

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 11 Session of
2009

INTRODUCED BY ROEBUCK, McCALL, EACHUS AND STURLA, JULY 20, 2009

AS REPORTED FROM COMMITTEE ON EDUCATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, AUGUST 4, 2009

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," in duties and powers of boards of~~
6 ~~school directors, establishing parent involvement programs~~
7 ~~and policies in school districts; in school finances,~~
8 ~~providing for workers' compensation, and further providing~~
9 ~~for annual budget and for limitation on certain unreserved~~
10 ~~fund balances; in grounds and buildings, further providing~~
11 ~~for referendum or public hearing required prior to~~
12 ~~construction or lease; providing for certification of~~
13 ~~teachers by the National Board for Professional Teaching~~
14 ~~Standards; in certification of teachers, further providing~~
15 ~~for certificates qualifying persons to teach and for kinds of~~
16 ~~State certificates; providing for residency certificates, and~~
17 ~~further providing for disqualifications; in pupils and~~
18 ~~attendance, providing for use of seclusion; further providing~~
19 ~~for compulsory school attendance and for exceptions to~~
20 ~~compulsory attendance; providing for interview reports for~~
21 ~~withdrawing and illegally absent students; further providing~~
22 ~~for cost of tuition and maintenance of certain exceptional~~
23 ~~children in approved institutions and in the four charter~~
24 ~~schools for education of the deaf and blind; and providing~~
25 ~~for emergency permits at approved private schools and~~
26 ~~chartered schools for the deaf and blind; in school health~~
27 ~~services, further providing for possession and use of asthma~~
28 ~~inhalers and epinephrine and auto injectors; in charter~~
29 ~~schools, further providing for funding for charter schools,~~
30 ~~for academic degrees and for annual reports and assessments;~~
31 ~~in education empowerment act, further providing for education~~
32 ~~empowerment districts and for mandate waiver program; in~~
33 ~~educational improvement tax credit, further providing for~~
34 ~~definitions, for tax credit and for limitations; in transfers~~

~~of credits between institutions of higher education, further providing for duties of public institutions of higher education, for transfer and articulation oversight committee and for participation by independent institutions of higher education or State related institutions; in funding for public libraries, providing for state aid for 2009-2010; in reimbursement by Commonwealth and between school districts, further providing for definitions, for basic education funding for student achievement and for accountability to Commonwealth taxpayers, and for payments to intermediate units; and providing for special education funding for student achievement and instruction of eligible students in regular classrooms and for special education accountability to Commonwealth taxpayers.~~

AMENDING THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), ENTITLED "AN ACT RELATING TO THE PUBLIC SCHOOL SYSTEM, INCLUDING CERTAIN PROVISIONS APPLICABLE AS WELL TO PRIVATE AND PAROCHIAL SCHOOLS; AMENDING, REVISING, CONSOLIDATING AND CHANGING THE LAWS RELATING THERETO," IN DUTIES AND POWERS OF BOARDS OF SCHOOL DIRECTORS, ESTABLISHING PARENT INVOLVEMENT PROGRAMS AND POLICIES IN SCHOOL DISTRICTS; IN SCHOOL FINANCES, PROVIDING FOR WORKERS' COMPENSATION, AND FURTHER PROVIDING FOR ANNUAL BUDGET AND FOR LIMITATION ON CERTAIN UNRESERVED FUND BALANCES; IN GROUNDS AND BUILDINGS, FURTHER PROVIDING FOR REFERENDUM OR PUBLIC HEARING REQUIRED PRIOR TO CONSTRUCTION OR LEASE; PROVIDING FOR CERTIFICATION OF TEACHERS BY THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS; IN CERTIFICATION OF TEACHERS, FURTHER PROVIDING FOR CERTIFICATES QUALIFYING PERSONS TO TEACH AND FOR KINDS OF STATE CERTIFICATES; PROVIDING FOR RESIDENCY CERTIFICATES, AND FURTHER PROVIDING FOR DISQUALIFICATIONS; IN PUPILS AND ATTENDANCE, PROVIDING FOR USE OF SECLUSION; FURTHER PROVIDING FOR COMPULSORY SCHOOL ATTENDANCE AND FOR EXCEPTIONS TO COMPULSORY ATTENDANCE; PROVIDING FOR INTERVIEW REPORTS FOR WITHDRAWING AND ILLEGALLY ABSENT STUDENTS; FURTHER PROVIDING FOR COST OF TUITION AND MAINTENANCE OF CERTAIN EXCEPTIONAL CHILDREN IN APPROVED INSTITUTIONS AND IN THE FOUR CHARTER SCHOOLS FOR EDUCATION OF THE DEAF AND BLIND; AND PROVIDING FOR EMERGENCY PERMITS AT APPROVED PRIVATE SCHOOLS AND CHARTERED SCHOOLS FOR THE DEAF AND BLIND; IN SCHOOL HEALTH SERVICES, FURTHER PROVIDING FOR POSSESSION AND USE OF ASTHMA INHALERS AND EPINEPHRINE AND AUTO-INJECTORS; IN HIGH SCHOOLS, FURTHER PROVIDING FOR ACADEMIC DEGREES; IN CHARTER SCHOOLS, FURTHER PROVIDING FOR FUNDING FOR CHARTER SCHOOLS AND FOR ANNUAL REPORTS AND ASSESSMENTS; IN EDUCATION EMPOWERMENT ACT, FURTHER PROVIDING FOR EDUCATION EMPOWERMENT DISTRICTS AND FOR MANDATE WAIVER PROGRAM; IN EDUCATIONAL IMPROVEMENT TAX CREDIT, FURTHER PROVIDING FOR DEFINITIONS, FOR TAX CREDIT AND FOR LIMITATIONS; IN TRANSFERS OF CREDITS BETWEEN INSTITUTIONS OF HIGHER EDUCATION, FURTHER PROVIDING FOR DUTIES OF PUBLIC INSTITUTIONS OF HIGHER EDUCATION, FOR TRANSFER AND ARTICULATION OVERSIGHT COMMITTEE AND FOR PARTICIPATION BY INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION OR STATE-RELATED INSTITUTIONS; IN FUNDING FOR PUBLIC LIBRARIES, PROVIDING FOR STATE AID FOR 2009-2010; IN REIMBURSEMENT BY COMMONWEALTH AND BETWEEN SCHOOL DISTRICTS, FURTHER PROVIDING FOR DEFINITIONS, FOR BASIC EDUCATION FUNDING FOR STUDENT ACHIEVEMENT AND FOR ACCOUNTABILITY TO COMMONWEALTH TAXPAYERS, AND FOR PAYMENTS TO INTERMEDIATE UNITS; AND PROVIDING FOR SPECIAL EDUCATION FUNDING FOR STUDENT ACHIEVEMENT AND INSTRUCTION OF ELIGIBLE

1 STUDENTS IN REGULAR CLASSROOMS AND FOR SPECIAL EDUCATION
2 ACCOUNTABILITY TO COMMONWEALTH TAXPAYERS.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 ~~Section 1. The act of March 10, 1949 (P.L.30, No.14), known~~ ←
6 ~~as the Public School Code of 1949, is amended by adding sections~~
7 ~~to read:~~

8 ~~Section 528. Parent Involvement Programs and Policies. (a)~~
9 ~~The board of school directors in a school district of the first~~
10 ~~class, first class A, second class, third class or fourth class~~
11 ~~shall establish a parent involvement program, parent involvement~~
12 ~~policy and parent involvement committee. No school entity shall~~
13 ~~be required to establish a new program or policy under this~~
14 ~~section if one currently exists and reasonably fulfills the~~
15 ~~requirements of this section.~~

16 ~~(b) A parent involvement program established by a board of~~
17 ~~school directors shall include the following:~~

18 ~~(1) Identification of existing resources, activities or~~
19 ~~materials in the school district that may be used by parents to~~
20 ~~improve the academic achievement of students in the school~~
21 ~~district.~~

22 ~~(2) Identification of existing resources, activities or~~
23 ~~materials in the school district that may be used by parents to~~
24 ~~improve or supplement techniques used by parents at home to~~
25 ~~support and improve the academic achievement of students in the~~
26 ~~school district.~~

27 ~~(3) Identification of a districtwide system of communicating~~
28 ~~information between parents and school officials regarding the~~
29 ~~curriculum, academic goals and strategic plan of the school~~
30 ~~district.~~

31 ~~(4) Identification of any supplemental academic services~~

~~available to students whose score on any Pennsylvania System of School Assessment test is below proficient.~~

~~(5) Identification of any mechanism through which parents can provide recommendations to the board of school directors regarding programs that may improve the academic achievement of students in the school district.~~

~~(6) Identification of any mechanism through which the school district can provide information to parents regarding resources, activities or materials in the school district that may be used by parents to improve the academic achievement of their students.~~

~~(c) A parent involvement policy established by a board of school directors shall include the following:~~

~~(1) Identification of goals and objectives for the involvement of parents in the improvement of the academic achievement of students in the school district.~~

~~(2) Identification of specific strategies to meet the goals and objectives required under paragraph (1).~~

~~(3) Explanation of the resources, activities, materials and mechanisms identified in the parent involvement program.~~

~~(4) Explanation of the role of the parent involvement committee established under subsection (d).~~

~~(d) A parent involvement committee established by a board of school directors shall consist of parents of students enrolled in the school district and shall be responsible for providing the board of school directors with recommendations on the school district's parent involvement program and parent involvement policy. If a school district currently has established a committee of parents that makes recommendations on school policies, the board of school directors may utilize that~~

~~committee to meet the requirements of this subsection.~~

~~(e) A board of school directors shall provide for the publication and dissemination of information related to the school district's parent involvement program and parent involvement policy. The board of school directors shall:~~

~~(1) Make the parental involvement policy available on its publicly accessible Internet website, if available.~~

~~(2) Make copies of the parent involvement program and parent involvement policy available for inspection in the administrative office of the school district and provide copies upon request.~~

~~(3) Provide copies of the parent involvement program and parent involvement policy to the Department of Education no later than sixty (60) days from the effective date of this section.~~

~~Section 615. Workers' Compensation Safety Committee. (a) Each school district shall have and maintain a certified safety committee by December 31, 2010, for the purposes of section 1002(b) of the act of June 2, 1915 (P.L.736, No.338), known as the "Workers' Compensation Act." The Department of Labor and Industry shall annually provide the Department of Education with the list of school districts who have a certified safety committee. In the case of a school district that does not comply with this section, the Department of Education shall annually deduct from any allocation from the Commonwealth to which the school district is entitled the amount of the discount the school district would otherwise receive under section 1002(b) of the "Workers' Compensation Act."~~

~~(b) This section shall not apply to a school district that cannot receive a premium discount under section 1002(b) of the~~

~~"Workers' Compensation Act," or an equivalent reduction in contribution rates, by establishing and maintaining a certified safety committee because it is authorized to self insure its liabilities under section 305 of the "Workers' Compensation Act" or pool its liabilities under section 802 of the "Workers' Compensation Act."~~

~~Section 2. Section 687(j) of the act, amended July 9, 2008 (P.L.846, No.61), is amended to read:~~

~~Section 687. Annual Budget; Additional or Increased Appropriations; Transfer of Funds.~~

~~(j) Notwithstanding any other provisions of this act, the board of school directors of each school district may reopen its 2003-2004 budget, its 2004-2005 budget, its 2005-2006 budget, its 2006-2007 budget, its 2007-2008 budget [or], its 2008-2009 budget, or its 2009-2010 budget to reflect any State allocations for fiscal year 2003-2004, fiscal year 2004-2005, fiscal year 2005-2006, fiscal year 2006-2007, fiscal year 2007-2008 [or], fiscal year 2008-2009, or fiscal year 2009-2010 provided by the General Assembly through this act.~~

~~Section 3. Section 688(c) of the act, added December 23, 2003 (P.L.48), is amended and the section is amended by adding a subsection to read:~~

~~Section 688. Limitations on Certain Unreserved Fund Balances. * * *~~

~~(b.1) A school district may designate some or all of its estimated unreserved fund balance for the purpose of making payments to the fund under 24 Pa.C.S. § 8327 (relating to payments by employers) in advance of a projected increase in the employer contribution rate calculated under 24 Pa.C.S. § 8328 (relating to actuarial cost method).~~

~~(c) As used in this section[, "estimated"]:~~

~~"Estimated ending unreserved, undesignated fund balance"~~

~~shall mean that portion of the fund balance which is
appropriable for expenditure or not legally or otherwise
segregated for a specific or tentative future use, projected for
the close of the school year for which a school district's
budget was adopted and held in the General Fund accounts of the
school district.~~

~~"Fund" shall mean the Public School Employees' Retirement
Fund.~~

~~Section 4. Section 701.1 of the act, amended July 4, 2004
(P.L.536, No.70), is amended to read:~~

~~Section 701.1. Referendum or Public Hearing Required Prior
to Construction or Lease. Except where the approval of the
electors is obtained to incur indebtedness to finance the
construction of a school project, the board of school directors
of any school district of the second, third or fourth classes,
shall not construct, enter into a contract to construct or enter
into a contract to lease a new school building or substantial
addition to an existing school building without the consent of
the electors obtained by referendum or without holding a public
hearing as hereinafter provided. In the event that a new school
building or a substantial addition to an existing building is to
be constructed or leased, the school board shall, by a majority
vote of all its members, authorize a maximum project cost and a
maximum building construction cost to be financed by the
district or amortized by lease rentals to be paid by the
district. Building construction cost shall consist of the cost
of all building construction including general construction
costs, plumbing, heating, electrical, ventilating and other~~

~~1 structural costs, equipment and fixtures and architectural and~~
~~2 engineering fees relating thereto, but not including costs for~~
~~3 site acquisition and development, rough grading to receive the~~
~~4 building, sewage treatment facilities or equivalent capital~~
~~5 contributions, and architectural and engineering fees relating~~
~~6 thereto. Building construction cost shall not include any~~
~~7 additional costs incurred to meet certification requirements of~~
~~8 a green building standard.~~ In all cases, a public hearing shall
~~9 be held not later than thirty (30) days before the school~~
~~10 district submits the initial building construction cost and~~
~~11 green building standard cost estimates to the Department of~~
~~12 Education for approval. Notice of the hearing shall be given not~~
~~13 later than twenty (20) days before the date of the scheduled~~
~~14 hearing. In the event that the maximum building construction~~
~~15 cost authorization exceeds the aggregate building expenditure~~
~~16 standard hereinafter specified, the aforesaid authorization of~~
~~17 the school board shall be submitted to the electors of the~~
~~18 school district for their approval within six (6) months prior~~
~~19 to submission of the final building construction cost bids to~~
~~20 the Department of Education for approval. Such referendum shall~~
~~21 be held in the same manner as provided by law for the approval~~
~~22 of the incurring of indebtedness by referendum. The question as~~
~~23 submitted shall specify the maximum project cost, the maximum~~
~~24 building construction cost and the annual sinking fund charge or~~
~~25 lease rental to be incurred by the school district and the~~
~~26 portion of such charge or rental expected to be reimbursed by~~
~~27 the Commonwealth. If the final building construction cost bids~~
~~28 to be submitted to the Department of Education for approval are~~
~~29 less than the aggregate building expenditure standard hereafter~~
~~30 specified but exceed by eight (8) per cent or more the initial~~

~~building construction cost estimates submitted to the Department for approval, a second public hearing shall be held before the Department shall give its final approval.~~

~~The applicable aggregate building expenditure standard shall be a total amount calculated for each building or substantial addition by multiplying the rated pupil capacity under the approved room schedule by the following: two thousand eight hundred dollars (\$2,800) for each pupil of rated elementary capacity; four thousand two hundred dollars (\$4,200) for each pupil of rated secondary capacity in grades seven, eight and nine and five thousand two hundred dollars (\$5,200) for each pupil of rated secondary capacity in grades ten, eleven and twelve and five thousand two hundred dollars (\$5,200) for each pupil of rated vocational technical capacity in grades ten, eleven and twelve to not include the cost of equipment and fixtures in such vocational technical schools: Provided, however, That each of the preceding per pupil amounts shall be adjusted by the Department of Education on July 1, 1974; and annually thereafter through July 1, 2003, by multiplying said amounts by the ratio of the composite construction cost index compiled and published by the United States Department of Commerce for the preceding calendar year to such index for the next preceding calendar year; and Further Provided, however, That each of the preceding per pupil amounts shall be adjusted by the Department of Education on July 1, 2004; and annually thereafter by multiplying said amounts by the ratio of the Building Cost Index published by the McGraw Hill Companies for the preceding calendar year to such index for the next preceding calendar year. Rated elementary pupil capacity or rated secondary pupil capacity for any school building shall be the~~

~~rated pupil capacity determined on the basis of the method used by the Department for school building reimbursement purposes during the school year 1971-1972.~~

~~For purposes of this section:~~

~~(1) "Site acquisition" includes the cost of land and mineral rights, demolition and clearing, rights of way and related utility relocations, surveys and soils analysis, and the cost of all fees relating thereto.~~

~~(2) "Site development" includes excavation, grouting or shoring, special foundations for buildings, access roads to site, utilities on site, extension of utilities to site.~~

~~(3) "Equipment and fixtures" means property fixed or movable which is incidental and necessary to conduct the educational program, and includes, but is not limited to movable equipment such as desks, chairs, tables, portable physical education equipment, audio-visual equipment and science, homemaking, industrial art and business equipment and instructional materials and fixtures such as casework, laboratory equipment, kitchen equipment, auditorium seating and any other special fixtures or equipment required to conduct a particular educational program.~~

~~(4) "Substantial addition" means more than twenty (20) percentum of the area and replacement value of the structure to which the improvement is to be added.~~

~~(5) "Green building standard" means a building standard that meets the following criteria:~~

~~(i) Is consensus based, as defined by the Office of Management and Budget, Circular A 119, dated February 10, 1998.~~

~~(ii) At a minimum, includes performance based categories or credits that will foster the optimization of a building's energy~~

~~performance and use of environmentally benign building materials and technologies.~~

~~(iii) Requires documentation, verifiable calculations or equivalent procedures to substantiate and support any and all claims made regarding a building's energy performance and the use of environmentally benign materials.~~

~~(iv) Employs third party, postconstruction review and verification of achievement of certification.~~

~~(v) Has a performance record of certified green buildings in the United States.~~

~~(6) "Green building standard cost" means the design, construction and registration costs directly attributable to achieving points under a green building standard, including, but not limited to, energy performance benchmarking; life cycle cost assessments; low impact development; storm water management technologies; energy and lighting modeling; alternative energy technology; building commissioning and the cost of registration with the organization providing the green building standard.~~

~~Section 5. The act is amended by adding an article to read:~~

~~ARTICLE XI-B~~

~~CERTIFICATION OF TEACHERS~~

~~BY THE NATIONAL BOARD FOR~~

~~PROFESSIONAL TEACHING STANDARDS~~

~~Section 1101 B. Definitions.~~

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

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

~~"Eligible teacher." A teacher who:~~

~~(1) Is a current Pennsylvania resident.~~

~~(2) Currently holds a valid Pennsylvania teaching certification in good standing.~~

~~(3) Has completed three full years of teaching or school counseling in a Pennsylvania public school, intermediate unit or area vocational technical school.~~

~~(4) Holds a current, full time teaching or school counseling position in a Pennsylvania public school, intermediate unit or area vocational technical school.~~

~~(5) Has not previously received Commonwealth funds for participating in any certification area of the NBPTS program.~~

~~(6) Has not repaid any Commonwealth funds previously received for the NBPTS certification process.~~

~~(7) Has not received a waiver of repayment from the Department of Education.~~

~~"National Board for Professional Teaching Standards" or "NBPTS." The independent, nonprofit organization established in 1987 to establish high standards for teachers' knowledge and performance and for development and operation of a national voluntary system to assess and certify teachers who meet those standards.~~

~~"Public school." A school operated by a school district, intermediate unit, charter school, cyber charter school or an area vocational technical school.~~

~~Section 1102-B. Program.~~

~~(a) Establishment. A program to help defray the cost to teachers of becoming certified by the National Board for Professional Teaching Standards is established.~~

~~(b) Goal. It is the goal of the Commonwealth to provide opportunities and incentives for excellent teachers and to~~

~~retain them in the teaching profession. To attain this goal, the Commonwealth shall support the efforts of teachers to achieve national certification by providing reimbursement to public schools for substitute fees associated with teachers participating in the certification process and paying the assessment fee for teachers who seek to attain national certification from the National Board for Professional Teaching Standards.~~

~~Section 1103 B. Payment of fees.~~

~~To the extent funds are available, the Commonwealth shall do all of the following:~~

~~(1) Pay all or a portion of the cost of NBPTS assessment fees on behalf of an eligible teacher to become NBPTS certified or recertified.~~

~~(2) Reimburse school districts for substitute fees for each day the eligible teacher participates in preparation for NBPTS certification, up to three days.~~

~~Section 1104 B. Priority.~~

~~(a) Schools in school improvement or corrective action. Eligible teachers who teach in schools identified as in school improvement or corrective action shall receive first priority for payment of assessment fees under this article. The eligible teachers' districts shall also receive first priority for substitute fees reimbursement.~~

~~(b) Other priority. Eligible teachers who teach early childhood education, mathematics or science at the middle or secondary level or who teach special education or foreign languages shall receive second priority for payment of assessment fees under this article. The eligible teachers' districts shall also receive second priority for substitute fees~~

~~reimbursement.~~

~~Section 1105 B. Duties of eligible teachers.~~

~~(a) Completion of process. An eligible teacher on whose behalf the assessment fee is paid shall agree to complete the certification process or be subject to repayment as set forth in section 1106 B(a).~~

~~(b) Three year commitment. An eligible teacher on whose behalf the assessment fee is paid and who receives NBPTS certification shall, in addition to the requirement under subsection (a), agree to serve as a teacher or administrator in a Pennsylvania public school for a period of at least three years or be subject to repayment as set forth in section 1106 B(b). Eligible teachers who receive priority under section 1104 B and who receive NBPTS certification shall teach in that priority class for the three year commitment period. If an eligible teacher receives priority under section 1104 B(a) and the school is removed from improvement or corrective action during the three year commitment period, service in the same school or in another school identified as in school improvement or corrective action shall continue to fulfill the requirements of this subsection.~~

~~Section 1106 B. Repayment.~~

~~(a) Failure to complete the certification process. When an eligible teacher for whom the Commonwealth has paid the assessment fee fails to complete the certification process, the teacher shall reimburse the Commonwealth for the amount of the assessment fee. A candidate who completes the certification process but is denied NBPTS certification shall not be subject to repayment pursuant to this subsection.~~

~~(b) Failure to continue teaching. When an eligible teacher~~

~~for whom the Commonwealth has paid the assessment fee fails to meet the requirements of section 1105-B(b), the teacher shall reimburse the Commonwealth for the amount of the assessment fee. The teacher shall certify to the department each year that the teacher is in compliance with section 1105-B(b).~~

~~(c) Waiver of repayment. Upon the application of the eligible teacher, the department shall waive the repayment requirement if the department finds that the teacher was unable to complete the process or meet the requirements of section 1105-B(b) for teaching in a priority class or school identified as in school improvement or corrective action due to administrative action on the part of the school district or area vocational technical school for other than causes enumerated in section 1122, or continue teaching due to illness of the teacher, the death or catastrophic illness of a member of the teacher's immediate family, or parental leave to care for a newborn or newly adopted child and may waive the repayment requirement due to other extraordinary circumstances.~~

~~Section 1107-B. Duties of department.~~

~~(a) Guidelines. The department shall develop guidelines necessary for the implementation of this article.~~

~~(b) Technical assistance. To the extent funds are available, the department shall provide technical assistance to NBPTS applicants. The department may contract with one or more institutions of higher education or intermediate units in order to provide technical assistance.~~

~~Section 6. Section 1201 of the act, amended January 14, 1970 (1969 P.L.468, No.192), is amended to read:~~

~~Section 1201. Certificates Qualifying Persons to Teach. Only those persons holding one of the following certificates~~

~~shall be qualified to teach in the public schools of this Commonwealth (1) Permanent college certificate, (2) provisional college certificate, (3) normal school diploma, (4) normal school certificate, (5) special permanent certificate, (6) special temporary certificate, (7) permanent State certificate, (8) residency certificate, (9) certificates which are permanent licenses to teach by virtue of the provisions of section one thousand three hundred eight of the act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws 309), as amended, which is repealed hereby, or [(9)] (10) such other kinds of certificates as are issued under the standards prescribed by the State Board of Education. The State Board of Education shall also provide for issuance of certificates by district superintendents to meet such emergencies or shortage of teachers as may occur.~~

~~Section 7. Section 1203 of the act is amended to read:~~

~~Section 1203. Kinds of State Certificates. State certificates hereafter granted shall include the following:~~

~~Provisional College Certificates,~~

~~Permanent College Certificates,~~

~~Certificates issued by other states and validated by the Superintendent of Public Instruction,~~

~~Special Temporary Certificates,~~

~~Special Permanent Certificates[.]~~

~~Residency Certificates.~~

~~All persons receiving any of such certificates shall have qualifications not less than graduation from a State Teachers' College of this Commonwealth, or equivalent training. Residency certificate program training completed under section 1207.1 shall be considered equivalent training for purposes of this~~

1 ~~act.~~

2 ~~Every college certificate shall set forth the names of the~~
3 ~~college or university from which its holder was graduated. State~~
4 ~~certificates shall entitle their holders to teach in every part~~
5 ~~of this Commonwealth for the terms herein specified.~~

6 ~~Section 8. The act is amended by adding a section to read:~~

7 ~~Section 1207.1. Residency Certificates. (a) The Secretary~~
8 ~~of Education may make a one time issuance of a residency~~
9 ~~certificate for service in a specific shortage area of~~
10 ~~instruction in public schools of this Commonwealth to an~~
11 ~~applicant who meets all of the following:~~

12 ~~(1) Satisfies the requirements specified under section 1209.~~

13 ~~(2) Meets one of the following:~~

14 ~~(i) Holds a doctoral degree from an accredited college or~~
15 ~~university in the subject area of shortage.~~

16 ~~(ii) Holds a master's degree from an accredited college or~~
17 ~~university in the subject area of shortage and has at least two~~
18 ~~years of work experience in the subject area or related field.~~

19 ~~(iii) Holds a bachelor's degree from an accredited college~~
20 ~~or university in the subject area of shortage and has at least~~
21 ~~five years of work experience in the subject area or related~~
22 ~~field.~~

23 ~~(3) Is continuously enrolled in an approved residency~~
24 ~~program.~~

25 ~~(4) Presents evidence of satisfactory achievement on the~~
26 ~~appropriate subject area content test.~~

27 ~~(b) A residency certificate shall be valid for three years~~
28 ~~of teaching in the public schools of this Commonwealth in the~~
29 ~~area for which it applies.~~

30 ~~(c) The secretary shall have all of the following powers and~~

~~duties related to the issuance of residency certificates:~~

~~(1) Identify areas of certification in which there is a
Statewide or regional shortage of qualified teachers.~~

~~(2) Develop guidelines for the residency program which shall
include:~~

~~(i) Preplacement instruction and training.~~

~~(ii) Instruction and training in the following:~~

~~(A) Educational strategies for the designated subject area
for which the residency certificate is issued.~~

~~(B) Child development specifically related to the level of
the certificate sought.~~

~~(C) Emotional support.~~

~~(D) Pennsylvania academic standards.~~

~~(E) Assessment knowledge and skills.~~

~~(F) Pennsylvania standards and aligned system knowledge.~~

~~(iii) Requirements for oversight and mentoring that include
induction, classroom observations and professional development
for the certificate holder during the three years of service in
the public schools of this Commonwealth.~~

~~(3) Approve all residency programs.~~

~~(4) Issue residency certificates to qualified applicants.~~

~~(5) Report annually to the State Board of Education on the
number of residency certificates issued under this section.~~

~~(d) A residency certificate may be converted to an
Instructional I Certificate upon the completion of all residency
program requirements under Department of Education guidelines
and the completion of three years of satisfactory teaching in
the public schools of this Commonwealth.~~

~~Section 9. Section 1209 of the act, amended April 15, 1959
(P.L.41, No.16) and June 24, 1959 (P.L.485, No.110), is amended~~

1 ~~to read:~~

2 ~~Section 1209. Disqualifications. No teacher's certificate~~
3 ~~shall be granted to any person who [has]:~~

4 ~~(1) Has not submitted, upon a blank furnished by the~~
5 ~~{Superintendent of Public Instruction} Secretary of Education, a~~
6 ~~certificate from a physician [legally qualified to practice~~
7 ~~medicine], certified registered nurse practitioner or physician~~
8 ~~assistant licensed or certified in this Commonwealth, or in any~~
9 ~~other state or the District of Columbia, setting forth that~~
10 ~~{said} the applicant is [neither mentally nor physically~~
11 ~~disqualified, by reason of tuberculosis or any other~~
12 ~~communicable disease or by reason of mental disorder] not~~
13 ~~disqualified by reason of a mental or physical disability or a~~
14 ~~communicable disease from the successful performance of the~~
15 ~~{duties of a teacher; nor to any person who has not} essential~~
16 ~~functions of a teacher with or without a reasonable~~
17 ~~accommodation.~~

18 ~~(2) Does not have a good moral character[, or who is].~~

19 ~~(3) [in the habit of using opium or other narcotic drugs in~~
20 ~~any form, or any intoxicating drink as a beverage, or to any~~
21 ~~applicant who has a major physical disability or defect unless~~
22 ~~such a person submits a certificate signed by an official of the~~
23 ~~college or university from which he was graduated or of an~~
24 ~~appropriate rehabilitation agency, certifying that in the~~
25 ~~opinion of such official the applicant, by his work and~~
26 ~~activities, demonstrated that he is sufficiently adjusted,~~
27 ~~trained and motivated to perform the duties of a teacher,~~
28 ~~notwithstanding his impediment.] Engages in the illegal use of~~
29 ~~controlled substances or alcoholic beverages. An applicant for~~
30 ~~certification may overcome the disqualification under this~~

~~paragraph and receive a teaching certificate if the applicant is reviewed by the Department of Education pursuant to the requirement of paragraph (2) and determined to be of good moral character.~~

~~Section 10. The act is amended by adding a section to read:~~

~~Section 1320. Use of Seclusion. (a) The State Board of Education shall, within one year of the effective date of this section, adopt regulations establishing standards relating to the use of seclusion, including, but not limited to, the appropriateness of use for all students, training for personnel, parental consent and notification, by a school entity or agency. The regulations shall be consistent with existing Federal or State regulations and shall not alter any provision of 22 Pa. Code § 14.133 (relating to positive behavior support).~~

~~(b) In adopting the regulations, the State Board of Education shall follow the procedures set forth in the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, and the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," for the promulgation and review of final omitted regulations.~~

~~(c) The State Board of Education shall develop regulations under this section in consultation with the Department of Education, education and special education stakeholders, parents and other interested parties.~~

~~(d) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:~~

~~"Agency" shall mean a school entity, approved private school, State operated program or facility or other public or private organization providing educational services to children with~~

~~disabilities or providing early intervention services.~~

~~"School entity" shall mean a local public education provider such as a school district, area vocational technical school or intermediate unit, including charter schools.~~

~~"Seclusion" shall mean the confinement of a student alone in a room from which the student is physically prevented from leaving.~~

~~Section 11. Section 1327 of the act is amended by adding a subsection to read:~~

~~Section 1327. Compulsory School Attendance. * * *~~

~~(a.1) A student who is not in compliance with this section shall be required to complete an interview in accordance with section 1354.1.~~

~~* * *~~

~~Section 12. Section 1330 of the act, amended May 11, 1949 (P.L.1195, No.361), October 21, 1965 (P.L.601, No.312) and January 14, 1970 (1969 P.L.468, No.192), is amended to read:~~

~~Section 1330. Exceptions to Compulsory Attendance. (a) The provisions of this act requiring regular attendance shall not apply to any child who—~~

~~(1) Has attained the age of sixteen (16) years, and who is regularly engaged in any useful and lawful employment or service during the time the public schools are in session, and who holds an employment certificate issued according to law;~~

~~(2) Has been examined by an approved mental clinic or by a person certified as a public school psychologist or psychological examiner, and has been found to be unable to profit from further public school attendance, and who has been reported to the board of school directors and excused, in accordance with regulations prescribed by the State Board of~~

1 ~~Education.~~

2 ~~(3) Has attained the age of fifteen (15) years and is~~
3 ~~engaged in farm work or domestic service in a private home on a~~
4 ~~permit issued by the school board or the designated school~~
5 ~~official of the school district of the child's residence, in~~
6 ~~accordance with regulations which the Superintendent of Public~~
7 ~~Instruction is hereby authorized to prescribe;~~

8 ~~(4) Has attained the age of fourteen (14) years and is~~
9 ~~engaged in farm work or domestic service in a private home on a~~
10 ~~permit issued as provided in clause (3) of this section, and who~~
11 ~~has satisfactorily completed, either in public or private~~
12 ~~schools, the equivalent of the highest grade of the elementary~~
13 ~~school organization prevailing in the public schools of the~~
14 ~~district in which he resides, if the issuance of such a permit~~
15 ~~has first been recommended by the district superintendent of~~
16 ~~schools having supervision of the schools of the district where~~
17 ~~such child resides, or by the principal of the private school~~
18 ~~where such child is enrolled, and the reason therefor has been~~
19 ~~approved by the Superintendent of Public Instruction;~~

20 ~~(5) Except in districts of the fourth class and those of the~~
21 ~~third class located wholly within the boundary lines of a~~
22 ~~township, or within the boundary lines of a borough which has a~~
23 ~~population of less than five hundred (500) inhabitants to the~~
24 ~~square mile, resides two miles or more by the nearest public~~
25 ~~highways from any public school in session and no proper free~~
26 ~~transportation is furnished to such child to and from school.~~

27 ~~(b) A student who withdraws under this section shall~~
28 ~~complete an interview in accordance with section 1354.1.~~

29 ~~Section 13. The act is amended by adding a section to read:~~

30 ~~Section 1354.1. Interview Reports for Withdrawing and~~

~~Illegally Absent Students.—(a) It shall be the duty of a school principal of a public school or charter school to conduct or assign a designee to conduct an interview for each student who withdraws or is illegally absent for ten (10) days or more, without lawful excuse, from that public school or charter school. During the interview the student shall be made aware of alternatives to withdrawing from the public school or charter school. If the student is legally withdrawing as provided in section 1330, the interview must be done in conjunction with the verification of any work or farm permit issued. If the student is not in compliance with the compulsory school attendance provisions of this act, an interview must be conducted that further inquires as to why the student is illegally absent. A migratory child or a student withdrawing to attend another public school entity, a charter school, cyber charter school, home education program, nonpublic nonlicensed school, private academic school or an approved institution of higher education shall not be required to complete an interview required in this section.~~

