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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 123**      Session of  
1997

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

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 11, 1997

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AN ACT

1 Providing for a feasibility study relating to the establishment  
2 of a Pennsylvania Science Partnership Program; PROVIDING FOR ←  
3 A PROGRAM OF RESIDENTIAL EDUCATION FOR AT-RISK SECONDARY  
4 STUDENTS; ESTABLISHING THE PENNSYLVANIA RESIDENTIAL EDUCATION  
5 BOARD AND THE RESIDENTIAL EDUCATION SUPPORT FUND; AND MAKING  
6 APPROPRIATIONS.

7 The General Assembly finds and declares as follows:

8 (1) A well-trained and well-educated work force is  
9 essential to the economic well-being of this Commonwealth.

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

14 (3) Sharing resources is a cost-effective and proven  
15 method of ensuring that all of this Commonwealth's school  
16 children have access to a high-quality science curriculum  
17 that provides hand-on experience with modern and  
18 sophisticated scientific and technical equipment to prepare

1 students for the high technology demands of the 21st century.

2 (4) Significant opportunities exist for collaboration  
3 between the basic education and higher education systems of  
4 this Commonwealth to enhance the education of this  
5 Commonwealth's school children.

6 (5) Students need the opportunity to learn science by  
7 practicing science. This Commonwealth must graduate students  
8 who are more scientifically literate and who are better able  
9 to pursue careers and jobs in fields that require such  
10 literacy.

11 (6) Teachers who are the only physics or chemistry  
12 teacher in their school need not work in isolation.

13 (7) Teachers require greater opportunities for  
14 professional development in science, including training to  
15 incorporate new science equipment into the teaching  
16 curricula.

17 (8) It is therefore the intent of the General Assembly  
18 and ~~the~~ A purpose of this act to direct the Department of ←  
19 Education to examine the feasibility of establishing the  
20 Pennsylvania Science Partnership Program to provide enhanced  
21 educational opportunities in the fields of science to this  
22 Commonwealth's school children, especially children attending  
23 schools that do not have the financial resources to provide  
24 an enriched science curriculum.

25 (9) A SUBSTANTIAL PROPORTION OF THE CHILDREN OF THIS ←  
26 COMMONWEALTH IN LOW-INCOME FAMILIES ARE GROWING UP UNDER THE  
27 THREAT OF HAVING THEIR FUTURES BLIGHTED BY THE SCOURGES OF  
28 DRUGS AND VIOLENT CRIME, PARTICULARLY IN OUR URBAN SCHOOL  
29 DISTRICTS.

30 (10) AT-RISK CHILDREN MAY STAND A BETTER CHANCE OF

1 BECOMING PRODUCTIVE AND WELL-ADJUSTED CITIZENS IF THEY HAVE  
2 THE OPPORTUNITY TO BE EDUCATED AT AN ALTERNATIVE FACILITY  
3 THAT OFFERS A RESIDENTIAL PROGRAM, SINCE SUCH A PROGRAM WILL  
4 PROVIDE A SECURE AND NUTURING ENVIRONMENT THAT PROMOTES  
5 LEARNING.

6 (11) A RESIDENTIAL SCHOOL PROGRAM CAN SUCCEED ONLY WITH  
7 THE COOPERATION AND SUPPORT OF THE CHILD'S PARENTS.

8 (12) PUBLIC FUNDING MAY ENCOURAGE PRIVATE PROVIDERS TO  
9 CREATE NEW RESIDENTIAL EDUCATION OR OPEN UP EXISTING  
10 RESIDENTIAL EDUCATION TO AT-RISK CHILDREN.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 CHAPTER 1  
14 FEASIBILITY STUDY OF PENNSYLVANIA  
15 SCIENCE PARTNERSHIP PROGRAM

16 SECTION 1. DEFINITIONS.

17 SECTION 2. REPORTS.

18 Section 1. Definitions.

19 The following words and phrases when used in this ~~act~~ CHAPTER  
20 shall have the meanings given to them in this section unless the  
21 context clearly indicates otherwise:

22 "Department." The Department of Education of the  
23 Commonwealth.

24 "Higher education institution." Any public or private two-  
25 year or four-year or higher postsecondary institution in this  
26 Commonwealth that has been accredited at the college level by an  
27 accrediting agency recognized by the United States Secretary of  
28 Education, or equivalent.

29 Section 2. Reports.

30 The department shall file a report with the Governor and with

1 the chairman and minority chairman of the Education Committee of  
2 the Senate and the chairman and minority chairman of the  
3 Education Committee of the House of Representatives on the  
4 feasibility of establishing a Pennsylvania Science Partnership  
5 Program by January 1, 1998. The report shall describe the types  
6 of science partnerships created in selected communities of this  
7 Commonwealth, to be determined by the Secretary of Education. At  
8 a minimum, programs of this type in Philadelphia, Pittsburgh and  
9 at Juniata College and Lebanon Valley College shall be examined.  
10 The department shall consider the benefits of the partnership  
11 and the involvement of school districts, higher education  
12 institutions and science museums. The department shall survey  
13 school districts to determine the number of elementary and  
14 secondary education students participating in various science  
15 programs, a detailed breakdown of the costs of these programs  
16 and the impact of the programs on the level of scientific  
17 knowledge of school children.

