

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1352 Session of 2011

INTRODUCED BY STEPHENS, CREIGHTON, DELOZIER, GRELL, HARPER, KAMPF, MARSICO, MICCARELLI, MURT, O'NEILL, QUIGLEY, SHAPIRO, TOEPEL, VEREB AND CALTAGIRONE, APRIL 20, 2011

SENATOR PICCOLA, EDUCATION, IN SENATE, RE-REPORTED AS AMENDED, JUNE 27, 2011

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 PRELIMINARY PROVISIONS, further
6 providing for background checks of prospective employees and
7 conviction of employees of certain offenses; PROVIDING FOR
8 COLLECTION OF IDENTIFYING INFORMATION OF STUDENTS ATTENDING
9 INSTITUTIONS OF HIGHER EDUCATION, FOR MORATORIUM ON CERTAIN
10 DATA COLLECTION SYSTEMS AND DATA SETS AND FOR CERTIFIED
11 SAFETY COMMITTEES; IN SCHOOL FINANCES, PROVIDING FOR
12 REOPENING OF 2011-2012 BUDGET; IN GROUNDS AND BUILDINGS,
13 PROVIDING FOR ACQUISITION OF BUILDINGS, SITES FOR SCHOOL
14 BUILDINGS AND PLAYGROUNDS AND DISPOSING THEREOF; FURTHER
15 PROVIDING FOR APPROVAL BY DEPARTMENT OF PLANS OF BUILDINGS
16 AND EXCEPTIONS AND FOR APPROVAL OF LEASE AGREEMENTS; IN
17 INTERMEDIATE UNITS, FURTHER PROVIDING FOR SUBSIDIES FOR
18 SERVICES AND FOR FINANCIAL REPORTS; IN DISTRICT AND ASSISTANT
19 SUPERINTENDENTS, FURTHER PROVIDING FOR PURPOSE AND FOR
20 ELIGIBILITY; IN PROFESSIONAL EMPLOYEES, PROVIDING FOR
21 PROFESSIONAL AND TEMPORARY PROFESSIONAL EMPLOYEES OF SCHOOLS
22 FORMERLY OPERATED BY THE COMMONWEALTH; IN CERTIFICATION OF
23 TEACHERS, FURTHER PROVIDING FOR CERTIFICATES QUALIFYING
24 PERSONS TO TEACH, FOR KINDS OF STATE CERTIFICATES, FOR
25 CONTINUING PROFESSIONAL DEVELOPMENT, FOR PROGRAM OF
26 CONTINUING PROFESSIONAL EDUCATION, FOR CONTINUING
27 PROFESSIONAL EDUCATION FOR SCHOOL OR SYSTEM LEADERS AND FOR
28 CERTIFICATES ISSUED BY OTHER STATES; PROVIDING FOR
29 POSTBACCALAUREATE CERTIFICATION; IN PUPILS AND ATTENDANCE,
30 FURTHER PROVIDING FOR ADMISSION OF BEGINNERS, FOR COST OF
31 TUITION AND MAINTENANCE OF CERTAIN EXCEPTIONAL CHILDREN IN



1 APPROVED INSTITUTIONS; IN SAFE SCHOOLS, FURTHER PROVIDING FOR
2 REPORTING, FOR SAFE SCHOOLS ADVOCATE IN SCHOOL DISTRICTS OF
3 THE FIRST CLASS, FOR STANDING AND FOR ENFORCEMENT; IN
4 INTERSCHOLASTIC ATHLETICS ACCOUNTABILITY, FURTHER PROVIDING
5 FOR COUNCIL RECOMMENDATIONS AND STANDARDS; IN OPPORTUNITIES
6 FOR EDUCATIONAL EXCELLENCE, FURTHER PROVIDING FOR
7 DEFINITIONS, FOR RESPONSIBILITIES OF SCHOOL ENTITIES, FOR
8 CONCURRENT ENROLLMENT COMMITTEES, FOR CONCURRENT ENROLLMENT
9 AGREEMENTS AND FOR ENROLLMENT IN CONCURRENT COURSES; IN
10 CHARTER SCHOOLS, FURTHER PROVIDING FOR SCHOOL STAFF; IN
11 COMMUNITY COLLEGES, FURTHER PROVIDING FOR FINANCIAL PROGRAM
12 AND REIMBURSEMENT OF PAYMENTS; IN TRANSFERS OF CREDITS
13 BETWEEN INSTITUTIONS OF HIGHER EDUCATION, FURTHER PROVIDING
14 FOR DUTIES OF PUBLIC INSTITUTIONS OF HIGHER EDUCATION;
15 PROVIDING FOR PARTICIPATION BY STATE-RELATED INSTITUTIONS; IN
16 FUNDING FOR PUBLIC LIBRARIES, PROVIDING FOR STATE AID FOR
17 2011-2012; IN REIMBURSEMENTS BY COMMONWEALTH AND BETWEEN
18 SCHOOL DISTRICTS, FURTHER PROVIDING FOR DEFINITIONS, FOR
19 BASIC EDUCATION FUNDING FOR STUDENT ACHIEVEMENT AND FOR
20 ACCOUNTABILITY TO COMMONWEALTH TAXPAYERS; PROVIDING FOR BASIC
21 EDUCATION FUNDING FOR 2010-2011 SCHOOL YEAR; AND FURTHER
22 PROVIDING FOR PAYMENTS TO INTERMEDIATE UNITS, FOR SPECIAL
23 EDUCATION PAYMENTS TO SCHOOL DISTRICTS, FOR PAYMENTS ON
24 ACCOUNT OF HOMEBOUND CHILDREN, FOR PAYMENTS ON ACCOUNT OF
25 PUPIL TRANSPORTATION AND FOR PENNSYLVANIA ACCOUNTABILITY
26 GRANTS.