~~(b) If a student fails to complete the interview required under subsection (a), the school principal shall conduct an interview with a parent or guardian of the student. The principal shall send a written notice to the parent or guardian by certified mail, return receipt requested, that informs the parent or guardian of the interview required by and the penalty for failure to comply with this subsection, and shall maintain a copy of the notice and the return receipt, if any, with the records of the student. The interview may be conducted in person or via the telephone at a time most accommodating for both parties. Failure of a parent or guardian to complete an~~

~~interview on behalf of the child of the parent or guardian within fifteen (15) school days after the date written notice is sent by certified mail is a violation of this section and the school district or charter school may impose a civil penalty in accordance with section 1333.~~

~~(c) The Department of Education shall establish and distribute a standard form to be completed by a school principal or a designee during an interview. The form shall require, but is not limited to, the following information: name, address, telephone number, date of birth, most current student identification number, current grade level, school name and district, reasons for withdrawing, name, address and telephone number of a parent or guardian and any other information the department deems necessary. The form must be filed with the Department of Education within thirty (30) days following the interview. The data collected from the interviews, excluding specific names and addresses and identification, will be used in conjunction with the Electronic Dropout/Graduate Report (EDGR), a data reporting system or a report of equivalence compiled and distributed by the Division of Data Services of the Department of Education. In addition, the information shall be made part of the student's permanent record by the school district or charter school. The report must be made public at the end of each fiscal year.~~

~~(d) The provisions of sections 1356 and 1357 shall not apply to this section.~~

~~Section 14. Sections 1376(a.2) and 1376.1(b.2) of the act, amended July 4, 2004 (P.L.536, No.70), are amended to read:~~

~~Section 1376. Cost of Tuition and Maintenance of Certain Exceptional Children in Approved Institutions. * * *~~

~~(a.2) For the 2005-2006 school year and each school year thereafter, the Department of Education shall determine the payment amount for each approved private school for all students enrolled in an approved private school for the prior school year as follows:~~

~~(1) (i) Multiply the payment determined for the immediate preceding school year by one hundred and twenty five percent (125%) of the percentage increase in the appropriation for special education for the fiscal year prior to the fiscal year in which payments under this subsection are made.~~

~~(ii) Add the product from subparagraph (i) to the payment determined for the immediate preceding school year.~~

~~(iii) In any fiscal year in which there is no increase in the State appropriation for special education, the increase for the approved private schools in the following fiscal year shall be calculated by applying the multiplier in subsection (a.2) (1) (i) to the average of the percentage increase in the appropriation for special education and the appropriation for basic education for the last fiscal year in which there was an increase in the special education and basic education State appropriations.~~

~~(2) No later than May 10, 2005, and no later than May 10 of each year thereafter, the Department of Education shall notify each school district of residence or charter school of a child enrolled in an approved private school of its payment amount under subsection (a).~~

~~(3) The Department of Education shall pay each approved private school the total amount calculated pursuant to this subsection divided into twelve (12) monthly payments. The Department of Education shall withhold the school district or~~

~~charter school payment amount calculated under subsection (a) from the amount of any and all State payments made to the school district or charter school. In no event shall the sum of the Commonwealth's share of payments to approved private schools under this subsection exceed the appropriation for approved private schools.~~

~~* * *~~

~~Section 1376.1. Actual Cost of Tuition and Maintenance of Certain Exceptional Children in the Four Chartered Schools for Education of the Deaf and the Blind. * * *~~

~~(b.2) Payments are as follows:~~

~~(1) For the 2005-2006 school year and each school year thereafter, the department shall determine the payment amount for each chartered school for all students enrolled in a chartered school for the prior school year as follows:~~

~~(i) Multiply the payment determined for the immediate preceding school year by one hundred and twenty five percent (125%) of the percentage increase in the appropriation for special education for the fiscal year prior to the fiscal year in which payments under this subsection are made.~~

~~(ii) Add the product under subparagraph (i) to the payment determined for the immediately preceding school year.~~

~~(iii) In any fiscal year in which there is no increase in the State appropriation for special education, the increase for the chartered schools for the deaf and blind in the following fiscal year shall be calculated by applying the multiplier in subsection (b.2)(1)(i) to the average of the percentage increase in the appropriation for special education and the appropriation for basic education for the last fiscal year in which there was an increase in the special education and basic education funding~~

~~State appropriations.~~

~~(2) No later than May 10, 2005, and no later than May 10 of each school year thereafter, the department shall notify each school district of residence or charter school of a child enrolled in a chartered school of its payment amount under subsection (b).~~

~~(3) The department shall pay each chartered school the total amount calculated pursuant to this subsection divided into twelve (12) monthly payments. The department shall withhold the school district or charter school payment amount calculated under subsection (b) from the amount of any and all State payments made to the school district or charter school. In no event shall the sum of the Commonwealth's share of payments to chartered schools under this subsection exceed the appropriation for chartered schools.~~

~~* * *~~

~~Section 15. The act is amended by adding a section to read:~~

~~Section 1377.2. Emergency Permits at Approved Private Schools and Chartered Schools for the Deaf and Blind. Approved private schools and chartered schools for the deaf and blind shall have the authority to apply for emergency permits through the Department of Education pursuant to the criteria for eligibility established under 22 Pa. Code § 49.31 (relating to criteria for eligibility) as if the teachers were employed by a public school entity provided that all other conditions for obtaining an emergency permit are met.~~

~~Section 16. Section 1414.1 of the act, added November 30, 2004 (P.L.1471, No.187), is amended to read:~~

~~Section 1414.1. Possession and Use of Asthma Inhalers and Epinephrine Auto Injectors. (a) Each school entity shall~~

~~develop a written policy to allow for the possession and self-administration by children of school age of [an] asthma [inhaler] inhalers and epinephrine auto injectors, and the prescribed medication to be administered thereby, in a school setting. The policy shall comply with section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.) and 22 Pa. Code Ch. 15 (relating to protected handicapped students). The policy shall be distributed with the code of student conduct required under 22 Pa. Code § 12.3(c) (relating to school rules) and made available on the school entity's publicly accessible Internet website, if any.~~

~~(b) The policy under this section shall require a child of school age that desires to possess and self-administer an asthma inhaler or epinephrine auto injector in a school setting to demonstrate the capability for self-administration and for responsible behavior in the use thereof and to notify the school nurse immediately following each use of an asthma inhaler or epinephrine auto injector. The school entity shall develop a system whereby the child may [verify] demonstrate competency to the school nurse that the child is capable of self-administration and has permission for carrying and taking the medication through the use of the asthma inhaler[.] or epinephrine auto injector. Determination of competency for self-administration shall be based on age, cognitive function, maturity and demonstration of responsible behavior. The school entity shall also restrict the availability of the asthma inhaler, the epinephrine auto injector and the prescribed medication contained therein from other children of school age[, with immediate confiscation of both]. The policy shall specify conditions under which a student may lose the privilege to self-~~

~~1 carry the asthma inhaler, the epinephrine auto injector and the~~
~~2 medication [and loss of privileges] if the school policies are~~
~~3 abused or ignored. A school entity that prevents a student from~~
~~4 self carrying an asthma inhaler or epinephrine auto injector and~~
~~5 the prescribed medication shall ensure that they are~~
~~6 appropriately stored at locations in close proximity to the~~
~~7 student prohibited from self carrying and notify the student's~~
~~8 classroom teachers of the places where the asthma inhaler or~~
~~9 epinephrine auto injector and medication are to be stored and~~
~~10 means to access them.~~

~~11 (c) The policy under this section may include the following:~~

~~12 (1) The requirement of a written statement from the~~
~~13 physician, certified registered nurse practitioner or physician~~
~~14 assistant that provides the name of the drug, the dose, the~~
~~15 times when the medication is to be taken and the diagnosis or~~
~~16 reason the medicine is needed unless the reason should remain~~
~~17 confidential. The physician, certified registered nurse~~
~~18 practitioner or physician assistant shall indicate the potential~~
~~19 of any serious reaction that may occur to the medication, as~~
~~20 well as any necessary emergency response. The physician,~~
~~21 certified registered nurse practitioner or physician assistant~~
~~22 shall state whether the child is qualified and able to self~~
~~23 administer the medication.~~

~~24 (2) The requirement of a written request from the parent or~~
~~25 guardian that the school entity comply with the order of the~~
~~26 physician, certified registered nurse practitioner or physician~~
~~27 assistant. The parent's note shall include a statement relieving~~
~~28 the school entity or any school employe of any responsibility~~
~~29 for the benefits or consequences of the prescribed medication~~
~~30 when it is parent authorized and acknowledging that the school~~

~~entity bears no responsibility for ensuring that the medication is taken.~~

~~(3) The ability of the school entity to reserve the right to require a statement from the physician, certified registered nurse practitioner or physician assistant for the continued use of any medication beyond a specified time period. The school entity shall also require updated prescriptions and parental approvals on an annual basis from the pupil.~~

~~(d) As used in this section, "school entity" means a school district, intermediate unit, charter school or area vocational technical school.~~

~~(e) Nothing in this section shall be construed to create, establish or expand any civil liability on the part of any school entity or school employee.~~

~~(f) Within one hundred twenty (120) days of the effective date of this subsection, the Department of Health in coordination with the Department of Education shall provide technical assistance, resources and publish information on the Department of Health's publicly accessible Internet website regarding the administration of medication for allergies by persons employed with a school entity, including the following:~~

~~(1) Proper use of epinephrine devices.~~

~~(2) The importance of following the entity's student services plan required under 22 Pa. Code § 12.41 (relating to student services) and its responsibilities to comply with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and 22 Pa. Code Ch. 15.~~

~~(3) Recognition of the symptoms of a severe allergic reaction.~~

~~(4) Requirements for proper access, storage and security of~~

~~student medications.~~

~~(5) Notification of appropriate persons following
administration of medications.~~

~~(6) Recordkeeping.~~

~~Section 17. Section 1611 of the act is amended by adding a
subsection to read:~~

~~Section 1611. Academic Degrees. * * *~~

~~(d) A board of school directors may establish a program to
be known as "Operation Recognition" which provides for granting
a high school diploma to any honorably discharged veteran who
served in the United States military in the Vietnam War between
the twenty eighth day of February, one thousand nine hundred
sixty one, and the seventh day of May, one thousand nine hundred
seventy five, who attended high school between one thousand nine
hundred fifty eight and one thousand nine hundred seventy five
and who would have been a member of a graduation class during
the years one thousand nine hundred sixty two through one
thousand nine hundred seventy five but did not graduate from
high school due to entry into military service. A board of
school directors may award a diploma posthumously to an eligible
veteran. An application for a diploma under this subsection must
be made in the manner prescribed by the board of school
directors.~~

~~Section 18. Section 1725 A(a) of the act, amended June 29,
2002 (P.L.524, No.88), is amended to read:~~

~~Section 1725 A. Funding for Charter Schools. (a) Funding
for a charter school shall be provided in the following manner:~~

~~(1) There shall be no tuition charge for a resident or
nonresident student attending a charter school.~~

~~(2) For non special education students, the charter school~~

~~shall receive for each student enrolled no less than the budgeted total expenditure per average daily membership of the prior school year, as defined in section 2501(20), minus the budgeted expenditures of the district of residence for nonpublic school programs; adult education programs; community/junior college programs; student transportation services; for special education programs; facilities acquisition, construction and improvement services; and other financing uses, including debt service and fund transfers as provided in the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems established by the department. This amount shall be paid by the district of residence of each student[.] or, upon written request of the charter school, by the department to the charter school in which a Pennsylvania resident student is enrolled from any allocation for basic education funding to which the school district in which the student resides is entitled. The department shall establish payment guidelines and notify the school district of receipt of a request for direct payment by the department.~~

~~(3) For special education students, the charter school shall receive for each student enrolled the same funding as for each non special education student as provided in clause (2), plus an additional amount determined by dividing the district of residence's total special education expenditure by the product of multiplying the combined percentage of section 2509.5(k) times the district of residence's total average daily membership for the prior school year. This amount shall be paid by the district of residence of each student or, upon written request of the charter school, by the department to the charter school in which a Pennsylvania resident student is enrolled from any~~

~~allocation for basic education funding to which the school district in which the student resides is entitled. The department shall establish payment guidelines and notify the school district of the receipt of a request for direct payment by the department.~~

~~(4) A charter school may request the intermediate unit in which the charter school is located to provide services to assist the charter school to address the specific needs of exceptional students. The intermediate unit shall assist the charter school and bill the charter school for the services. The intermediate unit may not charge the charter school more for any service than it charges the constituent districts of the intermediate unit.~~

~~(5) Payments shall be made to the charter school in twelve (12) equal monthly payments, by the fifth day of each month, within the operating school year, unless the charter school receives direct payment from the department. A student enrolled in a charter school shall be included in the average daily membership of the student's district of residence for the purpose of providing basic education funding payments and special education funding pursuant to Article XXV. If a school district fails to make a payment to a charter school as prescribed in this clause, the secretary shall deduct the estimated amount, as documented by the charter school, from any and all State payments made to the district after receipt of documentation from the charter school.~~

~~(6) Within thirty (30) days after the secretary makes the deduction described in clause (5) or if the charter school receives direct payment from the department, a school district may notify the secretary that the deduction made from State~~

~~payments to the district under this subsection is inaccurate.~~
~~The secretary shall provide the school district with an~~
~~opportunity to be heard concerning whether the charter school~~
~~documented that its students were enrolled in the charter~~
~~school, the period of time during which each student was~~
~~enrolled, the school district of residence of each student and~~
~~whether the amounts deducted from the school district were~~
~~accurate.~~

~~* * *~~

~~Section 19. Section 1728 A of the act is amended by adding a~~
~~subsection to read:~~

~~Section 1728 A. Annual Reports and Assessments. * * *~~

~~(d) The department shall publish an annual report that does~~
~~all of the following:~~

~~(1) Identifies charter schools whose students are~~
~~academically out performing comparable students enrolled in the~~
~~chartering school district.~~

~~(2) Describes best practices used in the charter schools~~
~~identified under clause (1) that should be disseminated to all~~
~~school districts and charter schools.~~

~~(3) Makes any necessary recommendations to the General~~
~~Assembly to further the dissemination and implementation of the~~
~~best practices identified under clause (2).~~

~~Section 20. Section 1705 B(h) of the act, amended July 9,~~
~~2008 (P.L.846, No.61), is amended to read:~~

~~Section 1705 B. Education Empowerment Districts. * * *~~

~~(h) (1) A school district under a declaration of distress~~
~~pursuant to section 691(a) and certified as an education~~
~~empowerment district shall be operated by a special board of~~
~~control established under section 692. A board of control~~

~~established under this section shall be abolished upon the
appointment of a special board of control under section 692.~~

~~(2) For a school district under a declaration of distress
pursuant to section 691(a) and certified as an education
empowerment district, the special board of control established
under section 692 shall have the powers and duties of a special
board of control under section 692 and the powers and duties
contained in section 1706-B.~~

~~(3) For a school district with a history of low test
performance that is certified as distressed for a minimum period
of two (2) years under sections 691 and 692, the department
shall waive the inclusion of the school district on the
education empowerment list under section 1703-B(a) and
immediately certify the school district as an education
empowerment district.~~

~~(4) The department may utilize up to \$4,500,000 of
undistributed funds not expended, encumbered or committed from
appropriations for grants and subsidies made to the department
to assist school districts certified as an education empowerment
district under paragraph (3). There is hereby established a
restricted account from which payments under this paragraph
shall be paid. Funds shall be transferred by the Secretary of
the Budget to the restricted account to the extent necessary to
make payments under this paragraph. Funds in the restricted
account are hereby appropriated to carry out the purposes of
this paragraph. The subsidy payment from this account shall be
utilized to supplement the operational budget of the eligible
school districts. This paragraph shall apply to fiscal years
2000-2001, 2001-2002, 2002-2003, 2003-2004, 2004-2005,
2005-2006, 2006-2007, 2007-2008 [and], 2008-2009 and 2009-2010~~

1 ~~and shall expire June 30, [2009] 2010.~~

2 ~~Section 21. Section 1714 B of the act is amended by adding a~~
3 ~~subsection to read:~~

4 ~~Section 1714 B. Mandate Waiver Program. * * *~~

5 ~~(g.2) Any mandate waiver of the separate prime contractor~~
6 ~~requirement of section 751 shall be limited to the extent that~~
7 ~~the waiver recipient shall solicit single prime bids and~~
8 ~~separate prime bids and shall award the project to the least~~
9 ~~expensive responsive bid option. Waivers of section 751 shall~~
10 ~~expire June 30, 2010.~~

11 ~~* * *~~

12 ~~Section 22. Section 2002 B of the act, amended or added July~~
13 ~~11, 2006 (P.L.1092, No.114) and July 9, 2008 (P.L.846, No.61),~~
14 ~~is amended to read:~~

15 ~~Section 2002 B. Definitions.~~

16 ~~The following words and phrases when used in this article~~
17 ~~shall have the meanings given to them in this section unless the~~
18 ~~context clearly indicates otherwise:~~

19 ~~"Business firm." An entity authorized to do business in this~~
20 ~~Commonwealth and subject to taxes imposed under Article III, IV,~~
21 ~~VI, VII, VIII, IX or XV of the act of March 4, 1971 (P.L.6,~~
22 ~~No.2), known as the Tax Reform Code of 1971. This term includes~~
23 ~~a pass through entity.~~

24 ~~"Contribution." A donation of cash, personal property or~~
25 ~~services the value of which is the net cost of the donation to~~
26 ~~the donor or the pro rata hourly wage, including benefits, of~~
27 ~~the individual performing the services.~~

28 ~~"Department." The Department of Community and Economic~~
29 ~~Development of the Commonwealth.~~

30 ~~"Educational improvement organization." A nonprofit entity~~

1 which:

2 ~~(1) is exempt from Federal taxation under section 501(c)~~
3 ~~(3) of the Internal Revenue Code of 1986 (Public Law 99-514,~~
4 ~~26 U.S.C. § 1 et seq.); and~~

5 ~~(2) contributes at least 80% of its annual receipts as~~
6 ~~grants to a public school for innovative educational~~
7 ~~programs.~~

8 ~~For purposes of this definition, a nonprofit entity~~
9 ~~"contributes" its annual cash receipts when it expends or~~
10 ~~otherwise irrevocably encumbers those funds for expenditure~~
11 ~~during the then current fiscal year of the nonprofit entity or~~
12 ~~during the next succeeding fiscal year of the nonprofit entity.~~

13 ~~"Eligible pre-kindergarten student." For participation in~~
14 ~~the pre-kindergarten scholarship program, a student who is~~
15 ~~enrolled in a pre-kindergarten program and is a member of a~~
16 ~~household with an annual household income of not more than~~
17 ~~[\$50,000] \$60,000. An income allowance of [\$10,000] \$12,000~~
18 ~~shall be allowed for each eligible student and dependent member~~
19 ~~of the household. The Department of Community and Economic~~
20 ~~Development shall adjust the income amounts under this~~
21 ~~definition on July 1 of each year to reflect any upward changes~~
22 ~~in the Consumer Price Index for All Urban Consumers (CPI-U) for~~
23 ~~the Pennsylvania, New Jersey, Delaware and Maryland area in the~~
24 ~~preceding 12 months, as calculated by the United States~~
25 ~~Department of Labor, Bureau of Labor Statistics, and shall~~
26 ~~immediately thereafter publish the adjusted amounts in the~~
27 ~~Pennsylvania Bulletin.~~

28 ~~"Eligible student." A school age student who is enrolled in~~
29 ~~a school and is a member of a household with an annual household~~
30 ~~income of not more than [\$50,000] \$60,000. An income allowance~~

1 of ~~[\$10,000] \$12,000~~ shall be allowed for each eligible student
2 and dependent member of the household. ~~The Department of~~
3 ~~Community and Economic Development shall adjust the income~~
4 ~~amounts under this definition on July 1 of each year to reflect~~
5 ~~any upward changes in the Consumer Price Index for All Urban~~
6 ~~Consumers (CPI U) for the Pennsylvania, New Jersey, Delaware and~~
7 ~~Maryland area in the preceding 12 months, as calculated by the~~
8 ~~United States Department of Labor, Bureau of Labor Statistics,~~
9 ~~and shall immediately thereafter publish the adjusted amounts in~~
10 ~~the Pennsylvania Bulletin.~~

11 ~~"Eligible student with a disability." A pre kindergarten~~
12 ~~student or a school age student:~~

13 ~~(1) who is either enrolled in a special education~~
14 ~~school, or has otherwise been identified, in accordance with~~
15 ~~22 Pa. Code Ch. 14 (relating to special education services~~
16 ~~and programs), as a "child with a disability," as defined in~~
17 ~~34 CFR § 300.8 (relating to child with disability);~~

18 ~~(2) who, by reason thereof, needs special education and~~
19 ~~related services;~~

20 ~~(3) who is enrolled in a pre kindergarten program or in~~
21 ~~a school; and~~

22 ~~(4) who is a member of a household with an annual~~
23 ~~household income of not more than the maximum allowable~~
24 ~~household income for students with a disability.~~

25 ~~"Household." An individual living alone or with the~~
26 ~~following: a spouse, parent and their unemancipated minor~~
27 ~~children; and other unemancipated minor children who are related~~
28 ~~by blood or marriage; or other adults or unemancipated minor~~
29 ~~children living in the household who are dependent upon the~~
30 ~~individual.~~

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

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

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

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

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

16 ~~(5) Payments to reimburse actual expenses.~~

17 ~~(6) Payments made by employers or labor unions for~~
18 ~~programs covering hospitalization, sickness, disability or~~
19 ~~death, supplemental unemployment benefits, strike benefits,~~
20 ~~Social Security and retirement.~~

21 ~~(7) Compensation received by United States servicemen~~
22 ~~serving in a combat zone.~~

23 ~~"Innovative educational program." An advanced academic or~~
24 ~~similar program that is not part of the regular academic program~~
25 ~~of a public school but that enhances the curriculum or academic~~
26 ~~program of the public school or provides pre-kindergarten~~
27 ~~programs to public school students.~~

28 ~~"Maximum allowable household income for students with a~~
29 ~~disability." The maximum annual household income for eligible~~
30 ~~students with a disability as calculated by multiplying the sum~~

~~of \$60,000 plus the income allowance of \$12,000 per dependent member of the household by the applicable support level factor according to the following table:~~

Support Level	Support Level Factor
1	1.50
2	2.993

~~The Department of Community and Economic Development shall adjust the income amounts under this definition on July 1 of each year to reflect any upward changes in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area in the preceding 12 months, as calculated by the United States Department of Labor, Bureau of Labor Statistics, and shall immediately thereafter publish the adjusted amounts in the Pennsylvania Bulletin.~~

~~"Pass-through entity." A partnership as defined in section 301(n.0) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, a single member limited liability company treated as a disregarded entity for Federal income tax purposes or a Pennsylvania S corporation as defined in section 301(n.1) of the Tax Reform Code of 1971.~~

~~"Pre-kindergarten program." A program of instruction for three year old or four year old students that utilizes a curriculum aligned with the curriculum of the school with which it is affiliated and which provides a minimum of either:~~

- ~~(1) two hours of instructional and developmental activities per day at least 60 days per school year; or~~
- ~~(2) two hours of instructional and developmental activities per day at least 20 days over the summer recess.~~

~~"Pre-kindergarten scholarship organization." A nonprofit entity which:~~

~~(1) either is exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.) or is operated as a separate segregated fund by a scholarship organization that has been qualified under section 2003-B; and~~

~~(2) contributes at least 80% of its annual cash receipts to a pre-kindergarten scholarship program by expending or otherwise irrevocably encumbering those funds for distribution during the then current fiscal year of the organization or during the next succeeding fiscal year of the organization.~~

~~"Pre-kindergarten scholarship program." A program to provide tuition to eligible pre-kindergarten students to attend a pre-kindergarten program operated by or in conjunction with a school located in this Commonwealth and that includes an application and review process for the purpose of making awards to eligible pre-kindergarten students and awards scholarships to eligible pre-kindergarten students without limiting availability to only students of one school.~~

~~"Public school." A public pre-kindergarten where compulsory attendance requirements do not apply or a public kindergarten, elementary school or secondary school at which the compulsory attendance requirements of this Commonwealth may be met and which meets the applicable requirements of Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).~~

~~"Scholarship organization." A nonprofit entity which:~~

~~(1) is exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.); and~~

~~(2) contributes at least 80% of its annual cash receipts~~

1 ~~to a scholarship program.~~

2 ~~For purposes of this definition, a nonprofit entity~~

3 ~~"contributes" its annual cash receipts to a scholarship program~~

4 ~~when it expends or otherwise irrevocably encumbers those funds~~

5 ~~for distribution during the then current fiscal year of the~~

6 ~~nonprofit entity or during the next succeeding fiscal year of~~

7 ~~the nonprofit entity.~~

8 ~~"Scholarship program." A program to provide tuition to~~

9 ~~eligible students to attend a school located in this~~

10 ~~Commonwealth. A scholarship program must include an application~~

11 ~~and review process for the purpose of making awards to eligible~~

12 ~~students. The award of scholarships to eligible students shall~~

13 ~~be made without limiting availability to only students of one~~

14 ~~school.~~

15 ~~"School." A public or nonpublic pre kindergarten,~~

16 ~~kindergarten, elementary school or secondary school at which the~~

17 ~~compulsory attendance requirements of the Commonwealth may be~~

18 ~~met and which meets the applicable requirements of Title VI of~~

19 ~~the Civil Rights Act of 1964 (Public Law 88 352, 78 Stat. 241).~~

20 ~~"School age." Children from the earliest admission age to a~~

21 ~~school's pre kindergarten or kindergarten program or, when no~~

22 ~~pre kindergarten or kindergarten program is provided, the~~

23 ~~school's earliest admission age for beginners, until the end of~~

24 ~~the school year the student attains 21 years of age or~~

25 ~~graduation from high school, whichever occurs first.~~

26 ~~"Special education school." A school or program within a~~

27 ~~school that is designated specifically and exclusively for~~

28 ~~students with any one or more of the disabilities listed in 34~~

29 ~~CFR § 300.8 (relating to child with disability), and is:~~

30 ~~(1) licensed under the act of January 28, 1988 (P.L.24,~~

~~No.11), known as the Private Academic Schools Act;~~

~~(2) accredited by an accrediting association approved by the State Board of Education;~~

~~(3) a school for the blind or deaf receiving Commonwealth appropriations; or~~

~~(4) operated by or under the authority of a bona fide religious institution or by the Commonwealth or any political subdivision thereof.~~

~~"Support level." The level of support needed by an eligible student with a disability, as set forth in the following matrix:~~

~~Support Level 1—The student is not enrolled in a special education school.~~

~~Support Level 2—The student is enrolled as a student in a special education school.~~

~~Section 23. Section 2005-B(e) of the act, amended July 9, 2008 (P.L.846, No.61), is amended to read:~~

~~Section 2005-B. Tax credit.~~

~~* * *~~

~~(e) Pass through entity.—~~

~~(1) If a pass through entity [does not] does not intend to use all approved tax credits under section 2005-B, it may elect in writing[, according to procedures established by the Department of Revenue,] to transfer all or a portion of the credit to shareholders, members or partners in proportion to the share of the entity's distributive income to which the shareholder, member or partner is entitled for use in the taxable year in which the contribution is made or in the taxable year immediately following the year in which the contribution is made. The election shall designate the year in which the transferred credits are to be used and shall be~~

~~made according to procedures established by the Department of
Revenue.~~

~~(2) A pass through entity and a shareholder, member or
partner of a pass through entity shall not claim the credit
under this section for the same contribution.~~

~~(3) [A shareholder, member or partner of a pass through
entity to whom a credit is transferred under this section
shall immediately claim the credit in the taxable year in
which the transfer is made.] The shareholder, member or
partner may not carry forward, carry back, obtain a refund of
or sell or assign the credit.~~

~~* * *~~

~~Section 24. Section 2006 B(d) of the act, amended December
23, 2003 (P.L.304, No.48), is amended to read:~~

~~Section 2006 B. Limitations.~~

~~* * *~~

~~(d) Use. A tax credit not used by the applicant in the
taxable year the contribution was made or in the year designated
by the shareholder, member or partner to whom the credit was
transferred under section 2005 B(e) may not be carried forward
or carried back and is not refundable or transferable.~~

~~* * *~~

~~Section 25. Section 2002 C of the act, added July 11, 2006
(P.L.1092, No.114), is amended to read:~~

~~Section 2002 C. Duties of public institutions of higher
education.~~

~~(a) Completion. Each public institution of higher education
shall complete all of the following by June 30, 2008:~~

~~(1) Participate in the development and implementation of
equivalency standards pursuant to section 2004 C(c) (1).~~

1 ~~(2) Establish and maintain records and data detailing~~
2 ~~the credits transferred to and received from other public~~
3 ~~institutions of higher education as the department may~~
4 ~~prescribe.~~

5 ~~(3) Make any reasonable changes and modifications to its~~
6 ~~foundation courses, including the strengthening of the~~
7 ~~courses, to ensure equivalency of those credits among the~~
8 ~~public institutions of higher education, as recommended by~~
9 ~~the Transfer and Articulation Oversight Committee.~~

10 ~~(4) Agree to accept for transfer foundation courses~~
11 ~~determined to meet equivalency standards under section 2004-~~
12 ~~C(c)(2).~~

13 ~~(a.1) Completion of second phase. Each public institution~~
14 ~~of higher education shall agree to accept with full junior~~
15 ~~standing the Associate of Arts and Associate of Science degree~~
16 ~~into a parallel baccalaureate program as outlined in section~~
17 ~~2004 C(c)(2.1), (2.2), (2.3) and (2.4) by the timelines~~
18 ~~established by the transfer and articulation subcommittee but~~
19 ~~not later than December 31, 2011. For the purposes of this~~
20 ~~article, an Associate of Arts and Associate of Science degree is~~
21 ~~a degree designed primarily for transfer to a baccalaureate~~
22 ~~institution and must contain a minimum of 60 credits.~~

23 ~~(b) Reporting requirements.~~

24 ~~(1) A public institution of higher education shall~~
25 ~~submit to the department a series of interim reports~~
26 ~~outlining the actions that the public institution of higher~~
27 ~~education has undertaken or intends to undertake to comply~~
28 ~~with subsection (a), which shall be filed December 31, 2006,~~
29 ~~June 30, 2007, and December 31, 2007.~~

30 ~~(2) A public institution of higher education shall~~

~~submit to the department interim reports outlining the actions that the public institution of higher education has undertaken or intends to undertake to comply with subsection (a.1), which shall be filed by December 31, 2009, June 30, 2010, and December 31, 2010.~~

~~Section 26. Section 2004 C(c) of the act is amended by adding paragraphs to read:~~

~~Section 2004 C. Transfer and Articulation Oversight Committee.~~

~~* * *~~

~~(c) Duties of Transfer and Articulation Oversight Committee. The committee shall:~~

~~* * *~~

~~(2.1) By December 1, 2009, consult with the department on a process and timeline, subject to approval by the department, to identify the Associate of Arts and Associate of Science degrees aligned with the graduation requirements of the parallel baccalaureate degree in all public institutions of higher education in consultation with faculty and personnel.~~

~~(2.2) Identify Associate of Arts and Associate of Science degree programs for transfer with full junior standing into a parallel baccalaureate degree in consultation with faculty and personnel in those degree programs by December 31, 2011.~~

~~(2.3) Identify modifications that may be required in existing associate or baccalaureate degrees to satisfy external accreditation or licensure requirements in consultation with faculty and personnel. Approved modifications must recognize all competencies attained within either the associate or baccalaureate programs.~~

~~(2.4) Define requirements, in consultation with faculty and personnel, for education degrees, including Early Childhood Education degrees, leading to certification to be included in an associate degree and be accepted for transfer with full junior standing into a parallel baccalaureate degree program.~~

~~* * *~~

~~Section 27. Section 2006 C of the act, added July 11, 2006 (P.L.1092, No.114), is amended to read:~~

~~Section 2006 C. Participation by independent institutions of higher education or State related [institution] institutions.~~

~~An independent institution of higher education or a State related institution may elect to participate through the adoption of equivalency standards as provided for in subsection 2004 C(c) (1) and by agreement to accept for transfer degrees that qualify under section 2004 C(c) (2.2) by its governing body.~~

~~Section 28. The act is amended by adding a section to read: Section 2318. State aid for 2009-2010.~~

~~(a) General rule. Notwithstanding any other provision of law, the following apply:~~

~~(1) Subject to paragraph (2), each library subject to the act of June 14, 1961 (P.L.324, No.188), known as The Library Code, that received a State aid allocation for fiscal year 2008-2009 under section 2317 shall be eligible for State aid in fiscal year 2009-2010.~~

~~(2) Any newly designated district library centers shall be eligible for State aid in lieu of their predecessor district library centers.~~

~~(b) Formula. State aid under this section shall consist of~~

~~the following formula:~~

~~(1) Divide:~~

~~(i) the sum of the amount of funding that the library received in fiscal year 2007-2008 under section 2316; by~~

~~(ii) the total State aid subsidy for fiscal year 2007-2008.~~

~~(2) Multiply:~~

~~(i) the quotient under paragraph (1); by~~

~~(ii) the total State aid subsidy for 2009-2010.~~

~~(c) State Librarian. After distribution of State aid to libraries under this section, any remaining unallocated funds may be distributed at the discretion of the State Librarian.~~

~~(d) Local distribution.~~

~~(1) Each library system receiving State aid under this section may distribute the local library share of that aid in a manner as determined by the system board of directors.~~

~~(2) This subsection shall not apply to a library system operating in a county of the second class.~~

~~(e) Waiver. Upon application of the board of directors of a local library, the State Librarian may waive any or all of the provisions of section 104 of The Library Code. The application must be in a form and manner as specified by the State Librarian and must demonstrate that meeting the standards places an economic hardship on the library.~~

~~Section 29. Section 2501(29) of the act, added July 9, 2008 (P.L.846, No.61), is amended and the section is amended by adding clauses to read:~~

~~Section 2501. Definitions. For the purposes of this article the following terms shall have the following meanings:~~

~~* * *~~

~~(29) "Location Cost Metric." An index of geographic cost differences for each county as published by the department on its publicly accessible Internet website [on February 5, 2008] in February of each year. The index shall be published in the Pennsylvania Bulletin no later than thirty (30) days after the effective date of this clause.~~

~~* * *~~

~~(31) "Special Education Average Daily Membership." Shall be computed to determine the number of eligible students in each school district in accordance with rules of procedure as established by the Secretary of Education. For the purpose of calculating the special education funding allocation under section 2509.13, the computation shall be adjusted for each level of instruction for eligible students as follows:~~