18 ~~Section 3. Effective date.~~ <—

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

20 CHAPTER 2 <—

21 RESIDENTIAL EDUCATION

22 SECTION 11. SHORT TITLE OF CHAPTER.

23 SECTION 12. DEFINITIONS.

24 SECTION 13. LEGISLATIVE PURPOSE.

25 SECTION 14. PENNSYLVANIA RESIDENTIAL EDUCATION BOARD.

26 SECTION 15. POWERS AND DUTIES.

27 SECTION 16. ELIGIBILITY AND APPLICATIONS.

28 SECTION 17. RESIDENTIAL EDUCATION PROGRAMS.

29 SECTION 18. AWARD OF CONTRACTS.

30 SECTION 19. RESIDENTIAL EDUCATION SUPPORT FUND.

1 SECTION 20. TUITION CHARGES.

2 SECTION 21. REPORTS.

3 SECTION 22. APPOINTMENTS.

4 SECTION 23. APPROPRIATION.

5 SECTION 24. EFFECTIVE DATE.

6 SECTION 11. SHORT TITLE OF CHAPTER.

7 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE  
8 RESIDENTIAL EDUCATION ACT.

9 SECTION 12. DEFINITIONS.

10 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
11 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
12 CONTEXT CLEARLY INDICATES OTHERWISE:

13 "AFDC." THE AID TO FAMILIES WITH DEPENDENT CHILDREN  
14 PROVISIONS OF TITLE IV OF THE SOCIAL SECURITY ACT (49 STAT. 620,  
15 42 U.S.C. § 601 ET SEQ.).

16 "BOARD." THE PENNSYLVANIA RESIDENTIAL EDUCATION BOARD  
17 ESTABLISHED BY THIS CHAPTER.

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

25 (1) DISREGARD OF SCHOOL AUTHORITY, INCLUDING PERSISTENT  
26 VIOLATION OF SCHOOL POLICY AND RULES.

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

29 (3) VIOLENT OR THREATENING BEHAVIOR.

30 (4) POSSESSION OF A WEAPON ON SCHOOL PROPERTY, AS

1       DEFINED UNDER 18 PA.C.S. § 912 (RELATING TO POSSESSION OF  
2       WEAPON ON SCHOOL PROPERTY).

3           (5)   COMMISSION OF A CRIMINAL ACT ON SCHOOL PROPERTY.

4           (6)   MISCONDUCT THAT WOULD MERIT SUSPENSION OR EXPULSION  
5       UNDER SCHOOL POLICY.

6           (7)   HABITUAL TRUANCY.

7 NO STUDENT WHO IS ELIGIBLE FOR SPECIAL EDUCATION SERVICES  
8 PURSUANT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT  
9 (PUBLIC LAW 91-230, 20 U.S.C. § 1400 ET SEQ.) SHALL BE DEEMED A  
10 DISRUPTIVE STUDENT FOR THE PURPOSES OF THIS CHAPTER, EXCEPT AS  
11 PROVIDED FOR BY THE DEPARTMENT OF EDUCATION BY APPLICABLE  
12 REGULATIONS.

13       "ELIGIBLE STUDENT." A STUDENT ACCEPTED INTO THE PROGRAM  
14 ESTABLISHED BY THIS CHAPTER PURSUANT TO SECTION 16.

15       "FUND." THE RESIDENTIAL EDUCATION SUPPORT FUND ESTABLISHED  
16 BY SECTION 19.

17       "HIGH SCHOOL TUITION CHARGE." THE AMOUNT COMPUTED UNDER  
18 SECTION 2561(3) OF THE PUBLIC SCHOOL CODE, APPLICABLE TO PUPILS  
19 ATTENDING JUNIOR AND SENIOR HIGH SCHOOL.

20       "INDEPENDENT AGENCY." AS DEFINED IN 42 PA.C.S. § 102  
21 (RELATING TO DEFINITIONS).

22       "PARENT." INCLUDES A GUARDIAN OR PERSON IN LOCO PARENTIS.

23       "PUBLIC SCHOOL CODE." THE PROVISIONS OF THE ACT OF MARCH 10,  
24 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949.

25       "RESIDENTIAL SCHOOL." A SCHOOL THAT OFFERS A PROGRAM OF  
26 SECONDARY EDUCATION TO STUDENTS WHO RESIDE ON SCHOOL PROPERTY.  
27 THE TERM DOES NOT INCLUDE A HOME EDUCATION PROGRAM PROVIDED  
28 PURSUANT TO SECTION 1327.1 OF THE PUBLIC SCHOOL CODE.

29       "SCHOOL." ANY PUBLIC OR NONPUBLIC SECONDARY SCHOOL LOCATED  
30 WITHIN THIS COMMONWEALTH WHERE A COMMONWEALTH RESIDENT MAY

1 LEGALLY FULFILL THE COMPULSORY SCHOOL ATTENDANCE REQUIREMENTS  
2 AND WHICH MEETS THE APPLICABLE REQUIREMENTS OF TITLE VI OF THE  
3 CIVIL RIGHTS ACT OF 1964 (PUBLIC LAW 88-352, 78 STAT. 241).

