

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2466 Session of
2008

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K. SMITH, STEIL, SURRA, THOMAS, WILLIAMS, YOUNGBLOOD AND
MURT, APRIL 15, 2008

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
SEPTEMBER 23, 2008

AN ACT

1 ~~Establishing and providing for the powers and duties of the~~ <—
2 ~~Office~~ PROVIDING for Drop-out Prevention and Data Collection <—
3 in the Department of Education; and providing for grant
4 funding for drop-out prevention plans and drop-out recovery
5 programs.

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

14 CHAPTER 1

15 PRELIMINARY PROVISIONS

16 Section 101. Short title.

17 This act shall be known and may be cited as the Drop-out
18 Prevention and Data Collection Act.

19 Section 102. Findings.

20 The General Assembly finds and declares as follows:

21 (1) Significant discrepancies in school district
22 reporting, drop-out statistics and graduation rate formulas
23 exist nationwide.

24 (2) The United States Secretary of Education recently
25 announced that the United States Department of Education will
26 require all states to use a Federal formula for the
27 calculation of drop-out and graduation rates.

28 (3) The Pennsylvania Department of Education's
29 statistics between the 1995-1996 and 2005-2006 school years
30 show that drop-out rates in this Commonwealth may have

1 decreased Statewide, but serious questions exist regarding
2 the uniformity in reporting, and therefore, the reliability
3 of that data.

4 (4) Research indicates that students who drop out of
5 school are likely to earn far less money throughout their
6 lives than college or high school graduates and experience
7 teen pregnancy, substance abuse, crime and incarceration.

8 (5) This Commonwealth must be prepared to prioritize
9 drop-out prevention in light of a forthcoming Federal drop-
10 out rate formula for all school districts that could provide
11 this Commonwealth with more accurate data on the number of
12 dropouts per year in this Commonwealth.

13 (6) The Commonwealth should take proactive steps to help
14 students stay engaged and on track for graduation from high
15 school.

16 (7) School districts need additional resources and
17 strategies to help establish and sustain programming to
18 reduce the number of dropouts.

19 Section 103. Definitions.

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

23 "Accelerated high school." A high school allowing at-risk
24 students to accelerate their graduation dates through flexible
25 scheduling and for-credit innovative programs and courses taught
26 by certified teachers and professionals who are experts in their
27 fields.

28 "Alternative education program." An educational program that
29 promotes the advancement of the academic needs of at-risk
30 students and students unsuccessful in a traditional educational

1 environment, including, but not limited to, transfer high
2 schools, accelerated high schools, middle college high schools,
3 General Educational Development (GED) programs and other
4 programs approved by the ~~office~~ DEPARTMENT. <—

5 "At-risk student." A student enrolled in a public school
6 district who is at risk of dropping out as indicated by at least
7 one of the following criteria:

8 (1) A past record of irregular attendance.

9 (2) A past record of underachievement in which the
10 student is at least one year behind the coursework for the
11 respective grade level.

12 (3) A past record of low motivation or disinterest in
13 the educational program.

14 (4) A history of discipline or behavioral problems.

15 (5) A disadvantaged socioeconomic background.

16 (6) A lack of parental or adult support.

17 (7) Other factors affecting school performance,
18 including, but not limited to, teenage pregnancy or
19 parenting, residence in a homeless shelter or temporary
20 living arrangement, substance abuse, child abuse or neglect,
21 or limited English proficiency.

22 "Career and technical school." Any public or private
23 postsecondary school that provides a form of education of less
24 than college grade, given in school or elsewhere, the purpose of
25 which is to assist an individual to effectively pursue
26 recognized profitable employment, whether for wages or
27 otherwise.

28 "Charter school." The term shall have the same meaning as in
29 section 1703-A of the act of March 10, 1949 (P.L.30, No.14),
30 known as the Public School Code of 1949.

"Cyber charter school." The term shall have the same meaning as in section 1703-A of act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

"Community partner." Any of the following:

(1) Nonprofit community-based organization.