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

29 ~~Section 1. Section 111(e) of the act of March 10, 1949~~ ←
30 ~~(P.L.30, No.14), known as the Public School Code of 1949,~~
31 ~~amended December 23, 2003 (P.L.304, No.48), is amended to read:~~

32 SECTION 1. SECTION 111(E), (F) AND (H) OF THE ACT OF MARCH ←
33 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF
34 1949, AMENDED DECEMBER 19, 1990 (P.L.1362, NO.211) AND DECEMBER
35 23, 2003 (P.L.304, NO.48), ARE AMENDED AND THE SECTION IS
36 AMENDED BY ADDING SUBSECTIONS TO READ:

37 Section 111. Background Checks of Prospective Employes;
38 Conviction of Employes of Certain Offenses.--* * *

39 (e) No person subject to this act shall be employed in a
40 public or private school, intermediate unit or area vocational-
41 technical school where the report of criminal history record
42 information indicates the applicant has been convicted[, within ←
43 five (5) years immediately preceding the date of the report,] of ←

1 any of the following offenses:

2 (1) An offense under one or more of the following provisions
3 of Title 18 of the Pennsylvania Consolidated Statutes:

4 Chapter 25 (relating to criminal homicide).

5 Section 2702 (relating to aggravated assault).

6 **[Former section 2709(b) (relating to stalking).]** ←

7 Section 2709.1 (relating to stalking).

8 Section 2901 (relating to kidnapping).

9 Section 2902 (relating to unlawful restraint).

10 SECTION 2910 (RELATING TO LURING A CHILD INTO A MOTOR ←
11 VEHICLE OR STRUCTURE).

12 Section 3121 (relating to rape).

13 Section 3122.1 (relating to statutory sexual assault).

14 Section 3123 (relating to involuntary deviate sexual
15 intercourse).

16 Section 3124.1 (relating to sexual assault).

17 Section 3124.2 (relating to institutional sexual
18 assault).

19 Section 3125 (relating to aggravated indecent assault).

20 Section 3126 (relating to indecent assault).

21 Section 3127 (relating to indecent exposure).

22 SECTION 3129 (RELATING TO SEXUAL INTERCOURSE WITH ←
23 ANIMAL).

24 Section 4302 (relating to incest).

25 Section 4303 (relating to concealing death of child).

26 Section 4304 (relating to endangering welfare of
27 children).

28 Section 4305 (relating to dealing in infant children).

29 A felony offense under section 5902(b) (relating to
30 prostitution and related offenses).

1 Section 5903(c) or (d) (relating to obscene and other
2 sexual materials and performances).

3 Section [6301] 6301(A)(1) (relating to corruption of ←
4 minors).

5 Section 6312 (relating to sexual abuse of children).

6 SECTION 6318 (RELATING TO UNLAWFUL CONTACT WITH MINOR). ←

7 SECTION 6319 (RELATING TO SOLICITATION OF MINORS TO
8 TRAFFIC DRUGS).

9 SECTION 6320 (RELATING TO SEXUAL EXPLOITATION OF
10 CHILDREN).

11 (2) An offense designated as a felony under the act of April
12 14, 1972 (P.L.233, No.64), known as "The Controlled Substance,
13 Drug, Device and Cosmetic Act."

14 (3) An [out-of-State or Federal] offense similar in nature ←
15 to those crimes listed in clauses (1) and (2) UNDER THE LAWS OR ←
16 FORMER LAWS OF THE UNITED STATES OR ONE OF ITS TERRITORIES OR
17 POSSESSIONS, ANOTHER STATE, THE DISTRICT OF COLUMBIA, THE
18 COMMONWEALTH OF PUERTO RICO OR A FOREIGN NATION, OR UNDER A
19 FORMER LAW OF THIS COMMONWEALTH.

20 * * *

21 [(F) THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO ←
22 EMPLOYES OF PUBLIC AND PRIVATE SCHOOLS, INTERMEDIATE UNITS AND
23 AREA VOCATIONAL-TECHNICAL SCHOOLS WHO MEET ALL THE FOLLOWING
24 REQUIREMENTS:

25 (1) THE EMPLOYES ARE UNDER TWENTY-ONE (21) YEARS OF AGE.

26 (2) THEY ARE EMPLOYED FOR PERIODS OF NINETY (90) DAYS OR
27 LESS.

28 (3) THEY ARE A PART OF A JOB DEVELOPMENT AND/OR JOB TRAINING
29 PROGRAM FUNDED IN WHOLE OR IN PART BY PUBLIC OR PRIVATE SOURCES.

30 ONCE EMPLOYMENT OF A PERSON WHO MEETS THESE CONDITIONS

1 EXTENDS BEYOND NINETY (90) DAYS, ALL REQUIREMENTS OF THIS
2 SECTION SHALL TAKE EFFECT.]

3 (F.1) (1) IF THE REPORT OF CRIMINAL HISTORY RECORD
4 INFORMATION INDICATES THE PERSON HAS BEEN CONVICTED OF A FELONY
5 OFFENSE OF THE FIRST, SECOND OR THIRD DEGREE OTHER THAN THOSE
6 ENUMERATED UNDER SUBSECTION (E), THE PERSON SHALL BE ELIGIBLE
7 FOR PROSPECTIVE EMPLOYMENT ONLY IF A PERIOD OF TEN YEARS HAS
8 ELAPSED FROM THE DATE OF EXPIRATION OF THE SENTENCE FOR THE
9 OFFENSE.