4 "SECRETARY." THE SECRETARY OF EDUCATION OF THE COMMONWEALTH.  
5 SECTION 13. LEGISLATIVE PURPOSE.

6 THE PURPOSE OF THIS CHAPTER IS TO FACILITATE THE  
7 ESTABLISHMENT OF RESIDENTIAL SECONDARY SCHOOLS IN WHICH AT-RISK  
8 CHILDREN MAY OBTAIN THEIR EDUCATION IN A SAFE, HEALTHY AND  
9 NURTURING ENVIRONMENT.

10 SECTION 14. PENNSYLVANIA RESIDENTIAL EDUCATION BOARD.

11 (A) ESTABLISHMENT.--THERE IS HEREBY ESTABLISHED AN  
12 INDEPENDENT AGENCY WHICH SHALL BE KNOWN AS THE PENNSYLVANIA  
13 RESIDENTIAL EDUCATION BOARD.

14 (B) PURPOSE.--THE PURPOSE OF THE BOARD SHALL BE TO PROVIDE  
15 FOR THE EDUCATION OF THE ELIGIBLE STUDENTS.

16 (C) BOARD OF DIRECTORS.--THE BOARD SHALL BE GOVERNED AND ITS  
17 CORPORATE POWERS SHALL BE EXERCISED BY A BOARD OF DIRECTORS,  
18 WHICH SHALL CONSIST OF 15 MEMBERS, INCLUDING THE SECRETARY AND  
19 THE SECRETARY OF PUBLIC WELFARE, FIVE MEMBERS APPOINTED BY THE  
20 GOVERNOR, TWO MEMBERS APPOINTED BY THE PRESIDENT PRO TEMPORE OF  
21 THE SENATE, TWO MEMBERS APPOINTED BY THE MINORITY LEADER OF THE  
22 SENATE, TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF  
23 REPRESENTATIVES AND TWO MEMBERS APPOINTED BY THE MINORITY LEADER  
24 OF THE HOUSE OF REPRESENTATIVES. THE TERM OF OFFICE FOR EACH  
25 MEMBER OTHER THAN THE SECRETARY AND THE SECRETARY OF PUBLIC  
26 WELFARE SHALL BE FOUR YEARS FROM HIS OR HER APPOINTMENT OR UNTIL  
27 A SUCCESSOR HAS BEEN DULY APPOINTED AND QUALIFIED, BUT NO LONGER  
28 THAN SIX MONTHS BEYOND THE FOUR-YEAR PERIOD. THREE OF THE  
29 MEMBERS APPOINTED BY THE GOVERNOR AND ONE OF THE MEMBERS  
30 APPOINTED BY EACH OF THE OFFICERS OF THE GENERAL ASSEMBLY SHALL

1 SERVE INITIAL TERMS OF TWO YEARS. NO MEMBER MAY SERVE MORE THAN  
2 TWO CONSECUTIVE TERMS, EXCEPT THAT MEMBERS APPOINTED FOR AN  
3 INITIAL TERM OF TWO YEARS MAY SERVE TWO CONSECUTIVE FOUR-YEAR  
4 TERMS IMMEDIATELY AFTER THE INITIAL TERM. THE BOARD SHALL ELECT  
5 FROM ITS OWN MEMBERS EACH YEAR A CHAIR AND VICE CHAIR WHO SHALL  
6 SERVE FOR TERMS OF ONE YEAR AND WHO SHALL BE ELIGIBLE FOR  
7 REELECTION FOR SUCCESSIVE TERMS. VACANCIES SHALL BE FILLED FOR  
8 THE UNEXPIRED TERMS IN THE SAME MANNER AS THE ORIGINAL  
9 APPOINTMENTS.

10 (D) EXPENSES.--DIRECTORS SHALL RECEIVE NO COMPENSATION FOR  
11 THEIR SERVICES, BUT SHALL BE REIMBURSED FOR THEIR EXPENSES  
12 ACTUALLY AND REASONABLY INCURRED BY THEM IN THE PERFORMANCE OF  
13 THEIR DUTIES.

14 (E) MEETINGS.--THE BOARD OF DIRECTORS SHALL PROVIDE FOR  
15 GENERAL AND SPECIAL MEETINGS. SEVEN DIRECTORS ATTENDING SHALL  
16 CONSTITUTE A QUORUM FOR THE TRANSACTION OF ANY BUSINESS AND,  
17 UNLESS A GREATER NUMBER IS REQUIRED BY THE BYLAWS OF THE BOARD,  
18 THE ACT OF A MAJORITY OF THE MEMBERS PRESENT AT ANY MEETING  
19 SHALL BE DEEMED THE ACT OF THE BOARD. THE BOARD SHALL ADOPT  
20 BYLAWS FOR THE BOARD AND MAY APPOINT SUCH OFFICERS AND EMPLOYEES  
21 AS IT DEEMS ADVISABLE AND MAY FIX THEIR COMPENSATION AND  
22 PRESCRIBE THEIR DUTIES.

23 (F) ADMINISTRATIVE SUPPORT OF BOARD.--ADMINISTRATIVE SUPPORT  
24 FOR THE BOARD SHALL BE PROVIDED BY THE DEPARTMENT. THE  
25 DEPARTMENT SHALL PERIODICALLY CONSULT WITH THE BOARD REGARDING  
26 THE ADMINISTRATIVE NEEDS OF THE BOARD.