~~(i) Half time prekindergarten and half time kindergarten: 0.50.~~

~~(ii) Full time prekindergarten, full time kindergarten and prekindergarten or kindergarten level totaling full time through multiple placements: 1.00.~~

~~(iii) Elementary and secondary: 1.00.~~

~~(32) "Actual Special Education Spending." An amount equal to a school district's total annual expenditures for special education in all functional classifications for students with disabilities, as designated in the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems.~~

~~(33) "Base Cost per Student." The cost of educating an average student in Pennsylvania without special needs to meet State performance expectations as originally determined in the final revised Statewide Costing out Study of 2007 performed~~

~~pursuant to section 2599.3 and as adjusted annually for the
fiscal year in the formula for basic education funding.~~

~~(34) "Eligible Student." A student with a disability
eligible for special education under Federal and State law.~~

~~(35) "Modified Special Education Average Daily Membership"
or "Modified SEADM." The sum of the following products:~~

~~(i) fifty two one hundredths (0.52) and the school
district's special education average daily membership in the
funding year;~~

~~(ii) twenty six one hundredths (0.26) and the school
district's special education average daily membership in the
school year prior to the funding year;~~

~~(iii) thirteen one hundredths (0.13) and the school
district's special education average daily membership two (2)
school years prior to the funding year;~~

~~(iv) six one hundredths (0.06) and the school district's
special education average daily membership three (3) school
years prior to the funding year; and~~

~~(v) three one hundredths (0.03) and the school district's
special education average daily membership four (4) years prior
to the funding year.~~

~~(36) "Performance Indicators." Measurable annual objectives
established by the Department of Education pursuant to section
612(a)(15) of the Individuals with Disabilities Education Act
(Public Law 91-230, 20 U.S.C. § 1412(a)(15)), to assess progress
toward achieving State goals for the performance of eligible
students.~~

~~(37) "Public Notice." Full and timely release of information
and documents for public access at a minimum through publication
by the Department of Education:~~

~~(i) in the Pennsylvania Bulletin;~~
~~(ii) on its publicly accessible Internet website for no less~~
~~than a duration of twelve (12) months; and~~

~~(iii) through its timely issuance of a related Statewide~~
~~press release.~~

~~(38) "Regular Classroom." A classroom in a regular school~~
~~operated primarily for students who are not eligible for special~~
~~education.~~

~~(39) "Regular School." A neighborhood school, magnet school,~~
~~or other public school operated for all students, not solely~~
~~eligible students, in a school district.~~

~~(40) "Special Education Plan." A comprehensive plan as well~~
~~as revisions, updates and amendments for all special education~~
~~personnel, programs, services and supports provided by each~~
~~school district for eligible students, filed by each district~~
~~with the Department of Education under this act and other~~
~~applicable Federal and State law, including 22 Pa. Code 14.104~~
~~(relating to special education plans).~~

~~(41) "Student Achievement." Outcomes for eligible students~~
~~as measured by academic performance whenever possible in the~~
~~general education curriculum, acquisition of knowledge and~~
~~skills, progress toward graduation, accomplishment of~~
~~individualized education program goals, including appropriate~~
~~functional skills, and other factors.~~

~~Section 30. Section 2502.48 of the act, added July 9, 2008~~
~~(P.L.846, No.61), is amended to read:~~

~~Section. 2502.48. Basic Education Funding for Student~~
~~Achievement. (a) The Department of Education shall calculate a~~
~~base cost per student. For the 2007-2008 school year, the base~~
~~cost per student shall be eight thousand three dollars (\$8,003),~~

~~increased by the 2008-2009 index. For the 2008-2009 school year and each school year thereafter for which school districts receive basic education funding under this section, the base cost per student shall be the base cost per student of the prior school year, increased by the index for the school year in which funding will be paid.~~

~~(b) The Department of Education shall determine an adequacy target for each school district by calculating the sum of the following:~~

~~(1) A base cost determined by calculating the product of the base cost per student and the school district's modified ADM.~~

~~(2) A poverty supplement determined by calculating the product of:~~

~~(i) the base cost per student;~~

~~(ii) the number of students enrolled in the school district on October 31 of the funding year who were eligible for free or reduced price meals under the school lunch program; and~~

~~(iii) forty three one hundredths (.43).~~

~~(3) A district size supplement determined by calculating the maximum of zero and the product of:~~

~~(i) the base cost per student;~~

~~(ii) the school district's funding year average daily membership; and~~

~~(iii) the sum of four hundred eighty three one thousandths (.483) and the product of the natural logarithm of the school district's funding year average daily membership and negative five one hundredths (-.05) [;].~~

~~(4) An English language learner supplement determined by calculating the product of:~~

~~(i) the base cost per student;~~

~~(ii) the number of enrolled students identified as limited English proficient in the funding year in the school district;~~
~~and~~

~~(iii) the sum of three and seven hundred fifty three one thousandths (3.753) and the product of the natural logarithm of the school district's funding year average daily membership and negative twenty three one hundredths (.23), provided that such amount shall be no less than one and forty eight one hundredths (1.48) and no greater than two and forty three one hundredths (2.43).~~

~~(5) An adjustment for geographic price differences calculated as follows:~~

~~(i) Add the amounts under paragraphs (1), (2), (3) and (4).~~

~~(ii) Multiply:~~

~~(A) the sum under subparagraph (i); by~~

~~(B) the school district's location cost metric or one (1), whichever is greater.~~

~~(iii) Subtract:~~

~~(A) the sum under subparagraph (i); from~~

~~(B) the product under subparagraph (ii).~~

~~(c) (1) The Department of Education shall determine a State funding target for each school district by calculating the product of:~~

~~(i) the difference between the school district's adequacy target determined under subsection (b) and its actual spending for the funding year, or zero, whichever is greater;~~

~~(ii) the school district's market value/income aid ratio for the school year in which funding occurs; and~~

~~(iii) the lesser of one (1) and the school district's funding year equalized millage divided by the equalized millage~~

~~that represents the seventy fifth percentile of the equalized millage of all school districts in the funding year.~~

~~(2) In furtherance of the General Assembly's long standing commitment to providing adequate funding that will ensure equitable State and local investments in public education and in order to enable students to attain applicable Federal and State academic standards, it is the goal of this Commonwealth to review and meet State funding targets by fiscal year 2013-2014.~~

~~(d) The Commonwealth shall pay to each school district a basic education funding allocation for the 2007-2008 school year which shall consist of the following:~~

~~(1) An amount equal to the basic education funding allocation for the 2006-2007 school year under sections 2502.13(m), 2502.47 and 2504.4(a.3).~~

~~(2) If a school district has been declared a Commonwealth partnership school district under Article XVII B, an amount equal to four million dollars (\$4,000,000).~~

~~(3) (i) For a school district with 2006-2007 equalized millage that is greater than or equal to 24.7, which represents the eightieth percentile of the equalized millage of all school districts as of the effective date of this section, for the 2007-2008 school year, sixteen and seventy five one hundredths percent (16.75%) of the State funding target determined under subsection (c).~~

~~(ii) For a school district with 2006-2007 equalized millage that is less than 24.7, which represents the eightieth percentile of the equalized millage of all school districts as of the effective date of this section, for the 2007-2008 school year, ten percent (10%) of the State funding target determined under subsection (c).~~

~~(d.1) The Commonwealth shall pay to each school district a basic education funding allocation which shall consist of the following:~~

~~(1) An amount equal to the allocations received by the school district for the 2007-2008 school year under subsections (d) (1) and (2) and (e).~~

~~(1.1) An amount equal to any allocations received by the school district in the 2008-2009 school year under sections 2599.2 and 1512-C. The amount shall be used for programs and services as required under the section in which funding was provided in the 2008-2009 school year. If insufficient funds are appropriated to make Commonwealth payments pursuant to this paragraph, such payments shall be made on a pro rata basis.~~

~~(1.2) An amount equal to any allocation received by the school district in the 2008-2009 school year from the appropriation for basic education formula enhancements included in a general appropriation bill.~~

~~(1.3) If a school district has been declared a Commonwealth partnership school district under Article XVII-B, an amount equal to two million dollars (\$2,000,000).~~

~~(2) For the 2008-2009 school year:~~

~~(i) For a school district subject to subsection (d) (3) (i), twenty eight and ten one hundredths percent (28.10%) of the State funding target determined under subsection (c).~~

~~(ii) For a school district subject to subsection (d) (3) (ii), twenty one and sixty two one hundredths percent (21.62%) of the State funding target determined under subsection (c).~~

~~(iii) Any additional amount required so that the total amount provided under paragraph (1) and this paragraph equals two percent (2%) greater than the amount provided under~~

~~subsections (d) and (e).~~

~~(e) The Department of Education shall provide additional funding for the 2007-2008 school year to any school district where the amount determined under subsection (d) (3) provides an amount less than three percent (3%) of the amount determined under subsection (d) (1). The amount of additional funding shall be the amount required so that the sum of subsection (d) (3) and this subsection equals three percent (3%) of the amount provided under subsection (d) (1).~~

~~Section 31. Section 2502.49(b) of the act is amended by adding a paragraph to read:~~

~~Section 2502.49. Accountability to Commonwealth Taxpayers.
* * *~~

~~(b) The following shall apply:~~

~~* * *~~

~~(5) (i) The Department of Education may grant a waiver for the use of up to twenty five percent (25%) of the funds subject to subsection (a) (1) if all of the following apply:~~

~~(A) The school district would otherwise be required to reduce or eliminate one or more of the programs listed in subsection (a) (1) due to a projected budget shortfall.~~

~~(B) The funds subject to the waiver will be used to maintain one or more existing programs listed under subsection (a) (1).~~

~~(C) The school district has, in the determination of the Department of Education, pursued alternative opportunities for greater efficiency and internal savings in order to fund the program or programs without need for a waiver.~~

~~(D) The program or programs to be maintained address a significant need of the school district's students and have demonstrated effectiveness at increasing student achievement in~~

~~the school district, in the determination of the department.~~

~~(ii) The decision to grant a waiver shall be at the sole discretion of the Department of Education and shall not be subject to appeal.~~

~~(iii) This paragraph shall expire December 31, 2010.~~

~~Section 32. Section 2509.1 of the act is amended by adding a subsection to read:~~

~~Section 2509.1. Payments to Intermediate Units. * * *~~

~~(b.17) Up to \$11,500,000 may be utilized for programs administered and operated by intermediate units during the 2009-2010 school year for institutionalized children as established in subsection (b.1).~~

~~Section 33. The act is amended by adding sections to read:~~

~~Section 2509.13. Special Education Funding for Student Achievement and Instruction of Eligible Students in Regular Classrooms. (a) The Department of Education shall determine a special education adequacy target for each school district by calculating the sum of the following:~~

~~(1) A special education supplement determined by calculating the product of:~~

~~(i) the base cost per student;~~

~~(ii) the school district's Modified SEADM; and~~

~~(iii) one and thirty one hundredths (1.3).~~

~~(2) An adjustment for geographic price differences calculated as follows:~~

~~(i) Multiply the amount under clause (1) by the school district's location cost metric or one (1), whichever is greater.~~

~~(ii) Subtract the amount under clause (1) from the product under subclause (i).~~

~~(b) The Department of Education shall determine a State special education funding target for each school district by calculating the product of:~~

~~(1) the difference between the school district's special education adequacy target determined under subsection (a) and its actual special education spending for the funding year, or zero, whichever is greater;~~

~~(2) the school district's market value/personal income aid ratio for the school year in which funding occurs;~~

~~(3) the lesser of one (1) and the school district's funding year equalized millage divided by the equalized millage that represents the seventy fifth percentile of the equalized millage of all school districts in the funding year; and~~

~~(4) one and fifteen one hundredths (1.15) for school districts meeting the following criteria:~~

~~(i) either providing instruction within the regular classroom at least eighty percent (80%) of the school day for at least sixty five percent (65%) of eligible students, as averaged for the two (2) most recent school years for which data is available, or increasing the number of eligible students receiving instruction within the regular classroom by at least fifteen percent (15%) in the most recent school year for which data is available; and~~

~~(ii) in the most recent school year for which data is available, performance by eligible students on State academic assessments in reading and math, averaged for the entire district, meeting State standards for adequate yearly progress by any method approved by the Federal and State governments, including, but not limited to, meeting the annual target, the confidence interval, the safe harbor target, or by appeal.~~

~~Nothing in this subsection or any other provision of this act alters Federal or State law regarding the right of an eligible student to receive education in the least restrictive environment or alters the legal authority of Individualized Education Program (IEP) teams to make appropriate program and placement decisions for eligible students in accordance with the IEP developed for each eligible student.~~

~~(c) The Department of Education shall submit a report to the Governor and General Assembly recommending increased standards for the criteria in subsection (b) (4), and the General Assembly shall consider legislation revising the criteria, in any year in which seventy five percent (75%) of all school districts meet the criteria and qualify for the one and fifteen one hundredths (1.15) factor for funding.~~

~~(d) In furtherance of the General Assembly's commitment to provide adequate special education funding that will ensure equitable State and local investments in special education in public schools, and in order to enable eligible students to attain applicable Federal and State academic standards and to be educated in regular classrooms when appropriate, it is the goal of the Commonwealth to review and meet State special education funding targets by fiscal year 2014-2015.~~

~~(e) The Commonwealth shall pay to each school district a special education funding allocation for the 2009-2010 school year which shall consist of the sum of the following:~~

~~(1) an amount equal to the district's special education funding allocation for the 2008-2009 school year under section 2509.5; and~~

~~(2) (i) For a school district with 2007-2008 equalized millage that is greater than or equal to twenty four (24), which~~

~~represents the eightieth percentile of the equalized millage of all school districts as of the effective date of this section, for the 2008-2009 school year, sixteen and seventy five one hundredths percent (16.75%) of the State special education funding target determined under subsection (b).~~

~~(ii) For a school district with 2007-2008 equalized millage that is less than twenty four (24), which represents the eightieth percentile of the equalized millage of all school districts as of the effective date of this section, for the 2008-2009 school year, ten percent (10%) of the State special education funding target determined under subsection (b).~~

~~(f) The Department of Education shall provide additional funding for the 2009-2010 school year to any school district where the amount under subsection (e)(2) provides an amount less than the percentage increase in the school district's special education funding allocation for the 2008-2009 school year under section 2509.5. The amount of the additional funding shall be the amount required so that the sum of subsection (e)(2) and this subsection is at least equal to the percentage increase in the school district's special education funding allocation for the 2008-2009 school year under section 2509.5.~~

~~(g) During the 2009-2010 school year, if insufficient funds are appropriated to school districts for payments under subsection (e) or (f), each school district shall be paid the amount it received during the 2008-2009 school year under subsection (zz).~~

~~(h) (1) The Commonwealth shall appropriate additional funding in each year for extraordinary special education program expenses under section 2509.8. The appropriation for the fund shall be at one and fifty one hundredths percent (1.50%) of the~~

~~total of special education appropriations made pursuant to subsection (c) and shall be made in addition to such total.~~

~~(2) The Department of Education shall utilize the fund to provide resources needed:~~

~~(i) to partially meet extraordinary special education expenses not anticipated through the special education funding formula in this section for eligible students within the first three (3) school years of eligibility for special education or enrollment in a school district or charter school; and~~

~~(ii) to the extent that the resources of the fund are not issued to meet the needs determined by subclause (i), to provide resources for school districts or charter schools implementing programs or services that serve as a model of excellence for meeting high standards for student achievement through quality special education.~~

~~(3) At least three quarters of the fund shall be used for the purposes under clause (2)(i) and no more than one quarter shall be used for the purposes under clause (2)(ii).~~

~~(4) School districts or charter schools may apply for resources through the fund pursuant to procedures established by the Department of Education. The Department of Education shall issue resources from the fund only in response to such applications. The Department of Education shall give priority to districts or charter schools with a relatively high percentage of students in poverty, annually setting these criteria and granting a higher percentage of the resources requested by such districts or charter schools.~~

~~(5) The Department of Education shall issue a comprehensive annual report documenting use of the fund to the Governor and all members of the General Assembly, and shall give public~~

~~notice about such report.~~

~~(6) This subsection shall not apply in any year in which subsection (g) applies.~~

~~(7) As used in this subsection, "extraordinary special education expenses" are expenses that result from needs and circumstances of an eligible student with significant disabilities which are not ordinarily present in a typical special education service and program delivery system and which have costs exceeding the school district funding for special education, in order to provide the student with an appropriate education in the least restrictive environment.~~

~~Section 2509.14. Special Education Accountability to Commonwealth Taxpayers. (a) (1) The Department of Education shall determine the form and manner in which school districts shall submit a special education plan and revisions, updates and amendments to the special education plan pursuant to this section. The special education plan shall be consistent with other existing plans and reports required by the Department of Education to the greatest extent possible, including those required under 22 Pa. Code § 14.104 (relating to special education plans). Special education plans shall be written in a manner that is easy to use and understand by parents and the public, including a general summary.~~

~~(2) The Department of Education shall:~~

~~(i) review the special education plans and revisions, updates and amendments;~~

~~(ii) provide recommendations and technical assistance to school districts;~~

~~(iii) approve or disapprove the plan within ninety (90) calendar days of receipt; and~~

~~(iv) provide a written explanation when disapproving a plan.~~

~~(3) The Department of Education shall approve a special education plan and revisions, updates and amendments that in the determination of the department:~~

~~(i) meet the requirements of this section;~~

~~(ii) address the academic and developmental challenges for eligible students identified in the school district's most recent student achievement results and pursuant to performance indicators, with specific focus on individual schools, grade levels and populations of students that demonstrate inadequate levels of student outcomes; and~~

~~(iii) describe programs and strategies that are most likely to improve student outcomes in the school district.~~

~~(4) Upon disapproving a school district's special education plan, update or revision submitted pursuant to this section, the Department of Education shall withhold the portion of the annual State increase in special education funding which exceeds the index until such a time as a written special education plan, update or revision is approved.~~

~~(5) The Secretary of Education shall involve as appropriate in special education monitoring, support, intervention, technical assistance and special education plan review by the Department of Education, the staff in relevant offices, bureaus and divisions of the department, as well as staff in intermediate units and consultants, and shall neither delegate nor limit these functions solely to the Bureau of Special Education. The Secretary of Education shall have the authority to contract for additional assistance with intermediate units and consultants for these purposes, so long as such contracts do not create a conflict of interest or supplant existing service~~

~~or program obligations.~~

~~(b) (1) By September 15, 2009, and by April 15 of each year thereafter, each school district receiving an increase in its State special education funding allocation of more than the index shall update its special education plan based on overall circumstances, shall also revise the special education plan to show in detail how the increase above the index will be used and shall submit the updates and revisions to the Department of Education for approval pursuant to subsection (a). Unless a school district decides to amend its special education plan more broadly to reflect the receipt of new funding or for other reasons, the guidelines and regulations developed by the Department of Education pursuant to this section for plan updates or revisions shall allow a district to meet the requirements of this section by adding the mandated information as an appendix to the existing plan. The special education plan, update or revision shall document the challenges remaining and progress made in addressing student needs and improving student outcomes, shall be accompanied by a budget, timeline and benchmarks for implementation, and shall incorporate other existing plans and reports required by the Department of Education to the greatest extent possible. The budget required by this subsection shall be considered by the Department of Education in evaluating the special education plan but is not itself subject to approval or disapproval by the department.~~

~~(2) (i) Each school district receiving an increased allocation above the index shall use these funds for one or more research based programs and supports that meet the following basic criteria:~~

~~(A) expressly benefit eligible students educated in the~~

~~least restrictive environment in accordance with Federal and State law;~~

~~(B) contribute to achievement of performance indicators; and~~

~~(C) are approved by the Department of Education in guidelines issued by August 15, 2009, and by February 15 of each year thereafter.~~

~~(ii) Department of Education guidelines for research based programs and supports meeting these basic criteria shall address at least the following:~~

~~(A) curricula adaptation;~~

~~(B) co-teaching;~~

~~(C) assistive technology;~~

~~(D) school wide positive behavior supports;~~

~~(E) supplementary aids and services;~~

~~(F) professional development;~~

~~(G) reading specialist services and supports;~~

~~(H) reducing caseloads for special education teachers and related services personnel; and~~

~~(I) placing and serving eligible students in regular classrooms with supports in accordance with the Individualized Education Program (IEP) developed for each eligible student.~~

~~(3) According to standards established by the Department of Education, the special education plan, update or revision shall document that the increased allocation above the index is used:~~

~~(i) for the purposes approved under clause (2);~~

~~(ii) to supplement and not supplant other resources; and~~

~~(iii) in ways that allow the school district to maintain its effort for special education expenditures.~~

~~(c) Accountability for the effective use of resources to meet student needs shall be provided in the following ways:~~

~~(1) The Department of Education shall issue to the General Assembly a comprehensive annual report on special education funding, special education plans, the implementation of 22 Pa. Code § 14.104 and other special education accountability issues for public school entities serving eligible students and this Commonwealth.~~

~~(2) Upon disapproving a school district's special education plan, update or revision, the Department of Education shall withhold the portion of the annual State increase in special education funding which exceeds the index until such a time as a written special education plan, update or revision is approved or conditionally approved.~~

~~(3) (i) The Department of Education shall:~~

~~(A) review and monitor implementation of all special education plans, including, but not limited to, compliance with subsection (b) and 22 Pa. Code § 14.104;~~

~~(B) provide support, intervention and technical assistance in school districts failing to meet student needs based on performance indicators or failing to comply with subsection (b);~~

~~(C) identify at any time and at least annually all school districts failing to adequately implement their special education plans in compliance with Federal and State law, failing to comply with subsection (b) or not making annual progress to meet student needs based on performance indicators; and~~

~~(D) determine whether to withhold up to five percent (5%) of all State special education funding for school districts identified pursuant to this clause while the identified problems remain unresolved.~~

~~(ii) If the Department of Education determines that a school~~

~~district is making substantial progress toward resolving the identified problems, it shall restore the withheld funding retroactively and continue to monitor the district for an additional two (2) years.~~

~~(4) To discourage the inappropriate over identification of children for special education, the Department of Education shall automatically conduct a thorough review of the special education plan of any school district where the ratio of its special education average daily membership to its average daily membership for all students in the most recent school year for which data is available has increased by more than ten percent (10%) over the previous year or of any district where the ratio has increased by an annual average of more than five percent (5%) during the most recent five (5) year period. Appropriate remedial action, including withholding up to five percent (5%) of all State special education funding, may be taken, unless the increase is determined to be justified by the Department of Education after consultation with the school district.~~

~~(d) The Department of Education shall issue to any affected school district a notice specifying the department's decisions and actions pursuant to this section and the rationale for such decisions and actions. A school district may file a written complaint with the Secretary of Education about the Department of Education's decisions and actions regarding that district made pursuant to this section. The complaint must be submitted to the Secretary of Education's office within thirty (30) calendar days of the Department of Education's decision or action or within thirty (30) calendar days of receiving the notice, whichever is greater. The Secretary of Education shall consider the complaint, consult with the school district and,~~

~~within thirty (30) calendar days after receiving the complaint, issue a written decision addressing the concerns and claims made in the complaint, explaining the judgment of the Department of Education in response to these concerns and claims, and specifying the opportunity for a subsequent hearing under 2 Pa.C.S. Chs. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and 7 Subch. A (relating to judicial review of Commonwealth agency action) and 1 Pa. Code Part II (relating to general rules of administrative practice and procedure). If requested, the Department of Education shall then convene a hearing within thirty (30) calendar days after the receipt of a school district's hearing request following its written complaint decision. The Department of Education shall render a written hearing decision within thirty (30) calendar days following the hearing.~~

~~(e) The Department of Education shall give public notice of the decisions, actions and reports made pursuant to this section.~~

~~(f) Nothing in this section shall supersede or preempt any provisions of a collective bargaining agreement between a school entity and an employee organization in effect on the effective date of this section.~~

~~Section 34. Any regulations of the Department of Education that are inconsistent with the amendment of section 1209 of the act are hereby abrogated to the extent of any inconsistency.~~

~~Section 35. Within 60 calendar days following the effective date of this section, or within a different time period if otherwise specified in this act, the Secretary of Education shall propose regulations for promulgation by the State Board of Education which implement the addition or amendment of sections~~

1 ~~2501, 2509.13 and 2509.14 of the act.~~

2 ~~Section 36. This act shall take effect as follows:~~

3 ~~(1) The addition of section 528 of the act shall take~~
4 ~~effect in 180 days.~~

5 ~~(2) The amendment of section 1414.1 of the act shall~~
6 ~~take effect in 90 days.~~

7 ~~(3) The remainder of this act shall take effect~~
8 ~~immediately.~~

9 SECTION 1. THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN
10 AS THE PUBLIC SCHOOL CODE OF 1949, IS AMENDED BY ADDING SECTIONS
11 TO READ:

12 SECTION 528. PARENT INVOLVEMENT PROGRAMS AND POLICIES.--(A)
13 THE BOARD OF SCHOOL DIRECTORS IN A SCHOOL DISTRICT OF THE FIRST
14 CLASS, FIRST CLASS A, SECOND CLASS, THIRD CLASS OR FOURTH CLASS
15 SHALL ESTABLISH A PARENT INVOLVEMENT PROGRAM, PARENT INVOLVEMENT
16 POLICY AND PARENT INVOLVEMENT COMMITTEE. NO SCHOOL ENTITY SHALL
17 BE REQUIRED TO ESTABLISH A NEW PROGRAM OR POLICY UNDER THIS
18 SECTION IF ONE CURRENTLY EXISTS AND REASONABLY FULFILLS THE
19 REQUIREMENTS OF THIS SECTION.

20 (B) A PARENT INVOLVEMENT PROGRAM ESTABLISHED BY A BOARD OF
21 SCHOOL DIRECTORS SHALL INCLUDE THE FOLLOWING:

22 (1) IDENTIFICATION OF EXISTING RESOURCES, ACTIVITIES OR
23 MATERIALS IN THE SCHOOL DISTRICT THAT MAY BE USED BY PARENTS TO
24 IMPROVE THE ACADEMIC ACHIEVEMENT OF STUDENTS IN THE SCHOOL
25 DISTRICT.

26 (2) IDENTIFICATION OF EXISTING RESOURCES, ACTIVITIES OR
27 MATERIALS IN THE SCHOOL DISTRICT THAT MAY BE USED BY PARENTS TO
28 IMPROVE OR SUPPLEMENT TECHNIQUES USED BY PARENTS AT HOME TO
29 SUPPORT AND IMPROVE THE ACADEMIC ACHIEVEMENT OF STUDENTS IN THE
30 SCHOOL DISTRICT.

1 (3) IDENTIFICATION OF A DISTRICTWIDE SYSTEM OF COMMUNICATING
2 INFORMATION BETWEEN PARENTS AND SCHOOL OFFICIALS REGARDING THE
3 CURRICULUM, ACADEMIC GOALS AND STRATEGIC PLAN OF THE SCHOOL
4 DISTRICT.

5 (4) IDENTIFICATION OF ANY SUPPLEMENTAL ACADEMIC SERVICES
6 AVAILABLE TO STUDENTS WHOSE SCORE ON ANY PENNSYLVANIA SYSTEM OF
7 SCHOOL ASSESSMENT TEST IS BELOW PROFICIENT.

8 (5) IDENTIFICATION OF ANY MECHANISM THROUGH WHICH PARENTS
9 CAN PROVIDE RECOMMENDATIONS TO THE BOARD OF SCHOOL DIRECTORS
10 REGARDING PROGRAMS THAT MAY IMPROVE THE ACADEMIC ACHIEVEMENT OF
11 STUDENTS IN THE SCHOOL DISTRICT.

12 (6) IDENTIFICATION OF ANY MECHANISM THROUGH WHICH THE SCHOOL
13 DISTRICT CAN PROVIDE INFORMATION TO PARENTS REGARDING RESOURCES,
14 ACTIVITIES OR MATERIALS IN THE SCHOOL DISTRICT THAT MAY BE USED
15 BY PARENTS TO IMPROVE THE ACADEMIC ACHIEVEMENT OF THEIR
16 STUDENTS.

17 (C) A PARENT INVOLVEMENT POLICY ESTABLISHED BY A BOARD OF
18 SCHOOL DIRECTORS SHALL INCLUDE THE FOLLOWING:

19 (1) IDENTIFICATION OF GOALS AND OBJECTIVES FOR THE
20 INVOLVEMENT OF PARENTS IN THE IMPROVEMENT OF THE ACADEMIC
21 ACHIEVEMENT OF STUDENTS IN THE SCHOOL DISTRICT.

22 (2) IDENTIFICATION OF SPECIFIC STRATEGIES TO MEET THE GOALS
23 AND OBJECTIVES REQUIRED UNDER PARAGRAPH (1).

24 (3) EXPLANATION OF THE RESOURCES, ACTIVITIES, MATERIALS AND
25 MECHANISMS IDENTIFIED IN THE PARENT INVOLVEMENT PROGRAM.

26 (4) EXPLANATION OF THE ROLE OF THE PARENT INVOLVEMENT
27 COMMITTEE ESTABLISHED UNDER SUBSECTION (D).

28 (D) A PARENT INVOLVEMENT COMMITTEE ESTABLISHED BY A BOARD OF
29 SCHOOL DIRECTORS SHALL CONSIST OF PARENTS OF STUDENTS ENROLLED
30 IN THE SCHOOL DISTRICT AND SHALL BE RESPONSIBLE FOR PROVIDING

1 THE BOARD OF SCHOOL DIRECTORS WITH RECOMMENDATIONS ON THE SCHOOL
2 DISTRICT'S PARENT INVOLVEMENT PROGRAM AND PARENT INVOLVEMENT
3 POLICY. IF A SCHOOL DISTRICT CURRENTLY HAS ESTABLISHED A
4 COMMITTEE OF PARENTS THAT MAKES RECOMMENDATIONS ON SCHOOL
5 POLICIES, THE BOARD OF SCHOOL DIRECTORS MAY UTILIZE THAT
6 COMMITTEE TO MEET THE REQUIREMENTS OF THIS SUBSECTION.

7 (E) A BOARD OF SCHOOL DIRECTORS SHALL PROVIDE FOR THE
8 PUBLICATION AND DISSEMINATION OF INFORMATION RELATED TO THE
9 SCHOOL DISTRICT'S PARENT INVOLVEMENT PROGRAM AND PARENT
10 INVOLVEMENT POLICY. THE BOARD OF SCHOOL DIRECTORS SHALL:

11 (1) MAKE THE PARENTAL INVOLVEMENT POLICY AVAILABLE ON ITS
12 PUBLICLY ACCESSIBLE INTERNET WEBSITE, IF AVAILABLE.

13 (2) MAKE COPIES OF THE PARENT INVOLVEMENT PROGRAM AND PARENT
14 INVOLVEMENT POLICY AVAILABLE FOR INSPECTION IN THE
15 ADMINISTRATIVE OFFICE OF THE SCHOOL DISTRICT AND PROVIDE COPIES
16 UPON REQUEST.

17 (3) PROVIDE COPIES OF THE PARENT INVOLVEMENT PROGRAM AND
18 PARENT INVOLVEMENT POLICY TO THE DEPARTMENT OF EDUCATION NO
19 LATER THAN SIXTY (60) DAYS FROM THE EFFECTIVE DATE OF THIS
20 SECTION.

21 SECTION 615. WORKERS' COMPENSATION SAFETY COMMITTEE.--(A)
22 EACH SCHOOL DISTRICT SHALL HAVE AND MAINTAIN A CERTIFIED SAFETY
23 COMMITTEE BY DECEMBER 31, 2010, FOR THE PURPOSES OF SECTION
24 1002(B) OF THE ACT OF JUNE 2, 1915 (P.L.736, NO.338), KNOWN AS
25 THE "WORKERS' COMPENSATION ACT." THE DEPARTMENT OF LABOR AND
26 INDUSTRY SHALL ANNUALLY PROVIDE THE DEPARTMENT OF EDUCATION WITH
27 THE LIST OF SCHOOL DISTRICTS WHO HAVE A CERTIFIED SAFETY
28 COMMITTEE. IN THE CASE OF A SCHOOL DISTRICT THAT DOES NOT COMPLY
29 WITH THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL ANNUALLY
30 DEDUCT FROM ANY ALLOCATION FROM THE COMMONWEALTH TO WHICH THE

1 SCHOOL DISTRICT IS ENTITLED THE AMOUNT OF THE DISCOUNT THE
2 SCHOOL DISTRICT WOULD OTHERWISE RECEIVE UNDER SECTION 1002(B) OF
3 THE "WORKERS' COMPENSATION ACT."

4 (B) THIS SECTION SHALL NOT APPLY TO A SCHOOL DISTRICT THAT
5 CANNOT RECEIVE A PREMIUM DISCOUNT UNDER SECTION 1002(B) OF THE
6 "WORKERS' COMPENSATION ACT," OR AN EQUIVALENT REDUCTION IN
7 CONTRIBUTION RATES, BY ESTABLISHING AND MAINTAINING A CERTIFIED
8 SAFETY COMMITTEE BECAUSE IT IS AUTHORIZED TO SELF-INSURE ITS
9 LIABILITIES UNDER SECTION 305 OF THE "WORKERS' COMPENSATION ACT"
10 OR POOL ITS LIABILITIES UNDER SECTION 802 OF THE "WORKERS'
11 COMPENSATION ACT."

12 SECTION 2. SECTION 687(J) OF THE ACT, AMENDED JULY 9, 2008
13 (P.L.846, NO.61), IS AMENDED TO READ:

14 SECTION 687. ANNUAL BUDGET; ADDITIONAL OR INCREASED
15 APPROPRIATIONS; TRANSFER OF FUNDS.--* * *

16 (J) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ACT, THE
17 BOARD OF SCHOOL DIRECTORS OF EACH SCHOOL DISTRICT MAY REOPEN ITS
18 2003-2004 BUDGET, ITS 2004-2005 BUDGET, ITS 2005-2006 BUDGET,
19 ITS 2006-2007 BUDGET, ITS 2007-2008 BUDGET [OR] ITS 2008-2009
20 BUDGET, OR ITS 2009-2010 BUDGET TO REFLECT ANY STATE ALLOCATIONS
21 FOR FISCAL YEAR 2003-2004, FISCAL YEAR 2004-2005, FISCAL YEAR
22 2005-2006, FISCAL YEAR 2006-2007, FISCAL YEAR 2007-2008 [OR] ITS
23 FISCAL YEAR 2008-2009, OR FISCAL YEAR 2009-2010 PROVIDED BY THE
24 GENERAL ASSEMBLY THROUGH THIS ACT.