10 (2) IF THE CONVICTION IS FOR A MISDEMEANOR OF THE FIRST
11 DEGREE, THE PERSON SHALL BE ELIGIBLE FOR PROSPECTIVE EMPLOYMENT
12 ONLY IF A PERIOD OF FIVE YEARS HAS ELAPSED FROM THE DATE OF
13 EXPIRATION OF THE SENTENCE FOR THE OFFENSE.

14 (3) IF THE REPORT OF CRIMINAL HISTORY RECORD INFORMATION
15 INDICATES THE PERSON HAS BEEN CONVICTED MORE THAN ONCE FOR AN
16 OFFENSE UNDER 75 PA.C.S. § 3802 (A), (B), (C) OR (D) (RELATING TO
17 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) AND
18 THE OFFENSE IS GRADED AS A MISDEMEANOR OF THE FIRST DEGREE UNDER
19 75 PA.C.S. § 3803 (RELATING TO GRADING), THE PERSON SHALL BE
20 ELIGIBLE FOR PROSPECTIVE EMPLOYMENT ONLY IF A PERIOD OF THREE
21 YEARS HAS ELAPSED FROM THE DATE OF EXPIRATION OF THE SENTENCE
22 FOR THE MOST RECENT OFFENSE.

23 (F.2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
24 INTERFERE WITH THE ABILITY OF A PUBLIC OR PRIVATE SCHOOL,
25 INTERMEDIATE UNIT OR AREA VOCATIONAL-TECHNICAL SCHOOL TO MAKE
26 EMPLOYMENT, DISCIPLINE OR TERMINATION DECISIONS.

27 * * *

28 (H) [NO PERSON EMPLOYED IN A PUBLIC OR PRIVATE SCHOOL ON THE
29 EFFECTIVE DATE OF THIS SECTION SHALL BE REQUIRED TO OBTAIN THE
30 INFORMATION REQUIRED HEREIN AS A CONDITION OF CONTINUED

1 EMPLOYMENT.] ANY PERSON WHO HAS ONCE OBTAINED THE INFORMATION
2 REQUIRED UNDER THIS SECTION MAY TRANSFER TO OR PROVIDE SERVICES
3 TO ANOTHER SCHOOL IN THE SAME DISTRICT, DIOCESE OR RELIGIOUS
4 JUDICATORY, OR ESTABLISHED AND SUPERVISED BY THE SAME
5 ORGANIZATION AND SHALL NOT BE REQUIRED TO OBTAIN ADDITIONAL
6 REPORTS BEFORE MAKING SUCH TRANSFER.

7 * * *

8 (J) (1) THE DEPARTMENT SHALL DEVELOP A STANDARDIZED FORM TO
9 BE USED BY CURRENT AND PROSPECTIVE EMPLOYES OF PUBLIC AND
10 PRIVATE SCHOOLS, INTERMEDIATE UNITS AND AREA VOCATIONAL-
11 TECHNICAL SCHOOLS FOR THE WRITTEN REPORTING BY CURRENT AND
12 PROSPECTIVE EMPLOYES OF ANY ARREST OR CONVICTION FOR AN OFFENSE
13 ENUMERATED UNDER SUBSECTION (E). THE FORM SHALL PROVIDE A SPACE
14 IN WHICH A CURRENT OR PROSPECTIVE EMPLOYEE WHO HAS NOT BEEN
15 CONVICTED OF OR ARRESTED FOR ANY SUCH OFFENSE WILL RESPOND "NO
16 CONVICTION" AND "NO ARREST." THE FORM ALSO SHALL PROVIDE THAT
17 FAILURE TO ACCURATELY REPORT ANY ARREST OR CONVICTION FOR AN
18 OFFENSE ENUMERATED UNDER SUBSECTION (E) SHALL SUBJECT THE
19 CURRENT OR PROSPECTIVE EMPLOYEE TO CRIMINAL PROSECUTION UNDER 18
20 PA.C.S. § 4904 (RELATING TO UNSWORN FALSIFICATION TO
21 AUTHORITIES). THE DEPARTMENT SHALL PUBLISH THE FORM ON ITS
22 PUBLICLY ACCESSIBLE INTERNET WEBSITE AND IN THE PENNSYLVANIA
23 BULLETIN.

24 (2) WITHIN NINETY (90) DAYS OF THE EFFECTIVE DATE OF THIS
25 SUBSECTION, ALL CURRENT EMPLOYES OF A PUBLIC OR PRIVATE SCHOOL,
26 INTERMEDIATE UNIT OR AREA VOCATIONAL-TECHNICAL SCHOOL SHALL
27 COMPLETE THE FORM DESCRIBED IN PARAGRAPH (1), INDICATING WHETHER
28 OR NOT THEY HAVE BEEN CONVICTED OF AN OFFENSE ENUMERATED UNDER
29 SUBSECTION (E).