27 (G) ABSENCES.--AN APPOINTED MEMBER WHO FAILS TO ATTEND THREE  
28 CONSECUTIVE BOARD MEETINGS SHALL FORFEIT MEMBERSHIP ON THE BOARD  
29 UNLESS THE CHAIR, UPON WRITTEN REQUEST OF THE MEMBER, DETERMINES  
30 THAT THE MEMBER SHALL BE EXCUSED FROM A MEETING OR MEETINGS FOR



1 REASONABLE CAUSE.

2 SECTION 15. POWERS AND DUTIES.

3 THE BOARD SHALL HAVE THE FOLLOWING POWERS AND DUTIES, IN  
4 ADDITION TO ANY OTHERS PROVIDED BY THIS CHAPTER:

5 (1) TO SELECT, FUND AND SUPERVISE PROVIDERS OF  
6 RESIDENTIAL EDUCATION PROGRAMS IN ACCORDANCE WITH THE  
7 PROVISIONS OF THIS CHAPTER.

8 (2) TO ENTER INTO CONTRACTS WITH THE PROVIDERS IN  
9 ACCORDANCE WITH SECTION 18 WITH RESPECT TO RESIDENTIAL  
10 EDUCATION PROGRAMS.

11 (3) TO SELECT THE STUDENTS ELIGIBLE TO PARTICIPATE IN  
12 THE RESIDENTIAL EDUCATION PROGRAM PURSUANT TO SECTION 16.

13 (4) TO PLACE ELIGIBLE STUDENTS IN RESIDENTIAL SCHOOLS  
14 THAT AGREE TO ACCEPT THEM.

15 (5) TO PROVIDE TECHNICAL AND FINANCIAL ASSISTANCE TO  
16 PUBLIC AND NONPUBLIC SCHOOLS THAT WISH TO ESTABLISH  
17 RESIDENTIAL SCHOOLS FOR AT-RISK CHILDREN.

18 (6) TO SOLICIT AND ACCEPT GIFTS, GRANTS, LOANS AND OTHER  
19 AID FROM ANY PERSON OR FROM FEDERAL, STATE OR LOCAL  
20 GOVERNMENT.

21 (7) TO PROMULGATE RULES AND REGULATIONS AND ADOPT  
22 ADMINISTRATIVE GUIDELINES RELATING TO ITS ACTIVITIES,  
23 INCLUDING RULES REGARDING THE SELECTION OF PROVIDERS AND OF  
24 ELIGIBLE STUDENTS AND VERIFICATION OF PERFORMANCE BY  
25 PROVIDERS.

26 (8) TO DEVELOP A RESEARCH DESIGN THAT WILL ENABLE THE  
27 PUBLIC TO EVALUATE THE RESULTS OF RESIDENTIAL EDUCATION OF  
28 AT-RISK CHILDREN AND TO COLLECT DATA FROM RESIDENTIAL SCHOOLS  
29 IN ACCORDANCE WITH THAT DESIGN. THE RESEARCH DESIGN MUST  
30 PROVIDE FOR THE COLLECTION OF DATA CONCERNING THE

1 SOCIOECONOMIC CHARACTERISTICS OF THE STUDENTS, THE  
2 INSTRUCTION GIVEN AND FOLLOW-UP STUDY OF GRADUATES OF THE  
3 PROGRAM, INCLUDING THEIR EDUCATIONAL ATTAINMENT, EMPLOYMENT  
4 HISTORY, INCOME, MARITAL STATUS AND CRIMINAL RECORD.

5 (9) TO PERFORM SUCH OTHER ACTS AS MAY BE NECESSARY OR  
6 APPROPRIATE TO CARRY OUT EFFECTIVELY THE OBJECTIVES AND  
7 PURPOSES OF THE BOARD AS SPECIFIED IN THIS CHAPTER.

8 SECTION 16. ELIGIBILITY AND APPLICATIONS.

9 (A) ELIGIBLE STUDENTS.--A STUDENT IS ELIGIBLE TO PARTICIPATE  
10 IN THE RESIDENTIAL EDUCATION PROGRAM IF ALL OF THE FOLLOWING  
11 CRITERIA ARE MET:

12 (1) THE STUDENT MUST HAVE BEEN A RESIDENT OF THIS  
13 COMMONWEALTH FOR AT LEAST TWO YEARS BEFORE APPLICATION.

14 (2) THE FAMILY OF THE STUDENT MUST BE ELIGIBLE TO  
15 RECEIVE ASSISTANCE UNDER EITHER AFDC OR THE FOOD STAMP ACT OF  
16 1977 (PUBLIC LAW 88-525, 7 U.S.C. § 2011 ET SEQ.), OR BOTH,  
17 OR THE ANNUAL FAMILY INCOME MUST MEET FEDERAL POVERTY INCOME  
18 GUIDELINES.

19 (3) THE STUDENT MUST RESIDE IN ONE OF THE 167 SCHOOL  
20 DISTRICTS IDENTIFIED BY THE DEPARTMENT AS HAVING THE HIGHEST  
21 PERCENTAGE OF CHILDREN OF FAMILIES ELIGIBLE TO RECEIVE  
22 ASSISTANCE UNDER AFDC WHEN MEASURED AS A PERCENTAGE OF THE  
23 DISTRICT'S AVERAGE DAILY MEMBERSHIP.

