) An affidavit by the donee that no special~~
3 ~~consideration was made in exchange for the donation.~~

4 ~~Section 18. Limit on total credit.~~

5 ~~The following limits are imposed on the tax credits made~~
6 ~~available under this act:~~

7 ~~(1) The total tax credit that may be claimed by any~~
8 ~~single business entity shall not exceed \$150,000 in any one~~
9 ~~year.~~

10 ~~(2) The total amount of all tax credits authorized under~~
11 ~~this act shall not exceed \$5,000,000 in any one fiscal year.~~

12 ~~Section 19. Unused credit.~~

13 ~~Any portion of a tax credit that remains unused during a~~
14 ~~business entity's fiscal year may be applied against the tax~~
15 ~~imposed under Article IV, VI, VII, VII A, VIII, VIII A, IX, X or~~
16 ~~XV of the act of March 4, 1971 (P.L.6, No.2), known as the Tax~~
17 ~~Reform Code of 1971, or any tax substituted in lieu thereof, for~~
18 ~~the ensuing five fiscal years.~~

19 ~~Section 20. Powers and duties of Department of Revenue.~~

20 ~~The Department of Revenue has the power and its duty shall be~~
21 ~~to adopt rules, regulations, procedures and forms that may be~~
22 ~~necessary to implement the business tax credit program~~
23 ~~authorized under this act.~~

24 ~~Section 21. Reports.~~

25 ~~The department shall file an annual report with the Governor~~
26 ~~and with the chairman of the Education Committee of the Senate~~
27 ~~and the chairman of the Education Committee of the House of~~
28 ~~Representatives on the Basic Education — Higher Education~~
29 ~~Science Partnership Program by September 1 of each year. The~~
30 ~~report shall describe the types of science partnerships created,~~

1 ~~the number of schools and school districts and elementary and~~
2 ~~secondary education students participating in the program, a~~
3 ~~detailed breakdown of the costs of the program and the impact of~~
4 ~~the program on the level of scientific knowledge of school~~
5 ~~children.~~

6 ~~Section 22. Appropriation.~~

7 ~~The sum of \$5,600,000, or as much thereof as may be~~
8 ~~necessary, is hereby appropriated to the Department of Education~~
9 ~~for fiscal year July 1, 1997, to June 30, 1998, and each year~~
10 ~~thereafter, to effectuate the purposes of this act.~~

11 ~~Section 23. Expiration.~~

12 ~~This act shall expire June 30, 2002, unless extended by the~~
13 ~~General Assembly.~~

14 ~~Section 24. Effective date.~~

15 ~~This act shall take effect in 60 days.~~

16 SECTION 1. DEFINITIONS.

<—

17 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
18 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
19 CONTEXT CLEARLY INDICATES OTHERWISE:

20 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
21 COMMONWEALTH.

22 "HIGHER EDUCATION INSTITUTION." ANY PUBLIC OR PRIVATE TWO-
23 YEAR OR FOUR-YEAR OR HIGHER POSTSECONDARY INSTITUTION IN THIS
24 COMMONWEALTH THAT HAS BEEN ACCREDITED AT THE COLLEGE LEVEL BY AN
25 ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES SECRETARY OF
26 EDUCATION, OR EQUIVALENT.

27 SECTION 2. REPORTS.

28 THE DEPARTMENT SHALL FILE A REPORT WITH THE GOVERNOR AND WITH
29 THE CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE AND THE
30 CHAIRMAN OF THE EDUCATION COMMITTEE OF THE HOUSE OF

1 REPRESENTATIVES ON THE FEASIBILITY OF ESTABLISHING A
2 PENNSYLVANIA SCIENCE PARTNERSHIP PROGRAM BY JANUARY 1, 1998. THE
3 REPORT SHALL DESCRIBE THE TYPES OF SCIENCE PARTNERSHIPS CREATED
4 IN SELECTED COMMUNITIES OF THIS COMMONWEALTH, TO BE DETERMINED
5 BY THE SECRETARY OF EDUCATION. AT A MINIMUM, PROGRAMS OF THIS
6 TYPE IN PHILADELPHIA, PITTSBURGH AND AT JUNIATA COLLEGE AND
7 LEBANON VALLEY COLLEGE SHALL BE EXAMINED. THE DEPARTMENT SHALL
8 CONSIDER THE BENEFITS OF THE PARTNERSHIP AND THE INVOLVEMENT OF
9 SCHOOL DISTRICTS, HIGHER EDUCATION INSTITUTIONS AND SCIENCE
10 MUSEUMS. THE DEPARTMENT SHALL SURVEY SCHOOL DISTRICTS TO
11 DETERMINE THE NUMBER OF ELEMENTARY AND SECONDARY EDUCATION
12 STUDENTS PARTICIPATING IN VARIOUS SCIENCE PROGRAMS, A DETAILED
13 BREAKDOWN OF THE COSTS OF THESE PROGRAMS AND THE IMPACT OF THE
14 PROGRAMS ON THE LEVEL OF SCIENTIFIC KNOWLEDGE OF SCHOOL
15 CHILDREN.
16 SECTION 3. EFFECTIVE DATE.
17 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.