30 (3) IF, AS REQUIRED IN PARAGRAPH (2), AN EMPLOYEE REFUSES TO

1 SUBMIT THE FORM DESCRIBED IN PARAGRAPH (1), THE ADMINISTRATOR OR
2 OTHER PERSON RESPONSIBLE FOR EMPLOYMENT DECISIONS IN A SCHOOL OR
3 OTHER INSTITUTION SHALL IMMEDIATELY REQUIRE THE EMPLOYE TO
4 SUBMIT TO THE ADMINISTRATOR A CURRENT REPORT OF CRIMINAL HISTORY
5 RECORD INFORMATION AS REQUIRED UNDER SUBSECTIONS (A.1), (B) AND
6 (C.1).

7 (4) IF THE ARREST OR CONVICTION FOR AN OFFENSE ENUMERATED
8 UNDER SUBSECTION (E) OCCURS AFTER THE EFFECTIVE DATE OF THIS
9 SUBSECTION, THE EMPLOYE SHALL PROVIDE THE ADMINISTRATOR OR
10 DESIGNEE WITH WRITTEN NOTICE UTILIZING THE FORM PROVIDED FOR IN
11 PARAGRAPH (1) NOT LATER THAN SEVENTY-TWO (72) HOURS AFTER AN
12 ARREST OR CONVICTION.

13 (5) IF AN ADMINISTRATOR OR OTHER PERSON RESPONSIBLE FOR
14 EMPLOYMENT DECISIONS IN A SCHOOL OR OTHER INSTITUTION HAS A
15 REASONABLE BELIEF THAT AN EMPLOYE WAS ARRESTED OR HAS A
16 CONVICTION FOR AN OFFENSE REQUIRED TO BE REPORTED UNDER
17 PARAGRAPH (2) OR (4) AND THE EMPLOYE OR PROSPECTIVE EMPLOYE HAS
18 NOT NOTIFIED THE ADMINISTRATOR AS REQUIRED UNDER THIS SECTION,
19 THE ADMINISTRATOR OR OTHER PERSON RESPONSIBLE FOR EMPLOYMENT
20 DECISIONS IN A SCHOOL OR OTHER INSTITUTION SHALL IMMEDIATELY
21 REQUIRE THE EMPLOYE TO SUBMIT TO THE ADMINISTRATOR A CURRENT
22 REPORT OF CRIMINAL HISTORY RECORD INFORMATION AS REQUIRED UNDER
23 SUBSECTIONS (A.1), (B) AND (C.1). THE COST OF THE CRIMINAL
24 BACKGROUND CHECK SHALL BE BORNE BY THE EMPLOYING ENTITY.

25 (6) (I) AN EMPLOYE WHO WILLFULLY FAILS TO DISCLOSE A
26 CONVICTION OR AN ARREST FOR AN OFFENSE ENUMERATED UNDER
27 SUBSECTION (E) (1) SHALL BE SUBJECT TO DISCIPLINE UP TO AND
28 INCLUDING TERMINATION OR DENIAL OF EMPLOYMENT AND MAY BE SUBJECT
29 TO CRIMINAL PROSECUTION UNDER 18 PA.C.S. § 4904.

30 (II) AN EMPLOYE WHO WILLFULLY FAILS TO DISCLOSE A CONVICTION

1 OF ANY OTHER OFFENSE REQUIRED TO BE REPORTED BY THIS SECTION MAY
2 BE SUBJECT TO DISCIPLINE AND MAY BE SUBJECT TO CRIMINAL
3 PROSECUTION UNDER 18 PA.C.S. § 4904.

4 ~~Section 2. This act shall take effect in 60 days.~~ ←

5 SECTION 2. THE ACT IS AMENDED BY ADDING SECTIONS TO READ: ←

6 SECTION 118. COLLECTION OF IDENTIFYING INFORMATION OF
7 STUDENTS ATTENDING INSTITUTIONS OF HIGHER EDUCATION.--(A) THE
8 FOLLOWING PROVISIONS SHALL APPLY TO THE DEPARTMENT OF
9 EDUCATION'S COLLECTION OF IDENTIFYING INFORMATION OF STUDENTS:

10 (1) THE DEPARTMENT MAY COLLECT IDENTIFYING INFORMATION OF
11 STUDENTS ONLY IF THE DEPARTMENT IS SPECIFICALLY REQUIRED TO DO
12 SO UNDER FEDERAL STATUTE OR REGULATION OR UNDER ANOTHER
13 PROVISION OF THIS ACT.

14 (2) TO THE EXTENT THE DEPARTMENT MAY COLLECT IDENTIFYING
15 INFORMATION OF A STUDENT UNDER PARAGRAPH (1), THE FOLLOWING
16 SHALL APPLY:

17 (I) BEFORE COLLECTING ANY IDENTIFYING INFORMATION FROM AN
18 INSTITUTION OF HIGHER EDUCATION, THE DEPARTMENT SHALL PROVIDE
19 THE INSTITUTION OF HIGHER EDUCATION WITH WRITTEN NOTICE OF THE
20 IDENTIFYING INFORMATION THE DEPARTMENT SEEKS TO COLLECT AND THE
21 DATE BY WHICH A STUDENT WHO WISHES TO DO SO MAY OPT OUT OF THE
22 DEPARTMENT'S INFORMATION COLLECTION.

