

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 869 Session of  
2003

INTRODUCED BY PILEGGI, BRIGHTBILL, ERICKSON, THOMPSON, PICCOLA,  
JUBELIRER, HELFRICK AND RAFFERTY, JULY 8, 2003

REFERRED TO EDUCATION, JULY 8, 2003

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," providing for education choice.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

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

11 ARTICLE XIII-B

12 EDUCATION CHOICE

13 Section 1301-B. Legislative findings.

14 The General Assembly finds that:

15 (1) Parents are best suited to choose the most  
16 appropriate means of education for their school-age children.

17 (2) Providing diverse educational opportunities for the  
18 children of this Commonwealth is a civic imperative and a  
19 matter of serious concern.

1       (3) The importance of quality education and the need to  
2       maintain and operate an effective system of education make it  
3       imperative to provide for the increased availability of  
4       diverse opportunities, including both public and nonpublic  
5       programs of education, to benefit all citizens of this  
6       Commonwealth.

7       (4) Many disadvantaged school-age residents of this  
8       Commonwealth enjoy comparatively fewer educational  
9       opportunities or options than school-age residents who  
10      possess greater economic means.

11      (5) The accessibility to families of nonpublic  
12      educational alternatives decreases the burdens on the  
13      Commonwealth and local school districts and increases the  
14      range of educational choices available to Pennsylvania  
15      families, thus providing a benefit to all citizens of this  
16      Commonwealth.

17      (6) The General Assembly intends the program of  
18      educational choice provided in this article to be but one  
19      element of its overall program of providing funds to assure  
20      the availability of educational opportunities for students  
21      enrolled in the schools of this Commonwealth. A comparatively  
22      far greater proportion of public funds are, and, upon  
23      implementation of an educational choice program, will  
24      continue to be devoted to the benefit of students enrolled in  
25      the public schools of this Commonwealth. Therefore, the  
26      General Assembly intends that an educational choice program  
27      be viewed as an integral part of its overall program of  
28      educational funding and not as an isolated individual  
29      program.

30      (7) A program of financial assistance to enhance

1 educational choice in this Commonwealth as one element of the  
2 Commonwealth's plan for funding of diverse educational  
3 opportunities will greatly aid efforts to equalize  
4 educational opportunities for the citizens of this  
5 Commonwealth, will better prepare Commonwealth citizens to  
6 compete for employment opportunities, will foster development  
7 of a more capable and better-educated work force and will  
8 better enable the Commonwealth to fulfill its obligation of  
9 providing children the opportunity of receiving a quality  
10 education.

11 Section 1302-B. Definitions.

12 The following words and phrases when used in this article  
13 shall have the meanings given to them in this section unless the  
14 context clearly indicates otherwise:

15 "Basic education funding." Subsidy payments to school  
16 districts under section 2502.39 and any supplement thereto.

17 "Dependent." An individual claimed as a personal exemption  
18 by the taxpayer for Federal income tax purposes. The term shall  
19 have the same meaning as that contained in section 152 of the  
20 Federal Internal Revenue Code of 1986 (Public Law 99-514, 26  
21 U.S.C. § 152).

22 "Educational opportunity grant" or "grant". A grant awarded  
23 to the parents of an eligible grant recipient pursuant to this  
24 article.

25 "Eligible district." A school district having a minimum of  
26 35% of school-age children eligible for free or reduced-price  
27 meal programs under the National School Lunch Act (60 Stat. 230,  
28 42 U.S.C. § 1751, et seq.) in any of the prior three years.

29 "Eligible grant recipient." A school-age resident of an  
30 eligible district located in this Commonwealth who attends or is

about to attend a public or nonpublic full-time kindergarten,  
part-time kindergarten or grades one, two or three at a public  
or nonpublic elementary school within this Commonwealth on a  
tuition-paying basis and whose parents received taxable income  
which did not exceed the limits prescribed in section 1304-  
B(b)(2).

"Household." An individual living alone or with the  
following: a spouse, parent and their unemancipated minor  
children and other unemancipated minor children who are related  
by blood or marriage; or other adults or unemancipated minor  
children living in the household who are dependent on the  
individual.

"Household income." All moneys or property received of  
whatever nature and from whatever source derived. The term does  
not include the following:

(1) Periodic payments for sickness and disability other  
than regular wages received during a period of sickness or  
disability.