24 (4) THE STUDENT MUST RESIDE IN A MUNICIPAL CORPORATION  
25 THAT HAS A RATE OF VIOLENT CRIME MORE THAN TWICE THE  
26 STATEWIDE AVERAGE RATE AS REPORTED TO THE DEPARTMENT UNDER  
27 SECTION 21(B).

28 (5) THE STUDENT MUST BE OF AN AGE SUCH THAT HE OR SHE  
29 WOULD BE ELIGIBLE TO ENTER GRADE SEVEN, EIGHT, NINE OR TEN IN  
30 THE SCHOOL DISTRICT OF RESIDENCE, BUT IN NO EVENT OLDER THAN

1 17 YEARS OF AGE.

2 (6) THE STUDENT MUST NOT BE BRAIN DAMAGED, MENTALLY  
3 RETARDED, SOCIALLY AND EMOTIONALLY DISTURBED, LEARNING  
4 DISABLED, SPEECH AND LANGUAGE IMPAIRED, VISUALLY IMPAIRED,  
5 DEAF OR HEARING IMPAIRED OR A DISRUPTIVE STUDENT.

6 (7) AN APPLICATION MUST BE SUBMITTED TO THE BOARD UNDER  
7 SUBSECTION (B).

8 (8) THE STUDENT MUST BE ACCEPTED INTO THE PROGRAM UNDER  
9 SUBSECTION (C).

10 (B) SUBMISSION OF APPLICATION.--THE PARENTS OF THE STUDENT  
11 MUST SUBMIT AN APPLICATION TO THE BOARD ON A FORM PRESCRIBED BY  
12 THE BOARD BY THE DEADLINE SET BY THE BOARD. THE APPLICATION MUST  
13 INCLUDE ALL OF THE FOLLOWING:

14 (1) INFORMATION SHOWING THAT THE STUDENT IS ELIGIBLE  
15 UNDER SUBSECTION (A)(1), (2), (3), (4), (5) AND (6).

16 (2) THE SCHOOL GRADE THAT THE STUDENT INTENDS TO ENTER.

17 (3) A RELEASE ALLOWING THE BOARD TO VERIFY THE  
18 INFORMATION PROVIDED ON THE APPLICATION.

19 (4) SUCH OTHER INFORMATION AS THE BOARD MAY REQUIRE BY  
20 REGULATION.

21 (C) APPROVAL OF APPLICATIONS.--THE BOARD SHALL APPROVE  
22 APPLICATIONS IN A NUMBER THAT IS WITHIN THE NUMBER OF PLACEMENTS  
23 IN RESIDENTIAL SCHOOLS UNDER CONTRACT WITH OR OTHERWISE  
24 AVAILABLE TO THE BOARD. NO MORE THAN 3% OF THE AVERAGE DAILY  
25 MEMBERSHIP IN GRADES SEVEN THROUGH TEN OF A SCHOOL DISTRICT MAY  
26 BE SELECTED FROM THE APPLICANTS RESIDING IN THAT DISTRICT,  
27 UNLESS THE NUMBER OF ELIGIBLE STUDENTS WOULD OTHERWISE BE FEWER  
28 THAN THE NUMBER OF AVAILABLE PLACEMENTS. IF THE APPLICATIONS  
29 FROM A SCHOOL DISTRICT EXCEED THE LIMITATIONS OF THIS  
30 SUBSECTION, THE BOARD SHALL SELECT THE ELIGIBLE STUDENTS FROM

1 AMONG THE APPLICANTS BY RANDOM SELECTION. HOWEVER, IF THE  
2 APPLICATIONS FROM ALL THE SCHOOL DISTRICTS EXCEED THE NUMBER OF  
3 AVAILABLE PLACEMENTS, THE BOARD SHALL APPROVE APPLICANTS BY  
4 RANDOM SELECTION FROM EACH SCHOOL DISTRICT IN THE PROPORTION  
5 THAT THE NUMBER OF PLACEMENTS BEARS TO THE TOTAL APPLICATIONS.  
6 THE BOARD SHALL DETERMINE THE ASSIGNMENT OF THE STUDENTS TO THE  
7 RESIDENTIAL SCHOOLS AND SHALL SO NOTIFY THE PARENTS OF THE  
8 STUDENT.

9 (D) LOSS OF ELIGIBILITY.--A STUDENT SHALL NO LONGER BE  
10 ELIGIBLE FOR THE PROGRAM ESTABLISHED BY THIS CHAPTER IF THE  
11 STUDENT HAS:

12 (1) VOLUNTARILY WITHDRAWN FROM THE RESIDENTIAL SCHOOL  
13 PROGRAM; OR

14 (2) VIOLATED BEHAVIORAL STANDARDS AS PROMULGATED BY THE  
15 BOARD.

16 AN ELIGIBLE STUDENT MAY NOT BE DISMISSED FROM THE PROGRAM ON THE  
17 GROUNDS THAT THE STUDENT'S MUNICIPAL CORPORATION OR SCHOOL  
18 DISTRICT OF RESIDENCE DOES NOT QUALIFY UNDER SUBSECTION (A)(3)  
19 OR (4).