23 (II) UPON RECEIVING THE NOTICE REQUIRED UNDER SUBPARAGRAPH
24 (I), THE INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE THOSE
25 STUDENTS WHO ARE SUBJECT TO THE REQUEST FOR IDENTIFYING
26 INFORMATION WITH ELECTRONIC NOTICE OF THE DEPARTMENT'S REQUEST
27 AND OF THE STUDENTS' ABILITY TO OPT OUT OF THE DEPARTMENT'S
28 COLLECTION OF IDENTIFYING INFORMATION BY THE DATE IDENTIFIED BY
29 THE DEPARTMENT IN SUBPARAGRAPH (I). THE NOTICE SHALL DIRECT
30 STUDENTS TO AN INTERNET WEB PAGE MAINTAINED BY THE DEPARTMENT

1 WHICH SHALL CONTAIN THE FOLLOWING INFORMATION:

2 (A) A DESCRIPTION OF THE IDENTIFYING INFORMATION THE
3 DEPARTMENT SEEKS TO COLLECT.

4 (B) A STATEMENT OF THE DEPARTMENT'S LEGAL AUTHORITY TO
5 COLLECT THE IDENTIFYING INFORMATION.

6 (C) A STATEMENT INFORMING STUDENTS THAT, BY THE DATE
7 IDENTIFIED BY THE DEPARTMENT IN SUBPARAGRAPH (I), THEY MAY OPT
8 OUT OF THE DEPARTMENT'S COLLECTION OF IDENTIFYING INFORMATION.

9 (D) AN ELECTRONIC LINK THE STUDENT MAY USE TO OPT OUT OF THE
10 DEPARTMENT'S COLLECTION OF IDENTIFYING INFORMATION.

11 (III) FOLLOWING THE OPT-OUT DATE IDENTIFIED BY THE
12 DEPARTMENT IN SUBPARAGRAPH (I), THE DEPARTMENT SHALL PROVIDE THE
13 INSTITUTION OF HIGHER EDUCATION WITH A LIST OF THOSE STUDENTS
14 WHO HAVE OPTED OUT OF THE DEPARTMENT'S COLLECTION OF IDENTIFYING
15 INFORMATION.

16 (IV) THE INSTITUTION OF HIGHER EDUCATION MAY PROVIDE THE
17 DEPARTMENT WITH IDENTIFYING INFORMATION FOR ONLY THOSE STUDENTS
18 WHO HAVE NOT OPTED OUT OF THE DEPARTMENT'S COLLECTION OF
19 IDENTIFYING INFORMATION.

20 (3) NOTWITHSTANDING PARAGRAPH (1), THE DEPARTMENT MAY
21 COLLECT STUDENT INFORMATION IN AN AGGREGATED FORMAT THAT DOES
22 NOT REVEAL THE IDENTIFYING INFORMATION OF AN INDIVIDUAL STUDENT.

23 (4) TO THE EXTENT THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY
24 ACT OF 1974 (PUBLIC LAW 90-247, 20 U.S.C. § 1232G) OR A
25 SUCCESSOR FEDERAL STATUTE REQUIRES AN INSTITUTION OF HIGHER
26 EDUCATION TO OBTAIN A STUDENT'S WRITTEN CONSENT TO THE
27 DISCLOSURE OF IDENTIFYING INFORMATION, THOSE PROVISIONS SHALL
28 APPLY.

29 (5) AN INSTITUTION OF HIGHER EDUCATION THAT DISCLOSES
30 IDENTIFYING INFORMATION TO THE DEPARTMENT AT THE DEPARTMENT'S

1 REQUEST SHALL NOT BE HELD LIABLE IN ANY COURT OF LAW FOR ANY
2 BREACH OF CONFIDENTIALITY PERTAINING TO SUCH IDENTIFYING
3 INFORMATION THAT RESULTED FROM ACTIONS OF THE DEPARTMENT OR THE
4 DEPARTMENT'S STAFF, CONTRACTORS OR RESEARCHERS, WHETHER PAID OR
5 UNPAID.

6 (B) THE SECRETARY OF EDUCATION SHALL ESTABLISH AN ADVISORY
7 COMMITTEE TO OFFER RECOMMENDATIONS TO THE DEPARTMENT OF
8 EDUCATION CONCERNING THE DEPARTMENT'S COLLECTION OF IDENTIFYING
9 INFORMATION AND OTHER DATA FROM INSTITUTIONS OF HIGHER
10 EDUCATION. THE FOLLOWING SHALL APPLY TO THE ADVISORY COMMITTEE
11 ESTABLISHED UNDER THIS SECTION:

12 (1) THE SECRETARY SHALL APPOINT SIX (6) MEMBERS TO THE
13 ADVISORY COMMITTEE, INCLUDING THE FOLLOWING:

14 (I) A REPRESENTATIVE OF A COMMUNITY COLLEGE OPERATING UNDER
15 ARTICLE XIX-A.

16 (II) A REPRESENTATIVE OF THE STATE SYSTEM OF HIGHER
17 EDUCATION.

18 (III) A REPRESENTATIVE OF AN INSTITUTION OF HIGHER EDUCATION
19 THAT IS DESIGNATED AS "STATE-RELATED" BY THE COMMONWEALTH.

20 (IV) A REPRESENTATIVE OF AN ACCREDITED PRIVATE OR
21 INDEPENDENT COLLEGE OR UNIVERSITY.

22 (V) A REPRESENTATIVE OF A PRIVATE LICENSED SCHOOL.

23 (VI) A REPRESENTATIVE OF THE DEPARTMENT'S INFORMATION
24 TECHNOLOGY STAFF.