(2) Workforce investment board.

(3) Youth council.

(4) Institution of higher education.

(5) Career and technical school.

(6) Alternative education program.

(7) Employer or nonprofit business organization.

(8) Nonprofit community and economic development organization.

(9) Other Department of Education-approved community or regional organization.

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

"Drop-out prevention plan." A plan that uses evidence or research-based strategies to offer alternative measures to encourage students to remain in school and obtain a high school diploma and transition into postsecondary education or career training.

"Drop-out recovery program." A program that uses evidence or research-based strategies to reach out to those individuals who drop out of school prior to completion of a public school's academic program and offer them alternatives to obtaining their high school diplomas or passing the General Educational Development (GED) test battery.

"Early warning system." A research-based system designed and established by the Department of Education and made available to

1 school entities at no cost for use to help identify at-risk
2 students.

3 "General Educational Development test battery" or "GED test
4 battery." A battery of five tests which, when passed, certifies
5 that the taker has American-level academic skills.

6 "Graduation gap." The percentage of students who entered the
7 ninth grade and did not graduate from the same high school in
8 the same district four years later.

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

13 "Learning-to-work program." A supervised educational program
14 offered by a school district that incorporates practical work
15 experience and academic study. This term shall include
16 cooperative vocational programs.

17 "Middle college high school." ~~A small high school located on~~ <—
18 ~~or adjacent to a two year or four year college, thereby~~
19 ~~providing students the opportunity to take college courses and~~
20 ~~high school classes at the same time, which serves students who~~
21 ~~are academically able but underachieving and disengaged and may~~
22 ~~have a high absenteeism rate, designed to fill a gap in current~~
23 ~~educational offerings in a county and serve a student population~~
24 ~~that is struggling in the traditional educational system. A~~ <—
25 SCHOOL WHICH OFFERS A MIDDLE COLLEGE HIGH SCHOOL PROGRAM AS
26 DEFINED IN SECTION 1602-B OF THE ACT OF MARCH 10, 1949 (P.L.30,
27 NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949.

28 "Nonprofit community-based organization." A public or
29 private nonprofit organization, governed by a community-based
30 board of directors, which serves to provide access to

1 educational and training resources or related services to
2 individuals in the community.

3 ~~"Office." The Office for Drop-out Prevention and Data~~ <—
4 ~~Collection established by this act.~~

5 "School district." The term shall have the same meaning as
6 in section 102 of the act of March 10, 1949 (P.L.30, No.14),
7 known as the Public School Code of 1949.

8 "School entity." The term shall have the same meaning as in
9 section 1101-A of the act of March 10, 1949 (P.L.30, No.14),
10 known as the Public School Code of 1949.

11 ~~"Secretary." The Secretary of Education of the Commonwealth.~~ <—

12 "Service learning programs." Teaching methods that combine
13 meaningful service to community with curriculum-based learning
14 through which students improve their academic skills by applying
15 what they learn in school to the real world and then reflect on
16 their experiences to reinforce the link between their service
17 and their learning.

18 "Transfer high school." A small, full-time high school
19 operated by a school district or institution of higher education
20 and designed to reengage students who exceed the age limitation
21 in section 1301 of the act of March 10, 1949 (P.L.30, No.14),
22 known as the Public School Code of 1949, or have dropped out of
23 high school. The essential elements of transfer high schools
24 include:

25 (1) A personalized learning environment.

26 (2) Rigorous academic standards in accordance with 22
27 Pa. Code Ch. 4 (relating to academic standards and
28 assessment).

29 (3) Student-centered pedagogy.

30 (4) Support to meet instructional and developmental

goals.

(5) A focus on connections to postsecondary education or careers.

"Youth council." Locally sponsored youth education and development programs that use community volunteers who become mentors to teach adolescents how to work within their local political system.