20 SECTION 17. RESIDENTIAL EDUCATION PROGRAMS.

21 (A) CONTRACTS.--THE BOARD SHALL AWARD CONTRACTS PURSUANT TO  
22 THIS CHAPTER TO PROVIDERS WHO DEMONSTRATE THE ABILITY TO OPERATE  
23 AND ADMINISTER A RESIDENTIAL SCHOOL PROGRAM THAT PROVIDES A  
24 SUITABLE SECONDARY EDUCATION PROGRAM FOR ELIGIBLE STUDENTS.

25 (B) PROPOSALS FOR CONTRACTS.--THE PROPOSAL SUBMITTED BY THE  
26 PROSPECTIVE PROVIDER MUST INCLUDE THE FOLLOWING:

27 (1) THE TITLE OR NAME AND THE ADDRESS OR LOCATION OF THE  
28 SCHOOL OR CLASSES, TOGETHER WITH THE NAME OF THE OWNERS AND  
29 CONTROLLING OFFICERS.

30 (2) THE GENERAL AND SPECIFIC FIELDS OF INSTRUCTION THAT

1 WILL BE OFFERED AND THE PURPOSES OF SUCH INSTRUCTION.

2 (3) THE PLACE OR PLACES WHERE INSTRUCTION WILL BE GIVEN.

3 (4) THE PLACE OR PLACES WHERE THE STUDENTS WILL RESIDE.

4 (5) A SPECIFIC LISTING OF THE EQUIPMENT AND STAFF  
5 AVAILABLE FOR INSTRUCTION AND RESIDENTIAL SUPERVISION.

6 (6) THE MAXIMUM ENROLLMENT THAT CAN BE ACCOMMODATED BY  
7 THE EDUCATIONAL AND RESIDENTIAL FACILITIES AVAILABLE.

8 (7) THE QUALIFICATIONS OF INSTRUCTORS, ADMINISTRATORS  
9 AND SUPERVISORS.

10 (8) FINANCIAL RESOURCES AVAILABLE TO EQUIP AND MAINTAIN  
11 THE SCHOOL AND THE RESIDENCE.

12 (9) AN AGREEMENT TO ABIDE BY REASONABLE SERVICE AND  
13 BUSINESS ETHICS PRESCRIBED BY THE BOARD.

14 (10) A RESEARCH AND PERFORMANCE VERIFICATION PLAN  
15 CONSISTENT WITH THE RESEARCH DESIGN PRESCRIBED UNDER SECTION  
16 15(8).

17 (11) ANY ADDITIONAL INFORMATION THE BOARD MAY DEEM  
18 NECESSARY TO ENABLE IT TO DETERMINE THE ADEQUACY OF THE  
19 PROGRAM OF INSTRUCTION, THE BUSINESS INTEGRITY, THE SOCIAL  
20 SUPPORT SERVICES AND RELATED MATTERS.

21 (C) CERTAIN EXEMPTIONS.--THE BOARD MAY EXEMPT RESIDENTIAL  
22 SCHOOLS UNDER CONTRACT WITH THE BOARD FROM THE PUBLIC SCHOOL  
23 CODE EXCEPT FOR THE PROVISIONS OF THE PUBLIC SCHOOL CODE  
24 APPLICABLE TO NONPUBLIC NONLICENSED SCHOOLS. THIS SUBSECTION  
25 SHALL NOT EXEMPT RESIDENTIAL SCHOOLS FROM REQUIREMENTS OTHERWISE  
26 APPLICABLE UNDER THE ACT OF DECEMBER 15, 1986 (P.L.1585,  
27 NO.174), KNOWN AS THE PRIVATE LICENSED SCHOOLS ACT, OR THE ACT  
28 OF JANUARY 28, 1988 (P.L.24, NO.11), KNOWN AS THE PRIVATE  
29 ACADEMIC SCHOOLS ACT.

30 (D) AWARDS TO NONPUBLIC SCHOOLS.--NO CONTRACT MAY BE AWARDED

1 TO A NONPUBLIC SCHOOL UNLESS THE PROPOSAL INCLUDES ADEQUATE  
2 ASSURANCES THAT THE RESIDENTIAL SCHOOL WILL NOT BE PERVASIVELY  
3 SECTARIAN AND THAT ITS SECULAR CHARACTER CAN BE MAINTAINED  
4 WITHOUT EXCESSIVE ENTANGLEMENT BETWEEN THE PROVIDER AND THE  
5 COMMONWEALTH.

6 SECTION 18. AWARD OF CONTRACTS.

7 (A) GENERAL RULE.--CONTRACTS FOR THE OPERATION,  
8 ADMINISTRATION AND FUNDING OF RESIDENTIAL SCHOOLS SHALL BE  
9 AWARDED THROUGH A PROCESS OF COMPETITIVE SEALED PROPOSALS, WHICH  
10 THE BOARD SHALL SOLICIT THROUGH A REQUEST FOR PROPOSALS. THE  
11 CONTRACT RELATING TO EACH RESIDENTIAL SCHOOL SHALL BE LET  
12 PURSUANT TO A SEPARATE REQUEST FOR PROPOSALS.