25 SECTION 3. SECTION 688(C) OF THE ACT, ADDED DECEMBER 23,
26 2003 (P.L.304, NO.48), IS AMENDED AND THE SECTION IS AMENDED BY
27 ADDING A SUBSECTION TO READ:

28 SECTION 688. LIMITATIONS ON CERTAIN UNRESERVED FUND
29 BALANCES.--* * *

30 (B.1) (1) A SCHOOL DISTRICT MAY DESIGNATE SOME OR ALL OF

1 ITS ESTIMATED UNRESERVED FUND BALANCE FOR THE PURPOSE OF MAKING
2 PAYMENTS TO THE FUND UNDER 24 PA.C.S. § 8327 (RELATING TO
3 PAYMENTS BY EMPLOYERS) IN ADVANCE OF A PROJECTED INCREASE IN THE
4 EMPLOYER CONTRIBUTION RATE CALCULATED UNDER 24 PA.C.S. § 8328
5 (RELATING TO ACTUARIAL COST METHOD).

6 (2) NOTHING IN PARAGRAPH (1) SHALL BE CONSTRUED TO
7 INVALIDATE A SCHOOL DISTRICT DESIGNATION OF ALL OR PART OF ITS
8 UNRESERVED FUND BALANCE FOR THE PURPOSE OF MAKING PAYMENTS TO
9 THE FUND UNDER 24 PA.C.S. § 8327, WHICH DESIGNATION OCCURRED
10 PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION.

11 (C) AS USED IN THIS SECTION[, "ESTIMATED"]:

12 "ESTIMATED ENDING UNRESERVED, UNDESIGNATED FUND BALANCE"
13 SHALL MEAN THAT PORTION OF THE FUND BALANCE WHICH IS
14 APPROPRIABLE FOR EXPENDITURE OR NOT LEGALLY OR OTHERWISE
15 SEGREGATED FOR A SPECIFIC OR TENTATIVE FUTURE USE, PROJECTED FOR
16 THE CLOSE OF THE SCHOOL YEAR FOR WHICH A SCHOOL DISTRICT'S
17 BUDGET WAS ADOPTED AND HELD IN THE GENERAL FUND ACCOUNTS OF THE
18 SCHOOL DISTRICT.

19 "FUND" SHALL MEAN THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT
20 FUND.

21 SECTION 4. SECTION 701.1 OF THE ACT, AMENDED JULY 4, 2004
22 (P.L.536, NO.70), IS AMENDED TO READ:

23 SECTION 701.1. REFERENDUM OR PUBLIC HEARING REQUIRED PRIOR
24 TO CONSTRUCTION OR LEASE.--EXCEPT WHERE THE APPROVAL OF THE
25 ELECTORS IS OBTAINED TO INCUR INDEBTEDNESS TO FINANCE THE
26 CONSTRUCTION OF A SCHOOL PROJECT, THE BOARD OF SCHOOL DIRECTORS
27 OF ANY SCHOOL DISTRICT OF THE SECOND, THIRD OR FOURTH CLASSES,
28 SHALL NOT CONSTRUCT, ENTER INTO A CONTRACT TO CONSTRUCT OR ENTER
29 INTO A CONTRACT TO LEASE A NEW SCHOOL BUILDING OR SUBSTANTIAL
30 ADDITION TO AN EXISTING SCHOOL BUILDING WITHOUT THE CONSENT OF

1 THE ELECTORS OBTAINED BY REFERENDUM OR WITHOUT HOLDING A PUBLIC
2 HEARING AS HEREINAFTER PROVIDED. IN THE EVENT THAT A NEW SCHOOL
3 BUILDING OR A SUBSTANTIAL ADDITION TO AN EXISTING BUILDING IS TO
4 BE CONSTRUCTED OR LEASED, THE SCHOOL BOARD SHALL, BY A MAJORITY
5 VOTE OF ALL ITS MEMBERS, AUTHORIZE A MAXIMUM PROJECT COST AND A
6 MAXIMUM BUILDING CONSTRUCTION COST TO BE FINANCED BY THE
7 DISTRICT OR AMORTIZED BY LEASE RENTALS TO BE PAID BY THE
8 DISTRICT. BUILDING CONSTRUCTION COST SHALL CONSIST OF THE COST
9 OF ALL BUILDING CONSTRUCTION INCLUDING GENERAL CONSTRUCTION
10 COSTS, PLUMBING, HEATING, ELECTRICAL, VENTILATING AND OTHER
11 STRUCTURAL COSTS, EQUIPMENT AND FIXTURES AND ARCHITECTURAL AND
12 ENGINEERING FEES RELATING THERETO, BUT NOT INCLUDING COSTS FOR
13 SITE ACQUISITION AND DEVELOPMENT, ROUGH GRADING TO RECEIVE THE
14 BUILDING, SEWAGE TREATMENT FACILITIES OR EQUIVALENT CAPITAL
15 CONTRIBUTIONS, AND ARCHITECTURAL AND ENGINEERING FEES RELATING
16 THERETO. BUILDING CONSTRUCTION COST SHALL NOT INCLUDE ANY
17 ADDITIONAL COSTS INCURRED TO MEET CERTIFICATION REQUIREMENTS OF
18 A GREEN BUILDING STANDARD. IN ALL CASES, A PUBLIC HEARING SHALL
19 BE HELD NOT LATER THAN THIRTY (30) DAYS BEFORE THE SCHOOL
20 DISTRICT SUBMITS THE INITIAL BUILDING CONSTRUCTION COST AND
21 GREEN BUILDING STANDARD COST ESTIMATES TO THE DEPARTMENT OF
22 EDUCATION FOR APPROVAL. NOTICE OF THE HEARING SHALL BE GIVEN NOT
23 LATER THAN TWENTY (20) DAYS BEFORE THE DATE OF THE SCHEDULED
24 HEARING. IN THE EVENT THAT THE MAXIMUM BUILDING CONSTRUCTION
25 COST AUTHORIZATION EXCEEDS THE AGGREGATE BUILDING EXPENDITURE
26 STANDARD HEREINAFTER SPECIFIED, THE AFORESAID AUTHORIZATION OF
27 THE SCHOOL BOARD SHALL BE SUBMITTED TO THE ELECTORS OF THE
28 SCHOOL DISTRICT FOR THEIR APPROVAL WITHIN SIX (6) MONTHS PRIOR
29 TO SUBMISSION OF THE FINAL BUILDING CONSTRUCTION COST BIDS TO
30 THE DEPARTMENT OF EDUCATION FOR APPROVAL. SUCH REFERENDUM SHALL

1 BE HELD IN THE SAME MANNER AS PROVIDED BY LAW FOR THE APPROVAL
2 OF THE INCURRING OF INDEBTEDNESS BY REFERENDUM. THE QUESTION AS
3 SUBMITTED SHALL SPECIFY THE MAXIMUM PROJECT COST, THE MAXIMUM
4 BUILDING CONSTRUCTION COST AND THE ANNUAL SINKING FUND CHARGE OR
5 LEASE RENTAL TO BE INCURRED BY THE SCHOOL DISTRICT AND THE
6 PORTION OF SUCH CHARGE OR RENTAL EXPECTED TO BE REIMBURSED BY
7 THE COMMONWEALTH. IF THE FINAL BUILDING CONSTRUCTION COST BIDS
8 TO BE SUBMITTED TO THE DEPARTMENT OF EDUCATION FOR APPROVAL ARE
9 LESS THAN THE AGGREGATE BUILDING EXPENDITURE STANDARD HEREAFTER
10 SPECIFIED BUT EXCEED BY EIGHT (8) PER CENT OR MORE THE INITIAL
11 BUILDING CONSTRUCTION COST ESTIMATES SUBMITTED TO THE DEPARTMENT
12 FOR APPROVAL, A SECOND PUBLIC HEARING SHALL BE HELD BEFORE THE
13 DEPARTMENT SHALL GIVE ITS FINAL APPROVAL.

14 THE APPLICABLE AGGREGATE BUILDING EXPENDITURE STANDARD SHALL
15 BE A TOTAL AMOUNT CALCULATED FOR EACH BUILDING OR SUBSTANTIAL
16 ADDITION BY MULTIPLYING THE RATED PUPIL CAPACITY UNDER THE
17 APPROVED ROOM SCHEDULE BY THE FOLLOWING: TWO THOUSAND EIGHT
18 HUNDRED DOLLARS (\$2,800) FOR EACH PUPIL OF RATED ELEMENTARY
19 CAPACITY; FOUR THOUSAND TWO HUNDRED DOLLARS (\$4,200) FOR EACH
20 PUPIL OF RATED SECONDARY CAPACITY IN GRADES SEVEN, EIGHT AND
21 NINE AND FIVE THOUSAND TWO HUNDRED DOLLARS (\$5,200) FOR EACH
22 PUPIL OF RATED SECONDARY CAPACITY IN GRADES TEN, ELEVEN AND
23 TWELVE AND FIVE THOUSAND TWO HUNDRED DOLLARS (\$5,200) FOR EACH
24 PUPIL OF RATED VOCATIONAL-TECHNICAL CAPACITY IN GRADES TEN,
25 ELEVEN AND TWELVE TO NOT INCLUDE THE COST OF EQUIPMENT AND
26 FIXTURES IN SUCH VOCATIONAL-TECHNICAL SCHOOLS: PROVIDED,
27 HOWEVER, THAT EACH OF THE PRECEDING PER PUPIL AMOUNTS SHALL BE
28 ADJUSTED BY THE DEPARTMENT OF EDUCATION ON JULY 1, 1974; AND
29 ANNUALLY THEREAFTER THROUGH JULY 1, 2003, BY MULTIPLYING SAID
30 AMOUNTS BY THE RATIO OF THE COMPOSITE CONSTRUCTION COST INDEX

1 COMPILED AND PUBLISHED BY THE UNITED STATES DEPARTMENT OF
2 COMMERCE FOR THE PRECEDING CALENDAR YEAR TO SUCH INDEX FOR THE
3 NEXT PRECEDING CALENDAR YEAR; AND FURTHER PROVIDED, HOWEVER,
4 THAT EACH OF THE PRECEDING PER PUPIL AMOUNTS SHALL BE ADJUSTED
5 BY THE DEPARTMENT OF EDUCATION ON JULY 1, 2004; AND ANNUALLY
6 THEREAFTER BY MULTIPLYING SAID AMOUNTS BY THE RATIO OF THE
7 BUILDING COST INDEX PUBLISHED BY THE MCGRAW-HILL COMPANIES FOR
8 THE PRECEDING CALENDAR YEAR TO SUCH INDEX FOR THE NEXT PRECEDING
9 CALENDAR YEAR. RATED ELEMENTARY PUPIL CAPACITY OR RATED
10 SECONDARY PUPIL CAPACITY FOR ANY SCHOOL BUILDING SHALL BE THE
11 RATED PUPIL CAPACITY DETERMINED ON THE BASIS OF THE METHOD USED
12 BY THE DEPARTMENT FOR SCHOOL BUILDING REIMBURSEMENT PURPOSES
13 DURING THE SCHOOL YEAR 1971-1972.

14 FOR PURPOSES OF THIS SECTION:

15 (1) "SITE ACQUISITION" INCLUDES THE COST OF LAND AND MINERAL
16 RIGHTS, DEMOLITION AND CLEARING, RIGHTS-OF-WAY AND RELATED
17 UTILITY RELOCATIONS, SURVEYS AND SOILS ANALYSIS, AND THE COST OF
18 ALL FEES RELATING THERETO.

19 (2) "SITE DEVELOPMENT" INCLUDES EXCAVATION, GROUTING OR
20 SHORING, SPECIAL FOUNDATIONS FOR BUILDINGS, ACCESS ROADS TO
21 SITE, UTILITIES ON SITE, EXTENSION OF UTILITIES TO SITE.

22 (3) "EQUIPMENT AND FIXTURES" MEANS PROPERTY FIXED OR MOVABLE
23 WHICH IS INCIDENTAL AND NECESSARY TO CONDUCT THE EDUCATIONAL
24 PROGRAM, AND INCLUDES, BUT IS NOT LIMITED TO MOVABLE EQUIPMENT
25 SUCH AS DESKS, CHAIRS, TABLES, PORTABLE PHYSICAL EDUCATION
26 EQUIPMENT, AUDIO-VISUAL EQUIPMENT AND SCIENCE, HOMEMAKING,
27 INDUSTRIAL ART AND BUSINESS EQUIPMENT AND INSTRUCTIONAL
28 MATERIALS AND FIXTURES SUCH AS CASEWORK, LABORATORY EQUIPMENT,
29 KITCHEN EQUIPMENT, AUDITORIUM SEATING AND ANY OTHER SPECIAL
30 FIXTURES OR EQUIPMENT REQUIRED TO CONDUCT A PARTICULAR

1 EDUCATIONAL PROGRAM.

2 (4) "SUBSTANTIAL ADDITION" MEANS MORE THAN TWENTY (20) PER
3 CENTUM OF THE AREA AND REPLACEMENT VALUE OF THE STRUCTURE TO
4 WHICH THE IMPROVEMENT IS TO BE ADDED.

5 (5) "GREEN BUILDING STANDARD" MEANS A BUILDING STANDARD THAT
6 MEETS THE FOLLOWING CRITERIA:

7 (I) IS CONSENSUS-BASED, AS DEFINED BY THE OFFICE OF
8 MANAGEMENT AND BUDGET, CIRCULAR A-119, DATED FEBRUARY 10, 1998.

9 (II) AT A MINIMUM, INCLUDES PERFORMANCE-BASED CATEGORIES OR
10 CREDITS THAT WILL FOSTER THE OPTIMIZATION OF A BUILDING'S ENERGY
11 PERFORMANCE AND USE OF ENVIRONMENTALLY BENIGN BUILDING MATERIALS
12 AND TECHNOLOGIES.

13 (III) REQUIRES DOCUMENTATION, VERIFIABLE CALCULATIONS OR
14 EQUIVALENT PROCEDURES TO SUBSTANTIATE AND SUPPORT ANY AND ALL
15 CLAIMS MADE REGARDING A BUILDING'S ENERGY PERFORMANCE AND THE
16 USE OF ENVIRONMENTALLY BENIGN MATERIALS.

17 (IV) EMPLOYS THIRD-PARTY, POSTCONSTRUCTION REVIEW AND
18 VERIFICATION OF ACHIEVEMENT OF CERTIFICATION.

19 (V) HAS A PERFORMANCE RECORD OF CERTIFIED GREEN BUILDINGS IN
20 THE UNITED STATES.

21 (6) "GREEN BUILDING STANDARD COST" MEANS THE DESIGN,
22 CONSTRUCTION AND REGISTRATION COSTS DIRECTLY ATTRIBUTABLE TO
23 ACHIEVING POINTS UNDER A GREEN BUILDING STANDARD, INCLUDING, BUT
24 NOT LIMITED TO, ENERGY PERFORMANCE BENCHMARKING; LIFE-CYCLE COST
25 ASSESSMENTS; LOW-IMPACT DEVELOPMENT; STORM WATER MANAGEMENT
26 TECHNOLOGIES; ENERGY AND LIGHTING MODELING; ALTERNATIVE ENERGY
27 TECHNOLOGY; BUILDING COMMISSIONING AND THE COST OF REGISTRATION
28 WITH THE ORGANIZATION PROVIDING THE GREEN BUILDING STANDARD.

29 SECTION 5. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

30 ARTICLE XI-B

CERTIFICATION OF TEACHERS
BY THE NATIONAL BOARD FOR
PROFESSIONAL TEACHING STANDARDS

SECTION 1101-B. DEFINITIONS.

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

"DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
COMMONWEALTH.

"ELIGIBLE TEACHER." A TEACHER WHO:

(1) IS A CURRENT PENNSYLVANIA RESIDENT.

(2) CURRENTLY HOLDS A VALID PENNSYLVANIA TEACHING
CERTIFICATION IN GOOD STANDING.

(3) HAS COMPLETED THREE FULL YEARS OF TEACHING OR SCHOOL
COUNSELING IN A PENNSYLVANIA PUBLIC SCHOOL, INTERMEDIATE UNIT
OR AREA VOCATIONAL-TECHNICAL SCHOOL.

(4) HOLDS A CURRENT, FULL-TIME TEACHING OR SCHOOL
COUNSELING POSITION IN A PENNSYLVANIA PUBLIC SCHOOL,
INTERMEDIATE UNIT OR AREA VOCATIONAL-TECHNICAL SCHOOL.

(5) HAS NOT PREVIOUSLY RECEIVED COMMONWEALTH FUNDS FOR
PARTICIPATING IN ANY CERTIFICATION AREA OF THE NBPTS PROGRAM.

(6) HAS NOT REPAID ANY COMMONWEALTH FUNDS PREVIOUSLY
RECEIVED FOR THE NBPTS CERTIFICATION PROCESS.

(7) HAS NOT RECEIVED A WAIVER OF REPAYMENT FROM THE
DEPARTMENT OF EDUCATION.

"NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS" OR
"NBPTS." THE INDEPENDENT, NONPROFIT ORGANIZATION ESTABLISHED IN
1987 TO ESTABLISH HIGH STANDARDS FOR TEACHERS' KNOWLEDGE AND
PERFORMANCE AND FOR DEVELOPMENT AND OPERATION OF A NATIONAL
VOLUNTARY SYSTEM TO ASSESS AND CERTIFY TEACHERS WHO MEET THOSE

1 STANDARDS.

2 "PUBLIC SCHOOL." A SCHOOL OPERATED BY A SCHOOL DISTRICT,
3 INTERMEDIATE UNIT, CHARTER SCHOOL, CYBER CHARTER SCHOOL OR AN
4 AREA VOCATIONAL-TECHNICAL SCHOOL.

5 SECTION 1102-B. PROGRAM.

6 (A) ESTABLISHMENT.--A PROGRAM TO HELP DEFRAID THE COST TO
7 TEACHERS OF BECOMING CERTIFIED BY THE NATIONAL BOARD FOR
8 PROFESSIONAL TEACHING STANDARDS IS ESTABLISHED.

9 (B) GOAL.--IT IS THE GOAL OF THE COMMONWEALTH TO PROVIDE
10 OPPORTUNITIES AND INCENTIVES FOR EXCELLENT TEACHERS AND TO
11 RETAIN THEM IN THE TEACHING PROFESSION. TO ATTAIN THIS GOAL, THE
12 COMMONWEALTH SHALL SUPPORT THE EFFORTS OF TEACHERS TO ACHIEVE
13 NATIONAL CERTIFICATION BY PROVIDING REIMBURSEMENT TO PUBLIC
14 SCHOOLS FOR SUBSTITUTE FEES ASSOCIATED WITH TEACHERS
15 PARTICIPATING IN THE CERTIFICATION PROCESS AND PAYING THE
16 ASSESSMENT FEE FOR TEACHERS WHO SEEK TO ATTAIN NATIONAL
17 CERTIFICATION FROM THE NATIONAL BOARD FOR PROFESSIONAL TEACHING
18 STANDARDS.

19 SECTION 1103-B. PAYMENT OF FEES.

20 TO THE EXTENT FUNDS ARE AVAILABLE, THE COMMONWEALTH SHALL DO
21 ALL OF THE FOLLOWING:

22 (1) PAY ALL OR A PORTION OF THE COST OF NBPTS ASSESSMENT
23 FEES ON BEHALF OF AN ELIGIBLE TEACHER TO BECOME NBPTS
24 CERTIFIED OR RECERTIFIED.

25 (2) REIMBURSE SCHOOL DISTRICTS FOR SUBSTITUTE FEES FOR
26 EACH DAY THE ELIGIBLE TEACHER PARTICIPATES IN PREPARATION FOR
27 NBPTS CERTIFICATION, UP TO THREE DAYS.

28 SECTION 1104-B. PRIORITY.

29 (A) SCHOOLS IN SCHOOL IMPROVEMENT OR CORRECTIVE ACTION.--
30 ELIGIBLE TEACHERS WHO TEACH IN SCHOOLS IDENTIFIED AS IN SCHOOL

1 IMPROVEMENT OR CORRECTIVE ACTION SHALL RECEIVE FIRST PRIORITY
2 FOR PAYMENT OF ASSESSMENT FEES UNDER THIS ARTICLE. THE ELIGIBLE
3 TEACHERS' DISTRICTS SHALL ALSO RECEIVE FIRST PRIORITY FOR
4 SUBSTITUTE FEES REIMBURSEMENT.

5 (B) OTHER PRIORITY.--ELIGIBLE TEACHERS WHO TEACH EARLY
6 CHILDHOOD EDUCATION, MATHEMATICS OR SCIENCE AT THE MIDDLE OR
7 SECONDARY LEVEL OR WHO TEACH SPECIAL EDUCATION OR FOREIGN
8 LANGUAGES SHALL RECEIVE SECOND PRIORITY FOR PAYMENT OF
9 ASSESSMENT FEES UNDER THIS ARTICLE. THE ELIGIBLE TEACHERS'
10 DISTRICTS SHALL ALSO RECEIVE SECOND PRIORITY FOR SUBSTITUTE FEES
11 REIMBURSEMENT.

12 SECTION 1105-B. DUTIES OF ELIGIBLE TEACHERS.

13 (A) COMPLETION OF PROCESS.--AN ELIGIBLE TEACHER ON WHOSE
14 BEHALF THE ASSESSMENT FEE IS PAID SHALL AGREE TO COMPLETE THE
15 CERTIFICATION PROCESS OR BE SUBJECT TO REPAYMENT AS SET FORTH IN
16 SECTION 1106-B(A).

17 (B) THREE-YEAR COMMITMENT.--AN ELIGIBLE TEACHER ON WHOSE
18 BEHALF THE ASSESSMENT FEE IS PAID AND WHO RECEIVES NBPTS
19 CERTIFICATION SHALL, IN ADDITION TO THE REQUIREMENT UNDER
20 SUBSECTION (A), AGREE TO SERVE AS A TEACHER OR ADMINISTRATOR IN
21 A PENNSYLVANIA PUBLIC SCHOOL FOR A PERIOD OF AT LEAST THREE
22 YEARS OR BE SUBJECT TO REPAYMENT AS SET FORTH IN SECTION 1106-
23 B(B). ELIGIBLE TEACHERS WHO RECEIVE PRIORITY UNDER SECTION 1104-
24 B AND WHO RECEIVE NBPTS CERTIFICATION SHALL TEACH IN THAT
25 PRIORITY CLASS FOR THE THREE-YEAR COMMITMENT PERIOD. IF AN
26 ELIGIBLE TEACHER RECEIVES PRIORITY UNDER SECTION 1104-B(A) AND
27 THE SCHOOL IS REMOVED FROM IMPROVEMENT OR CORRECTIVE ACTION
28 DURING THE THREE-YEAR COMMITMENT PERIOD, SERVICE IN THE SAME
29 SCHOOL OR IN ANOTHER SCHOOL IDENTIFIED AS IN SCHOOL IMPROVEMENT
30 OR CORRECTIVE ACTION SHALL CONTINUE TO FULFILL THE REQUIREMENTS

1 OF THIS SUBSECTION.

2 SECTION 1106-B. REPAYMENT.

3 (A) FAILURE TO COMPLETE THE CERTIFICATION PROCESS.--WHEN AN
4 ELIGIBLE TEACHER FOR WHOM THE COMMONWEALTH HAS PAID THE
5 ASSESSMENT FEE FAILS TO COMPLETE THE CERTIFICATION PROCESS, THE
6 TEACHER SHALL REIMBURSE THE COMMONWEALTH FOR THE AMOUNT OF THE
7 ASSESSMENT FEE. A CANDIDATE WHO COMPLETES THE CERTIFICATION
8 PROCESS BUT IS DENIED NBPTS CERTIFICATION SHALL NOT BE SUBJECT
9 TO REPAYMENT PURSUANT TO THIS SUBSECTION.

10 (B) FAILURE TO CONTINUE TEACHING.--WHEN AN ELIGIBLE TEACHER
11 FOR WHOM THE COMMONWEALTH HAS PAID THE ASSESSMENT FEE FAILS TO
12 MEET THE REQUIREMENTS OF SECTION 1105-B(B), THE TEACHER SHALL
13 REIMBURSE THE COMMONWEALTH FOR THE AMOUNT OF THE ASSESSMENT FEE.
14 THE TEACHER SHALL CERTIFY TO THE DEPARTMENT EACH YEAR THAT THE
15 TEACHER IS IN COMPLIANCE WITH SECTION 1105-B(B).

16 (C) WAIVER OF REPAYMENT.--UPON THE APPLICATION OF THE
17 ELIGIBLE TEACHER, THE DEPARTMENT SHALL WAIVE THE REPAYMENT
18 REQUIREMENT IF THE DEPARTMENT FINDS THAT THE TEACHER WAS UNABLE
19 TO COMPLETE THE PROCESS OR MEET THE REQUIREMENTS OF SECTION
20 1105-B(B) FOR TEACHING IN A PRIORITY CLASS OR SCHOOL IDENTIFIED
21 AS IN SCHOOL IMPROVEMENT OR CORRECTIVE ACTION DUE TO
22 ADMINISTRATIVE ACTION ON THE PART OF THE SCHOOL DISTRICT OR AREA
23 VOCATIONAL-TECHNICAL SCHOOL FOR OTHER THAN CAUSES ENUMERATED IN
24 SECTION 1122, OR CONTINUE TEACHING DUE TO ILLNESS OF THE
25 TEACHER, THE DEATH OR CATASTROPHIC ILLNESS OF A MEMBER OF THE
26 TEACHER'S IMMEDIATE FAMILY, OR PARENTAL LEAVE TO CARE FOR A
27 NEWBORN OR NEWLY ADOPTED CHILD AND MAY WAIVE THE REPAYMENT
28 REQUIREMENT DUE TO OTHER EXTRAORDINARY CIRCUMSTANCES.

29 SECTION 1107-B. DUTIES OF DEPARTMENT.

30 (A) GUIDELINES.--THE DEPARTMENT SHALL DEVELOP GUIDELINES

1 NECESSARY FOR THE IMPLEMENTATION OF THIS ARTICLE.

2 (B) TECHNICAL ASSISTANCE.--TO THE EXTENT FUNDS ARE
3 AVAILABLE, THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO
4 NBPTS APPLICANTS. THE DEPARTMENT MAY CONTRACT WITH ONE OR MORE
5 INSTITUTIONS OF HIGHER EDUCATION OR INTERMEDIATE UNITS IN ORDER
6 TO PROVIDE TECHNICAL ASSISTANCE.

7 SECTION 6. SECTION 1201 OF THE ACT, AMENDED JANUARY 14, 1970
8 (1969 P.L.468, NO.192), IS AMENDED TO READ:

9 SECTION 1201. CERTIFICATES QUALIFYING PERSONS TO TEACH.--
10 ONLY THOSE PERSONS HOLDING ONE OF THE FOLLOWING CERTIFICATES
11 SHALL BE QUALIFIED TO TEACH IN THE PUBLIC SCHOOLS OF THIS
12 COMMONWEALTH--(1) PERMANENT COLLEGE CERTIFICATE, (2) PROVISIONAL
13 COLLEGE CERTIFICATE, (3) NORMAL SCHOOL DIPLOMA, (4) NORMAL
14 SCHOOL CERTIFICATE, (5) SPECIAL PERMANENT CERTIFICATE, (6)
15 SPECIAL TEMPORARY CERTIFICATE, (7) PERMANENT STATE CERTIFICATE,
16 (8) RESIDENCY CERTIFICATE, (9) CERTIFICATES WHICH ARE PERMANENT
17 LICENSES TO TEACH BY VIRTUE OF THE PROVISIONS OF SECTION ONE
18 THOUSAND THREE HUNDRED EIGHT OF THE ACT, APPROVED THE EIGHTEENTH
19 DAY OF MAY, ONE THOUSAND NINE HUNDRED ELEVEN (PAMPHLET LAWS
20 309), AS AMENDED, WHICH IS REPEALED HEREBY, OR [(9)] (10) SUCH
21 OTHER KINDS OF CERTIFICATES AS ARE ISSUED UNDER THE STANDARDS
22 PRESCRIBED BY THE STATE BOARD OF EDUCATION. THE STATE BOARD OF
23 EDUCATION SHALL ALSO PROVIDE FOR ISSUANCE OF CERTIFICATES BY
24 DISTRICT SUPERINTENDENTS TO MEET SUCH EMERGENCIES OR SHORTAGE OF
25 TEACHERS AS MAY OCCUR.

26 SECTION 7. SECTION 1203 OF THE ACT IS AMENDED TO READ:

27 SECTION 1203. KINDS OF STATE CERTIFICATES.--STATE
28 CERTIFICATES HEREAFTER GRANTED SHALL INCLUDE THE FOLLOWING:

29 PROVISIONAL COLLEGE CERTIFICATES,

30 PERMANENT COLLEGE CERTIFICATES,

CERTIFICATES ISSUED BY OTHER STATES AND VALIDATED BY THE
SUPERINTENDENT OF PUBLIC INSTRUCTION,
SPECIAL TEMPORARY CERTIFICATES,
SPECIAL PERMANENT CERTIFICATES[.],
RESIDENCY CERTIFICATES.

ALL PERSONS RECEIVING ANY OF SUCH CERTIFICATES SHALL HAVE
QUALIFICATIONS NOT LESS THAN GRADUATION FROM A STATE TEACHERS'
COLLEGE OF THIS COMMONWEALTH, OR EQUIVALENT TRAINING. RESIDENCY
CERTIFICATE PROGRAM TRAINING COMPLETED UNDER SECTION 1207.1
SHALL BE CONSIDERED EQUIVALENT TRAINING FOR PURPOSES OF THIS
ACT.

EVERY COLLEGE CERTIFICATE SHALL SET FORTH THE NAMES OF THE
COLLEGE OR UNIVERSITY FROM WHICH ITS HOLDER WAS GRADUATED. STATE
CERTIFICATES SHALL ENTITLE THEIR HOLDERS TO TEACH IN EVERY PART
OF THIS COMMONWEALTH FOR THE TERMS HEREIN SPECIFIED.

SECTION 8. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 1207.1. RESIDENCY CERTIFICATES.-- (A) THE SECRETARY
OF EDUCATION MAY MAKE A ONE-TIME ISSUANCE OF A RESIDENCY
CERTIFICATE FOR SERVICE IN A SPECIFIC SHORTAGE AREA OF
INSTRUCTION IN PUBLIC SCHOOLS OF THIS COMMONWEALTH TO AN
APPLICANT WHO MEETS ALL OF THE FOLLOWING:

(1) SATISFIES THE REQUIREMENTS SPECIFIED UNDER SECTION 1209.

(2) MEETS ONE OF THE FOLLOWING:

(I) HOLDS A DOCTORAL DEGREE FROM AN ACCREDITED COLLEGE OR
UNIVERSITY IN THE SUBJECT AREA OF SHORTAGE.

(II) HOLDS A MASTER'S DEGREE FROM AN ACCREDITED COLLEGE OR
UNIVERSITY IN THE SUBJECT AREA OF SHORTAGE AND HAS AT LEAST TWO
YEARS OF WORK EXPERIENCE IN THE SUBJECT AREA OR RELATED FIELD.

(III) HOLDS A BACHELOR'S DEGREE FROM AN ACCREDITED COLLEGE
OR UNIVERSITY IN THE SUBJECT AREA OF SHORTAGE AND HAS AT LEAST

FIVE YEARS OF WORK EXPERIENCE IN THE SUBJECT AREA OR RELATED FIELD.

(3) IS CONTINUOUSLY ENROLLED IN AN APPROVED RESIDENCY PROGRAM.

(4) PRESENTS EVIDENCE OF SATISFACTORY ACHIEVEMENT ON THE APPROPRIATE SUBJECT AREA CONTENT TEST.

(B) A RESIDENCY CERTIFICATE SHALL BE VALID FOR THREE YEARS OF TEACHING IN THE PUBLIC SCHOOLS OF THIS COMMONWEALTH IN THE AREA FOR WHICH IT APPLIES.

(C) THE SECRETARY SHALL HAVE ALL OF THE FOLLOWING POWERS AND DUTIES RELATED TO THE ISSUANCE OF RESIDENCY CERTIFICATES:

(1) IDENTIFY AREAS OF CERTIFICATION IN WHICH THERE IS A STATEWIDE OR REGIONAL SHORTAGE OF QUALIFIED TEACHERS.

(2) DEVELOP GUIDELINES FOR THE RESIDENCY PROGRAM WHICH SHALL INCLUDE:

(I) PREPLACEMENT INSTRUCTION AND TRAINING.

(II) INSTRUCTION AND TRAINING IN THE FOLLOWING:

(A) EDUCATIONAL STRATEGIES FOR THE DESIGNATED SUBJECT AREA FOR WHICH THE RESIDENCY CERTIFICATE IS ISSUED.

(B) CHILD DEVELOPMENT SPECIFICALLY RELATED TO THE LEVEL OF THE CERTIFICATE SOUGHT.

(C) EMOTIONAL SUPPORT.

(D) PENNSYLVANIA ACADEMIC STANDARDS.

(E) ASSESSMENT KNOWLEDGE AND SKILLS.

(F) PENNSYLVANIA STANDARDS AND ALIGNED SYSTEM KNOWLEDGE.

(III) REQUIREMENTS FOR OVERSIGHT AND MENTORING THAT INCLUDE INDUCTION, CLASSROOM OBSERVATIONS AND PROFESSIONAL DEVELOPMENT FOR THE CERTIFICATE HOLDER DURING THE THREE YEARS OF SERVICE IN THE PUBLIC SCHOOLS OF THIS COMMONWEALTH.

(3) APPROVE ALL RESIDENCY PROGRAMS.

1 (4) ISSUE RESIDENCY CERTIFICATES TO QUALIFIED APPLICANTS.

2 (5) REPORT ANNUALLY TO THE STATE BOARD OF EDUCATION ON THE
3 NUMBER OF RESIDENCY CERTIFICATES ISSUED UNDER THIS SECTION.

4 (D) A RESIDENCY CERTIFICATE MAY BE CONVERTED TO AN
5 INSTRUCTIONAL I CERTIFICATE UPON THE COMPLETION OF ALL RESIDENCY
6 PROGRAM REQUIREMENTS UNDER DEPARTMENT OF EDUCATION GUIDELINES
7 AND THE COMPLETION OF THREE YEARS OF SATISFACTORY TEACHING IN
8 THE PUBLIC SCHOOLS OF THIS COMMONWEALTH.