CHAPTER 3

~~OFFICE FOR DROP-OUT PREVENTION~~

AND DATA COLLECTION

~~Section 301. Establishment.~~

~~There is hereby established in the department the Office for Drop-out Prevention and Data Collection.~~

Section ~~302~~ 301. Powers and duties.

The ~~office~~ DEPARTMENT shall have the following powers and duties:

(1) To create by the 2009-2010 school year a Statewide definition of "dropout," if none is provided by Federal statute, regulation or guideline and, in accordance with any Federal statute, regulation or guideline, report the graduation rates, drop-out rates and graduation-gap rates in this Commonwealth.

(2) To implement and maintain a high-quality data collection and reporting system that accurately accounts for all students when calculating high school graduation and drop-out rates in accordance with Federal regulations or guidelines. The reporting system shall include the calculation of graduation rates, drop-out rates and the graduation-gap rates in all school entities, charter schools and cyber charter schools.

1 ~~(3) To ensure that all school districts are provided~~ <—
2 ~~with tools and sufficient funding for accurate reporting of~~
3 ~~graduation and drop-out data.~~

4 (4) (3) To increase coordination and collaboration among <—
5 nonprofit, community-based organizations, school entities,
6 businesses, institutions of higher education and parents in
7 order to help lower the drop-out rate.

8 (5) (4) To increase efforts to reengage those <—
9 individuals who previously dropped out and those who are
10 considering dropping out, and to encourage those individuals
11 who drop out to reenroll in secondary school and complete
12 educational programs in order to receive a diploma or its
13 equivalent.

14 (6) (5) To serve as a clearinghouse of information, <—
15 policies and strategies aimed at decreasing the number of
16 dropouts and aiding school districts in the development of
17 drop-out prevention plans.

18 (7) (6) To provide information, policies and strategies <—
19 for school entities and community partners aimed at
20 establishing and maintaining drop-out recovery programs.

21 (8) (7) To distribute grants in accordance with the <—
22 requirements of this act to school districts and community
23 partners that apply for and are approved to receive a drop-
24 out prevention plan or drop-out recovery grant TO THE EXTENT <—
25 THAT FUNDS ARE APPROPRIATED FOR THIS PURPOSE.

26 (9) (8) To require school entities, charter schools and <—
27 cyber charter schools to report student drop-out information
28 to the department using the ~~offices'~~ DEPARTMENT'S data <—
29 collection system.

30 Section ~~303~~ 302. Data collection and reporting. <—

1 (a) Categories.--Pursuant to section ~~302~~ 301, data collected <—
2 by the ~~office~~ DEPARTMENT on drop-out, graduation and graduation- <—
3 gap rates shall be disaggregated in the following categories:

4 (1) Limited English proficiency.

5 (2) Low income.

6 (3) Special education.

7 (4) Gifted education.

8 (5) Race/ethnicity.

9 (6) School entity.

10 (7) Charter school or cyber charter school.

11 (8) Gender.

12 (9) Geographic area.

13 (10) Other categories as determined by the ~~office~~ <—
14 DEPARTMENT. <—

15 (b) Availability.--The ~~office~~ DEPARTMENT shall ensure that <—
16 the data collection and reporting system be accurate, uniform
17 and accessible to school entities, charter schools, cyber
18 charter schools and Commonwealth residents via the department's
19 publicly accessible Internet website.

20 CHAPTER 5

21 DROP-OUT PREVENTION PLAN AND

22 DROP-OUT RECOVERY PROGRAMS GRANTS

23 Section 501. Drop-out Prevention Grant Program.

24 (a) Establishment.--The ~~office~~ DEPARTMENT shall establish <—
25 and administer a drop-out prevention plan grant program pursuant
26 to the requirements of section ~~302~~ ~~with moneys~~ 301 TO THE EXTENT <—
27 THAT FUNDS ARE appropriated by the General Assembly FOR THIS <—
28 PURPOSE.