(2) Disability, retirement or other payments arising  
under workers' compensation acts, occupational disease acts  
and similar legislation by any government.

(3) Payments commonly recognized as old-age or  
retirement benefits paid to persons retired from service  
after reaching a specific age or after a stated period of  
employment.

(4) Payments commonly known as public assistance or  
unemployment compensation payments by a governmental agency.

(5) Payments to reimburse actual expenses.

(6) Payments made by employers or labor unions for  
programs covering hospitalization, sickness, disability or

1 death, supplemental unemployment benefits, strike benefits,  
2 Social Security and retirement.

3 (7) Compensation received by a United States serviceman  
4 serving in a combat zone.

5 "Nonpublic" or "nonpublic school." Any school other than a  
6 public school located within this Commonwealth where a  
7 Commonwealth resident may legally fulfill the compulsory school  
8 attendance requirements of this act and which meets the  
9 applicable requirements of Title VI of the Civil Rights Act of  
10 1964 (Public Law 88-352, 78 Stat. 241). The term also includes a  
11 full-time or part-time kindergarten program operated by a  
12 nonpublic school.

13 "Nonresident student." A student attending a public school  
14 outside of his or her district of residence.

15 "Parent" or "parents." A Commonwealth resident who is a  
16 parent or guardian of or a person in parental relation to a  
17 school-age child.

18 "School." Any public or nonpublic elementary school located  
19 within this Commonwealth where a Commonwealth resident may  
20 legally fulfill the compulsory school attendance requirements of  
21 this act, which meets the applicable requirements of Title VI of  
22 the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241)  
23 and which does not refuse to enroll any students because of  
24 race, color, national or ethnic origin. The term also includes a  
25 full-time or part-time kindergarten program operated by a  
26 school. The term does not include an approved private school as  
27 provided for in section 1376.

28 "School-age." The period of a child's life from the earliest  
29 admission age to a school's kindergarten program until the age  
30 of 21 years or graduation from high school, whichever occurs

1 first.

2 "Student." A school-age resident of an eligible district  
3 located in this Commonwealth who attends or is about to attend a  
4 full-time kindergarten, a part-time kindergarten or grades one,  
5 two or three at an elementary school within this Commonwealth.  
6 Section 1303-B. Interdistrict choice.

7 (a) Choice of schools permitted.--Beginning with the 2004-  
8 2005 school year every student who resides in an eligible  
9 district shall be permitted to attend the public school selected  
10 by the student's parents at the kindergarten, first grade,  
11 second grade or third grade level unless:

12 (1) the public school selected has no additional  
13 attendance slots available and the district so notifies the  
14 Department of Education and the student within the time  
15 limitations established by the Department of Education for  
16 this purpose;

17 (2) the student's attendance would place either the  
18 receiving school district or the student's district or  
19 residence in violation of a valid and binding desegregation  
20 order;

21 (3) the public school requested does not offer  
22 appropriate programs or is not structured or equipped with  
23 the necessary facilities to meet the special needs of the  
24 student or does not offer a particular program requested;

25 (4) the student has been expelled or is in the process  
26 of being expelled pursuant to section 1318 and applicable  
27 regulations of the State Board of Education; or

28 (5) the student does not meet the established  
29 eligibility criteria for participation in magnet schools or  
30 in schools with specialized academic missions.

1     (b) Application.--Not later than March 1, 2004, the parents  
2     of a school-age student who is attending or about to attend  
3     kindergarten or grades one, two or three at a public school may  
4     apply to up to three public schools which the student wishes to  
5     attend during the 2004-2005 school year. The application shall  
6     be on a form provided by the Department of Education. In  
7     subsequent years, the deadline for filing applications shall be  
8     March 1 preceding the school term which commences in that year.  
9     The school district shall notify the parent not later than May 1  
10    preceding the school term which commences in that year whether  
11    or not the application has been accepted. If the application is  
12    not made in a timely fashion or cannot be approved pursuant to  
13    subsection (a), the student's district of residence shall  
14    determine the public school within that district to which the  
15    student shall be assigned pursuant to this article.