9 SECTION 9. SECTION 1209 OF THE ACT, AMENDED APRIL 15, 1959
10 (P.L.41, NO.16) AND JUNE 24, 1959 (P.L.485, NO.110), IS AMENDED
11 TO READ:

12 SECTION 1209. DISQUALIFICATIONS.--NO TEACHER'S CERTIFICATE
13 SHALL BE GRANTED TO ANY PERSON WHO [HAS]:

14 (1) HAS NOT SUBMITTED, UPON A BLANK FURNISHED BY THE
15 [SUPERINTENDENT OF PUBLIC INSTRUCTION] SECRETARY OF EDUCATION, A
16 CERTIFICATE FROM A PHYSICIAN [LEGALLY QUALIFIED TO PRACTICE
17 MEDICINE], CERTIFIED REGISTERED NURSE PRACTITIONER OR PHYSICIAN
18 ASSISTANT LICENSED OR CERTIFIED IN THIS COMMONWEALTH, OR IN ANY
19 OTHER STATE OR THE DISTRICT OF COLUMBIA, SETTING FORTH THAT
20 [SAID] THE APPLICANT IS [NEITHER MENTALLY NOR PHYSICALLY
21 DISQUALIFIED, BY REASON OF TUBERCULOSIS OR ANY OTHER
22 COMMUNICABLE DISEASE OR BY REASON OF MENTAL DISORDER] NOT
23 DISQUALIFIED BY REASON OF A MENTAL OR PHYSICAL DISABILITY OR A
24 COMMUNICABLE DISEASE FROM THE SUCCESSFUL PERFORMANCE OF THE
25 [DUTIES OF A TEACHER; NOR TO ANY PERSON WHO HAS NOT] ESSENTIAL
26 FUNCTIONS OF A TEACHER WITH OR WITHOUT A REASONABLE
27 ACCOMMODATION.

28 (2) DOES NOT HAVE A GOOD MORAL CHARACTER[, OR WHO IS].

29 (3) [IN THE HABIT OF USING OPIUM OR OTHER NARCOTIC DRUGS IN
30 ANY FORM, OR ANY INTOXICATING DRINK AS A BEVERAGE, OR TO ANY

1 APPLICANT WHO HAS A MAJOR PHYSICAL DISABILITY OR DEFECT UNLESS
2 SUCH A PERSON SUBMITS A CERTIFICATE SIGNED BY AN OFFICIAL OF THE
3 COLLEGE OR UNIVERSITY FROM WHICH HE WAS GRADUATED OR OF AN
4 APPROPRIATE REHABILITATION AGENCY, CERTIFYING THAT IN THE
5 OPINION OF SUCH OFFICIAL THE APPLICANT, BY HIS WORK AND
6 ACTIVITIES, DEMONSTRATED THAT HE IS SUFFICIENTLY ADJUSTED,
7 TRAINED AND MOTIVATED TO PERFORM THE DUTIES OF A TEACHER,
8 NOTWITHSTANDING HIS IMPEDIMENT.] ENGAGES IN THE ILLEGAL USE OF
9 CONTROLLED SUBSTANCES OR ALCOHOLIC BEVERAGES. AN APPLICANT FOR
10 CERTIFICATION MAY OVERCOME THE DISQUALIFICATION UNDER THIS
11 PARAGRAPH AND RECEIVE A TEACHING CERTIFICATE IF THE APPLICANT IS
12 REVIEWED BY THE DEPARTMENT OF EDUCATION PURSUANT TO THE
13 REQUIREMENT OF PARAGRAPH (2) AND DETERMINED TO BE OF GOOD MORAL
14 CHARACTER.

15 SECTION 10. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

16 SECTION 1320. USE OF SECLUSION.--(A) THE STATE BOARD OF
17 EDUCATION SHALL, WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS
18 SECTION, ADOPT REGULATIONS ESTABLISHING STANDARDS RELATING TO
19 THE USE OF SECLUSION, INCLUDING, BUT NOT LIMITED TO, THE
20 APPROPRIATENESS OF USE FOR ALL STUDENTS, TRAINING FOR PERSONNEL,
21 PARENTAL CONSENT AND NOTIFICATION, BY A SCHOOL ENTITY OR AGENCY.
22 THE REGULATIONS SHALL BE CONSISTENT WITH EXISTING FEDERAL OR
23 STATE REGULATIONS AND SHALL NOT ALTER ANY PROVISION OF 22 PA.
24 CODE § 14.133 (RELATING TO POSITIVE BEHAVIOR SUPPORT).

25 (B) IN ADOPTING THE REGULATIONS, THE STATE BOARD OF
26 EDUCATION SHALL FOLLOW THE PROCEDURES SET FORTH IN THE ACT OF
27 JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH
28 DOCUMENTS LAW, AND THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),
29 KNOWN AS THE "REGULATORY REVIEW ACT," FOR THE PROMULGATION AND
30 REVIEW OF FINAL-OMITTED REGULATIONS.

1 (C) THE STATE BOARD OF EDUCATION SHALL DEVELOP REGULATIONS
2 UNDER THIS SECTION IN CONSULTATION WITH THE DEPARTMENT OF
3 EDUCATION, EDUCATION AND SPECIAL EDUCATION STAKEHOLDERS, PARENTS
4 AND OTHER INTERESTED PARTIES.

5 (D) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES
6 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION UNLESS
7 THE CONTEXT CLEARLY INDICATES OTHERWISE:

8 "AGENCY" SHALL MEAN A SCHOOL ENTITY, APPROVED PRIVATE SCHOOL,
9 STATE-OPERATED PROGRAM OR FACILITY OR OTHER PUBLIC OR PRIVATE
10 ORGANIZATION PROVIDING EDUCATIONAL SERVICES TO CHILDREN WITH
11 DISABILITIES OR PROVIDING EARLY INTERVENTION SERVICES.

12 "SCHOOL ENTITY" SHALL MEAN A LOCAL PUBLIC EDUCATION PROVIDER
13 SUCH AS A SCHOOL DISTRICT, AREA VOCATIONAL-TECHNICAL SCHOOL OR
14 INTERMEDIATE UNIT, INCLUDING CHARTER SCHOOLS.

15 "SECLUSION" SHALL MEAN THE CONFINEMENT OF A STUDENT ALONE IN
16 A ROOM FROM WHICH THE STUDENT IS PHYSICALLY PREVENTED FROM
17 LEAVING.

18 SECTION 11. SECTION 1327 OF THE ACT IS AMENDED BY ADDING A
19 SUBSECTION TO READ:

20 SECTION 1327. COMPULSORY SCHOOL ATTENDANCE.--* * *

21 (A.1) A STUDENT WHO IS NOT IN COMPLIANCE WITH THIS SECTION
22 SHALL BE REQUIRED TO COMPLETE AN INTERVIEW IN ACCORDANCE WITH
23 SECTION 1354.1.

24 * * *

25 SECTION 12. SECTION 1330 OF THE ACT, AMENDED MAY 11, 1949
26 (P.L.1195, NO.361), OCTOBER 21, 1965 (P.L.601, NO.312) AND
27 JANUARY 14, 1970 (1969 P.L.468, NO.192), IS AMENDED TO READ:

28 SECTION 1330. EXCEPTIONS TO COMPULSORY ATTENDANCE.--(A) THE
29 PROVISIONS OF THIS ACT REQUIRING REGULAR ATTENDANCE SHALL NOT
30 APPLY TO ANY CHILD WHO--

1 (1) HAS ATTAINED THE AGE OF SIXTEEN (16) YEARS, AND WHO IS
2 REGULARLY ENGAGED IN ANY USEFUL AND LAWFUL EMPLOYMENT OR SERVICE
3 DURING THE TIME THE PUBLIC SCHOOLS ARE IN SESSION, AND WHO HOLDS
4 AN EMPLOYMENT CERTIFICATE ISSUED ACCORDING TO LAW;

5 (2) HAS BEEN EXAMINED BY AN APPROVED MENTAL CLINIC OR BY A
6 PERSON CERTIFIED AS A PUBLIC SCHOOL PSYCHOLOGIST OR
7 PSYCHOLOGICAL EXAMINER, AND HAS BEEN FOUND TO BE UNABLE TO
8 PROFIT FROM FURTHER PUBLIC SCHOOL ATTENDANCE, AND WHO HAS BEEN
9 REPORTED TO THE BOARD OF SCHOOL DIRECTORS AND EXCUSED, IN
10 ACCORDANCE WITH REGULATIONS PRESCRIBED BY THE STATE BOARD OF
11 EDUCATION.

12 (3) HAS ATTAINED THE AGE OF FIFTEEN (15) YEARS AND IS
13 ENGAGED IN FARM WORK OR DOMESTIC SERVICE IN A PRIVATE HOME ON A
14 PERMIT ISSUED BY THE SCHOOL BOARD OR THE DESIGNATED SCHOOL
15 OFFICIAL OF THE SCHOOL DISTRICT OF THE CHILD'S RESIDENCE, IN
16 ACCORDANCE WITH REGULATIONS WHICH THE SUPERINTENDENT OF PUBLIC
17 INSTRUCTION IS HEREBY AUTHORIZED TO PRESCRIBE;

18 (4) HAS ATTAINED THE AGE OF FOURTEEN (14) YEARS AND IS
19 ENGAGED IN FARM WORK OR DOMESTIC SERVICE IN A PRIVATE HOME ON A
20 PERMIT ISSUED AS PROVIDED IN CLAUSE (3) OF THIS SECTION, AND WHO
21 HAS SATISFACTORILY COMPLETED, EITHER IN PUBLIC OR PRIVATE
22 SCHOOLS, THE EQUIVALENT OF THE HIGHEST GRADE OF THE ELEMENTARY
23 SCHOOL ORGANIZATION PREVAILING IN THE PUBLIC SCHOOLS OF THE
24 DISTRICT IN WHICH HE RESIDES, IF THE ISSUANCE OF SUCH A PERMIT
25 HAS FIRST BEEN RECOMMENDED BY THE DISTRICT SUPERINTENDENT OF
26 SCHOOLS HAVING SUPERVISION OF THE SCHOOLS OF THE DISTRICT WHERE
27 SUCH CHILD RESIDES, OR BY THE PRINCIPAL OF THE PRIVATE SCHOOL
28 WHERE SUCH CHILD IS ENROLLED, AND THE REASON THEREFOR HAS BEEN
29 APPROVED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION;

30 (5) EXCEPT IN DISTRICTS OF THE FOURTH CLASS AND THOSE OF THE

1 THIRD CLASS LOCATED WHOLLY WITHIN THE BOUNDARY LINES OF A
2 TOWNSHIP, OR WITHIN THE BOUNDARY LINES OF A BOROUGH WHICH HAS A
3 POPULATION OF LESS THAN FIVE HUNDRED (500) INHABITANTS TO THE
4 SQUARE MILE, RESIDES TWO MILES OR MORE BY THE NEAREST PUBLIC
5 HIGHWAYS FROM ANY PUBLIC SCHOOL IN SESSION AND NO PROPER FREE
6 TRANSPORTATION IS FURNISHED TO SUCH CHILD TO AND FROM SCHOOL.

7 (B) A STUDENT WHO WITHDRAWS UNDER THIS SECTION SHALL
8 COMPLETE AN INTERVIEW IN ACCORDANCE WITH SECTION 1354.1.

9 SECTION 13. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

10 SECTION 1354.1. INTERVIEW REPORTS FOR WITHDRAWING AND
11 ILLEGALLY ABSENT STUDENTS.--(A) IT SHALL BE THE DUTY OF A
12 SCHOOL PRINCIPAL OF A PUBLIC SCHOOL OR CHARTER SCHOOL TO CONDUCT
13 OR ASSIGN A DESIGNEE TO CONDUCT AN INTERVIEW FOR EACH STUDENT
14 WHO WITHDRAWS OR IS ILLEGALLY ABSENT FOR TEN (10) DAYS OR MORE,
15 WITHOUT LAWFUL EXCUSE, FROM THAT PUBLIC SCHOOL OR CHARTER
16 SCHOOL. DURING THE INTERVIEW THE STUDENT SHALL BE MADE AWARE OF
17 ALTERNATIVES TO WITHDRAWING FROM THE PUBLIC SCHOOL OR CHARTER
18 SCHOOL. IF THE STUDENT IS LEGALLY WITHDRAWING AS PROVIDED IN
19 SECTION 1330, THE INTERVIEW MUST BE DONE IN CONJUNCTION WITH THE
20 VERIFICATION OF ANY WORK OR FARM PERMIT ISSUED. IF THE STUDENT
21 IS NOT IN COMPLIANCE WITH THE COMPULSORY SCHOOL ATTENDANCE
22 PROVISIONS OF THIS ACT, AN INTERVIEW MUST BE CONDUCTED THAT
23 FURTHER INQUIRES AS TO WHY THE STUDENT IS ILLEGALLY ABSENT. A
24 MIGRATORY CHILD OR A STUDENT WITHDRAWING TO ATTEND ANOTHER
25 PUBLIC SCHOOL ENTITY, A CHARTER SCHOOL, CYBER CHARTER SCHOOL,
26 HOME EDUCATION PROGRAM, NONPUBLIC NONLICENSED SCHOOL, PRIVATE
27 ACADEMIC SCHOOL OR AN APPROVED INSTITUTION OF HIGHER EDUCATION
28 SHALL NOT BE REQUIRED TO COMPLETE AN INTERVIEW REQUIRED IN THIS
29 SECTION.

30 (B) IF A STUDENT FAILS TO COMPLETE THE INTERVIEW REQUIRED

1 UNDER SUBSECTION (A), THE SCHOOL PRINCIPAL SHALL CONDUCT AN
2 INTERVIEW WITH A PARENT OR GUARDIAN OF THE STUDENT. THE
3 PRINCIPAL SHALL SEND A WRITTEN NOTICE TO THE PARENT OR GUARDIAN
4 BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THAT INFORMS THE
5 PARENT OR GUARDIAN OF THE INTERVIEW REQUIRED BY AND THE PENALTY
6 FOR FAILURE TO COMPLY WITH THIS SUBSECTION, AND SHALL MAINTAIN A
7 COPY OF THE NOTICE AND THE RETURN RECEIPT, IF ANY, WITH THE
8 RECORDS OF THE STUDENT. THE INTERVIEW MAY BE CONDUCTED IN PERSON
9 OR VIA THE TELEPHONE AT A TIME MOST ACCOMMODATING FOR BOTH
10 PARTIES. FAILURE OF A PARENT OR GUARDIAN TO COMPLETE AN
11 INTERVIEW ON BEHALF OF THE CHILD OF THE PARENT OR GUARDIAN
12 WITHIN FIFTEEN (15) SCHOOL DAYS AFTER THE DATE WRITTEN NOTICE IS
13 SENT BY CERTIFIED MAIL IS A VIOLATION OF THIS SECTION AND THE
14 SCHOOL DISTRICT OR CHARTER SCHOOL MAY IMPOSE A CIVIL PENALTY IN
15 ACCORDANCE WITH SECTION 1333.

16 (C) THE DEPARTMENT OF EDUCATION SHALL ESTABLISH AND
17 DISTRIBUTE A STANDARD FORM TO BE COMPLETED BY A SCHOOL PRINCIPAL
18 OR A DESIGNEE DURING AN INTERVIEW. THE FORM SHALL REQUIRE, BUT
19 IS NOT LIMITED TO, THE FOLLOWING INFORMATION: NAME, ADDRESS,
20 TELEPHONE NUMBER, DATE OF BIRTH, MOST CURRENT STUDENT
21 IDENTIFICATION NUMBER, CURRENT GRADE LEVEL, SCHOOL NAME AND
22 DISTRICT, REASONS FOR WITHDRAWING, NAME, ADDRESS AND TELEPHONE
23 NUMBER OF A PARENT OR GUARDIAN AND ANY OTHER INFORMATION THE
24 DEPARTMENT DEEMS NECESSARY. THE FORM MUST BE FILED WITH THE
25 DEPARTMENT OF EDUCATION WITHIN THIRTY (30) DAYS FOLLOWING THE
26 INTERVIEW. THE DATA COLLECTED FROM THE INTERVIEWS, EXCLUDING
27 SPECIFIC NAMES AND ADDRESSES AND IDENTIFICATION, WILL BE USED IN
28 CONJUNCTION WITH THE ELECTRONIC DROPOUT/GRADUATE REPORT (EDGR),
29 A DATA REPORTING SYSTEM OR A REPORT OF EQUIVALENCE COMPILED AND
30 DISTRIBUTED BY THE DIVISION OF DATA SERVICES OF THE DEPARTMENT

1 OF EDUCATION. IN ADDITION, THE INFORMATION SHALL BE MADE PART OF
2 THE STUDENT'S PERMANENT RECORD BY THE SCHOOL DISTRICT OR CHARTER
3 SCHOOL. THE REPORT MUST BE MADE PUBLIC AT THE END OF EACH FISCAL
4 YEAR.

5 (D) THE PROVISIONS OF SECTIONS 1356 AND 1357 SHALL NOT APPLY
6 TO THIS SECTION.

7 SECTION 14. SECTIONS 1376(A.2) AND 1376.1(B.2) OF THE ACT,
8 AMENDED JULY 4, 2004 (P.L.536, NO.70), ARE AMENDED TO READ:

9 SECTION 1376. COST OF TUITION AND MAINTENANCE OF CERTAIN
10 EXCEPTIONAL CHILDREN IN APPROVED INSTITUTIONS.--* * *

11 (A.2) FOR THE 2005-2006 SCHOOL YEAR AND EACH SCHOOL YEAR
12 THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL DETERMINE THE
13 PAYMENT AMOUNT FOR EACH APPROVED PRIVATE SCHOOL FOR ALL STUDENTS
14 ENROLLED IN AN APPROVED PRIVATE SCHOOL FOR THE PRIOR SCHOOL YEAR
15 AS FOLLOWS:

16 (1) (I) MULTIPLY THE PAYMENT DETERMINED FOR THE IMMEDIATE
17 PRECEDING SCHOOL YEAR BY ONE HUNDRED AND TWENTY-FIVE PERCENT
18 (125%) OF THE PERCENTAGE INCREASE IN THE APPROPRIATION FOR
19 SPECIAL EDUCATION FOR THE FISCAL YEAR PRIOR TO THE FISCAL YEAR
20 IN WHICH PAYMENTS UNDER THIS SUBSECTION ARE MADE.

21 (II) ADD THE PRODUCT FROM SUBPARAGRAPH (I) TO THE PAYMENT
22 DETERMINED FOR THE IMMEDIATE PRECEDING SCHOOL YEAR.

23 (III) IN ANY FISCAL YEAR IN WHICH THERE IS NO INCREASE IN
24 THE STATE APPROPRIATION FOR SPECIAL EDUCATION, THE INCREASE FOR
25 THE APPROVED PRIVATE SCHOOLS IN THE FOLLOWING FISCAL YEAR SHALL
26 BE CALCULATED BY APPLYING THE MULTIPLIER IN SUBSECTION (A.2) (1)
27 (I) TO THE AVERAGE OF THE PERCENTAGE INCREASE IN THE
28 APPROPRIATION FOR SPECIAL EDUCATION AND THE APPROPRIATION FOR
29 BASIC EDUCATION FOR THE LAST FISCAL YEAR IN WHICH THERE WAS AN
30 INCREASE IN THE SPECIAL EDUCATION AND BASIC EDUCATION STATE

1 APPROPRIATIONS.

2 (2) NO LATER THAN MAY 10, 2005, AND NO LATER THAN MAY 10 OF
3 EACH YEAR THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL NOTIFY
4 EACH SCHOOL DISTRICT OF RESIDENCE OR CHARTER SCHOOL OF A CHILD
5 ENROLLED IN AN APPROVED PRIVATE SCHOOL OF ITS PAYMENT AMOUNT
6 UNDER SUBSECTION (A).

7 (3) THE DEPARTMENT OF EDUCATION SHALL PAY EACH APPROVED
8 PRIVATE SCHOOL THE TOTAL AMOUNT CALCULATED PURSUANT TO THIS
9 SUBSECTION DIVIDED INTO TWELVE (12) MONTHLY PAYMENTS. THE
10 DEPARTMENT OF EDUCATION SHALL WITHHOLD THE SCHOOL DISTRICT OR
11 CHARTER SCHOOL PAYMENT AMOUNT CALCULATED UNDER SUBSECTION (A)
12 FROM THE AMOUNT OF ANY AND ALL STATE PAYMENTS MADE TO THE SCHOOL
13 DISTRICT OR CHARTER SCHOOL. IN NO EVENT SHALL THE SUM OF THE
14 COMMONWEALTH'S SHARE OF PAYMENTS TO APPROVED PRIVATE SCHOOLS
15 UNDER THIS SUBSECTION EXCEED THE APPROPRIATION FOR APPROVED
16 PRIVATE SCHOOLS.

17 * * *

18 SECTION 1376.1. ACTUAL COST OF TUITION AND MAINTENANCE OF
19 CERTAIN EXCEPTIONAL CHILDREN IN THE FOUR CHARTERED SCHOOLS FOR
20 EDUCATION OF THE DEAF AND THE BLIND.--* * *

21 (B.2) PAYMENTS ARE AS FOLLOWS:

22 (1) FOR THE 2005-2006 SCHOOL YEAR AND EACH SCHOOL YEAR
23 THEREAFTER, THE DEPARTMENT SHALL DETERMINE THE PAYMENT AMOUNT
24 FOR EACH CHARTERED SCHOOL FOR ALL STUDENTS ENROLLED IN A
25 CHARTERED SCHOOL FOR THE PRIOR SCHOOL YEAR AS FOLLOWS:

26 (I) MULTIPLY THE PAYMENT DETERMINED FOR THE IMMEDIATE
27 PRECEDING SCHOOL YEAR BY ONE HUNDRED AND TWENTY-FIVE PERCENT
28 (125%) OF THE PERCENTAGE INCREASE IN THE APPROPRIATION FOR
29 SPECIAL EDUCATION FOR THE FISCAL YEAR PRIOR TO THE FISCAL YEAR
30 IN WHICH PAYMENTS UNDER THIS SUBSECTION ARE MADE.

(II) ADD THE PRODUCT UNDER SUBPARAGRAPH (I) TO THE PAYMENT DETERMINED FOR THE IMMEDIATELY PRECEDING SCHOOL YEAR.

(III) IN ANY FISCAL YEAR IN WHICH THERE IS NO INCREASE IN THE STATE APPROPRIATION FOR SPECIAL EDUCATION, THE INCREASE FOR THE CHARTERED SCHOOLS FOR THE DEAF AND BLIND IN THE FOLLOWING FISCAL YEAR SHALL BE CALCULATED BY APPLYING THE MULTIPLIER IN SUBSECTION (B.2) (1) (I) TO THE AVERAGE OF THE PERCENTAGE INCREASE IN THE APPROPRIATION FOR SPECIAL EDUCATION AND THE APPROPRIATION FOR BASIC EDUCATION FOR THE LAST FISCAL YEAR IN WHICH THERE WAS AN INCREASE IN THE SPECIAL EDUCATION AND BASIC EDUCATION FUNDING STATE APPROPRIATIONS.

(2) NO LATER THAN MAY 10, 2005, AND NO LATER THAN MAY 10 OF EACH SCHOOL YEAR THEREAFTER, THE DEPARTMENT SHALL NOTIFY EACH SCHOOL DISTRICT OF RESIDENCE OR CHARTER SCHOOL OF A CHILD ENROLLED IN A CHARTERED SCHOOL OF ITS PAYMENT AMOUNT UNDER SUBSECTION (B) .

(3) THE DEPARTMENT SHALL PAY EACH CHARTERED SCHOOL THE TOTAL AMOUNT CALCULATED PURSUANT TO THIS SUBSECTION DIVIDED INTO TWELVE (12) MONTHLY PAYMENTS. THE DEPARTMENT SHALL WITHHOLD THE SCHOOL DISTRICT OR CHARTER SCHOOL PAYMENT AMOUNT CALCULATED UNDER SUBSECTION (B) FROM THE AMOUNT OF ANY AND ALL STATE PAYMENTS MADE TO THE SCHOOL DISTRICT OR CHARTER SCHOOL. IN NO EVENT SHALL THE SUM OF THE COMMONWEALTH'S SHARE OF PAYMENTS TO CHARTERED SCHOOLS UNDER THIS SUBSECTION EXCEED THE APPROPRIATION FOR CHARTERED SCHOOLS.

* * *

SECTION 15. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

SECTION 1377.2. EMERGENCY PERMITS AT APPROVED PRIVATE SCHOOLS AND CHARTERED SCHOOLS FOR THE DEAF AND BLIND.--APPROVED PRIVATE SCHOOLS AND CHARTERED SCHOOLS FOR THE DEAF AND BLIND

1 SHALL HAVE THE AUTHORITY TO APPLY FOR EMERGENCY PERMITS THROUGH
2 THE DEPARTMENT OF EDUCATION PURSUANT TO THE CRITERIA FOR
3 ELIGIBILITY ESTABLISHED UNDER 22 PA. CODE § 49.31 (RELATING TO
4 CRITERIA FOR ELIGIBILITY) AS IF THE TEACHERS WERE EMPLOYED BY A
5 PUBLIC SCHOOL ENTITY PROVIDED THAT ALL OTHER CONDITIONS FOR
6 OBTAINING AN EMERGENCY PERMIT ARE MET.

7 SECTION 16. SECTION 1414.1 OF THE ACT, ADDED NOVEMBER 30,
8 2004 (P.L.1471, NO.187), IS AMENDED TO READ:

9 SECTION 1414.1. POSSESSION AND USE OF ASTHMA INHALERS AND
10 EPINEPHRINE AUTO-INJECTORS.--(A) EACH SCHOOL ENTITY SHALL
11 DEVELOP A WRITTEN POLICY TO ALLOW FOR THE POSSESSION AND SELF-
12 ADMINISTRATION BY CHILDREN OF SCHOOL AGE OF [AN] ASTHMA
13 [INHALER] INHALERS AND EPINEPHRINE AUTO-INJECTORS, AND THE
14 PRESCRIBED MEDICATION TO BE ADMINISTERED THEREBY, IN A SCHOOL
15 SETTING. THE POLICY SHALL COMPLY WITH SECTION 504 OF THE
16 REHABILITATION ACT OF 1973 (PUBLIC LAW 93-112, 29 U.S.C. § 701
17 ET SEQ.) AND 22 PA. CODE CH. 15 (RELATING TO PROTECTED
18 HANDICAPPED STUDENTS). THE POLICY SHALL BE DISTRIBUTED WITH THE
19 CODE OF STUDENT CONDUCT REQUIRED UNDER 22 PA. CODE § 12.3(C)
20 (RELATING TO SCHOOL RULES) AND MADE AVAILABLE ON THE SCHOOL
21 ENTITY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE, IF ANY.

22 (B) THE POLICY UNDER THIS SECTION SHALL REQUIRE A CHILD OF
23 SCHOOL AGE THAT DESIRES TO POSSESS AND SELF-ADMINISTER AN ASTHMA
24 INHALER OR EPINEPHRINE AUTO-INJECTOR IN A SCHOOL SETTING TO
25 DEMONSTRATE THE CAPABILITY FOR SELF-ADMINISTRATION AND FOR
26 RESPONSIBLE BEHAVIOR IN THE USE THEREOF AND TO NOTIFY THE SCHOOL
27 NURSE IMMEDIATELY FOLLOWING EACH USE OF AN ASTHMA INHALER OR
28 EPINEPHRINE AUTO-INJECTOR. THE SCHOOL ENTITY SHALL DEVELOP A
29 SYSTEM WHEREBY THE CHILD MAY [VERIFY] DEMONSTRATE COMPETENCY TO
30 THE SCHOOL NURSE THAT THE CHILD IS CAPABLE OF SELF-

1 ADMINISTRATION AND HAS PERMISSION FOR CARRYING AND TAKING THE
2 MEDICATION THROUGH THE USE OF THE ASTHMA INHALER[.] OR
3 EPINEPHRINE AUTO-INJECTOR. DETERMINATION OF COMPETENCY FOR SELF-
4 ADMINISTRATION SHALL BE BASED ON AGE, COGNITIVE FUNCTION,
5 MATURITY AND DEMONSTRATION OF RESPONSIBLE BEHAVIOR. THE SCHOOL
6 ENTITY SHALL ALSO RESTRICT THE AVAILABILITY OF THE ASTHMA
7 INHALER, THE EPINEPHRINE AUTO-INJECTOR AND THE PRESCRIBED
8 MEDICATION CONTAINED THEREIN FROM OTHER CHILDREN OF SCHOOL AGE[,
9 WITH IMMEDIATE CONFISCATION OF BOTH]. THE POLICY SHALL SPECIFY
10 CONDITIONS UNDER WHICH A STUDENT MAY LOSE THE PRIVILEGE TO SELF-
11 CARRY THE ASTHMA INHALER, THE EPINEPHRINE AUTO-INJECTOR AND THE
12 MEDICATION [AND LOSS OF PRIVILEGES] IF THE SCHOOL POLICIES ARE
13 ABUSED OR IGNORED. A SCHOOL ENTITY THAT PREVENTS A STUDENT FROM
14 SELF-CARRYING AN ASTHMA INHALER OR EPINEPHRINE AUTO-INJECTOR AND
15 THE PRESCRIBED MEDICATION SHALL ENSURE THAT THEY ARE
16 APPROPRIATELY STORED AT LOCATIONS IN CLOSE PROXIMITY TO THE
17 STUDENT PROHIBITED FROM SELF-CARRYING AND NOTIFY THE STUDENT'S
18 CLASSROOM TEACHERS OF THE PLACES WHERE THE ASTHMA INHALER OR
19 EPINEPHRINE AUTO-INJECTOR AND MEDICATION ARE TO BE STORED AND
20 MEANS TO ACCESS THEM.

21 (C) THE POLICY UNDER THIS SECTION MAY INCLUDE THE FOLLOWING:

22 (1) THE REQUIREMENT OF A WRITTEN STATEMENT FROM THE
23 PHYSICIAN, CERTIFIED REGISTERED NURSE PRACTITIONER OR PHYSICIAN
24 ASSISTANT THAT PROVIDES THE NAME OF THE DRUG, THE DOSE, THE
25 TIMES WHEN THE MEDICATION IS TO BE TAKEN AND THE DIAGNOSIS OR
26 REASON THE MEDICINE IS NEEDED UNLESS THE REASON SHOULD REMAIN
27 CONFIDENTIAL. THE PHYSICIAN, CERTIFIED REGISTERED NURSE
28 PRACTITIONER OR PHYSICIAN ASSISTANT SHALL INDICATE THE POTENTIAL
29 OF ANY SERIOUS REACTION THAT MAY OCCUR TO THE MEDICATION, AS
30 WELL AS ANY NECESSARY EMERGENCY RESPONSE. THE PHYSICIAN,

1 CERTIFIED REGISTERED NURSE PRACTITIONER OR PHYSICIAN ASSISTANT
2 SHALL STATE WHETHER THE CHILD IS QUALIFIED AND ABLE TO SELF-
3 ADMINISTER THE MEDICATION.

4 (2) THE REQUIREMENT OF A WRITTEN REQUEST FROM THE PARENT OR
5 GUARDIAN THAT THE SCHOOL ENTITY COMPLY WITH THE ORDER OF THE
6 PHYSICIAN, CERTIFIED REGISTERED NURSE PRACTITIONER OR PHYSICIAN
7 ASSISTANT. THE PARENT'S NOTE SHALL INCLUDE A STATEMENT RELIEVING
8 THE SCHOOL ENTITY OR ANY SCHOOL EMPLOYE OF ANY RESPONSIBILITY
9 FOR THE BENEFITS OR CONSEQUENCES OF THE PRESCRIBED MEDICATION
10 WHEN IT IS PARENT-AUTHORIZED AND ACKNOWLEDGING THAT THE SCHOOL
11 ENTITY BEARS NO RESPONSIBILITY FOR ENSURING THAT THE MEDICATION
12 IS TAKEN.

13 (3) THE ABILITY OF THE SCHOOL ENTITY TO RESERVE THE RIGHT TO
14 REQUIRE A STATEMENT FROM THE PHYSICIAN, CERTIFIED REGISTERED
15 NURSE PRACTITIONER OR PHYSICIAN ASSISTANT FOR THE CONTINUED USE
16 OF ANY MEDICATION BEYOND A SPECIFIED TIME PERIOD. THE SCHOOL
17 ENTITY SHALL ALSO REQUIRE UPDATED PRESCRIPTIONS AND PARENTAL
18 APPROVALS ON AN ANNUAL BASIS FROM THE PUPIL.

19 (D) AS USED IN THIS SECTION, "SCHOOL ENTITY" MEANS A SCHOOL
20 DISTRICT, INTERMEDIATE UNIT, CHARTER SCHOOL OR AREA VOCATIONAL-
21 TECHNICAL SCHOOL.

22 (E) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CREATE,
23 ESTABLISH OR EXPAND ANY CIVIL LIABILITY ON THE PART OF ANY
24 SCHOOL ENTITY OR SCHOOL EMPLOYE.

25 (F) WITHIN ONE HUNDRED TWENTY (120) DAYS OF THE EFFECTIVE
26 DATE OF THIS SUBSECTION, THE DEPARTMENT OF HEALTH IN
27 COORDINATION WITH THE DEPARTMENT OF EDUCATION SHALL PROVIDE
28 TECHNICAL ASSISTANCE, RESOURCES AND PUBLISH INFORMATION ON THE
29 DEPARTMENT OF HEALTH'S PUBLICLY ACCESSIBLE INTERNET WEBSITE
30 REGARDING THE ADMINISTRATION OF MEDICATION FOR ALLERGIES BY

1 PERSONS EMPLOYED WITH A SCHOOL ENTITY, INCLUDING THE FOLLOWING:

2 (1) PROPER USE OF EPINEPHRINE DEVICES.

3 (2) THE IMPORTANCE OF FOLLOWING THE ENTITY'S STUDENT
4 SERVICES PLAN REQUIRED UNDER 22 PA. CODE § 12.41 (RELATING TO
5 STUDENT SERVICES) AND ITS RESPONSIBILITIES TO COMPLY WITH
6 SECTION 504 OF THE REHABILITATION ACT OF 1973 (29 U.S.C. § 794)
7 AND 22 PA. CODE CH. 15.

8 (3) RECOGNITION OF THE SYMPTOMS OF A SEVERE ALLERGIC
9 REACTION.

10 (4) REQUIREMENTS FOR PROPER ACCESS, STORAGE AND SECURITY OF
11 STUDENT MEDICATIONS.

12 (5) NOTIFICATION OF APPROPRIATE PERSONS FOLLOWING
13 ADMINISTRATION OF MEDICATIONS.

14 (6) RECORDKEEPING.