25 (2) THE ADVISORY COMMITTEE SHALL MEET AT LEAST QUARTERLY AT
26 THE CALL OF THE SECRETARY OR THE SECRETARY'S DESIGNEE, WHO SHALL
27 SERVE AS CHAIRPERSON. THE FIRST MEETING OF THE ADVISORY
28 COMMITTEE SHALL OCCUR WITHIN SIXTY (60) DAYS OF THE EFFECTIVE
29 DATE OF THIS SECTION.

30 (3) MEMBERS OF THE ADVISORY COMMITTEE SHALL SERVE WITHOUT

1 COMPENSATION.

2 (C) FOR PURPOSES OF THIS SECTION, THE FOLLOWING WORDS AND
3 PHRASES SHALL HAVE THE FOLLOWING MEANINGS:

4 "IDENTIFYING INFORMATION" SHALL MEAN ANY DOCUMENT,
5 PHOTOGRAPHIC, PICTORIAL OR COMPUTER IMAGE OF ANOTHER PERSON, OR
6 ANY FACT USED TO ESTABLISH IDENTITY, INCLUDING, BUT NOT LIMITED
7 TO, A NAME, BIRTH DATE, SOCIAL SECURITY NUMBER, DRIVER'S LICENSE
8 NUMBER, NONDRIVER GOVERNMENTAL IDENTIFICATION NUMBER, TELEPHONE
9 NUMBER, CHECKING ACCOUNT NUMBER, SAVINGS ACCOUNT NUMBER, STUDENT
10 IDENTIFICATION NUMBER, EMPLOYE OR PAYROLL NUMBER, RESIDENCE
11 ADDRESS, MAILING ADDRESS, E-MAIL ADDRESS OR ELECTRONIC
12 SIGNATURE.

13 "INSTITUTION OF HIGHER EDUCATION" INCLUDES ANY OF THE
14 FOLLOWING:

15 (1) A COMMUNITY COLLEGE OPERATING UNDER ARTICLE XIX-A.

16 (2) A UNIVERSITY WITHIN THE STATE SYSTEM OF HIGHER
17 EDUCATION.

18 (3) THE PENNSYLVANIA STATE UNIVERSITY.

19 (4) THE UNIVERSITY OF PITTSBURGH.

20 (5) TEMPLE UNIVERSITY.

21 (6) LINCOLN UNIVERSITY.

22 (7) ANY OTHER INSTITUTION THAT IS DESIGNATED AS "STATE-
23 RELATED" BY THE COMMONWEALTH.

24 (8) ANY ACCREDITED PRIVATE OR INDEPENDENT COLLEGE OR
25 UNIVERSITY.

26 (9) ANY PRIVATE LICENSED SCHOOL AS DEFINED IN THE ACT OF
27 DECEMBER 15, 1986 (P.L.1585, NO.174), KNOWN AS THE "PRIVATE
28 LICENSED SCHOOLS ACT."

29 "STUDENT" SHALL MEAN A PERSON WHO ATTENDS AN INSTITUTION OF
30 HIGHER EDUCATION, WHETHER ENROLLED ON A FULL-TIME, PART-TIME,

1 CREDIT OR NONCREDIT BASIS.

2 SECTION 221.1. MORATORIUM ON CERTAIN DATA COLLECTION SYSTEMS
3 AND DATA SETS.-- (A) FOR THE SCHOOL YEARS 2011-2012 AND
4 2012-2013, THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF
5 PUBLIC WELFARE SHALL SUSPEND THE COLLECTION OF DATA THROUGH
6 PENNSYLVANIA'S ENTERPRISE TO LINK INFORMATION FOR CHILDREN
7 ACROSS NETWORK (PELICAN) AND THE PENNSYLVANIA INFORMATION
8 MANAGEMENT SYSTEM (PIMS) EXCEPT AS FOLLOWS:

9 (1) INFORMATION REQUIRED TO MEET FEDERAL MANDATES IN THE
10 FOLLOWING:

11 (I) THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965
12 (PUBLIC LAW 89-10, 79 STAT. 27).

13 (II) THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (PUBLIC
14 LAW 91-230, 20 U.S.C. § 1400 ET SEQ.).

15 (III) THE EDUCATIONAL TECHNICAL ASSISTANCE ACT OF 2002
16 (PUBLIC LAW 107-279, 116 STAT. 1975).

17 (IV) TITLE VI OF THE AMERICA COMPETES ACT OR THE AMERICA
18 CREATING OPPORTUNITIES TO MEANINGFULLY PROMOTE EXCELLENCE IN
19 TECHNOLOGY, EDUCATION, AND SCIENCE ACT (PUBLIC LAW 110-69, 121
20 STAT. 572).

21 (V) THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
22 (PUBLIC LAW 111-5, 123 STAT. 115).

23 (VI) THE HEAD START ACT (PUBLIC LAW 97-35, 42 U.S.C. § 9831
24 ET SEQ.).

25 (VII) THE CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990
26 (PUBLIC LAW 101-508, 42 U.S.C. § 9858 ET SEQ.).

27 (VIII) THE SOCIAL SECURITY ACT (49 STAT. 620, 42 U.S.C. §
28 301 ET SEQ.).

29 (IX) ANY DATA PURSUANT TO OTHER FEDERAL REQUIREMENTS AND TO
30 MEET ELIGIBILITY REQUIREMENTS FOR FEDERAL FUNDS.

1 (2) PENNSYLVANIA VALUE-ADDED ASSESSMENT SYSTEM (PVAAS),
2 INCLUDING ANY REVISIONS OR IMPROVEMENTS MADE TO THE SYSTEM.