13 (B) PUBLIC NOTICE.--ADEQUATE PUBLIC NOTICE OF THE REQUEST  
14 FOR PROPOSALS SHALL BE GIVEN A REASONABLE TIME PRIOR TO THE DATE  
15 SET FOR THE OPENING OF PROPOSALS. NOTICE IN THE PENNSYLVANIA  
16 BULLETIN IS SUFFICIENT FOR ALL PURPOSES UNDER THIS SECTION.

17 (C) PRE-AWARD DISCUSSIONS AND NEGOTIATIONS.--DISCUSSIONS AND  
18 NEGOTIATIONS MAY BE CONDUCTED WITH RESPONSIBLE OFFERORS WHO  
19 SUBMIT PROPOSALS DETERMINED TO BE REASONABLY SUSCEPTIBLE OF  
20 BEING SELECTED FOR AWARD. OFFERORS SHALL BE ACCORDED FAIR AND  
21 EQUAL TREATMENT WITH RESPECT TO ANY OPPORTUNITY FOR DISCUSSION,  
22 NEGOTIATION AND REVISION OF PROPOSALS. REVISION MAY BE PERMITTED  
23 AFTER SUBMISSIONS AND PRIOR TO AWARD FOR THE PURPOSE OF  
24 OBTAINING BEST AND FINAL OFFERS. DISCUSSIONS SHALL NOT DISCLOSE  
25 ANY INFORMATION DERIVED FROM PROPOSALS SUBMITTED BY OTHER  
26 OFFERORS.

27 (D) AWARD.--AWARD SHALL BE MADE TO THE OFFEROR WHOSE  
28 PROPOSAL IS DETERMINED IN WRITING BY THE BOARD TO BE THE MOST  
29 ADVANTAGEOUS TO THE COMMONWEALTH BASED ON THE CRITERIA  
30 DETERMINED BY THE BOARD.

1 SECTION 19. RESIDENTIAL EDUCATION SUPPORT FUND.

2 (A) ESTABLISHMENT.--THERE IS HEREBY ESTABLISHED A SPECIAL  
3 NONLAPSING FUND IN THE STATE TREASURY TO BE KNOWN AS THE  
4 RESIDENTIAL EDUCATION SUPPORT FUND. MONEYS RECEIVED BY THE BOARD  
5 SHALL BE PAID INTO THE STATE TREASURY AND SHALL BE CREDITED TO  
6 THE FUND AND ARE HEREBY APPROPRIATED TO THE BOARD ON A  
7 CONTINUING BASIS TO ASSIST IN FUNDING ACTIVITIES NECESSARY TO  
8 MEET THE REQUIREMENTS OF THIS CHAPTER. THE FUND SHALL CONSIST OF  
9 THE FOLLOWING:

10 (1) ANY MONEYS APPROPRIATED TO THE FUND BY GENERAL  
11 APPROPRIATIONS.

12 (2) CONTRIBUTIONS TO THE FUND.

13 (3) THE TUITION CHARGES REQUIRED BY SECTION 710.

14 (B) TAX CREDITS.--

15 (1) ANY BUSINESS FIRM WHICH CONTRIBUTES TO THE FUND MAY  
16 RECEIVE A TAX CREDIT AGAINST ANY TAX DUE UNDER ARTICLE IV,  
17 VI, VII, VII-A, VIII, VIII-A, IX, X OR XV OF THE ACT OF MARCH  
18 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971,  
19 OR ANY TAX SUBSTITUTED IN LIEU THEREOF. THE CREDIT SHALL NOT  
20 EXCEED \$250,000 ANNUALLY. ANY TAX CREDIT NOT USED IN THE  
21 CALENDAR OR FISCAL YEAR THE DONATION IS MADE MAY BE CARRIED  
22 OVER FOR THE NEXT FIVE SUCCEEDING CALENDAR OR FISCAL YEARS  
23 UNTIL THE FULL CREDIT HAS BEEN ALLOWED.

24 (2) THE TOTAL AMOUNT OF ALL TAX CREDITS ALLOWED PURSUANT  
25 TO THIS SECTION SHALL NOT EXCEED \$10,000,000 IN ANY ONE  
26 FISCAL YEAR OF THE COMMONWEALTH, UNLESS A GREATER AMOUNT IS  
27 PROVIDED FOR IN THE GENERAL APPROPRIATION ACT. IF THE TOTAL  
28 AMOUNT OF TAX CREDITS CLAIMED UNDER THIS SECTION EXCEEDS THE  
29 AMOUNT PERMITTED UNDER THIS PARAGRAPH, THE TAX CREDIT ALLOWED  
30 EACH BUSINESS FIRM SHALL BE RATABLY REDUCED UNDER REGULATIONS

1 PROMULGATED BY THE DEPARTMENT OF REVENUE.

2 (C) CHARITABLE DONATIONS.--ANY CHARITABLE DONATIONS MADE BY  
3 PERSONS TO THE BOARD SHALL ALSO BE DEPOSITED IN THE FUND.

4 (D) DEFINITION.--AS USED IN THIS SECTION, THE TERM "BUSINESS  
5 FIRM" MEANS ANY BUSINESS ENTITY AUTHORIZED TO DO BUSINESS IN  
6 THIS COMMONWEALTH AND SUBJECT TO TAXES IMPOSED BY ARTICLE IV,  
7 VI, VII, VII-A, VIII, VIII-A, IX, X OR XV OF THE TAX REFORM CODE  
8 OF 1971.