15 SECTION 17. SECTION 1611 OF THE ACT IS AMENDED BY ADDING A
16 SUBSECTION TO READ:

17 SECTION 1611. ACADEMIC DEGREES.--* * *

18 (D) A BOARD OF SCHOOL DIRECTORS MAY ESTABLISH A PROGRAM TO
19 BE KNOWN AS "OPERATION RECOGNITION" WHICH PROVIDES FOR GRANTING
20 A HIGH SCHOOL DIPLOMA TO ANY HONORABLY DISCHARGED VETERAN WHO
21 SERVED IN THE UNITED STATES MILITARY IN THE VIETNAM WAR BETWEEN
22 THE TWENTY-EIGHTH DAY OF FEBRUARY, ONE THOUSAND NINE HUNDRED
23 SIXTY-ONE, AND THE SEVENTH DAY OF MAY, ONE THOUSAND NINE HUNDRED
24 SEVENTY-FIVE, WHO ATTENDED HIGH SCHOOL BETWEEN ONE THOUSAND NINE
25 HUNDRED FIFTY-EIGHT AND ONE THOUSAND NINE HUNDRED SEVENTY-FIVE
26 AND WHO WOULD HAVE BEEN A MEMBER OF A GRADUATION CLASS DURING
27 THE YEARS ONE THOUSAND NINE HUNDRED SIXTY-TWO THROUGH ONE
28 THOUSAND NINE HUNDRED SEVENTY-FIVE BUT DID NOT GRADUATE FROM
29 HIGH SCHOOL DUE TO ENTRY INTO MILITARY SERVICE. A BOARD OF
30 SCHOOL DIRECTORS MAY AWARD A DIPLOMA POSTHUMOUSLY TO AN ELIGIBLE

VETERAN. AN APPLICATION FOR A DIPLOMA UNDER THIS SUBSECTION MUST
BE MADE IN THE MANNER PRESCRIBED BY THE BOARD OF SCHOOL
DIRECTORS.

SECTION 18. SECTION 1725-A(A) OF THE ACT, AMENDED JUNE 29,
2002 (P.L.524, NO.88), IS AMENDED TO READ:

SECTION 1725-A. FUNDING FOR CHARTER SCHOOLS.--(A) FUNDING
FOR A CHARTER SCHOOL SHALL BE PROVIDED IN THE FOLLOWING MANNER:

(1) THERE SHALL BE NO TUITION CHARGE FOR A RESIDENT OR
NONRESIDENT STUDENT ATTENDING A CHARTER SCHOOL.

(2) FOR NON-SPECIAL EDUCATION STUDENTS, THE CHARTER SCHOOL
SHALL RECEIVE FOR EACH STUDENT ENROLLED NO LESS THAN THE
BUDGETED TOTAL EXPENDITURE PER AVERAGE DAILY MEMBERSHIP OF THE
PRIOR SCHOOL YEAR, AS DEFINED IN SECTION 2501(20), MINUS THE
BUDGETED EXPENDITURES OF THE DISTRICT OF RESIDENCE FOR NONPUBLIC
SCHOOL PROGRAMS; ADULT EDUCATION PROGRAMS; COMMUNITY/JUNIOR
COLLEGE PROGRAMS; STUDENT TRANSPORTATION SERVICES; FOR SPECIAL
EDUCATION PROGRAMS; FACILITIES ACQUISITION, CONSTRUCTION AND
IMPROVEMENT SERVICES; AND OTHER FINANCING USES, INCLUDING DEBT
SERVICE AND FUND TRANSFERS AS PROVIDED IN THE MANUAL OF
ACCOUNTING AND RELATED FINANCIAL PROCEDURES FOR PENNSYLVANIA
SCHOOL SYSTEMS ESTABLISHED BY THE DEPARTMENT. THIS AMOUNT SHALL
BE PAID BY THE DISTRICT OF RESIDENCE OF EACH STUDENT[.] OR, UPON
WRITTEN REQUEST OF THE CHARTER SCHOOL, BY THE DEPARTMENT TO THE
CHARTER SCHOOL IN WHICH A PENNSYLVANIA RESIDENT STUDENT IS
ENROLLED FROM ANY ALLOCATION FOR BASIC EDUCATION FUNDING TO
WHICH THE SCHOOL DISTRICT IN WHICH THE STUDENT RESIDES IS
ENTITLED. THE DEPARTMENT SHALL ESTABLISH PAYMENT GUIDELINES AND
NOTIFY THE SCHOOL DISTRICT OF RECEIPT OF A REQUEST FOR DIRECT
PAYMENT BY THE DEPARTMENT.

(3) FOR SPECIAL EDUCATION STUDENTS, THE CHARTER SCHOOL SHALL

1 RECEIVE FOR EACH STUDENT ENROLLED THE SAME FUNDING AS FOR EACH
2 NON-SPECIAL EDUCATION STUDENT AS PROVIDED IN CLAUSE (2), PLUS AN
3 ADDITIONAL AMOUNT DETERMINED BY DIVIDING THE DISTRICT OF
4 RESIDENCE'S TOTAL SPECIAL EDUCATION EXPENDITURE BY THE PRODUCT
5 OF MULTIPLYING THE COMBINED PERCENTAGE OF SECTION 2509.5(K)
6 TIMES THE DISTRICT OF RESIDENCE'S TOTAL AVERAGE DAILY MEMBERSHIP
7 FOR THE PRIOR SCHOOL YEAR. THIS AMOUNT SHALL BE PAID BY THE
8 DISTRICT OF RESIDENCE OF EACH STUDENT OR, UPON WRITTEN REQUEST
9 OF THE CHARTER SCHOOL, BY THE DEPARTMENT TO THE CHARTER SCHOOL
10 IN WHICH A PENNSYLVANIA RESIDENT STUDENT IS ENROLLED FROM ANY
11 ALLOCATION FOR BASIC EDUCATION FUNDING TO WHICH THE SCHOOL
12 DISTRICT IN WHICH THE STUDENT RESIDES IS ENTITLED. THE
13 DEPARTMENT SHALL ESTABLISH PAYMENT GUIDELINES AND NOTIFY THE
14 SCHOOL DISTRICT OF THE RECEIPT OF A REQUEST FOR DIRECT PAYMENT
15 BY THE DEPARTMENT.

16 (4) A CHARTER SCHOOL MAY REQUEST THE INTERMEDIATE UNIT IN
17 WHICH THE CHARTER SCHOOL IS LOCATED TO PROVIDE SERVICES TO
18 ASSIST THE CHARTER SCHOOL TO ADDRESS THE SPECIFIC NEEDS OF
19 EXCEPTIONAL STUDENTS. THE INTERMEDIATE UNIT SHALL ASSIST THE
20 CHARTER SCHOOL AND BILL THE CHARTER SCHOOL FOR THE SERVICES. THE
21 INTERMEDIATE UNIT MAY NOT CHARGE THE CHARTER SCHOOL MORE FOR ANY
22 SERVICE THAN IT CHARGES THE CONSTITUENT DISTRICTS OF THE
23 INTERMEDIATE UNIT.

24 (5) PAYMENTS SHALL BE MADE TO THE CHARTER SCHOOL IN TWELVE
25 (12) EQUAL MONTHLY PAYMENTS, BY THE FIFTH DAY OF EACH MONTH,
26 WITHIN THE OPERATING SCHOOL YEAR, UNLESS THE CHARTER SCHOOL
27 RECEIVES DIRECT PAYMENT FROM THE DEPARTMENT. A STUDENT ENROLLED
28 IN A CHARTER SCHOOL SHALL BE INCLUDED IN THE AVERAGE DAILY
29 MEMBERSHIP OF THE STUDENT'S DISTRICT OF RESIDENCE FOR THE
30 PURPOSE OF PROVIDING BASIC EDUCATION FUNDING PAYMENTS AND

1 SPECIAL EDUCATION FUNDING PURSUANT TO ARTICLE XXV. IF A SCHOOL
2 DISTRICT FAILS TO MAKE A PAYMENT TO A CHARTER SCHOOL AS
3 PRESCRIBED IN THIS CLAUSE, THE SECRETARY SHALL DEDUCT THE
4 ESTIMATED AMOUNT, AS DOCUMENTED BY THE CHARTER SCHOOL, FROM ANY
5 AND ALL STATE PAYMENTS MADE TO THE DISTRICT AFTER RECEIPT OF
6 DOCUMENTATION FROM THE CHARTER SCHOOL.

7 (6) WITHIN THIRTY (30) DAYS AFTER THE SECRETARY MAKES THE
8 DEDUCTION DESCRIBED IN CLAUSE (5) OR IF THE CHARTER SCHOOL
9 RECEIVES DIRECT PAYMENT FROM THE DEPARTMENT, A SCHOOL DISTRICT
10 MAY NOTIFY THE SECRETARY THAT THE DEDUCTION MADE FROM STATE
11 PAYMENTS TO THE DISTRICT UNDER THIS SUBSECTION IS INACCURATE.
12 THE SECRETARY SHALL PROVIDE THE SCHOOL DISTRICT WITH AN
13 OPPORTUNITY TO BE HEARD CONCERNING WHETHER THE CHARTER SCHOOL
14 DOCUMENTED THAT ITS STUDENTS WERE ENROLLED IN THE CHARTER
15 SCHOOL, THE PERIOD OF TIME DURING WHICH EACH STUDENT WAS
16 ENROLLED, THE SCHOOL DISTRICT OF RESIDENCE OF EACH STUDENT AND
17 WHETHER THE AMOUNTS DEDUCTED FROM THE SCHOOL DISTRICT WERE
18 ACCURATE.

19 * * *

20 SECTION 19. SECTION 1728-A OF THE ACT IS AMENDED BY ADDING A
21 SUBSECTION TO READ:

22 SECTION 1728-A. ANNUAL REPORTS AND ASSESSMENTS.--* * *

23 (D) THE DEPARTMENT SHALL PUBLISH AN ANNUAL REPORT THAT DOES
24 ALL OF THE FOLLOWING:

25 (1) IDENTIFIES CHARTER SCHOOLS WHOSE STUDENTS ARE
26 ACADEMICALLY OUT-PERFORMING COMPARABLE STUDENTS ENROLLED IN THE
27 CHARTERING SCHOOL DISTRICT.

28 (2) DESCRIBES BEST PRACTICES USED IN THE CHARTER SCHOOLS
29 IDENTIFIED UNDER CLAUSE (1) THAT SHOULD BE DISSEMINATED TO ALL
30 SCHOOL DISTRICTS AND CHARTER SCHOOLS.

1 (3) MAKES ANY NECESSARY RECOMMENDATIONS TO THE GENERAL
2 ASSEMBLY TO FURTHER THE DISSEMINATION AND IMPLEMENTATION OF THE
3 BEST PRACTICES IDENTIFIED UNDER CLAUSE (2).

4 SECTION 20. SECTION 1705-B(H) OF THE ACT, AMENDED JULY 9,
5 2008 (P.L.846, NO.61), IS AMENDED TO READ:

6 SECTION 1705-B. EDUCATION EMPOWERMENT DISTRICTS.--* * *

7 (H) (1) A SCHOOL DISTRICT UNDER A DECLARATION OF DISTRESS
8 PURSUANT TO SECTION 691(A) AND CERTIFIED AS AN EDUCATION
9 EMPOWERMENT DISTRICT SHALL BE OPERATED BY A SPECIAL BOARD OF
10 CONTROL ESTABLISHED UNDER SECTION 692. A BOARD OF CONTROL
11 ESTABLISHED UNDER THIS SECTION SHALL BE ABOLISHED UPON THE
12 APPOINTMENT OF A SPECIAL BOARD OF CONTROL UNDER SECTION 692.

13 (2) FOR A SCHOOL DISTRICT UNDER A DECLARATION OF DISTRESS
14 PURSUANT TO SECTION 691(A) AND CERTIFIED AS AN EDUCATION
15 EMPOWERMENT DISTRICT, THE SPECIAL BOARD OF CONTROL ESTABLISHED
16 UNDER SECTION 692 SHALL HAVE THE POWERS AND DUTIES OF A SPECIAL
17 BOARD OF CONTROL UNDER SECTION 692 AND THE POWERS AND DUTIES
18 CONTAINED IN SECTION 1706-B.

19 (3) FOR A SCHOOL DISTRICT WITH A HISTORY OF LOW TEST
20 PERFORMANCE THAT IS CERTIFIED AS DISTRESSED FOR A MINIMUM PERIOD
21 OF TWO (2) YEARS UNDER SECTIONS 691 AND 692, THE DEPARTMENT
22 SHALL WAIVE THE INCLUSION OF THE SCHOOL DISTRICT ON THE
23 EDUCATION EMPOWERMENT LIST UNDER SECTION 1703-B(A) AND
24 IMMEDIATELY CERTIFY THE SCHOOL DISTRICT AS AN EDUCATION
25 EMPOWERMENT DISTRICT.

26 (4) THE DEPARTMENT MAY UTILIZE UP TO \$4,500,000 OF
27 UNDISTRIBUTED FUNDS NOT EXPENDED, ENCUMBERED OR COMMITTED FROM
28 APPROPRIATIONS FOR GRANTS AND SUBSIDIES MADE TO THE DEPARTMENT
29 TO ASSIST SCHOOL DISTRICTS CERTIFIED AS AN EDUCATION EMPOWERMENT
30 DISTRICT UNDER PARAGRAPH (3). THERE IS HEREBY ESTABLISHED A

1 RESTRICTED ACCOUNT FROM WHICH PAYMENTS UNDER THIS PARAGRAPH
2 SHALL BE PAID. FUNDS SHALL BE TRANSFERRED BY THE SECRETARY OF
3 THE BUDGET TO THE RESTRICTED ACCOUNT TO THE EXTENT NECESSARY TO
4 MAKE PAYMENTS UNDER THIS PARAGRAPH. FUNDS IN THE RESTRICTED
5 ACCOUNT ARE HEREBY APPROPRIATED TO CARRY OUT THE PURPOSES OF
6 THIS PARAGRAPH. THE SUBSIDY PAYMENT FROM THIS ACCOUNT SHALL BE
7 UTILIZED TO SUPPLEMENT THE OPERATIONAL BUDGET OF THE ELIGIBLE
8 SCHOOL DISTRICTS. THIS PARAGRAPH SHALL APPLY TO FISCAL YEARS
9 2000-2001, 2001-2002, 2002-2003, 2003-2004, 2004-2005,
10 2005-2006, 2006-2007, 2007-2008 [AND], 2008-2009 AND 2009-2010
11 AND SHALL EXPIRE JUNE 30, [2009] 2010.

12 SECTION 21. SECTION 1714-B OF THE ACT IS AMENDED BY ADDING A
13 SUBSECTION TO READ:

14 SECTION 1714-B. MANDATE WAIVER PROGRAM.--* * *

15 (G.2) ANY MANDATE WAIVER OF SECTION 751 SHALL BE LIMITED TO
16 THE EXTENT THE WAIVER RECIPIENT MUST SOLICIT SEPARATE PRIME BIDS
17 AND SINGLE PRIME BIDS AND SHALL AWARD THE CONTRACT OR CONTRACTS
18 TO THE LOWEST RESPONSIBLE BID OPTION.

19 * * *

20 SECTION 22. SECTION 2002-B OF THE ACT, AMENDED OR ADDED JULY
21 11, 2006 (P.L.1092, NO.114) AND JULY 9, 2008 (P.L.846, NO.61),
22 IS AMENDED TO READ:

23 SECTION 2002-B. DEFINITIONS.

24 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE
25 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
26 CONTEXT CLEARLY INDICATES OTHERWISE:

27 "BUSINESS FIRM." AN ENTITY AUTHORIZED TO DO BUSINESS IN THIS
28 COMMONWEALTH AND SUBJECT TO TAXES IMPOSED UNDER ARTICLE III, IV,
29 VI, VII, VIII, IX OR XV OF THE ACT OF MARCH 4, 1971 (P.L.6,
30 NO.2), KNOWN AS THE TAX REFORM CODE OF 1971. THIS TERM INCLUDES

1 A PASS-THROUGH ENTITY.

2 "CONTRIBUTION." A DONATION OF CASH, PERSONAL PROPERTY OR
3 SERVICES THE VALUE OF WHICH IS THE NET COST OF THE DONATION TO
4 THE DONOR OR THE PRO RATA HOURLY WAGE, INCLUDING BENEFITS, OF
5 THE INDIVIDUAL PERFORMING THE SERVICES.

6 "DEPARTMENT." THE DEPARTMENT OF COMMUNITY AND ECONOMIC
7 DEVELOPMENT OF THE COMMONWEALTH.

8 "EDUCATIONAL IMPROVEMENT ORGANIZATION." A NONPROFIT ENTITY
9 WHICH:

10 (1) IS EXEMPT FROM FEDERAL TAXATION UNDER SECTION 501(C)
11 (3) OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514,
12 26 U.S.C. § 1 ET SEQ.); AND

13 (2) CONTRIBUTES AT LEAST 80% OF ITS ANNUAL RECEIPTS AS
14 GRANTS TO A PUBLIC SCHOOL FOR INNOVATIVE EDUCATIONAL
15 PROGRAMS.

16 FOR PURPOSES OF THIS DEFINITION, A NONPROFIT ENTITY
17 "CONTRIBUTES" ITS ANNUAL CASH RECEIPTS WHEN IT EXPENDS OR
18 OTHERWISE IRREVOCABLY ENCUMBERS THOSE FUNDS FOR EXPENDITURE
19 DURING THE THEN CURRENT FISCAL YEAR OF THE NONPROFIT ENTITY OR
20 DURING THE NEXT SUCCEEDING FISCAL YEAR OF THE NONPROFIT ENTITY.

21 "ELIGIBLE PRE-KINDERGARTEN STUDENT." FOR PARTICIPATION IN
22 THE PRE-KINDERGARTEN SCHOLARSHIP PROGRAM, A STUDENT WHO IS
23 ENROLLED IN A PRE-KINDERGARTEN PROGRAM AND IS A MEMBER OF A
24 HOUSEHOLD WITH AN ANNUAL HOUSEHOLD INCOME OF NOT MORE THAN
25 [\$50,000] \$60,000. AN INCOME ALLOWANCE OF [\$10,000] \$12,000
26 SHALL BE ALLOWED FOR EACH ELIGIBLE STUDENT AND DEPENDENT MEMBER
27 OF THE HOUSEHOLD. THE DEPARTMENT OF COMMUNITY AND ECONOMIC
28 DEVELOPMENT SHALL ADJUST THE INCOME AMOUNTS UNDER THIS
29 DEFINITION ON JULY 1 OF EACH YEAR TO REFLECT ANY UPWARD CHANGES
30 IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS (CPI-U) FOR

1 THE PENNSYLVANIA, NEW JERSEY, DELAWARE AND MARYLAND AREA IN THE
2 PRECEDING 12 MONTHS, AS CALCULATED BY THE UNITED STATES
3 DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, AND SHALL
4 IMMEDIATELY THEREAFTER PUBLISH THE ADJUSTED AMOUNTS IN THE
5 PENNSYLVANIA BULLETIN.

6 "ELIGIBLE STUDENT." A SCHOOL-AGE STUDENT WHO IS ENROLLED IN
7 A SCHOOL AND IS A MEMBER OF A HOUSEHOLD WITH AN ANNUAL HOUSEHOLD
8 INCOME OF NOT MORE THAN [\$50,000] \$60,000. AN INCOME ALLOWANCE
9 OF [\$10,000] \$12,000 SHALL BE ALLOWED FOR EACH ELIGIBLE STUDENT
10 AND DEPENDENT MEMBER OF THE HOUSEHOLD. THE DEPARTMENT OF
11 COMMUNITY AND ECONOMIC DEVELOPMENT SHALL ADJUST THE INCOME
12 AMOUNTS UNDER THIS DEFINITION ON JULY 1 OF EACH YEAR TO REFLECT
13 ANY UPWARD CHANGES IN THE CONSUMER PRICE INDEX FOR ALL URBAN
14 CONSUMERS (CPI-U) FOR THE PENNSYLVANIA, NEW JERSEY, DELAWARE AND
15 MARYLAND AREA IN THE PRECEDING 12 MONTHS, AS CALCULATED BY THE
16 UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS,
17 AND SHALL IMMEDIATELY THEREAFTER PUBLISH THE ADJUSTED AMOUNTS IN
18 THE PENNSYLVANIA BULLETIN.

19 "ELIGIBLE STUDENT WITH A DISABILITY." A PRE-KINDERGARTEN
20 STUDENT OR A SCHOOL AGE STUDENT:

21 (1) WHO IS EITHER ENROLLED IN A SPECIAL EDUCATION
22 SCHOOL, OR HAS OTHERWISE BEEN IDENTIFIED, IN ACCORDANCE WITH
23 22 PA. CODE CH. 14 (RELATING TO SPECIAL EDUCATION SERVICES
24 AND PROGRAMS), AS A "CHILD WITH A DISABILITY," AS DEFINED IN
25 34 CFR § 300.8 (RELATING TO CHILD WITH DISABILITY);

26 (2) WHO, BY REASON THEREOF, NEEDS SPECIAL EDUCATION AND
27 RELATED SERVICES;

28 (3) WHO IS ENROLLED IN A PRE-KINDERGARTEN PROGRAM OR IN
29 A SCHOOL; AND

30 (4) WHO IS A MEMBER OF A HOUSEHOLD WITH AN ANNUAL

1 HOUSEHOLD INCOME OF NOT MORE THAN THE MAXIMUM ALLOWABLE

2 HOUSEHOLD INCOME FOR STUDENTS WITH A DISABILITY.

3 "HOUSEHOLD." AN INDIVIDUAL LIVING ALONE OR WITH THE
4 FOLLOWING: A SPOUSE, PARENT AND THEIR UNEMANCIPATED MINOR
5 CHILDREN; AND OTHER UNEMANCIPATED MINOR CHILDREN WHO ARE RELATED
6 BY BLOOD OR MARRIAGE; OR OTHER ADULTS OR UNEMANCIPATED MINOR
7 CHILDREN LIVING IN THE HOUSEHOLD WHO ARE DEPENDENT UPON THE
8 INDIVIDUAL.

9 "HOUSEHOLD INCOME." ALL MONEYS OR PROPERTY RECEIVED OF
10 WHATEVER NATURE AND FROM WHATEVER SOURCE DERIVED. THE TERM DOES
11 NOT INCLUDE THE FOLLOWING:

12 (1) PERIODIC PAYMENTS FOR SICKNESS AND DISABILITY OTHER
13 THAN REGULAR WAGES RECEIVED DURING A PERIOD OF SICKNESS OR
14 DISABILITY.

15 (2) DISABILITY, RETIREMENT OR OTHER PAYMENTS ARISING
16 UNDER WORKERS' COMPENSATION ACTS, OCCUPATIONAL DISEASE ACTS
17 AND SIMILAR LEGISLATION BY ANY GOVERNMENT.

18 (3) PAYMENTS COMMONLY RECOGNIZED AS OLD-AGE OR
19 RETIREMENT BENEFITS PAID TO PERSONS RETIRED FROM SERVICE
20 AFTER REACHING A SPECIFIC AGE OR AFTER A STATED PERIOD OF
21 EMPLOYMENT.

22 (4) PAYMENTS COMMONLY KNOWN AS PUBLIC ASSISTANCE OR
23 UNEMPLOYMENT COMPENSATION PAYMENTS BY A GOVERNMENTAL AGENCY.

24 (5) PAYMENTS TO REIMBURSE ACTUAL EXPENSES.

25 (6) PAYMENTS MADE BY EMPLOYERS OR LABOR UNIONS FOR
26 PROGRAMS COVERING HOSPITALIZATION, SICKNESS, DISABILITY OR
27 DEATH, SUPPLEMENTAL UNEMPLOYMENT BENEFITS, STRIKE BENEFITS,
28 SOCIAL SECURITY AND RETIREMENT.

29 (7) COMPENSATION RECEIVED BY UNITED STATES SERVICEMEN
30 SERVING IN A COMBAT ZONE.

"INNOVATIVE EDUCATIONAL PROGRAM." AN ADVANCED ACADEMIC OR
SIMILAR PROGRAM THAT IS NOT PART OF THE REGULAR ACADEMIC PROGRAM
OF A PUBLIC SCHOOL BUT THAT ENHANCES THE CURRICULUM OR ACADEMIC
PROGRAM OF THE PUBLIC SCHOOL OR PROVIDES PRE-KINDERGARTEN
PROGRAMS TO PUBLIC SCHOOL STUDENTS.

"MAXIMUM ALLOWABLE HOUSEHOLD INCOME FOR STUDENTS WITH A
DISABILITY." THE MAXIMUM ANNUAL HOUSEHOLD INCOME FOR ELIGIBLE
STUDENTS WITH A DISABILITY AS CALCULATED BY MULTIPLYING THE SUM
OF \$60,000 PLUS THE INCOME ALLOWANCE OF \$12,000 PER DEPENDENT
MEMBER OF THE HOUSEHOLD BY THE APPLICABLE SUPPORT LEVEL FACTOR
ACCORDING TO THE FOLLOWING TABLE:

<u>SUPPORT LEVEL</u>	<u>SUPPORT LEVEL FACTOR</u>
<u>1</u>	<u>1.50</u>
<u>2</u>	<u>2.993</u>

THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT SHALL
ADJUST THE INCOME AMOUNTS UNDER THIS DEFINITION ON JULY 1 OF
EACH YEAR TO REFLECT ANY UPWARD CHANGES IN THE CONSUMER PRICE
INDEX FOR ALL URBAN CONSUMERS (CPI-U) FOR THE PENNSYLVANIA, NEW
JERSEY, DELAWARE AND MARYLAND AREA IN THE PRECEDING 12 MONTHS,
AS CALCULATED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU
OF LABOR STATISTICS, AND SHALL IMMEDIATELY THEREAFTER PUBLISH
THE ADJUSTED AMOUNTS IN THE PENNSYLVANIA BULLETIN.

"PASS-THROUGH ENTITY." A PARTNERSHIP AS DEFINED IN SECTION
301(N.0) OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE
TAX REFORM CODE OF 1971, A SINGLE-MEMBER LIMITED LIABILITY
COMPANY TREATED AS A DISREGARDED ENTITY FOR FEDERAL INCOME TAX
PURPOSES OR A PENNSYLVANIA S CORPORATION AS DEFINED IN SECTION
301(N.1) OF THE TAX REFORM CODE OF 1971.

"PRE-KINDERGARTEN PROGRAM." A PROGRAM OF INSTRUCTION FOR
THREE-YEAR-OLD OR FOUR-YEAR-OLD STUDENTS THAT UTILIZES A

CURRICULUM ALIGNED WITH THE CURRICULUM OF THE SCHOOL WITH WHICH
IT IS AFFILIATED AND WHICH PROVIDES A MINIMUM OF EITHER:

(1) TWO HOURS OF INSTRUCTIONAL AND DEVELOPMENTAL
ACTIVITIES PER DAY AT LEAST 60 DAYS PER SCHOOL YEAR; OR

(2) TWO HOURS OF INSTRUCTIONAL AND DEVELOPMENTAL
ACTIVITIES PER DAY AT LEAST 20 DAYS OVER THE SUMMER RECESS.

"PRE-KINDERGARTEN SCHOLARSHIP ORGANIZATION." A NONPROFIT
ENTITY WHICH:

(1) EITHER IS EXEMPT FROM FEDERAL TAXATION UNDER SECTION
501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW
99-514, 26 U.S.C. § 1 ET SEQ.) OR IS OPERATED AS A SEPARATE
SEGREGATED FUND BY A SCHOLARSHIP ORGANIZATION THAT HAS BEEN
QUALIFIED UNDER SECTION 2003-B; AND

(2) CONTRIBUTES AT LEAST 80% OF ITS ANNUAL CASH RECEIPTS
TO A PRE-KINDERGARTEN SCHOLARSHIP PROGRAM BY EXPENDING OR
OTHERWISE IRREVOCABLY ENCUMBERING THOSE FUNDS FOR
DISTRIBUTION DURING THE THEN CURRENT FISCAL YEAR OF THE
ORGANIZATION OR DURING THE NEXT SUCCEEDING FISCAL YEAR OF THE
ORGANIZATION.

"PRE-KINDERGARTEN SCHOLARSHIP PROGRAM." A PROGRAM TO PROVIDE
TUITION TO ELIGIBLE PRE-KINDERGARTEN STUDENTS TO ATTEND A PRE-
KINDERGARTEN PROGRAM OPERATED BY OR IN CONJUNCTION WITH A SCHOOL
LOCATED IN THIS COMMONWEALTH AND THAT INCLUDES AN APPLICATION
AND REVIEW PROCESS FOR THE PURPOSE OF MAKING AWARDS TO ELIGIBLE
PRE-KINDERGARTEN STUDENTS AND AWARDS SCHOLARSHIPS TO ELIGIBLE
PRE-KINDERGARTEN STUDENTS WITHOUT LIMITING AVAILABILITY TO ONLY
STUDENTS OF ONE SCHOOL.

"PUBLIC SCHOOL." A PUBLIC PRE-KINDERGARTEN WHERE COMPULSORY
ATTENDANCE REQUIREMENTS DO NOT APPLY OR A PUBLIC KINDERGARTEN,
ELEMENTARY SCHOOL OR SECONDARY SCHOOL AT WHICH THE COMPULSORY

ATTENDANCE REQUIREMENTS OF THIS COMMONWEALTH MAY BE MET AND WHICH MEETS THE APPLICABLE REQUIREMENTS OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (PUBLIC LAW 88-352, 78 STAT. 241).

"SCHOLARSHIP ORGANIZATION." A NONPROFIT ENTITY WHICH:

(1) IS EXEMPT FROM FEDERAL TAXATION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 1 ET SEQ.); AND

(2) CONTRIBUTES AT LEAST 80% OF ITS ANNUAL CASH RECEIPTS TO A SCHOLARSHIP PROGRAM.

FOR PURPOSES OF THIS DEFINITION, A NONPROFIT ENTITY "CONTRIBUTES" ITS ANNUAL CASH RECEIPTS TO A SCHOLARSHIP PROGRAM WHEN IT EXPENDS OR OTHERWISE IRREVOCABLY ENCUMBERS THOSE FUNDS FOR DISTRIBUTION DURING THE THEN CURRENT FISCAL YEAR OF THE NONPROFIT ENTITY OR DURING THE NEXT SUCCEEDING FISCAL YEAR OF THE NONPROFIT ENTITY.

"SCHOLARSHIP PROGRAM." A PROGRAM TO PROVIDE TUITION TO ELIGIBLE STUDENTS TO ATTEND A SCHOOL LOCATED IN THIS COMMONWEALTH. A SCHOLARSHIP PROGRAM MUST INCLUDE AN APPLICATION AND REVIEW PROCESS FOR THE PURPOSE OF MAKING AWARDS TO ELIGIBLE STUDENTS. THE AWARD OF SCHOLARSHIPS TO ELIGIBLE STUDENTS SHALL BE MADE WITHOUT LIMITING AVAILABILITY TO ONLY STUDENTS OF ONE SCHOOL.

"SCHOOL." A PUBLIC OR NONPUBLIC PRE-KINDERGARTEN, KINDERGARTEN, ELEMENTARY SCHOOL OR SECONDARY SCHOOL AT WHICH THE COMPULSORY ATTENDANCE REQUIREMENTS OF THE COMMONWEALTH MAY BE MET AND WHICH MEETS THE APPLICABLE REQUIREMENTS OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (PUBLIC LAW 88-352, 78 STAT. 241).

"SCHOOL AGE." CHILDREN FROM THE EARLIEST ADMISSION AGE TO A SCHOOL'S PRE-KINDERGARTEN OR KINDERGARTEN PROGRAM OR, WHEN NO PRE-KINDERGARTEN OR KINDERGARTEN PROGRAM IS PROVIDED, THE

SCHOOL'S EARLIEST ADMISSION AGE FOR BEGINNERS, UNTIL THE END OF
THE SCHOOL YEAR THE STUDENT ATTAINS 21 YEARS OF AGE OR
GRADUATION FROM HIGH SCHOOL, WHICHEVER OCCURS FIRST.

"SPECIAL EDUCATION SCHOOL." A SCHOOL OR PROGRAM WITHIN A
SCHOOL THAT IS DESIGNATED SPECIFICALLY AND EXCLUSIVELY FOR
STUDENTS WITH ANY ONE OR MORE OF THE DISABILITIES LISTED IN 34
CFR § 300.8 (RELATING TO CHILD WITH DISABILITY), AND IS:

(1) LICENSED UNDER THE ACT OF JANUARY 28, 1988 (P.L.24,
NO.11), KNOWN AS THE PRIVATE ACADEMIC SCHOOLS ACT;

(2) ACCREDITED BY AN ACCREDITING ASSOCIATION APPROVED BY
THE STATE BOARD OF EDUCATION;

(3) A SCHOOL FOR THE BLIND OR DEAF RECEIVING
COMMONWEALTH APPROPRIATIONS; OR

(4) OPERATED BY OR UNDER THE AUTHORITY OF A BONA FIDE
RELIGIOUS INSTITUTION OR BY THE COMMONWEALTH OR ANY POLITICAL
SUBDIVISION THEREOF.

"SUPPORT LEVEL." THE LEVEL OF SUPPORT NEEDED BY AN ELIGIBLE
STUDENT WITH A DISABILITY, AS SET FORTH IN THE FOLLOWING MATRIX:

SUPPORT LEVEL 1 - THE STUDENT IS NOT ENROLLED IN A
SPECIAL EDUCATION SCHOOL.

SUPPORT LEVEL 2 - THE STUDENT IS ENROLLED AS A STUDENT IN
A SPECIAL EDUCATION SCHOOL.

SECTION 23. SECTION 2005-B(E) OF THE ACT, AMENDED JULY 9,
2008 (P.L.846, NO.61), IS AMENDED TO READ:

SECTION 2005-B. TAX CREDIT.

* * *

(E) PASS-THROUGH ENTITY.--

(1) IF A PASS-THROUGH ENTITY [DOES NOT] DOES NOT INTEND
TO USE ALL APPROVED TAX CREDITS UNDER SECTION 2005-B, IT MAY
ELECT IN WRITING[, ACCORDING TO PROCEDURES ESTABLISHED BY THE

1 DEPARTMENT OF REVENUE,] TO TRANSFER ALL OR A PORTION OF THE
2 CREDIT TO SHAREHOLDERS, MEMBERS OR PARTNERS IN PROPORTION TO
3 THE SHARE OF THE ENTITY'S DISTRIBUTIVE INCOME TO WHICH THE
4 SHAREHOLDER, MEMBER OR PARTNER IS ENTITLED FOR USE IN THE
5 TAXABLE YEAR IN WHICH THE CONTRIBUTION IS MADE OR IN THE
6 TAXABLE YEAR IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE
7 CONTRIBUTION IS MADE. THE ELECTION SHALL DESIGNATE THE YEAR
8 IN WHICH THE TRANSFERRED CREDITS ARE TO BE USED AND SHALL BE
9 MADE ACCORDING TO PROCEDURES ESTABLISHED BY THE DEPARTMENT OF
10 REVENUE.

11 (2) A PASS-THROUGH ENTITY AND A SHAREHOLDER, MEMBER OR
12 PARTNER OF A PASS-THROUGH ENTITY SHALL NOT CLAIM THE CREDIT
13 UNDER THIS SECTION FOR THE SAME CONTRIBUTION.