16    (c) Commonwealth payments.--The Commonwealth shall make  
17    payment pursuant to the schedule contained in section 2517 to  
18    each public school district, area vocational-technical school or  
19    intermediate unit which accepts a nonresident student under the  
20    provisions of this section in the following manner:

21        (1) The Commonwealth shall pay on a current year basis  
22        from current year appropriations to each school district,  
23        area vocational-technical school or intermediate unit which  
24        accepts a nonresident student, on a tuition basis, an amount  
25        equal to the greater of the per pupil basic education funding  
26        of the student's school district of residence or of the  
27        receiving school district. No student attending a public  
28        school outside the student's district of residence shall be  
29        included in the average daily membership for purposes of  
30        determining basic education funding under this act in either

1 the student's school district of residence or the receiving  
2 school district.

3 (2) Notwithstanding paragraph (1), a student who is  
4 enrolled in a public school and who receives a grant under  
5 this article to transfer to a public or nonpublic school not  
6 operated by that student's district of residence shall  
7 continue to be included by the district of residence in its  
8 average daily membership for purposes of determining basic  
9 education funding under this act through the 2007-2008 school  
10 year.

11 (3) For a nonresident student who is a grant recipient  
12 and who is defined as a "child with exceptionalities" under  
13 section 1371, the district of residence shall not be required  
14 to pay more for services provided to the student by the  
15 receiving district than the difference between the current  
16 year cost of the services had the student remained in the  
17 district of residence and the sum of the grant plus the per  
18 pupil basic education funding level following the grant  
19 recipient. The district of residence shall provide the  
20 receiving district with documentation of the prior year's  
21 cost of services provided to the student and an estimate of  
22 the cost of providing those services in the current year had  
23 the student remained in the district of residence. Any cost  
24 not covered by this funding shall be borne by the receiving  
25 school district.

26 (4) For a nonresident student who is not a grant  
27 recipient and who is defined as a "child with  
28 exceptionalities" under section 1371, the district of  
29 residence shall not be required to pay more for services  
30 provided to the student by the receiving district than the



difference between the current year cost of the services had the student remained in the district of residence and the per pupil basic education funding level following the student. The district of residence shall provide the receiving district with documentation of the prior year's cost of services provided to the student and an estimate of the cost of providing those services in the current year had the student remained in the district of residence. Any cost not covered by this funding shall be borne by the receiving school district.

(5) A student receiving services under paragraph (3) or (4) shall be included in the average daily membership of the student's district of residence for the purpose of determining special education funding pursuant to section 2509.5.

(d) Credits against public school tuition.--In addition to the grant awarded to the parents of an eligible grant recipient attending a public school outside the grant recipient's district of residence, an amount equal to the greater of the per pupil basic education funding in the grant recipient's district of residence or of the receiving school district shall be credited toward the tuition charged to that student by the receiving district. Should the grant award plus the basic education funding credit to be paid under this subsection exceed the tuition charge of the receiving school district, the grant award shall be reduced by the amount in excess of the tuition charge. Except for those students who receive grants under section 1304-B(b)(6), should the grant award plus the basic education funding credit to be paid under this subsection not be sufficient to meet the tuition charge of the receiving school district, an

1 amount equal to 5% of the balance of the charge still remaining  
2 shall be payable by the eligible grant recipient's parents and,  
3 when paid, shall be treated, along with the grant and basic  
4 education funding credit, as payment in full of the receiving  
5 district's tuition charge. In the case of a student whose  
6 parents received taxable income in excess of the maximum income  
7 limit contained in section 1304-B(b)(2), during the immediately  
8 preceding calendar year, only the basic education funding credit  
9 authorized by this subsection shall be applied toward the  
10 tuition charge of the receiving school district. The student's  
11 parents shall pay an amount equal to 40% of the balance of the  
12 charge still remaining which, when paid, shall be treated as  
13 payment in full of the receiving district's tuition charge.