3 (3) INFORMATION REQUIRED BY THE DEPARTMENT OF PUBLIC WELFARE
4 TO SUPERVISE, LICENSE OR REGISTER A CHILD CARE PROVIDER UNDER
5 ARTICLES IX AND X OF THE ACT OF JUNE 13, 1967 (P.L.31, NO.21),
6 KNOWN AS THE "PUBLIC WELFARE CODE."

7 (4) INFORMATION RELATING TO BACKGROUND CHECKS REQUIRED IN
8 SECTION 111 AND IN 23 PA.C.S. §§ 6344 (RELATING TO INFORMATION
9 RELATING TO PROSPECTIVE CHILD-CARE PERSONNEL) AND 6344.1
10 (RELATING TO INFORMATION RELATING TO FAMILY DAY-CARE HOME
11 RESIDENTS).

12 (5) INFORMATION NECESSARY FOR ALL PAYMENTS OR REIMBURSEMENT
13 BY THE COMMONWEALTH.

14 (6) INFORMATION REQUIRED TO BE REPORTED PURSUANT TO ARTICLE
15 XIII-A OF THIS ACT.

16 (B) THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF PUBLIC
17 WELFARE SHALL NOTIFY THEIR AFFECTED PROGRAM PARTICIPANTS NO
18 LATER THAN AUGUST 1, 2011, OF THE DATA ELEMENTS REQUIRED TO
19 COMPLY WITH THE LAWS AND PROGRAMS IDENTIFIED IN SUBSECTION (A).

20 (C) BY FEBRUARY 1, 2012, THE DEPARTMENT OF EDUCATION AND THE
21 DEPARTMENT OF PUBLIC WELFARE SHALL PROVIDE A REPORT TO THE
22 EDUCATION COMMITTEE OF THE SENATE, THE PUBLIC HEALTH AND WELFARE
23 COMMITTEE OF THE SENATE, THE EDUCATION COMMITTEE OF THE HOUSE OF
24 REPRESENTATIVES, AND THE CHILDREN AND YOUTH COMMITTEE OF THE
25 HOUSE OF REPRESENTATIVES WHICH SHALL INCLUDE THE FOLLOWING:

26 (1) CATEGORY OF THE DATA TO INCLUDE THE CHILD, FAMILY,
27 PROGRAM AND STAFF.

28 (2) DATA ELEMENTS TO BE COLLECTED AND THE LAW REQUIRING THE
29 DATA AND ITS INTENDED USE.

30 (3) TOTAL FUNDING EXPENDED AS OF DECEMBER 2011, INCLUDING

1 FUNDING SOURCE TO DEVELOP, IMPLEMENT AND MAINTAIN THE SYSTEM.

2 (4) LONG-TERM COST PROJECTIONS TO ADMINISTER AND MAINTAIN
3 THE INFORMATION SYSTEMS. THE PROJECTIONS SHALL INCLUDE COSTS TO
4 THE COMMONWEALTH AND THE PROGRAM PARTICIPANTS.

5 (5) ANY LAW NEEDED TO AUTHORIZE THE DEPARTMENTS TO COLLECT,
6 USE AND DISTRIBUTE THE INFORMATION.

7 (D) THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF PUBLIC
8 WELFARE SHALL NOT BE REQUIRED TO COMPLETE REPORTS THAT INCLUDE
9 DATA ELEMENTS WITHIN THE MORATORIUM OF THIS SECTION.

10 SECTION 223. CERTIFIED SAFETY COMMITTEES.--(A) THE BOARD OF
11 DIRECTORS OF EACH SCHOOL DISTRICT SHALL TAKE SUCH STEPS AS
12 NECESSARY IN ORDER TO HAVE OR MAINTAIN A CERTIFIED SAFETY
13 COMMITTEE BY JUNE 30, 2011, OR THE EFFECTIVE DATE OF THIS
14 SECTION, WHICHEVER OCCURS LATER, FOR THE PURPOSES OF SECTION
15 1002(B) OF THE ACT OF JUNE 2, 1915 (P.L.736, NO.338), KNOWN AS
16 THE "WORKERS' COMPENSATION ACT."

17 (B) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL PROVIDE THE
18 DEPARTMENT OF EDUCATION WITH THE LIST OF SCHOOL DISTRICTS THAT
19 HAVE CERTIFIED SAFETY COMMITTEES.

20 (C) IN THE CASE OF A SCHOOL DISTRICT THAT DOES NOT SUBMIT
21 EVIDENCE TO THE DEPARTMENT OF EDUCATION THAT COMPLIES WITH THIS
22 SECTION, THE DEPARTMENT OF EDUCATION SHALL DEDUCT FROM ANY
23 ALLOCATION FROM THE COMMONWEALTH TO WHICH THE SCHOOL DISTRICT IS
24 ENTITLED THE AMOUNT OF THE DISCOUNT THE SCHOOL DISTRICT WOULD
25 OTHERWISE RECEIVE UNDER SECTION 1002(B) OF THE "WORKERS'
26 COMPENSATION ACT."

27 (D) THIS SECTION SHALL NOT APPLY TO A SCHOOL DISTRICT THAT
28 CANNOT RECEIVE A PREMIUM DISCOUNT UNDER SECTION 1002(B) OF THE
29 "WORKERS' COMPENSATION ACT," OR AN EQUIVALENT REDUCTION IN
30 CONTRIBUTION RATES, BY ESTABLISHING AND MAINTAINING A CERTIFIED

1 SAFETY COMMITTEE BECAUSE IT IS AUTHORIZED TO SELF-INSURE ITS
2 LIABILITIES UNDER SECTION 305 OF THE "WORKERS' COMPENSATION ACT"
3 OR POOL ITS LIABILITIES UNDER SECTION 802 OF THE "WORKERS'
4 COMPENSATION ACT."