14 (3) [A SHAREHOLDER, MEMBER OR PARTNER OF A PASS-THROUGH
15 ENTITY TO WHOM A CREDIT IS TRANSFERRED UNDER THIS SECTION
16 SHALL IMMEDIATELY CLAIM THE CREDIT IN THE TAXABLE YEAR IN
17 WHICH THE TRANSFER IS MADE.] THE SHAREHOLDER, MEMBER OR
18 PARTNER MAY NOT CARRY FORWARD, CARRY BACK, OBTAIN A REFUND OF
19 OR SELL OR ASSIGN THE CREDIT.

20 * * *

21 SECTION 24. SECTION 2006-B(D) OF THE ACT, AMENDED DECEMBER
22 23, 2003 (P.L.304, NO.48), IS AMENDED TO READ:

23 SECTION 2006-B. LIMITATIONS.

24 * * *

25 (D) USE.--A TAX CREDIT NOT USED BY THE APPLICANT IN THE
26 TAXABLE YEAR THE CONTRIBUTION WAS MADE OR IN THE YEAR DESIGNATED
27 BY THE SHAREHOLDER, MEMBER OR PARTNER TO WHOM THE CREDIT WAS
28 TRANSFERRED UNDER SECTION 2005-B(E) MAY NOT BE CARRIED FORWARD
29 OR CARRIED BACK AND IS NOT REFUNDABLE OR TRANSFERABLE.

30 * * *

SECTION 25. SECTION 2002-C OF THE ACT, ADDED JULY 11, 2006
(P.L.1092, NO.114), IS AMENDED TO READ:

SECTION 2002-C. DUTIES OF PUBLIC INSTITUTIONS OF HIGHER
EDUCATION.

(A) COMPLETION.--EACH PUBLIC INSTITUTION OF HIGHER EDUCATION
SHALL COMPLETE ALL OF THE FOLLOWING BY JUNE 30, 2008:

(1) PARTICIPATE IN THE DEVELOPMENT AND IMPLEMENTATION OF
EQUIVALENCY STANDARDS PURSUANT TO SECTION 2004-C(C) (1) .

(2) ESTABLISH AND MAINTAIN RECORDS AND DATA DETAILING
THE CREDITS TRANSFERRED TO AND RECEIVED FROM OTHER PUBLIC
INSTITUTIONS OF HIGHER EDUCATION AS THE DEPARTMENT MAY
PRESCRIBE.

(3) MAKE ANY REASONABLE CHANGES AND MODIFICATIONS TO ITS
FOUNDATION COURSES, INCLUDING THE STRENGTHENING OF THE
COURSES, TO ENSURE EQUIVALENCY OF THOSE CREDITS AMONG THE
PUBLIC INSTITUTIONS OF HIGHER EDUCATION, AS RECOMMENDED BY
THE TRANSFER AND ARTICULATION OVERSIGHT COMMITTEE.

(4) AGREE TO ACCEPT FOR TRANSFER FOUNDATION COURSES
DETERMINED TO MEET EQUIVALENCY STANDARDS UNDER SECTION 2004-
C(C) (2) .

(A.1) COMPLETION OF SECOND PHASE.--EACH PUBLIC INSTITUTION
OF HIGHER EDUCATION SHALL AGREE TO ACCEPT WITH FULL JUNIOR
STANDING THE ASSOCIATE OF ARTS AND ASSOCIATE OF SCIENCE DEGREE
INTO A PARALLEL BACCALAUREATE PROGRAM AS OUTLINED IN SECTION
2004-C(C) (2.1), (2.2), (2.3) AND (2.4) BY THE TIMELINES
ESTABLISHED BY THE TRANSFER AND ARTICULATION SUBCOMMITTEE BUT
NOT LATER THAN DECEMBER 31, 2011. FOR THE PURPOSES OF THIS
ARTICLE, AN ASSOCIATE OF ARTS AND ASSOCIATE OF SCIENCE DEGREE IS
A DEGREE DESIGNED PRIMARILY FOR TRANSFER TO A BACCALAUREATE
INSTITUTION AND MUST CONTAIN A MINIMUM OF 60 CREDITS.

(B) REPORTING REQUIREMENTS.--

(1) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL
SUBMIT TO THE DEPARTMENT A SERIES OF INTERIM REPORTS
OUTLINING THE ACTIONS THAT THE PUBLIC INSTITUTION OF HIGHER
EDUCATION HAS UNDERTAKEN OR INTENDS TO UNDERTAKE TO COMPLY
WITH SUBSECTION (A), WHICH SHALL BE FILED DECEMBER 31, 2006,
JUNE 30, 2007, AND DECEMBER 31, 2007.

(2) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL
SUBMIT TO THE DEPARTMENT INTERIM REPORTS OUTLINING THE
ACTIONS THAT THE PUBLIC INSTITUTION OF HIGHER EDUCATION HAS
UNDERTAKEN OR INTENDS TO UNDERTAKE TO COMPLY WITH SUBSECTION
(A.1), WHICH SHALL BE FILED BY DECEMBER 31, 2009, JUNE 30,
2010, AND DECEMBER 31, 2010.

SECTION 26. SECTION 2004-C(C) OF THE ACT IS AMENDED BY
ADDING PARAGRAPHS TO READ:
SECTION 2004-C. TRANSFER AND ARTICULATION OVERSIGHT COMMITTEE.

* * *

(C) DUTIES OF TRANSFER AND ARTICULATION OVERSIGHT
COMMITTEE.--THE COMMITTEE SHALL:

* * *

(2.1) BY DECEMBER 1, 2009, CONSULT WITH THE DEPARTMENT
ON A PROCESS AND TIMELINE, SUBJECT TO APPROVAL BY THE
DEPARTMENT, TO IDENTIFY THE ASSOCIATE OF ARTS AND ASSOCIATE
OF SCIENCE DEGREES ALIGNED WITH THE GRADUATION REQUIREMENTS
OF THE PARALLEL BACCALAUREATE DEGREE IN ALL PUBLIC
INSTITUTIONS OF HIGHER EDUCATION IN CONSULTATION WITH FACULTY
AND PERSONNEL.

(2.2) IDENTIFY ASSOCIATE OF ARTS AND ASSOCIATE OF
SCIENCE DEGREE PROGRAMS FOR TRANSFER WITH FULL JUNIOR
STANDING INTO A PARALLEL BACCALAUREATE DEGREE IN CONSULTATION

1 WITH FACULTY AND PERSONNEL IN THOSE DEGREE PROGRAMS BY
2 DECEMBER 31, 2011.

3 (2.3) IDENTIFY MODIFICATIONS THAT MAY BE REQUIRED IN
4 EXISTING ASSOCIATE OR BACCALAUREATE DEGREES TO SATISFY
5 EXTERNAL ACCREDITATION OR LICENSURE REQUIREMENTS IN
6 CONSULTATION WITH FACULTY AND PERSONNEL. APPROVED
7 MODIFICATIONS MUST RECOGNIZE ALL COMPETENCIES ATTAINED WITHIN
8 EITHER THE ASSOCIATE OR BACCALAUREATE PROGRAMS.

9 (2.4) DEFINE REQUIREMENTS, IN CONSULTATION WITH FACULTY
10 AND PERSONNEL, FOR EDUCATION DEGREES, INCLUDING EARLY
11 CHILDHOOD EDUCATION DEGREES, LEADING TO CERTIFICATION TO BE
12 INCLUDED IN AN ASSOCIATE DEGREE AND BE ACCEPTED FOR TRANSFER
13 WITH FULL JUNIOR STANDING INTO A PARALLEL BACCALAUREATE
14 DEGREE PROGRAM.

15 * * *

16 SECTION 27. SECTION 2006-C OF THE ACT, ADDED JULY 11, 2006
17 (P.L.1092, NO.114), IS AMENDED TO READ:

18 SECTION 2006-C. PARTICIPATION BY INDEPENDENT INSTITUTIONS OF
19 HIGHER EDUCATION OR STATE-RELATED [INSTITUTION]
20 INSTITUTIONS.

21 (A) GENERAL RULE.--AN INDEPENDENT INSTITUTION OF HIGHER
22 EDUCATION OR A STATE-RELATED INSTITUTION MAY ELECT TO
23 PARTICIPATE THROUGH THE ADOPTION OF EQUIVALENCY STANDARDS AS
24 PROVIDED FOR IN SUBSECTION 2004-C(C)(1) AND BY AGREEMENT TO
25 ACCEPT FOR TRANSFER DEGREES THAT QUALIFY UNDER SECTION 2004-C(C)
26 (2.2) BY ITS GOVERNING BODY.

27 (B) DUTIES OF STATE-RELATED INSTITUTIONS.--

28 (1) NO LATER THAN MARCH 1, 2010, EACH STATE-RELATED
29 INSTITUTION SHALL IDENTIFY 30 CREDIT HOURS OF COURSE CONTENT
30 FROM EQUIVALENT COURSES IDENTIFIED UNDER THIS ARTICLE THAT IT

1 WILL ACCEPT FROM A STUDENT ACCEPTED FOR TRANSFER FROM AN
2 INSTITUTION OF HIGHER EDUCATION PARTICIPATING IN THIS
3 ARTICLE. A STATE-RELATED INSTITUTION SHALL COUNT A COURSE IN
4 THE SAME MANNER THAT IT WOULD COUNT THE SAME OR EQUIVALENT
5 COURSE IF TAKEN BY A STUDENT AT THE STATE-RELATED
6 INSTITUTION.

7 (2) EACH STATE-RELATED INSTITUTION SHALL MAKE THE
8 INFORMATION IDENTIFIED IN PARAGRAPH (1) AVAILABLE TO THE
9 DEPARTMENT FOR POSTING ON THE DEPARTMENT'S PUBLICLY
10 ACCESSIBLE INTERNET WEBSITE.

11 (3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO:

12 (I) REQUIRE A STATE-RELATED INSTITUTION TO APPLY A
13 COURSE TO GRADUATION OR DEGREE REQUIREMENTS IF THAT
14 COURSE OR ITS EQUIVALENT COURSE WOULD NOT BE APPLIED TO
15 GRADUATION OR DEGREE REQUIREMENTS IF TAKEN AT THE STATE-
16 RELATED INSTITUTION.

17 (II) INFRINGE ON A STATE-RELATED INSTITUTION'S SOLE
18 AUTHORITY TO ACCEPT A STUDENT FOR TRANSFER, TO DETERMINE
19 ACCEPTANCE INTO A MAJOR, TO DETERMINE THE CAMPUS
20 ASSIGNMENT OF SUCH STUDENT OR TO DETERMINE HOW MANY AND
21 WHICH CREDIT HOURS SHALL APPLY FOR THE TRANSFER STUDENT
22 TOWARD THE COMPLETION OF A DEGREE. THE MANNER IN WHICH
23 ACCEPTED COURSES APPLY TOWARD COMPLETION OF A DEGREE AND
24 WHETHER THEY ARE COUNTED FOR GENERAL EDUCATION, MAJOR OR
25 FREE ELECTIVE CREDIT SHALL BE SUBJECT TO THE REQUIREMENTS
26 ESTABLISHED BY THE ACCEPTING STATE-RELATED INSTITUTION
27 FOR EACH INDIVIDUAL MAJOR OR PROGRAM OF STUDY.

28 (III) PROHIBIT A STATE-RELATED INSTITUTION'S ABILITY
29 TO ENTER INTO DISCUSSIONS WITH THE DEPARTMENT TO INCREASE
30 THE NUMBER OF CREDITS PURSUANT TO PARAGRAPH (1).

SECTION 28. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
SECTION 2318. STATE AID FOR 2009-2010.

(A) GENERAL RULE.--NOTWITHSTANDING ANY OTHER PROVISION OF
LAW, THE FOLLOWING APPLY:

(1) SUBJECT TO PARAGRAPH (2), EACH LIBRARY SUBJECT TO
THE ACT OF JUNE 14, 1961 (P.L.324, NO.188), KNOWN AS THE
LIBRARY CODE, THAT RECEIVED A STATE AID ALLOCATION FOR FISCAL
YEAR 2008-2009 UNDER SECTION 2317 SHALL BE ELIGIBLE FOR STATE
AID IN FISCAL YEAR 2009-2010.

(2) ANY NEWLY DESIGNATED DISTRICT LIBRARY CENTERS SHALL
BE ELIGIBLE FOR STATE AID IN LIEU OF THEIR PREDECESSOR
DISTRICT LIBRARY CENTERS.

(B) FORMULA.--STATE AID UNDER THIS SECTION SHALL CONSIST OF
THE FOLLOWING FORMULA:

(1) DIVIDE:

(I) THE SUM OF THE AMOUNT OF FUNDING THAT THE
LIBRARY RECEIVED IN FISCAL YEAR 2007-2008 UNDER SECTION
2316; BY

(II) THE TOTAL STATE AID SUBSIDY FOR FISCAL YEAR
2007-2008.

(2) MULTIPLY:

(I) THE QUOTIENT UNDER PARAGRAPH (1); BY

(II) THE TOTAL STATE AID SUBSIDY FOR 2009-2010.

(C) STATE LIBRARIAN.--AFTER DISTRIBUTION OF STATE AID TO
LIBRARIES UNDER THIS SECTION, ANY REMAINING UNALLOCATED FUNDS
MAY BE DISTRIBUTED AT THE DISCRETION OF THE STATE LIBRARIAN.

(D) LOCAL DISTRIBUTION.--

(1) EACH LIBRARY SYSTEM RECEIVING STATE AID UNDER THIS
SECTION MAY DISTRIBUTE THE LOCAL LIBRARY SHARE OF THAT AID IN
A MANNER AS DETERMINED BY THE SYSTEM BOARD OF DIRECTORS.

1 (2) THIS SUBSECTION SHALL NOT APPLY TO A LIBRARY SYSTEM
2 OPERATING IN A COUNTY OF THE SECOND CLASS.

3 (E) WAIVER.--UPON APPLICATION OF THE BOARD OF DIRECTORS OF A
4 LOCAL LIBRARY, THE STATE LIBRARIAN MAY WAIVE ANY OR ALL OF THE
5 PROVISIONS OF SECTION 104 OF THE LIBRARY CODE. THE APPLICATION
6 MUST BE IN A FORM AND MANNER AS SPECIFIED BY THE STATE LIBRARIAN
7 AND MUST DEMONSTRATE THAT MEETING THE STANDARDS PLACES AN
8 ECONOMIC HARDSHIP ON THE LIBRARY.

9 SECTION 29. SECTION 2501(29) OF THE ACT, ADDED JULY 9, 2008
10 (P.L.846, NO.61), IS AMENDED AND THE SECTION IS AMENDED BY
11 ADDING CLAUSES TO READ:

12 SECTION 2501. DEFINITIONS.--FOR THE PURPOSES OF THIS ARTICLE
13 THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

14 * * *

15 (29) "LOCATION COST METRIC." AN INDEX OF GEOGRAPHIC COST
16 DIFFERENCES FOR EACH COUNTY AS PUBLISHED BY THE DEPARTMENT ON
17 ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE [ON FEBRUARY 5, 2008]
18 IN FEBRUARY OF EACH YEAR. THE INDEX SHALL BE PUBLISHED IN THE
19 PENNSYLVANIA BULLETIN NO LATER THAN THIRTY (30) DAYS AFTER THE
20 EFFECTIVE DATE OF THIS CLAUSE.

21 * * *

22 (31) "SPECIAL EDUCATION AVERAGE DAILY MEMBERSHIP." SHALL BE
23 COMPUTED TO DETERMINE THE NUMBER OF ELIGIBLE STUDENTS IN EACH
24 SCHOOL DISTRICT IN ACCORDANCE WITH RULES OF PROCEDURE AS
25 ESTABLISHED BY THE SECRETARY OF EDUCATION. FOR THE PURPOSE OF
26 CALCULATING THE SPECIAL EDUCATION FUNDING ALLOCATION UNDER
27 SECTION 2509.13, THE COMPUTATION SHALL BE ADJUSTED FOR EACH
28 LEVEL OF INSTRUCTION FOR ELIGIBLE STUDENTS AS FOLLOWS:

29 (I) HALF-TIME PREKINDERGARTEN AND HALF-TIME KINDERGARTEN:
30 0.50.

1 (II) FULL-TIME PREKINDERGARTEN, FULL-TIME KINDERGARTEN AND
2 PREKINDERGARTEN OR KINDERGARTEN LEVEL TOTALING FULL-TIME THROUGH
3 MULTIPLE PLACEMENTS: 1.00.

4 (III) ELEMENTARY AND SECONDARY: 1.00.

5 (32) "ACTUAL SPECIAL EDUCATION SPENDING." AN AMOUNT EQUAL TO
6 A SCHOOL DISTRICT'S TOTAL ANNUAL EXPENDITURES FOR SPECIAL
7 EDUCATION IN ALL FUNCTIONAL CLASSIFICATIONS FOR STUDENTS WITH
8 DISABILITIES, AS DESIGNATED IN THE MANUAL OF ACCOUNTING AND
9 RELATED FINANCIAL PROCEDURES FOR PENNSYLVANIA SCHOOL SYSTEMS.

10 (33) "BASE COST PER STUDENT." THE COST OF EDUCATING AN
11 AVERAGE STUDENT IN PENNSYLVANIA WITHOUT SPECIAL NEEDS TO MEET
12 STATE PERFORMANCE EXPECTATIONS AS ORIGINALLY DETERMINED IN THE
13 FINAL REVISED STATEWIDE COSTING-OUT STUDY OF 2007 PERFORMED
14 PURSUANT TO SECTION 2599.3 AND AS ADJUSTED ANNUALLY FOR THE
15 FISCAL YEAR IN THE FORMULA FOR BASIC EDUCATION FUNDING.

16 (34) "ELIGIBLE STUDENT." A STUDENT WITH A DISABILITY
17 ELIGIBLE FOR SPECIAL EDUCATION UNDER FEDERAL AND STATE LAW.

18 (35) "MODIFIED SPECIAL EDUCATION AVERAGE DAILY MEMBERSHIP"
19 OR "MODIFIED SEADM." THE SUM OF THE FOLLOWING PRODUCTS:

20 (I) FIFTY-TWO ONE-HUNDREDTHS (0.52) AND THE SCHOOL
21 DISTRICT'S SPECIAL EDUCATION AVERAGE DAILY MEMBERSHIP IN THE
22 FUNDING YEAR;

23 (II) TWENTY-SIX ONE-HUNDREDTHS (0.26) AND THE SCHOOL
24 DISTRICT'S SPECIAL EDUCATION AVERAGE DAILY MEMBERSHIP IN THE
25 SCHOOL YEAR PRIOR TO THE FUNDING YEAR;

26 (III) THIRTEEN ONE-HUNDREDTHS (0.13) AND THE SCHOOL
27 DISTRICT'S SPECIAL EDUCATION AVERAGE DAILY MEMBERSHIP TWO (2)
28 SCHOOL YEARS PRIOR TO THE FUNDING YEAR;

29 (IV) SIX ONE-HUNDREDTHS (0.06) AND THE SCHOOL DISTRICT'S
30 SPECIAL EDUCATION AVERAGE DAILY MEMBERSHIP THREE (3) SCHOOL

YEARS PRIOR TO THE FUNDING YEAR; AND

(V) THREE ONE-HUNDREDTHS (0.03) AND THE SCHOOL DISTRICT'S
SPECIAL EDUCATION AVERAGE DAILY MEMBERSHIP FOUR (4) YEARS PRIOR
TO THE FUNDING YEAR.

(36) "PERFORMANCE INDICATORS." MEASURABLE ANNUAL OBJECTIVES
ESTABLISHED BY THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION
612(A)(15) OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT
(PUBLIC LAW 91-230, 20 U.S.C. § 1412(A)(15)), TO ASSESS PROGRESS
TOWARD ACHIEVING STATE GOALS FOR THE PERFORMANCE OF ELIGIBLE
STUDENTS.

(37) "PUBLIC NOTICE." FULL AND TIMELY RELEASE OF INFORMATION
AND DOCUMENTS FOR PUBLIC ACCESS AT A MINIMUM THROUGH PUBLICATION
BY THE DEPARTMENT OF EDUCATION:

(I) IN THE PENNSYLVANIA BULLETIN;

(II) ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE FOR NO LESS
THAN A DURATION OF TWELVE (12) MONTHS; AND

(III) THROUGH ITS TIMELY ISSUANCE OF A RELATED STATEWIDE
PRESS RELEASE.

(38) "REGULAR CLASSROOM." A CLASSROOM IN A REGULAR SCHOOL
OPERATED PRIMARILY FOR STUDENTS WHO ARE NOT ELIGIBLE FOR SPECIAL
EDUCATION.

(39) "REGULAR SCHOOL." A NEIGHBORHOOD SCHOOL, MAGNET SCHOOL,
OR OTHER PUBLIC SCHOOL OPERATED FOR ALL STUDENTS, NOT SOLELY
ELIGIBLE STUDENTS, IN A SCHOOL DISTRICT.

(40) "SPECIAL EDUCATION PLAN." A COMPREHENSIVE PLAN AS WELL
AS REVISIONS, UPDATES AND AMENDMENTS FOR ALL SPECIAL EDUCATION
PERSONNEL, PROGRAMS, SERVICES AND SUPPORTS PROVIDED BY EACH
SCHOOL DISTRICT FOR ELIGIBLE STUDENTS, FILED BY EACH DISTRICT
WITH THE DEPARTMENT OF EDUCATION UNDER THIS ACT AND OTHER
APPLICABLE FEDERAL AND STATE LAW, INCLUDING 22 PA. CODE 14.104

1 (RELATING TO SPECIAL EDUCATION PLANS).

2 (41) "STUDENT ACHIEVEMENT." OUTCOMES FOR ELIGIBLE STUDENTS
3 AS MEASURED BY ACADEMIC PERFORMANCE WHENEVER POSSIBLE IN THE
4 GENERAL EDUCATION CURRICULUM, ACQUISITION OF KNOWLEDGE AND
5 SKILLS, PROGRESS TOWARD GRADUATION, ACCOMPLISHMENT OF
6 INDIVIDUALIZED EDUCATION PROGRAM GOALS, INCLUDING APPROPRIATE
7 FUNCTIONAL SKILLS, AND OTHER FACTORS.

8 SECTION 30. SECTION 2502.48 OF THE ACT, ADDED JULY 9, 2008
9 (P.L.846, NO.61), IS AMENDED TO READ:

10 SECTION. 2502.48. BASIC EDUCATION FUNDING FOR STUDENT
11 ACHIEVEMENT.--(A) THE DEPARTMENT OF EDUCATION SHALL CALCULATE A
12 BASE COST PER STUDENT. FOR THE 2007-2008 SCHOOL YEAR, THE BASE
13 COST PER STUDENT SHALL BE EIGHT THOUSAND THREE DOLLARS (\$8,003),
14 INCREASED BY THE 2008-2009 INDEX. FOR THE 2008-2009 SCHOOL YEAR
15 AND EACH SCHOOL YEAR THEREAFTER FOR WHICH SCHOOL DISTRICTS
16 RECEIVE BASIC EDUCATION FUNDING UNDER THIS SECTION, THE BASE
17 COST PER STUDENT SHALL BE THE BASE COST PER STUDENT OF THE PRIOR
18 SCHOOL YEAR, INCREASED BY THE INDEX FOR THE SCHOOL YEAR IN WHICH
19 FUNDING WILL BE PAID.

20 (B) THE DEPARTMENT OF EDUCATION SHALL DETERMINE AN ADEQUACY
21 TARGET FOR EACH SCHOOL DISTRICT BY CALCULATING THE SUM OF THE
22 FOLLOWING:

23 (1) A BASE COST DETERMINED BY CALCULATING THE PRODUCT OF THE
24 BASE COST PER STUDENT AND THE SCHOOL DISTRICT'S MODIFIED ADM.

25 (2) A POVERTY SUPPLEMENT DETERMINED BY CALCULATING THE
26 PRODUCT OF:

27 (I) THE BASE COST PER STUDENT;

28 (II) THE NUMBER OF STUDENTS ENROLLED IN THE SCHOOL DISTRICT
29 ON OCTOBER 31 OF THE FUNDING YEAR WHO WERE ELIGIBLE FOR FREE OR
30 REDUCED PRICE MEALS UNDER THE SCHOOL LUNCH PROGRAM; AND

1 (III) FORTY-THREE ONE-HUNDREDTHS (.43).

2 (3) A DISTRICT SIZE SUPPLEMENT DETERMINED BY CALCULATING THE

3 MAXIMUM OF ZERO AND THE PRODUCT OF:

4 (I) THE BASE COST PER STUDENT;

5 (II) THE SCHOOL DISTRICT'S FUNDING YEAR AVERAGE DAILY

6 MEMBERSHIP; AND

7 (III) THE SUM OF FOUR HUNDRED EIGHTY-THREE ONE-THOUSANDTHS

8 (.483) AND THE PRODUCT OF THE NATURAL LOGARITHM OF THE SCHOOL

9 DISTRICT'S FUNDING YEAR AVERAGE DAILY MEMBERSHIP AND NEGATIVE

10 FIVE ONE-HUNDREDTHS (-.05) [;] .

11 (4) AN ENGLISH LANGUAGE LEARNER SUPPLEMENT DETERMINED BY

12 CALCULATING THE PRODUCT OF:

13 (I) THE BASE COST PER STUDENT;

14 (II) THE NUMBER OF ENROLLED STUDENTS IDENTIFIED AS LIMITED

15 ENGLISH PROFICIENT IN THE FUNDING YEAR IN THE SCHOOL DISTRICT;

16 AND

17 (III) THE SUM OF THREE AND SEVEN HUNDRED FIFTY-THREE ONE-

18 THOUSANDTHS (3.753) AND THE PRODUCT OF THE NATURAL LOGARITHM OF

19 THE SCHOOL DISTRICT'S FUNDING YEAR AVERAGE DAILY MEMBERSHIP AND

20 NEGATIVE TWENTY-THREE ONE-HUNDREDTHS (-.23), PROVIDED THAT SUCH

21 AMOUNT SHALL BE NO LESS THAN ONE AND FORTY-EIGHT ONE-HUNDREDTHS

22 (1.48) AND NO GREATER THAN TWO AND FORTY-THREE ONE-HUNDREDTHS

23 (2.43) .

24 (5) AN ADJUSTMENT FOR GEOGRAPHIC PRICE DIFFERENCES

25 CALCULATED AS FOLLOWS:

26 (I) ADD THE AMOUNTS UNDER PARAGRAPHS (1), (2), (3) AND (4) .

27 (II) MULTIPLY:

28 (A) THE SUM UNDER SUBPARAGRAPH (I); BY

29 (B) THE SCHOOL DISTRICT'S LOCATION COST METRIC OR ONE (1),

30 WHICHEVER IS GREATER.

(III) SUBTRACT:

(A) THE SUM UNDER SUBPARAGRAPH (I); FROM

(B) THE PRODUCT UNDER SUBPARAGRAPH (II).

(C) (1) THE DEPARTMENT OF EDUCATION SHALL DETERMINE A STATE FUNDING TARGET FOR EACH SCHOOL DISTRICT BY CALCULATING THE PRODUCT OF:

(I) THE DIFFERENCE BETWEEN THE SCHOOL DISTRICT'S ADEQUACY TARGET DETERMINED UNDER SUBSECTION (B) AND ITS ACTUAL SPENDING FOR THE FUNDING YEAR, OR ZERO, WHICHEVER IS GREATER;

(II) THE SCHOOL DISTRICT'S MARKET VALUE/INCOME AID RATIO FOR THE SCHOOL YEAR IN WHICH FUNDING OCCURS; AND

(III) THE LESSER OF ONE (1) AND THE SCHOOL DISTRICT'S FUNDING YEAR EQUALIZED MILLAGE DIVIDED BY THE EQUALIZED MILLAGE THAT REPRESENTS THE SEVENTY-FIFTH PERCENTILE OF THE EQUALIZED MILLAGE OF ALL SCHOOL DISTRICTS IN THE FUNDING YEAR.

(2) IN FURTHERANCE OF THE GENERAL ASSEMBLY'S LONG-STANDING COMMITMENT TO PROVIDING ADEQUATE FUNDING THAT WILL ENSURE EQUITABLE STATE AND LOCAL INVESTMENTS IN PUBLIC EDUCATION AND IN ORDER TO ENABLE STUDENTS TO ATTAIN APPLICABLE FEDERAL AND STATE ACADEMIC STANDARDS, IT IS THE GOAL OF THIS COMMONWEALTH TO REVIEW AND MEET STATE FUNDING TARGETS BY FISCAL YEAR 2013-2014.

(D) THE COMMONWEALTH SHALL PAY TO EACH SCHOOL DISTRICT A BASIC EDUCATION FUNDING ALLOCATION FOR THE 2007-2008 SCHOOL YEAR WHICH SHALL CONSIST OF THE FOLLOWING:

(1) AN AMOUNT EQUAL TO THE BASIC EDUCATION FUNDING ALLOCATION FOR THE 2006-2007 SCHOOL YEAR UNDER SECTIONS 2502.13(M), 2502.47 AND 2504.4(A.3).

(2) IF A SCHOOL DISTRICT HAS BEEN DECLARED A COMMONWEALTH PARTNERSHIP SCHOOL DISTRICT UNDER ARTICLE XVII-B, AN AMOUNT EQUAL TO FOUR MILLION DOLLARS (\$4,000,000).

1 (3) (I) FOR A SCHOOL DISTRICT WITH 2006-2007 EQUALIZED
2 MILLAGE THAT IS GREATER THAN OR EQUAL TO 24.7, WHICH REPRESENTS
3 THE EIGHTIETH PERCENTILE OF THE EQUALIZED MILLAGE OF ALL SCHOOL
4 DISTRICTS AS OF THE EFFECTIVE DATE OF THIS SECTION, FOR THE
5 2007-2008 SCHOOL YEAR, SIXTEEN AND SEVENTY-FIVE ONE HUNDREDTHS
6 PERCENT (16.75%) OF THE STATE FUNDING TARGET DETERMINED UNDER
7 SUBSECTION (C).

8 (II) FOR A SCHOOL DISTRICT WITH 2006-2007 EQUALIZED MILLAGE
9 THAT IS LESS THAN 24.7, WHICH REPRESENTS THE EIGHTIETH
10 PERCENTILE OF THE EQUALIZED MILLAGE OF ALL SCHOOL DISTRICTS AS
11 OF THE EFFECTIVE DATE OF THIS SECTION, FOR THE 2007-2008 SCHOOL
12 YEAR, TEN PERCENT (10%) OF THE STATE FUNDING TARGET DETERMINED
13 UNDER SUBSECTION (C).

14 (D.1) THE COMMONWEALTH SHALL PAY TO EACH SCHOOL DISTRICT A
15 BASIC EDUCATION FUNDING ALLOCATION WHICH SHALL CONSIST OF THE
16 FOLLOWING:

17 (1) AN AMOUNT EQUAL TO THE ALLOCATIONS RECEIVED BY THE
18 SCHOOL DISTRICT FOR THE 2007-2008 SCHOOL YEAR UNDER SUBSECTIONS
19 (D) (1) AND (2) AND (E).

20 (1.1) AN AMOUNT EQUAL TO ANY ALLOCATIONS RECEIVED BY THE
21 SCHOOL DISTRICT IN THE 2008-2009 SCHOOL YEAR UNDER SECTIONS
22 2599.2 AND 1512-C. THE AMOUNT SHALL BE USED FOR PROGRAMS AND
23 SERVICES AS REQUIRED UNDER THE SECTION IN WHICH FUNDING WAS
24 PROVIDED IN THE 2008-2009 SCHOOL YEAR. IF INSUFFICIENT FUNDS ARE
25 APPROPRIATED TO MAKE COMMONWEALTH PAYMENTS PURSUANT TO THIS
26 PARAGRAPH, SUCH PAYMENTS SHALL BE MADE ON A PRO RATA BASIS.

27 (1.2) AN AMOUNT EQUAL TO ANY ALLOCATION RECEIVED BY THE
28 SCHOOL DISTRICT IN THE 2008-2009 SCHOOL YEAR FROM THE
29 APPROPRIATION FOR BASIC EDUCATION FORMULA ENHANCEMENTS INCLUDED
30 IN A GENERAL APPROPRIATION BILL.

1 (1.3) IF A SCHOOL DISTRICT HAS BEEN DECLARED A COMMONWEALTH
2 PARTNERSHIP SCHOOL DISTRICT UNDER ARTICLE XVII-B, AN AMOUNT
3 EQUAL TO TWO MILLION DOLLARS (\$2,000,000).

4 (2) FOR THE 2008-2009 SCHOOL YEAR:

5 (I) FOR A SCHOOL DISTRICT SUBJECT TO SUBSECTION (D) (3) (I),
6 TWENTY-EIGHT AND TEN ONE HUNDREDTHS PERCENT (28.10%) OF THE
7 STATE FUNDING TARGET DETERMINED UNDER SUBSECTION (C).

8 (II) FOR A SCHOOL DISTRICT SUBJECT TO SUBSECTION (D) (3) (II),
9 TWENTY-ONE AND SIXTY-TWO ONE HUNDREDTHS PERCENT (21.62%) OF THE
10 STATE FUNDING TARGET DETERMINED UNDER SUBSECTION (C).

11 (III) ANY ADDITIONAL AMOUNT REQUIRED SO THAT THE TOTAL
12 AMOUNT PROVIDED UNDER PARAGRAPH (1) AND THIS PARAGRAPH EQUALS
13 TWO PERCENT (2%) GREATER THAN THE AMOUNT PROVIDED UNDER
14 SUBSECTIONS (D) AND (E).

15 (E) THE DEPARTMENT OF EDUCATION SHALL PROVIDE ADDITIONAL
16 FUNDING FOR THE 2007-2008 SCHOOL YEAR TO ANY SCHOOL DISTRICT
17 WHERE THE AMOUNT DETERMINED UNDER SUBSECTION (D) (3) PROVIDES AN
18 AMOUNT LESS THAN THREE PERCENT (3%) OF THE AMOUNT DETERMINED
19 UNDER SUBSECTION (D) (1). THE AMOUNT OF ADDITIONAL FUNDING SHALL
20 BE THE AMOUNT REQUIRED SO THAT THE SUM OF SUBSECTION (D) (3) AND
21 THIS SUBSECTION EQUALS THREE PERCENT (3%) OF THE AMOUNT PROVIDED
22 UNDER SUBSECTION (D) (1).