29 (b) Drop-out prevention grant use.--A school district,
30 working in conjunction with a community partner, that receives a

1 drop-out prevention grant pursuant to the requirements of this
2 act, shall use the grant to establish, develop or maintain drop-
3 out prevention programs or strategies, including, but not
4 limited to, the following:

5 (1) Hire necessary personnel to implement or maintain an
6 early warning system to identify at-risk students or students
7 unlikely to graduate on time from high school without
8 receiving school-based support.

9 (2) Implement an intervention strategy within school
10 districts with drop-out rates above the State average with
11 support programs and awareness activities to inform all
12 students in middle and high school of the characteristics of
13 at-risk students and the future impact of an individual's not
14 receiving a diploma.

15 (3) Implement student interventions for those
16 individuals who present two or more characteristics of an at-
17 risk student. Intervention strategies shall include, but
18 shall not be limited to, intensive academic remediation,
19 summer transition programs and academic support for students
20 during and beyond the first ninth-grade marking period.

21 (4) Provide intensive academic support for those
22 students exhibiting more than two of the characteristics of
23 an at-risk student and in need of immediate drop-out
24 prevention assistance, including, but not limited to,
25 learning-to-work opportunities that offer career exploration,
26 service learning opportunities, entrepreneurial experiences
27 and other drop-out prevention strategies approved by the
28 ~~office~~ DEPARTMENT that bring relevance to academic subject
29 areas. <—

30 (5) Offer alternative methods for at-risk students to

1 obtain a high school diploma or to pass the GED test battery,
2 which may include, but shall not be limited to, virtual or
3 online education programs established, sponsored or made
4 available by at-risk students' resident school districts.

5 (6) Provide at-risk students with exposure to
6 postsecondary education, career exploration, work preparation
7 and skills development, and facilitate financial aid
8 counseling for postsecondary education.

9 (7) Provide other drop-out prevention activities,
10 strategies or plans approved by the ~~office~~ DEPARTMENT, which <—
11 may include, but shall not be limited to, innovative or pilot
12 drop-out prevention plans currently in use or proposed by a
13 school district or a community partner.

14 Section 502. Drop-out recovery grant program.

15 (a) Establishment.--The ~~office~~ DEPARTMENT shall establish <—
16 and administer a drop-out recovery grant program pursuant to
17 section ~~302 with moneys~~ 301 TO THE EXTENT THAT FUNDS ARE <—
18 appropriated by the General Assembly FOR THIS PURPOSE. <—

19 (b) Grant use.--A community partner, working in conjunction
20 with a school district, that receives a drop-out recovery grant
21 pursuant to the requirements of this act, shall use the grant to
22 establish, develop or maintain evidence or research-based, drop-
23 out recovery programs and strategies. Programs and strategies
24 shall include, but shall not be limited to, the following:

25 (1) Provide outreach and educational options to dropouts
26 through a locally or regionally based community collaboration
27 between a school district and a community partner.

28 (2) Hire individuals who seek out, recruit and work to
29 reengage dropouts for placement into alternative educational
30 programming.

1 (3) Implement programs for young people whose literacy
2 and numeracy levels are too low for them to participate
3 meaningfully in formal educational programming.

4 (4) Provide learning-to-work programs that offer in-
5 depth job readiness and career exploration, including
6 academic support, work preparation, skills development,
7 internships and entrepreneurial experiences designed to
8 enhance the academic component of alternative education
9 programs.

10 (5) Provide occupational preparation programs that offer
11 dropouts or those individuals returning from delinquent
12 placement, or both, with approved career technical education
13 in high-demand occupations.

14 (6) Provide postsecondary education exposure and
15 facilitate financial aid counseling for dropouts who seek to
16 participate in postsecondary education or job training.

17 (7) Provide other activities, strategies or programs
18 approved by the ~~office~~ DEPARTMENT, which may include <—
19 innovative or drop-out recovery pilot programs currently in
20 use or proposed by a community partner or a school district.