9 SECTION 20. TUITION CHARGES.

10 (A) GENERAL RULE.--FOR EACH ELIGIBLE STUDENT WHO ATTENDS A  
11 RESIDENTIAL SCHOOL THAT IS NOT ADMINISTERED AND OPERATED BY THE  
12 SCHOOL DISTRICT OF RESIDENCE, THE DEPARTMENT SHALL PAY TO THE  
13 FUND THE HIGH SCHOOL TUITION CHARGE ATTRIBUTABLE TO THE DISTRICT  
14 AND SHALL CONTINUE TO PAY THE FUND SO LONG AS THE ELIGIBLE  
15 STUDENT ATTENDS A RESIDENTIAL SCHOOL. PAYMENTS SHALL BE DEDUCTED  
16 FROM THE REIMBURSEMENTS OTHERWISE DUE THE SCHOOL DISTRICT OF  
17 RESIDENCE UNDER ARTICLE XXV OF THE PUBLIC SCHOOL CODE.

18 (B) DEFINITION.--AS USED IN THIS SECTION, THE TERM "SCHOOL  
19 DISTRICT OF RESIDENCE" MEANS THE SCHOOL DISTRICT IN WHICH THE  
20 ELIGIBLE STUDENT RESIDED IMMEDIATELY BEFORE HIS OR HER  
21 ATTENDANCE IN A RESIDENTIAL SCHOOL.

22 SECTION 21. REPORTS.

23 (A) BOARD REPORT.--NO LATER THAN JANUARY 31 OF EACH YEAR,  
24 THE BOARD SHALL SUBMIT A REPORT TO THE GOVERNOR, THE  
25 APPROPRIATIONS COMMITTEE AND THE EDUCATION COMMITTEE OF THE  
26 SENATE AND THE APPROPRIATIONS COMMITTEE AND THE EDUCATION  
27 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, WHICH SHALL INCLUDE  
28 THE FOLLOWING:

29 (1) THE NAMES OF THE PROVIDERS, THE NAMES AND ADDRESSES  
30 OF THE RESIDENTIAL SCHOOLS OPERATED PURSUANT TO THIS CHAPTER



1 AND THE NUMBER OF ELIGIBLE STUDENTS ENROLLED IN EACH SCHOOL,  
2 ANALYZED BY GRADE LEVEL AND GENDER.

3 (2) THE SOCIOECONOMIC CHARACTERISTICS OF THE ELIGIBLE  
4 STUDENTS, WITH A SEPARATE ANALYSIS OF THOSE MOST RECENTLY  
5 ENROLLED.

6 (3) THE NUMBER OF STUDENTS WHO HAVE WITHDRAWN FROM THE  
7 RESIDENTIAL SCHOOLS AND THE NUMBER WHO HAVE GRADUATED FROM  
8 THE PROGRAM.

9 (4) THE AMOUNT OF FINANCIAL SUPPORT PROVIDED UNDER THIS  
10 CHAPTER TO THE RESIDENTIAL SCHOOLS, BROKEN DOWN BY CONTRACT  
11 PAYMENTS, AMOUNTS PAID FROM THE FUND AND AMOUNTS PAID FROM  
12 COMMONWEALTH APPROPRIATIONS.

13 (5) EVALUATION OF THE PROGRAM AND SUGGESTIONS FOR  
14 IMPROVEMENT, INCLUDING SUGGESTIONS FOR LEGISLATIVE ACTION.  
15 IN NO CASE SHALL THE NAMES OF ELIGIBLE STUDENTS OR THEIR PARENTS  
16 BE FURNISHED AS PART OF THIS REPORT.

17 (B) REPORT BY PENNSYLVANIA STATE POLICE.--THE PENNSYLVANIA  
18 STATE POLICE SHALL ANNUALLY SUBMIT TO THE BOARD A LIST OF ALL  
19 MUNICIPAL CORPORATIONS THAT HAVE A RATE OF VIOLENT CRIME EQUAL  
20 TO OR GREATER THAN TWICE THE STATEWIDE AVERAGE RATE OF VIOLENT  
21 CRIME.

22 SECTION 22. APPOINTMENTS.

23 THE RESPECTIVE APPOINTING AUTHORITIES SET FORTH IN SECTION  
24 4(C) SHALL APPOINT THE MEMBERS OF THE PENNSYLVANIA RESIDENTIAL  
25 EDUCATION BOARD WITHIN 120 DAYS OF THE EFFECTIVE DATE OF THIS  
26 ACT.

27 SECTION 23. APPROPRIATION.

28 THE SUM OF \$3,000,000, OR AS MUCH THEREOF AS MAY BE  
29 NECESSARY, IS HEREBY APPROPRIATED TO THE PENNSYLVANIA  
30 RESIDENTIAL EDUCATION BOARD FOR THE FISCAL YEAR JULY 1, 1997, TO

1 JUNE 30, 1998, TO ADMINISTER THE PROVISIONS OF CHAPTER 2.  
2 SECTION 24. EFFECTIVE DATE.  
3 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.