14 (e) Attendance slots.--Each school district, in its sole  
15 discretion, shall determine by resolution the number of  
16 available attendance slots on an annual basis at the  
17 kindergarten, first grade, second grade and third grade levels  
18 at each of its public schools and shall report that number to  
19 the Department of Education each year by a date to be  
20 established by the Department of Education. In determining and  
21 allocating the number of attendance slots available at those  
22 grade levels, each school district shall make provision for the  
23 accommodation of any resident of the district, giving first  
24 preference to students residing within a school's attendance  
25 boundary, who desires to attend a particular public school in  
26 the district and, after making provision for the attendance of  
27 the remaining resident students, shall thereafter give first  
28 preference to nonresident students who were in attendance in the  
29 district's schools during the immediately preceding school term.  
30 If sufficient slots are not available to accommodate nonresident

1 students who were in attendance in the district's schools during  
2 the immediately preceding school term, available slots shall be  
3 allocated through a publicly conducted lottery among these  
4 students. Should any attendance slots remain available after  
5 making provision for nonresident students who were in attendance  
6 during the preceding term, the slots shall be filled by the  
7 superintendent or his designee through a publicly conducted  
8 lottery from the pool of all remaining qualified applicants who  
9 have made timely application. With the exception of magnet  
10 schools or schools with specialized academic missions, selection  
11 procedures shall not include eligibility criteria in the  
12 allocation of available slots.

13 (f) Enrollments.--Enrollments may be renewed each school  
14 year subsequent to the completion of grade three so long as the  
15 student remains enrolled in a public elementary or secondary  
16 school and otherwise meets the requirements for eligibility  
17 under this article.

18 Section 1304-B. Educational opportunity grants.

19 (a) Annual appropriations.--Educational opportunity grants  
20 authorized pursuant to this section shall be made from annual  
21 appropriations made by the General Assembly to the Department of  
22 Education for that purpose. In the event that insufficient  
23 moneys are appropriated in any fiscal year to provide grants to  
24 all parents of eligible grant recipients in the full amount  
25 authorized, the Department of Education shall make pro rata  
26 reductions in the amount of the grant provided to each parent.  
27 The total amount of grants provided in any fiscal year shall be  
28 limited to the amount of money appropriated for that fiscal  
29 year.

30 (b) Administration.--The Department of Education shall

1 administer a program of educational opportunity grant awards to  
2 be made annually to the parents of each eligible grant recipient  
3 subject to the following terms, conditions and payment  
4 schedules:

5 (1) Grants shall be made only for the payment of costs  
6 of tuition at a school within this Commonwealth. Grants shall  
7 not be made for a home education program provided pursuant to  
8 section 1327.1.

9 (2) Except for grants made to students under paragraph  
10 (6), the following percentage classifications shall apply to  
11 eligibility for a grant award in the maximum amount  
12 authorized under paragraphs (3) and (4): 100% of the maximum  
13 grant shall be available to eligible grant recipients whose  
14 parents had a household income which did not exceed \$25,000;  
15 95% of the maximum grant shall be available to eligible grant  
16 recipients whose parents had a household income which did not  
17 exceed \$30,000; 90% of the maximum grant shall be available  
18 to eligible grant recipients whose parents had a household  
19 income which did not exceed \$35,000; 85% of the maximum grant  
20 shall be available to eligible grant recipients whose parents  
21 had a household income which did not exceed \$40,000; 80% of  
22 the maximum grant shall be available to eligible grant  
23 recipients whose parents had a household income which did not  
24 exceed \$45,000; 75% of the maximum grant shall be available  
25 to eligible grant recipients whose parents had a household  
26 income which did not exceed \$50,000; 70% of the maximum grant  
27 shall be available to eligible grant recipients whose parents  
28 had a household income which did not exceed \$55,000; 65% of  
29 the maximum grant shall be available to eligible grant  
30 recipients whose parents had a household income which did not

1 exceed \$60,000; 60% of the maximum grant shall be available  
2 to eligible grant recipients whose parents had a household  
3 income which did not exceed \$65,000; 55% of the maximum grant  
4 shall be available to eligible grant recipients whose parents  
5 had a household income which did not exceed \$70,000; 50% of  
6 the maximum grant shall be available to eligible grant  
7 recipients whose parents had a household income which did not  
8 exceed \$75,000; for the school year 2007-2008 and each year  
9 thereafter, the household income limits for eligibility for  
10 each percentage classification of the maximum grant amount  
11 shall be adjusted by the Department of Education to reflect  
12 any percentage change in the Consumer Price Index for All  
13 Urban Consumers (CPI-U) developed and updated by the Bureau  
14 of Labor Statistics of the United States Department of Labor.