21 Section 503. Grant applications.

22 (a) ~~Office~~ DEPARTMENT responsibilities.--~~The office~~ TO THE <—
23 EXTENT FUNDS ARE APPROPRIATED FOR THESE PURPOSES, THE DEPARTMENT
24 shall develop two separate grant applications for drop-out
25 prevention plans and drop-out recovery programs. The ~~office~~ <—
26 DEPARTMENT shall make the applications available to school <—
27 districts and community partners on the department's publicly
28 accessible Internet website. The ~~office~~ DEPARTMENT shall <—
29 annually review all grant applications for approval and
30 distribute grants to selected school districts and community

1 partners no later than October 1 of each year.

2 (b) Application for drop-out prevention plan grants.--A
3 school district shall submit the following with a drop-out
4 prevention plan application:

5 (1) A description of the school district's current or
6 proposed drop-out prevention plan that includes a
7 comprehensive list of alternative education programs and
8 pathways to earn a diploma.

9 (2) A description of the school district's programs,
10 services and strategies aimed at drop-out prevention.

11 (3) A description of how the grant will augment a
12 current drop-out prevention plan or create additional drop-
13 out prevention services for students.

14 (4) An estimate of the number of students who will be
15 served by a drop-out prevention grant and who will be
16 provided with individual graduation plans.

17 (5) A listing of the community partners that the school
18 district will collaborate with and the community partners'
19 roles in the delivery of the drop-out prevention plan.

20 (6) Other relevant information as determined by the
21 ~~office~~ DEPARTMENT.

<—

22 (c) Application for drop-out recovery program grants.--A
23 community partner working in conjunction with a school district
24 shall submit the following with the drop-out recovery grant
25 application:

26 (1) A description of the drop-out recovery program that
27 includes a summary of the outreach and referral strategy that
28 will be utilized by the community partner and school district
29 to reengage dropouts into educational programming.

30 (2) A description of the community partner's programs

1 and services currently used for drop-out recovery.

2 (3) A description of how the grant will augment current
3 drop-out recovery programs or create additional drop-out
4 recovery initiatives.

5 (4) In the case where a community partner collaborates
6 with more than one school district to offer a regional drop-
7 out recovery program, a listing of the school districts and
8 community partners that will collaborate and the agreement
9 between the entities designating responsibilities for the
10 program.

11 Section 504. Grant coordinator.

12 Each school district and community partner that receives a
13 grant for a drop-out prevention plan or drop-out recovery
14 program shall ~~appoint~~ DESIGNATE a grant coordinator who shall be <—
15 responsible for the administration of the grant in accordance
16 with the requirements of this act.

17 Section 505. Individual graduation plans.

18 (a) General rule.--Each school district receiving a drop-out
19 prevention grant shall be provided with additional funding to
20 prepare individual graduation plans for at-risk students served
21 by the drop-out prevention plan grant in the school district.

22 (b) Contents.--An individual graduation plan may include,
23 but not be limited to, the following:

24 (1) Identify educational goals and establish personal
25 goals for an at-risk student.

26 (2) Provide tools and assistance in postsecondary and
27 career exploration, including financial aid counseling and
28 assistance.

29 (3) Track assessment results and educational history and
30 provide appropriate monitoring and academic intervention and

1 other evaluation strategies as determined by the school
2 district.

3 (4) Track at-risk student service learning programs,
4 learning-to-work experiences, entrepreneurial experiences and
5 extracurricular and organization activities.

6 (5) Address participation of the at-risk student's
7 parents or guardian, including consideration of the parents'
8 or guardian's educational expectations for the student.

9 (6) Additional requirements as determined by the school
10 district OR THE DEPARTMENT. <—

11 Section 506. Technical assistance.

12 At the request of a school district, the department shall
13 provide each school district with technical assistance,
14 including, but not limited to, best practices or strategies to
15 assist in the development of an effective drop-out prevention
16 plan or drop-out recovery program, or both, and individual
17 graduation plans for at-risk students that will enhance the
18 school district's ability to meet the diverse needs of its
19 student population and community. Technical assistance shall
20 include research-based alternative options and strategies and
21 may be provided through online training programs.