23 SECTION 31. SECTION 2502.49(B) OF THE ACT IS AMENDED BY
24 ADDING A PARAGRAPH TO READ:

25 SECTION 2502.49. ACCOUNTABILITY TO COMMONWEALTH TAXPAYERS.--

26 * * *

27 (B) THE FOLLOWING SHALL APPLY:

28 * * *

29 (5) (I) THE DEPARTMENT OF EDUCATION MAY GRANT A WAIVER FOR
30 THE USE OF UP TO TWENTY-FIVE PERCENT (25%) OF THE FUNDS SUBJECT

1 TO SUBSECTION (A) (1) IF ALL OF THE FOLLOWING APPLY:

2 (A) THE SCHOOL DISTRICT WOULD OTHERWISE BE REQUIRED TO
3 REDUCE OR ELIMINATE ONE OR MORE OF THE PROGRAMS LISTED IN
4 SUBSECTION (A) (1) DUE TO A PROJECTED BUDGET SHORTFALL.

5 (B) THE FUNDS SUBJECT TO THE WAIVER WILL BE USED TO MAINTAIN
6 ONE OR MORE EXISTING PROGRAMS LISTED UNDER SUBSECTION (A) (1).

7 (C) THE SCHOOL DISTRICT HAS, IN THE DETERMINATION OF THE
8 DEPARTMENT OF EDUCATION, PURSUED ALTERNATIVE OPPORTUNITIES FOR
9 GREATER EFFICIENCY AND INTERNAL SAVINGS IN ORDER TO FUND THE
10 PROGRAM OR PROGRAMS WITHOUT NEED FOR A WAIVER.

11 (D) THE PROGRAM OR PROGRAMS TO BE MAINTAINED ADDRESS A
12 SIGNIFICANT NEED OF THE SCHOOL DISTRICT'S STUDENTS AND HAVE
13 DEMONSTRATED EFFECTIVENESS AT INCREASING STUDENT ACHIEVEMENT IN
14 THE SCHOOL DISTRICT, IN THE DETERMINATION OF THE DEPARTMENT.

15 (II) THE DECISION TO GRANT A WAIVER SHALL BE AT THE SOLE
16 DISCRETION OF THE DEPARTMENT OF EDUCATION AND SHALL NOT BE
17 SUBJECT TO APPEAL.

18 (III) THIS PARAGRAPH SHALL EXPIRE DECEMBER 31, 2010.

19 SECTION 32. SECTION 2509.1 OF THE ACT IS AMENDED BY ADDING A
20 SUBSECTION TO READ:

21 SECTION 2509.1. PAYMENTS TO INTERMEDIATE UNITS.--* * *

22 (B.17) UP TO \$11,500,000 MAY BE UTILIZED FOR PROGRAMS
23 ADMINISTERED AND OPERATED BY INTERMEDIATE UNITS DURING THE
24 2009-2010 SCHOOL YEAR FOR INSTITUTIONALIZED CHILDREN AS
25 ESTABLISHED IN SUBSECTION (B.1).

26 * * *

27 SECTION 33. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

28 SECTION 2509.13. SPECIAL EDUCATION FUNDING FOR STUDENT
29 ACHIEVEMENT AND INSTRUCTION OF ELIGIBLE STUDENTS IN REGULAR
30 CLASSROOMS.-- (A) THE DEPARTMENT OF EDUCATION SHALL DETERMINE A

SPECIAL EDUCATION ADEQUACY TARGET FOR EACH SCHOOL DISTRICT BY
CALCULATING THE SUM OF THE FOLLOWING:

(1) A SPECIAL EDUCATION SUPPLEMENT DETERMINED BY CALCULATING
THE PRODUCT OF:

(I) THE BASE COST PER STUDENT;

(II) THE SCHOOL DISTRICT'S MODIFIED SEADM; AND

(III) ONE AND THIRTY ONE-HUNDREDTHS (1.3).

(2) AN ADJUSTMENT FOR GEOGRAPHIC PRICE DIFFERENCES
CALCULATED AS FOLLOWS:

(I) MULTIPLY THE AMOUNT UNDER CLAUSE (1) BY THE SCHOOL
DISTRICT'S LOCATION COST METRIC OR ONE (1), WHICHEVER IS
GREATER.

(II) SUBTRACT THE AMOUNT UNDER CLAUSE (1) FROM THE PRODUCT
UNDER SUBCLAUSE (I).

(B) THE DEPARTMENT OF EDUCATION SHALL DETERMINE A STATE
SPECIAL EDUCATION FUNDING TARGET FOR EACH SCHOOL DISTRICT BY
CALCULATING THE PRODUCT OF:

(1) THE DIFFERENCE BETWEEN THE SCHOOL DISTRICT'S SPECIAL
EDUCATION ADEQUACY TARGET DETERMINED UNDER SUBSECTION (A) AND
ITS ACTUAL SPECIAL EDUCATION SPENDING FOR THE FUNDING YEAR, OR
ZERO, WHICHEVER IS GREATER;

(2) THE SCHOOL DISTRICT'S MARKET VALUE/PERSONAL INCOME AID
RATIO FOR THE SCHOOL YEAR IN WHICH FUNDING OCCURS;

(3) THE LESSER OF ONE (1) AND THE SCHOOL DISTRICT'S FUNDING
YEAR EQUALIZED MILLAGE DIVIDED BY THE EQUALIZED MILLAGE THAT
REPRESENTS THE SEVENTY-FIFTH PERCENTILE OF THE EQUALIZED MILLAGE
OF ALL SCHOOL DISTRICTS IN THE FUNDING YEAR; AND

(4) ONE AND FIFTEEN ONE-HUNDREDTHS (1.15) FOR SCHOOL
DISTRICTS MEETING THE FOLLOWING CRITERIA:

(I) EITHER PROVIDING INSTRUCTION WITHIN THE REGULAR

1 CLASSROOM AT LEAST EIGHTY PERCENT (80%) OF THE SCHOOL DAY FOR AT
2 LEAST SIXTY-FIVE PERCENT (65%) OF ELIGIBLE STUDENTS, AS AVERAGED
3 FOR THE TWO (2) MOST RECENT SCHOOL YEARS FOR WHICH DATA IS
4 AVAILABLE, OR INCREASING THE NUMBER OF ELIGIBLE STUDENTS
5 RECEIVING INSTRUCTION WITHIN THE REGULAR CLASSROOM BY AT LEAST
6 FIFTEEN PERCENT (15%) IN THE MOST RECENT SCHOOL YEAR FOR WHICH
7 DATA IS AVAILABLE; AND

8 (II) IN THE MOST RECENT SCHOOL YEAR FOR WHICH DATA IS
9 AVAILABLE, PERFORMANCE BY ELIGIBLE STUDENTS ON STATE ACADEMIC
10 ASSESSMENTS IN READING AND MATH, AVERAGED FOR THE ENTIRE
11 DISTRICT, MEETING STATE STANDARDS FOR ADEQUATE YEARLY PROGRESS
12 BY ANY METHOD APPROVED BY THE FEDERAL AND STATE GOVERNMENTS,
13 INCLUDING, BUT NOT LIMITED TO, MEETING THE ANNUAL TARGET, THE
14 CONFIDENCE INTERVAL, THE SAFE HARBOR TARGET, OR BY APPEAL.

15 NOTHING IN THIS SUBSECTION OR ANY OTHER PROVISION OF THIS ACT
16 ALTERS FEDERAL OR STATE LAW REGARDING THE RIGHT OF AN ELIGIBLE
17 STUDENT TO RECEIVE EDUCATION IN THE LEAST RESTRICTIVE
18 ENVIRONMENT OR ALTERS THE LEGAL AUTHORITY OF INDIVIDUALIZED
19 EDUCATION PROGRAM (IEP) TEAMS TO MAKE APPROPRIATE PROGRAM AND
20 PLACEMENT DECISIONS FOR ELIGIBLE STUDENTS IN ACCORDANCE WITH THE
21 IEP DEVELOPED FOR EACH ELIGIBLE STUDENT.

22 (C) THE DEPARTMENT OF EDUCATION SHALL SUBMIT A REPORT TO THE
23 GOVERNOR AND GENERAL ASSEMBLY RECOMMENDING INCREASED STANDARDS
24 FOR THE CRITERIA IN SUBSECTION (B) (4), AND THE GENERAL ASSEMBLY
25 SHALL CONSIDER LEGISLATION REVISING THE CRITERIA, IN ANY YEAR IN
26 WHICH SEVENTY-FIVE PERCENT (75%) OF ALL SCHOOL DISTRICTS MEET
27 THE CRITERIA AND QUALIFY FOR THE ONE AND FIFTEEN ONE-HUNDREDTHS
28 (1.15) FACTOR FOR FUNDING.

29 (D) IN FURTHERANCE OF THE GENERAL ASSEMBLY'S COMMITMENT TO
30 PROVIDE ADEQUATE SPECIAL EDUCATION FUNDING THAT WILL ENSURE

EQUITABLE STATE AND LOCAL INVESTMENTS IN SPECIAL EDUCATION IN
PUBLIC SCHOOLS, AND IN ORDER TO ENABLE ELIGIBLE STUDENTS TO
ATTAIN APPLICABLE FEDERAL AND STATE ACADEMIC STANDARDS AND TO BE
EDUCATED IN REGULAR CLASSROOMS WHEN APPROPRIATE, IT IS THE GOAL
OF THE COMMONWEALTH TO REVIEW AND MEET STATE SPECIAL EDUCATION
FUNDING TARGETS BY FISCAL YEAR 2014-2015.

(E) THE COMMONWEALTH SHALL PAY TO EACH SCHOOL DISTRICT A
SPECIAL EDUCATION FUNDING ALLOCATION FOR THE 2009-2010 SCHOOL
YEAR WHICH SHALL CONSIST OF THE SUM OF THE FOLLOWING:

(1) AN AMOUNT EQUAL TO THE DISTRICT'S SPECIAL EDUCATION
FUNDING ALLOCATION FOR THE 2008-2009 SCHOOL YEAR UNDER SECTION
2509.5; AND

(2) (I) FOR A SCHOOL DISTRICT WITH 2007-2008 EQUALIZED
MILLAGE THAT IS GREATER THAN OR EQUAL TO TWENTY-FOUR (24), WHICH
REPRESENTS THE EIGHTIETH PERCENTILE OF THE EQUALIZED MILLAGE OF
ALL SCHOOL DISTRICTS AS OF THE EFFECTIVE DATE OF THIS SECTION,
FOR THE 2008-2009 SCHOOL YEAR, SIXTEEN AND SEVENTY-FIVE ONE-
HUNDREDTHS PERCENT (16.75%) OF THE STATE SPECIAL EDUCATION
FUNDING TARGET DETERMINED UNDER SUBSECTION (B).

(II) FOR A SCHOOL DISTRICT WITH 2007-2008 EQUALIZED MILLAGE
THAT IS LESS THAN TWENTY-FOUR (24), WHICH REPRESENTS THE
EIGHTIETH PERCENTILE OF THE EQUALIZED MILLAGE OF ALL SCHOOL
DISTRICTS AS OF THE EFFECTIVE DATE OF THIS SECTION, FOR THE
2008-2009 SCHOOL YEAR, TEN PERCENT (10%) OF THE STATE SPECIAL
EDUCATION FUNDING TARGET DETERMINED UNDER SUBSECTION (B).

(F) THE DEPARTMENT OF EDUCATION SHALL PROVIDE ADDITIONAL
FUNDING FOR THE 2009-2010 SCHOOL YEAR TO ANY SCHOOL DISTRICT
WHERE THE AMOUNT UNDER SUBSECTION (E) (2) PROVIDES AN AMOUNT LESS
THAN THE PERCENTAGE INCREASE IN THE SCHOOL DISTRICT'S SPECIAL
EDUCATION FUNDING ALLOCATION FOR THE 2008-2009 SCHOOL YEAR UNDER

1 SECTION 2509.5. THE AMOUNT OF THE ADDITIONAL FUNDING SHALL BE
2 THE AMOUNT REQUIRED SO THAT THE SUM OF SUBSECTION (E) (2) AND
3 THIS SUBSECTION IS AT LEAST EQUAL TO THE PERCENTAGE INCREASE IN
4 THE SCHOOL DISTRICT'S SPECIAL EDUCATION FUNDING ALLOCATION FOR
5 THE 2008-2009 SCHOOL YEAR UNDER SECTION 2509.5.

6 (G) DURING THE 2009-2010 SCHOOL YEAR, IF INSUFFICIENT FUNDS
7 ARE APPROPRIATED TO SCHOOL DISTRICTS FOR PAYMENTS UNDER
8 SUBSECTION (E) OR (F), EACH SCHOOL DISTRICT SHALL BE PAID THE
9 AMOUNT IT RECEIVED DURING THE 2008-2009 SCHOOL YEAR UNDER
10 SUBSECTION (ZZ).

11 (H) (1) THE COMMONWEALTH SHALL APPROPRIATE ADDITIONAL
12 FUNDING IN EACH YEAR FOR EXTRAORDINARY SPECIAL EDUCATION PROGRAM
13 EXPENSES UNDER SECTION 2509.8. THE APPROPRIATION FOR THE FUND
14 SHALL BE AT ONE AND FIFTY ONE-HUNDREDTHS PERCENT (1.50%) OF THE
15 TOTAL OF SPECIAL EDUCATION APPROPRIATIONS MADE PURSUANT TO
16 SUBSECTION (E) AND SHALL BE MADE IN ADDITION TO SUCH TOTAL.

17 (2) THE DEPARTMENT OF EDUCATION SHALL UTILIZE THE FUND TO
18 MEET EXTRAORDINARY SPECIAL EDUCATION EXPENSES NOT ANTICIPATED
19 THROUGH THE SPECIAL EDUCATION FUNDING FORMULA.

20 (3) SCHOOL DISTRICTS OR CHARTER SCHOOLS MAY APPLY FOR
21 RESOURCES THROUGH THE FUND PURSUANT TO PROCEDURES ESTABLISHED BY
22 THE DEPARTMENT OF EDUCATION. THE DEPARTMENT OF EDUCATION SHALL
23 ISSUE RESOURCES FROM THE FUND ONLY IN RESPONSE TO SUCH
24 APPLICATIONS. THE DEPARTMENT OF EDUCATION SHALL TARGET FUNDS TO
25 SCHOOL DISTRICTS OR CHARTER SCHOOLS THAT EDUCATE STUDENTS AND
26 THAT REPRESENT EXTRAORDINARY SPECIAL EDUCATION EXPENSES.

27 (4) THE DEPARTMENT OF EDUCATION SHALL ISSUE A COMPREHENSIVE
28 ANNUAL REPORT DOCUMENTING USE OF THE FUND TO THE GOVERNOR AND
29 ALL MEMBERS OF THE GENERAL ASSEMBLY, AND SHALL GIVE PUBLIC
30 NOTICE ABOUT SUCH REPORT.

1 (5) THIS SUBSECTION SHALL NOT APPLY IN ANY YEAR IN WHICH
2 SUBSECTION (G) APPLIES.

3 (6) AS USED IN THIS SUBSECTION, "EXTRAORDINARY SPECIAL
4 EDUCATION EXPENSES" ARE EXPENSES THAT RESULT FROM NEEDS AND
5 CIRCUMSTANCES OF AN ELIGIBLE STUDENT WITH SIGNIFICANT
6 DISABILITIES WHICH ARE NOT ORDINARILY PRESENT IN A TYPICAL
7 SPECIAL EDUCATION SERVICE AND PROGRAM DELIVERY SYSTEM AND WHICH
8 HAVE COSTS EXCEEDING THE SCHOOL DISTRICT FUNDING FOR SPECIAL
9 EDUCATION, IN ORDER TO PROVIDE THE STUDENT WITH AN APPROPRIATE
10 EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT.

11 SECTION 2509.14. SPECIAL EDUCATION ACCOUNTABILITY TO
12 COMMONWEALTH TAXPAYERS.-- (A) (1) THE DEPARTMENT OF EDUCATION
13 SHALL DETERMINE THE FORM AND MANNER IN WHICH SCHOOL DISTRICTS
14 SHALL SUBMIT A SPECIAL EDUCATION PLAN AND REVISIONS, UPDATES AND
15 AMENDMENTS TO THE SPECIAL EDUCATION PLAN PURSUANT TO THIS
16 SECTION. THE SPECIAL EDUCATION PLAN SHALL BE CONSISTENT WITH
17 OTHER EXISTING PLANS AND REPORTS REQUIRED BY THE DEPARTMENT OF
18 EDUCATION TO THE GREATEST EXTENT POSSIBLE, INCLUDING THOSE
19 REQUIRED UNDER 22 PA. CODE § 14.104 (RELATING TO SPECIAL
20 EDUCATION PLANS). SPECIAL EDUCATION PLANS SHALL BE WRITTEN IN A
21 MANNER THAT IS EASY TO USE AND UNDERSTAND BY PARENTS AND THE
22 PUBLIC, INCLUDING A GENERAL SUMMARY.

23 (2) THE DEPARTMENT OF EDUCATION SHALL:

24 (I) REVIEW THE SPECIAL EDUCATION PLANS AND REVISIONS,
25 UPDATES AND AMENDMENTS;

26 (II) PROVIDE RECOMMENDATIONS AND TECHNICAL ASSISTANCE TO
27 SCHOOL DISTRICTS;

28 (III) APPROVE OR DISAPPROVE THE PLAN WITHIN NINETY (90)
29 CALENDAR DAYS OF RECEIPT; AND

30 (IV) PROVIDE A WRITTEN EXPLANATION WHEN DISAPPROVING A PLAN.

1 (3) THE DEPARTMENT OF EDUCATION SHALL APPROVE A SPECIAL
2 EDUCATION PLAN AND REVISIONS, UPDATES AND AMENDMENTS THAT IN THE
3 DETERMINATION OF THE DEPARTMENT:

4 (I) MEET THE REQUIREMENTS OF THIS SECTION;

5 (II) ADDRESS THE ACADEMIC AND DEVELOPMENTAL CHALLENGES FOR
6 ELIGIBLE STUDENTS IDENTIFIED IN THE SCHOOL DISTRICT'S MOST
7 RECENT STUDENT ACHIEVEMENT RESULTS AND PURSUANT TO PERFORMANCE
8 INDICATORS, WITH SPECIFIC FOCUS ON INDIVIDUAL SCHOOLS, GRADE
9 LEVELS AND POPULATIONS OF STUDENTS THAT DEMONSTRATE INADEQUATE
10 LEVELS OF STUDENT OUTCOMES; AND

11 (III) DESCRIBE PROGRAMS AND STRATEGIES THAT ARE MOST LIKELY
12 TO IMPROVE STUDENT OUTCOMES IN THE SCHOOL DISTRICT.

13 (4) UPON DISAPPROVING A SCHOOL DISTRICT'S SPECIAL EDUCATION
14 PLAN, UPDATE OR REVISION SUBMITTED PURSUANT TO THIS SECTION, THE
15 DEPARTMENT OF EDUCATION SHALL WITHHOLD THE PORTION OF THE ANNUAL
16 STATE INCREASE IN SPECIAL EDUCATION FUNDING WHICH EXCEEDS THE
17 INDEX UNTIL SUCH A TIME AS A WRITTEN SPECIAL EDUCATION PLAN,
18 UPDATE OR REVISION IS APPROVED.

19 (5) THE SECRETARY OF EDUCATION SHALL INVOLVE AS APPROPRIATE
20 IN SPECIAL EDUCATION MONITORING, SUPPORT, INTERVENTION,
21 TECHNICAL ASSISTANCE AND SPECIAL EDUCATION PLAN REVIEW BY THE
22 DEPARTMENT OF EDUCATION, THE STAFF IN RELEVANT OFFICES, BUREAUS
23 AND DIVISIONS OF THE DEPARTMENT, AS WELL AS STAFF IN
24 INTERMEDIATE UNITS AND CONSULTANTS, AND SHALL NEITHER DELEGATE
25 NOR LIMIT THESE FUNCTIONS SOLELY TO THE BUREAU OF SPECIAL
26 EDUCATION. THE SECRETARY OF EDUCATION SHALL HAVE THE AUTHORITY
27 TO CONTRACT FOR ADDITIONAL ASSISTANCE WITH INTERMEDIATE UNITS
28 AND CONSULTANTS FOR THESE PURPOSES, SO LONG AS SUCH CONTRACTS DO
29 NOT CREATE A CONFLICT OF INTEREST OR SUPPLANT EXISTING SERVICE
30 OR PROGRAM OBLIGATIONS.

1 (B) (1) BY SEPTEMBER 15, 2009, AND BY APRIL 15 OF EACH YEAR
2 THEREAFTER, EACH SCHOOL DISTRICT RECEIVING AN INCREASE IN ITS
3 STATE SPECIAL EDUCATION FUNDING ALLOCATION OF MORE THAN THE
4 INDEX SHALL UPDATE ITS SPECIAL EDUCATION PLAN BASED ON OVERALL
5 CIRCUMSTANCES, SHALL ALSO REVISE THE SPECIAL EDUCATION PLAN TO
6 SHOW IN DETAIL HOW THE INCREASE ABOVE THE INDEX WILL BE USED AND
7 SHALL SUBMIT THE UPDATES AND REVISIONS TO THE DEPARTMENT OF
8 EDUCATION FOR APPROVAL PURSUANT TO SUBSECTION (A). UNLESS A
9 SCHOOL DISTRICT DECIDES TO AMEND ITS SPECIAL EDUCATION PLAN MORE
10 BROADLY TO REFLECT THE RECEIPT OF NEW FUNDING OR FOR OTHER
11 REASONS, THE GUIDELINES AND REGULATIONS DEVELOPED BY THE
12 DEPARTMENT OF EDUCATION PURSUANT TO THIS SECTION FOR PLAN
13 UPDATES OR REVISIONS SHALL ALLOW A DISTRICT TO MEET THE
14 REQUIREMENTS OF THIS SECTION BY ADDING THE MANDATED INFORMATION
15 AS AN APPENDIX TO THE EXISTING PLAN. THE SPECIAL EDUCATION PLAN,
16 UPDATE OR REVISION SHALL DOCUMENT THE CHALLENGES REMAINING AND
17 PROGRESS MADE IN ADDRESSING STUDENT NEEDS AND IMPROVING STUDENT
18 OUTCOMES, SHALL BE ACCOMPANIED BY A BUDGET, TIMELINE AND
19 BENCHMARKS FOR IMPLEMENTATION, AND SHALL INCORPORATE OTHER
20 EXISTING PLANS AND REPORTS REQUIRED BY THE DEPARTMENT OF
21 EDUCATION TO THE GREATEST EXTENT POSSIBLE. THE BUDGET REQUIRED
22 BY THIS SUBSECTION SHALL BE CONSIDERED BY THE DEPARTMENT OF
23 EDUCATION IN EVALUATING THE SPECIAL EDUCATION PLAN BUT IS NOT
24 ITSELF SUBJECT TO APPROVAL OR DISAPPROVAL BY THE DEPARTMENT.

25 (2) (I) EACH SCHOOL DISTRICT RECEIVING AN INCREASED
26 ALLOCATION ABOVE THE INDEX SHALL USE THESE FUNDS FOR ONE OR MORE
27 RESEARCH-BASED PROGRAMS AND SUPPORTS THAT MEET THE FOLLOWING
28 BASIC CRITERIA:

29 (A) EXPRESSLY BENEFIT ELIGIBLE STUDENTS EDUCATED IN THE
30 LEAST RESTRICTIVE ENVIRONMENT IN ACCORDANCE WITH FEDERAL AND

1 STATE LAW;

2 (B) CONTRIBUTE TO ACHIEVEMENT OF PERFORMANCE INDICATORS; AND

3 (C) ARE APPROVED BY THE DEPARTMENT OF EDUCATION IN

4 GUIDELINES ISSUED BY AUGUST 15, 2009, AND BY FEBRUARY 15 OF EACH

5 YEAR THEREAFTER.

6 (II) DEPARTMENT OF EDUCATION GUIDELINES FOR RESEARCH-BASED

7 PROGRAMS AND SUPPORTS MEETING THESE BASIC CRITERIA SHALL ADDRESS

8 AT LEAST THE FOLLOWING:

9 (A) CURRICULA ADAPTATION;

10 (B) CO-TEACHING;

11 (C) ASSISTIVE TECHNOLOGY;

12 (D) SCHOOL-WIDE POSITIVE BEHAVIOR SUPPORTS;

13 (E) SUPPLEMENTARY AIDS AND SERVICES;

14 (F) PROFESSIONAL DEVELOPMENT;

15 (G) READING SPECIALIST SERVICES AND SUPPORTS;

16 (H) REDUCING CASELOADS FOR SPECIAL EDUCATION TEACHERS AND
17 RELATED SERVICES PERSONNEL; AND

18 (I) PLACING AND SERVING ELIGIBLE STUDENTS IN REGULAR
19 CLASSROOMS WITH SUPPORTS IN ACCORDANCE WITH THE INDIVIDUALIZED
20 EDUCATION PROGRAM (IEP) DEVELOPED FOR EACH ELIGIBLE STUDENT.

21 (3) ACCORDING TO STANDARDS ESTABLISHED BY THE DEPARTMENT OF
22 EDUCATION, THE SPECIAL EDUCATION PLAN, UPDATE OR REVISION SHALL
23 DOCUMENT THAT THE INCREASED ALLOCATION ABOVE THE INDEX IS USED:

24 (I) FOR THE PURPOSES APPROVED UNDER CLAUSE (2);

25 (II) TO SUPPLEMENT AND NOT SUPPLANT OTHER RESOURCES; AND

26 (III) IN WAYS THAT ALLOW THE SCHOOL DISTRICT TO MAINTAIN ITS
27 EFFORT FOR SPECIAL EDUCATION EXPENDITURES.

28 (C) ACCOUNTABILITY FOR THE EFFECTIVE USE OF RESOURCES TO
29 MEET STUDENT NEEDS SHALL BE PROVIDED IN THE FOLLOWING WAYS:

30 (1) THE DEPARTMENT OF EDUCATION SHALL ISSUE TO THE GENERAL

1 ASSEMBLY A COMPREHENSIVE ANNUAL REPORT ON SPECIAL EDUCATION
2 FUNDING, SPECIAL EDUCATION PLANS, THE IMPLEMENTATION OF 22 PA.
3 CODE § 14.104 AND OTHER SPECIAL EDUCATION ACCOUNTABILITY ISSUES
4 FOR PUBLIC SCHOOL ENTITIES SERVING ELIGIBLE STUDENTS AND THIS
5 COMMONWEALTH.

6 (2) UPON DISAPPROVING A SCHOOL DISTRICT'S SPECIAL EDUCATION
7 PLAN, UPDATE OR REVISION, THE DEPARTMENT OF EDUCATION SHALL
8 WITHHOLD THE PORTION OF THE ANNUAL STATE INCREASE IN SPECIAL
9 EDUCATION FUNDING WHICH EXCEEDS THE INDEX UNTIL SUCH A TIME AS A
10 WRITTEN SPECIAL EDUCATION PLAN, UPDATE OR REVISION IS APPROVED
11 OR CONDITIONALLY APPROVED.

12 (3) (I) THE DEPARTMENT OF EDUCATION SHALL:

13 (A) REVIEW AND MONITOR IMPLEMENTATION OF ALL SPECIAL
14 EDUCATION PLANS, INCLUDING, BUT NOT LIMITED TO, COMPLIANCE WITH
15 SUBSECTION (B) AND 22 PA. CODE § 14.104;

16 (B) PROVIDE SUPPORT, INTERVENTION AND TECHNICAL ASSISTANCE
17 IN SCHOOL DISTRICTS FAILING TO MEET STUDENT NEEDS BASED ON
18 PERFORMANCE INDICATORS OR FAILING TO COMPLY WITH SUBSECTION (B);

19 (C) IDENTIFY AT ANY TIME AND AT LEAST ANNUALLY ALL SCHOOL
20 DISTRICTS FAILING TO ADEQUATELY IMPLEMENT THEIR SPECIAL
21 EDUCATION PLANS IN COMPLIANCE WITH FEDERAL AND STATE LAW,
22 FAILING TO COMPLY WITH SUBSECTION (B) OR NOT MAKING ANNUAL
23 PROGRESS TO MEET STUDENT NEEDS BASED ON PERFORMANCE INDICATORS;
24 AND

25 (D) DETERMINE WHETHER TO WITHHOLD UP TO FIVE PERCENT (5%) OF
26 ALL STATE SPECIAL EDUCATION FUNDING FOR SCHOOL DISTRICTS
27 IDENTIFIED PURSUANT TO THIS CLAUSE WHILE THE IDENTIFIED PROBLEMS
28 REMAIN UNRESOLVED.

29 (II) IF THE DEPARTMENT OF EDUCATION DETERMINES THAT A SCHOOL
30 DISTRICT IS MAKING SUBSTANTIAL PROGRESS TOWARD RESOLVING THE

1 IDENTIFIED PROBLEMS, IT SHALL RESTORE THE WITHHELD FUNDING
2 RETROACTIVELY AND CONTINUE TO MONITOR THE DISTRICT FOR AN
3 ADDITIONAL TWO (2) YEARS.

4 (4) TO DISCOURAGE THE INAPPROPRIATE OVER-IDENTIFICATION OF
5 CHILDREN FOR SPECIAL EDUCATION, THE DEPARTMENT OF EDUCATION
6 SHALL AUTOMATICALLY CONDUCT A THOROUGH REVIEW OF THE SPECIAL
7 EDUCATION PLAN OF ANY SCHOOL DISTRICT WHERE THE RATIO OF ITS
8 SPECIAL EDUCATION AVERAGE DAILY MEMBERSHIP TO ITS AVERAGE DAILY
9 MEMBERSHIP FOR ALL STUDENTS IN THE MOST RECENT SCHOOL YEAR FOR
10 WHICH DATA IS AVAILABLE HAS INCREASED BY MORE THAN TEN PERCENT
11 (10%) OVER THE PREVIOUS YEAR OR OF ANY DISTRICT WHERE THE RATIO
12 HAS INCREASED BY AN ANNUAL AVERAGE OF MORE THAN FIVE PERCENT
13 (5%) DURING THE MOST RECENT FIVE (5) YEAR PERIOD. APPROPRIATE
14 REMEDIAL ACTION, INCLUDING WITHHOLDING UP TO FIVE PERCENT (5%)
15 OF ALL STATE SPECIAL EDUCATION FUNDING, MAY BE TAKEN, UNLESS THE
16 INCREASE IS DETERMINED TO BE JUSTIFIED BY THE DEPARTMENT OF
17 EDUCATION AFTER CONSULTATION WITH THE SCHOOL DISTRICT.

18 (D) THE DEPARTMENT OF EDUCATION SHALL ISSUE TO ANY AFFECTED
19 SCHOOL DISTRICT A NOTICE SPECIFYING THE DEPARTMENT'S DECISIONS
20 AND ACTIONS PURSUANT TO THIS SECTION AND THE RATIONALE FOR SUCH
21 DECISIONS AND ACTIONS. A SCHOOL DISTRICT MAY FILE A WRITTEN
22 COMPLAINT WITH THE SECRETARY OF EDUCATION ABOUT THE DEPARTMENT
23 OF EDUCATION'S DECISIONS AND ACTIONS REGARDING THAT DISTRICT
24 MADE PURSUANT TO THIS SECTION. THE COMPLAINT MUST BE SUBMITTED
25 TO THE SECRETARY OF EDUCATION'S OFFICE WITHIN THIRTY (30)
26 CALENDAR DAYS OF THE DEPARTMENT OF EDUCATION'S DECISION OR
27 ACTION OR WITHIN THIRTY (30) CALENDAR DAYS OF RECEIVING THE
28 NOTICE, WHICHEVER IS GREATER. THE SECRETARY OF EDUCATION SHALL
29 CONSIDER THE COMPLAINT, CONSULT WITH THE SCHOOL DISTRICT AND,
30 WITHIN THIRTY (30) CALENDAR DAYS AFTER RECEIVING THE COMPLAINT,

1 ISSUE A WRITTEN DECISION ADDRESSING THE CONCERNS AND CLAIMS MADE
2 IN THE COMPLAINT, EXPLAINING THE JUDGMENT OF THE DEPARTMENT OF
3 EDUCATION IN RESPONSE TO THESE CONCERNS AND CLAIMS, AND
4 SPECIFYING THE OPPORTUNITY FOR A SUBSEQUENT HEARING UNDER 2
5 PA.C.S. CHS. 5 SUBCH. A (RELATING TO PRACTICE AND PROCEDURE OF
6 COMMONWEALTH AGENCIES) AND 7 SUBCH. A (RELATING TO JUDICIAL
7 REVIEW OF COMMONWEALTH AGENCY ACTION) AND 1 PA. CODE PART II
8 (RELATING TO GENERAL RULES OF ADMINISTRATIVE PRACTICE AND
9 PROCEDURE). IF REQUESTED, THE DEPARTMENT OF EDUCATION SHALL THEN
10 CONVENE A HEARING WITHIN THIRTY (30) CALENDAR DAYS AFTER THE
11 RECEIPT OF A SCHOOL DISTRICT'S HEARING REQUEST FOLLOWING ITS
12 WRITTEN COMPLAINT DECISION. THE DEPARTMENT OF EDUCATION SHALL
13 RENDER A WRITTEN HEARING DECISION WITHIN THIRTY (30) CALENDAR
14 DAYS FOLLOWING THE HEARING.

15 (E) THE DEPARTMENT OF EDUCATION SHALL GIVE PUBLIC NOTICE OF
16 THE DECISIONS, ACTIONS AND REPORTS MADE PURSUANT TO THIS
17 SECTION.

18 (F) NOTHING IN THIS SECTION SHALL SUPERSEDE OR PREEMPT ANY
19 PROVISIONS OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN A SCHOOL
20 ENTITY AND AN EMPLOYEE ORGANIZATION IN EFFECT ON THE EFFECTIVE
21 DATE OF THIS SECTION.

22 SECTION 34. ANY REGULATIONS OF THE DEPARTMENT OF EDUCATION
23 THAT ARE INCONSISTENT WITH THE AMENDMENT OF SECTION 1209 OF THE
24 ACT ARE HEREBY ABROGATED TO THE EXTENT OF ANY INCONSISTENCY.

25 SECTION 35. WITHIN 60 CALENDAR DAYS FOLLOWING THE EFFECTIVE
26 DATE OF THIS SECTION, OR WITHIN A DIFFERENT TIME PERIOD IF
27 OTHERWISE SPECIFIED IN THIS ACT, THE SECRETARY OF EDUCATION
28 SHALL PROPOSE REGULATIONS FOR PROMULGATION BY THE STATE BOARD OF
29 EDUCATION WHICH IMPLEMENT THE ADDITION OR AMENDMENT OF SECTIONS
30 2501, 2509.13 AND 2509.14 OF THE ACT.

1 SECTION 36. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

2 (1) THE ADDITION OF SECTION 528 OF THE ACT SHALL TAKE
3 EFFECT IN 180 DAYS.

4 (2) THE AMENDMENT OF SECTION 1414.1 OF THE ACT SHALL
5 TAKE EFFECT IN 90 DAYS.

6 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
7 IMMEDIATELY.