15 (3) Except for grants made to students under paragraph  
16 (6), for the school years 2004-2005 through 2008-2009, the  
17 maximum grant shall be the lesser of \$3,000 or an amount  
18 equal to 95% of the actual amount of tuition paid or to be  
19 paid:

20 (i) for an eligible grant recipient enrolled in a  
21 full-day kindergarten program meeting the requirements  
22 relating to minimum hours or days of instruction as  
23 provided in section 1327; or

24 (ii) for an eligible grant recipient enrolled in  
25 grades one through three.

26 (4) Except for grants made to students under paragraph  
27 (6), for the school years 2004-2005 through 2008-2009, the  
28 maximum grant shall be the lesser of \$1,500 or an amount  
29 equal to 95% of the actual amount of tuition paid or to be  
30 paid for an eligible grant recipient enrolled in a half-day

1 kindergarten program meeting the requirements of this act  
2 applicable to kindergarten.

3 (5) For each school year subsequent to 2008-2009, the  
4 maximum amount of a grant shall be increased by a percentage  
5 factor equal to the percentage increase in the Consumer Price  
6 Index for All Urban Consumers (CPI-U) for the Pennsylvania,  
7 New Jersey, Delaware and Maryland area, officially reported  
8 by the United States Department of Labor, Bureau of Labor  
9 Statistics, immediately prior to the date the adjustment is  
10 to take place.

11 (6) For students who are eligible to receive federally  
12 subsidized free school meals, the grant shall be the greater  
13 of:

14 (i) the maximum grant allowed under paragraphs (3),  
15 (4) and (5); or

16 (ii) the per pupil basic funding in the public  
17 schools of the student's district of residence.

18 (7) Grants made to students who are eligible under  
19 paragraph (6) may not exceed the full amount of tuition  
20 charged by the school which the student attends. The  
21 limitation of the grant to 95% of the actual amount of  
22 tuition paid or to be paid as set forth in paragraphs (3) and  
23 (4) shall not apply to students receiving grants under this  
24 paragraph.

25 (8) Grants may be renewed each school year subsequent to  
26 the completion of grade three so long as the student remains  
27 enrolled in a public or nonpublic elementary or secondary  
28 school on a tuition-paying basis and otherwise meets the  
29 requirements for grant eligibility under this article.

30 Section 1305-B. Grant administration.

1       (a) Guidelines.--The Department of Education shall prepare  
2 guidelines establishing an application form and approval  
3 process, standards for verification as to accuracy of  
4 application information, confirmation of attendance by grant  
5 recipients, restrictive endorsement of grant award checks to the  
6 school chosen by the parents, pro rata refunds of grants for  
7 students who withdraw during the school year, repayment of  
8 refunded grants to the department and reasonable deadline dates  
9 for submission of grant applications and shall announce the  
10 award of grants no later than 30 days prior to the beginning of  
11 the school term for which the grants will be utilized. Grants  
12 shall be paid to the parents of an eligible grant recipient upon  
13 receipt of written confirmation of enrollment from the  
14 recipient's school of choice. Grant awards shall be paid by  
15 checks which may only be endorsed by the parents for payment of  
16 tuition at the school designated in the grant application. In  
17 the event a grant recipient is no longer enrolled prior to the  
18 completion of the school term, the school shall send written  
19 notice thereof to the Department of Education. The guidelines  
20 shall be published as a statement of policy in the Pennsylvania  
21 Bulletin. A copy of the guidelines shall be mailed by the  
22 Department of Education to each school district and nonpublic  
23 school in this Commonwealth.

24       (b) Adjudications.--Adjudications rendered by the Department  
25 of Education pursuant to this section shall be subject to 2  
26 Pa.C.S. (relating to administrative law and procedure).

27       (c) Procedures.--The Department of Education shall establish  
28 procedures for determination of acceptance and notification  
29 dates for the admission by school districts of students to their  
30 school of choice, for establishment and operation of the grant

program, for basic education funding credits and payments  
authorized in this article and for assisting school districts in  
developing and distributing public information concerning the  
educational choice programs. In addition to any other public  
information process selected by the Department of Education for  
dissemination of information, departmental procedures shall be  
published as a statement of policy in the Pennsylvania Bulletin  
and shall be mailed by the Department of Education to each  
school in this Commonwealth.