22 Section 507. Priority funding.

23 ~~School districts and community partners located in school~~ <—
24 ~~districts that the office determines as having a drop out rate~~
25 ~~higher than the State average shall receive priority when~~
26 ~~considering applications for drop out prevention plan grants and~~
27 ~~drop out recovery program grants.~~

28 (A) PREVENTION.--FOR DROP-OUT PREVENTION PLAN GRANTS, <—
29 PRIORITY FUNDING SHALL BE PROVIDED TO SCHOOL DISTRICTS THAT HAVE
30 BEEN DETERMINED BY THE DEPARTMENT TO HAVE A DROP-OUT RATE HIGHER

1 THAN THE STATE AVERAGE.

2 (B) RECOVERY.--FOR DROP-OUT RECOVERY PROGRAM GRANTS,
3 PRIORITY FUNDING SHALL BE PROVIDED TO COMMUNITY PARTNERS BASED
4 ON THE PERCENTAGE OF INDIVIDUALS LACKING A HIGH SCHOOL DIPLOMA
5 IN THE WORK FORCE INVESTMENT AREA THAT IS BEING SERVED, AS
6 DETERMINED BY THE DEPARTMENT.

7 CHAPTER 7
8 ADMINISTRATION

9 Section 701. Reporting.

10 Beginning in the 2010-2011 school year and each school year
11 thereafter, the ~~office~~ DEPARTMENT shall annually prepare a <—
12 report and provide a copy of the report to the Education
13 Committee of the Senate and the Education Committee of the House
14 of Representatives and shall post a copy of the report on the
15 department's publicly accessible Internet website by September 1
16 of each year, that contains, at a minimum, the following:

17 (1) All drop-out, graduation and graduation-gap rates
18 reported by school entities, charter schools and cyber
19 charter schools, including school-level data, disaggregated
20 by the factors used to identify an at-risk student and the
21 following classifications:

22 (i) Limited English proficiency.

23 (ii) Low income.

24 (iii) Special education.

25 (iv) Gifted education.

26 (v) Race/ethnicity.

27 (vi) Gender.

28 (vii) School entity.

29 (viii) Geographic area.

30 (2) Highest grade level completed and age prior to

dropping out.

(3) Number of students served by the drop-out prevention plan and drop-out recovery program grants.

(4) Identification of school districts and community partners who received either a drop-out prevention plan grant or a drop-out recovery program grant and the total amount the entities received.

(5) An evaluation of the grant dollars' effectiveness in aiding school districts and community partners working in conjunction with school districts to provide successful drop-out prevention plans and drop-out recovery programs.

(b) Uniform reporting.--School entities, charter schools and cyber charter schools shall use the definitions and formulas established by the department if no Federal statute, regulation or guideline exists when reporting the graduation, drop-out and graduation-gap rates to the ~~office~~ DEPARTMENT. School entities, charter schools and cyber charter schools shall report these rates annually, as required by the ~~office~~ DEPARTMENT, on a form to be developed and provided by the ~~office~~ DEPARTMENT.

(c) Guidelines and standards.--The ~~office~~ DEPARTMENT may develop any guidelines or standards necessary to implement the requirements of this act.

CHAPTER 11

MISCELLANEOUS PROVISIONS

Section 1101. Individualized education program.

~~Notwithstanding section 505, a~~ A student's individualized education program developed under 22 Pa. Code Ch. 14 (relating to special education services and programs) AND CONTAINING THE PLAN CONTENTS SET OUT IN SECTION 505(B) WITH APPROPRIATE ACCOMMODATIONS, MODIFICATIONS AND SUPPORTS may be used as the

1 student's individual graduation plan under this act.

2 Section 1102. Effective date.

3 This act shall take effect July 1, 2009, or immediately,

4 whichever is later.