(d) Refunds; interest.--

(1) In the event a grant recipient is no longer enrolled  
in a school and is not subsequently timely enrolled in  
another program of full-day kindergarten, half-day  
kindergarten or elementary or secondary education and the  
parents of the grant recipient fail to submit the full amount  
of a pro rata grant refund payment to the Department of  
Education within 30 days of receipt of notification that such  
payment is due, the parents of the eligible grant recipient  
shall be subject to imposition by the Secretary of Education  
of interest on the grant refund payment to be calculated from  
the due date at the rate determined by the Secretary of  
Revenue for interest payments on overdue taxes or the refund  
of taxes as provided in sections 806 and 806.1 of the act of  
April 9, 1929 (P.L.343, No.176), known as The Fiscal Code,  
and any subsequent amendments to those sections. Should the  
parents of the grant recipient fail to submit the full amount  
of the refund to the Department of Education within 180 days  
of written demand therefor, the Department of Education may  
also impose a civil penalty not to exceed the full amount of  
the annual grant award made to the parents and



1 disqualification from future eligibility for an educational  
2 opportunity grant.

3 (2) In addition to the penalties in paragraph (1), any  
4 person who fraudulently submits a grant application or who  
5 knowingly falsifies material information on a grant  
6 application shall be subject to imposition by the Secretary  
7 of Education of a civil penalty of up to \$1,000 and shall be  
8 disqualified from future participation in the educational  
9 opportunity grant program.

10 (e) No authority of State board.--Notwithstanding any other  
11 provisions of law to the contrary, the program and procedures  
12 and guidelines authorized by this article shall not be subject  
13 to review, regulation or approval by the State Board of  
14 Education.

15 (f) No additional requirements.--Nothing in this article  
16 shall be construed to empower the Commonwealth or any of its  
17 agencies or officers or political subdivisions to impose any  
18 additional requirements on any nonpublic school which are not  
19 otherwise authorized under the laws of this Commonwealth or to  
20 require any nonpublic school to accept eligible grant recipients  
21 if the nonpublic school does not offer appropriate programs or  
22 is not structured or equipped with the necessary facilities to  
23 meet the special needs of the student or does not offer a  
24 particular program requested.

25 (g) Nontaxable.--Educational opportunity grant funds or  
26 school district tuition grants received by a parent under the  
27 authority of this article shall not be considered to be taxable  
28 income for purposes of Article III of the act of March 4, 1971  
29 (P.L.6, No.2), known as the Tax Reform Code of 1971, nor shall  
30 such grants constitute financial assistance or appropriations to

1 the educational institution attended by the grant recipient.

2 (h) Optional enrollment.--No nonpublic school may be  
3 compelled to accept or enroll eligible grant recipients.

4 (i) Equal tuition.--No school may charge a grant recipient a  
5 higher tuition than that student would have been charged without  
6 having received a grant.

7 (j) Study commission.--A study commission shall conduct a  
8 study of the program enacted in this article and shall report  
9 its findings to the General Assembly following the 2008-2009  
10 school year. The commission shall be composed of two persons  
11 appointed by each of the following: the Governor, the President  
12 pro tempore of the Senate, the Speaker of the House of  
13 Representatives and the Secretary of Education.

14 (k) Severability.--The provisions of this article are  
15 severable. If any provision of this article or its application  
16 to any person or circumstances is held invalid, the invalidity  
17 shall not affect other provisions or applications of this  
18 article which can be given effect without the invalid provision  
19 or application.

20 (l) Eligible dates.--If the award of educational opportunity  
21 grants to parents of students attending public or nonpublic  
22 schools is enjoined or otherwise delayed by a court of competent  
23 jurisdiction, the schedules of dates established under this  
24 article regarding eligibility for and administration of the  
25 school choice program shall begin with the school year  
26 commencing after:

27 (1) If an injunction or delay occurs in a court of this  
28 Commonwealth, final determination of the United States  
29 Supreme Court or an intermediate appellate court of this  
30 Commonwealth, so long as in the latter case, further review

1 has been either precluded or denied.

2 (2) If an injunction occurs in Federal court, final  
3 determination by the United States Supreme Court or the Third  
4 Circuit Court or Appeals, so long as in the latter case  
5 further appeal or review has been precluded or denied.

6 Section 1306-B. Tuition grants by school districts.

7 (a) Program established.--The board of school directors in  
8 any school district may, out of funds received from the State  
9 for educational purposes, establish a program of tuition grants  
10 to provide for the education of school-age children who reside  
11 in that district and who attend a public or nonpublic school on  
12 a tuition-paying basis.

13 (b) Guidelines.--The board of school directors prepare  
14 guidelines establishing an application form and approval  
15 process, standards for verification as to the accuracy of  
16 application information, confirmation of attendance by grant  
17 recipients, pro rata refunds of grants for students who withdrew  
18 during the school year, repayment of refunded grants to the  
19 school district and reasonable deadline dates for submission of  
20 grant applications and shall announce the award of grants no  
21 later than August 15 of the school year in which the grants will  
22 be utilized. Grants shall be paid to the parents of an eligible  
23 grant recipient upon receipt of written confirmation of  
24 enrollment from the recipient's school of choice. In the event a  
25 grant recipient is no longer enrolled prior to the completion of  
26 the school term, the school shall send written notice thereof to  
27 the school district.

28 Section 2. Section 1361 of the act, amended May 11, 1979  
29 (P.L.26, No.7), is amended to read:

30 Section 1361. When Provided.--(1) The board of school

1 directors in any school district may, out of the funds of the  
2 district, provide for the free transportation of any resident  
3 pupil to and from the kindergarten, elementary school, or  
4 secondary school in which he is lawfully enrolled, provided that  
5 such school is not operated for profit and is located within the  
6 district boundaries or outside the district boundaries at a  
7 distance not exceeding ten miles by the nearest public highway,  
8 except that such ten-mile limit shall not apply to area  
9 vocational technical schools which regularly serve eligible  
10 district pupils or to special schools and classes approved by  
11 the Department of Education, and to and from any points within  
12 or without the Commonwealth in order to provide field trips for  
13 any purpose connected with the educational pursuits of the  
14 pupils. When provision is made by a board of school directors  
15 for the transportation of public school pupils to and from such  
16 schools or to and from any points within or without the  
17 Commonwealth in order to provide field trips as herein provided,  
18 the board of school directors shall also make identical  
19 provision for the free transportation of:

20 (i) students who are resident within the district and who  
21 regularly attend a public school or charter school outside the  
22 boundaries of their district of residence at a distance not  
23 exceeding ten (10) miles by the nearest public highway to and  
24 from such schools or to and from any points within or without  
25 this Commonwealth in order to provide field trips as herein  
26 provided; and

27 (ii) pupils who regularly attend nonpublic kindergarten,  
28 elementary and high schools not operated for profit to and from  
29 such schools or to and from any points within or without the  
30 Commonwealth in order to provide field trips as herein provided.

1 Such transportation of pupils attending nonpublic schools shall  
2 be provided during regular school hours on such dates and  
3 periods that the nonpublic school not operated for profit is in  
4 regular session, according to the school calendar officially  
5 adopted by the directors of the same in accordance with  
6 provisions of law. The board of school directors shall provide  
7 such transportation whenever so required by any of the  
8 provisions of this act or of any other act of Assembly.

9 (2) The board of school directors in any school district  
10 may, if the board deems it to the best interest of the school  
11 district, for the purposes of transporting pupils as required or  
12 authorized by any of the provisions of this act or of any other  
13 act of the Assembly, appropriate funds for urban common carrier  
14 mass transportation purposes from current revenues to urban  
15 common carrier mass transportation authorities to assist the  
16 authorities to meet costs of operation, maintenance, capital  
17 improvements, and debt service. Said contributions shall not be  
18 subject to reimbursement by the Commonwealth of Pennsylvania.

19 (3) The State Board of Education shall adopt regulations,  
20 including qualifications of school bus drivers, to govern the  
21 transportation of school pupils.

22 Section 3. The Department of Education shall, within 30 days  
23 of the effective date of this act, adopt and publish such  
24 guidelines and procedures as may be required to fully implement  
25 Article XIII-B of the act. The initial guidelines and  
26 procedures, and any amendments thereto, shall be exempt from the  
27 requirements of the act of June 25, 1982 (P.L.633, No.181),  
28 known as the Regulatory Review Act.

29 Section 4. This act shall take effect immediately.