5 SECTION 615. REOPENING OF 2011-2012 BUDGET.--NOTWITHSTANDING
6 ANY OTHER PROVISION OF LAW, A BOARD OF SCHOOL DIRECTORS OF A
7 SCHOOL DISTRICT MAY REOPEN ITS 2011-2012 BUDGET TO REFLECT
8 FEDERAL AND STATE ALLOCATIONS FOR FISCAL YEARS 2010-2011 AND
9 2011-2012 PROVIDED BY THE ACT OF _____, 2011 (P.L. _____,
10 NO. _____), KNOWN AS THE GENERAL APPROPRIATION ACT OF 2011.

11 SECTION 3. SECTION 703 OF THE ACT, AMENDED JUNE 1, 1972
12 (P.L.325, NO.89), IS AMENDED TO READ:

13 SECTION 703. ACQUISITION OF BUILDINGS, SITES FOR SCHOOL
14 BUILDINGS AND PLAYGROUNDS, AND DISPOSING THEREOF.--IN ORDER TO
15 COMPLY WITH THE PROVISIONS OF THIS ACT, AND SUBJECT TO THE
16 CONDITIONS THEREOF, THE BOARD OF SCHOOL DIRECTORS OF EACH
17 DISTRICT IS HEREBY VESTED WITH THE NECESSARY POWER AND AUTHORITY
18 TO ACQUIRE, IN THE NAME OF THE DISTRICT, BY PURCHASE, LEASE,
19 GIFT, DEVISE, AGREEMENT, CONDEMNATION, OR OTHERWISE, ANY AND ALL
20 SCHOOLS AND REAL ESTATE, EITHER VACANT OR OCCUPIED, INCLUDING
21 LANDS THERETOFORE OCCUPIED BY STREETS AND ALLEYS WHICH HAVE BEEN
22 VACATED BY MUNICIPAL AUTHORITIES, AND TO ACQUIRE BY PURCHASE,
23 LEASE, GIFT OR DEVISE, OTHER BUILDINGS APPROVED FOR SCHOOL USE
24 BY THE DEPARTMENT OF EDUCATION AS THE BOARD OF SCHOOL DIRECTORS
25 MAY DEEM NECESSARY TO FURNISH SCHOOL BUILDINGS OR OTHER SUITABLE
26 SITES FOR PROPER SCHOOL PURPOSES FOR SAID DISTRICT OR TO ENLARGE
27 THE GROUNDS OF ANY SCHOOL PROPERTY HELD BY SUCH DISTRICT, AND TO
28 SELL, CONVEY, TRANSFER, DISPOSE OF, OR ABANDON THE SAME, OR ANY
29 PART THEREOF, AS THE BOARD OF SCHOOL DIRECTORS MAY DETERMINE.
30 APPROVAL OF THE DEPARTMENT OF EDUCATION SHALL NOT BE REQUIRED

1 FOR SCHOOL BUILDINGS AND PLAYGROUNDS ON ANY SCHOOL CONSTRUCTION
2 PROJECT FOR WHICH STATE REIMBURSEMENT IS NOT REQUESTED.

3 SECTION 4. SECTION 731(1) OF THE ACT, AMENDED JUNE 27, 1973
4 (P.L.75, NO.34), IS AMENDED TO READ:

5 SECTION 731. APPROVAL BY DEPARTMENT OF PLANS, ETC., OF
6 BUILDINGS; EXCEPTIONS.--THE DEPARTMENT OF EDUCATION, WITH
7 RESPECT TO CONSTRUCTION OR RECONSTRUCTION OF PUBLIC SCHOOL
8 BUILDINGS, SHALL HAVE THE POWER AND ITS DUTIES SHALL BE:

9 (1) TO REVIEW ALL PROJECTS, PLANS AND SPECIFICATIONS FOR
10 SCHOOL BUILDING CONSTRUCTION OR RECONSTRUCTION, AND TO MAKE
11 RECOMMENDATIONS THEREON TO THE GENERAL ASSEMBLY AND THE
12 GOVERNOR; PROVIDED, HOWEVER, THAT APPROVAL OF THE DEPARTMENT OF
13 EDUCATION SHALL NOT BE REQUIRED FOR PROJECTS, PLANS AND
14 SPECIFICATIONS FOR SCHOOL CONSTRUCTION PROJECTS FOR WHICH
15 REIMBURSEMENT FROM THE COMMONWEALTH IS NOT REQUESTED;

16 * * *

17 SECTION 5. SECTION 731.1 OF THE ACT, ADDED DECEMBER 6, 1972
18 (P.L.1445, NO.323), IS AMENDED TO READ:

19 SECTION 731.1. APPROVAL OF LEASE AGREEMENTS.--NO BUILDING
20 FACILITIES FOR SCHOOL USE AUTHORIZED UNDER THE PROVISIONS OF
21 SECTION 703.1, SHALL BE LEASED BY ANY SCHOOL DISTRICT UNTIL SUCH
22 LEASE AGREEMENT HAS BEEN APPROVED BY THE DEPARTMENT OF
23 EDUCATION. SUCH APPROVAL SHALL NOT BE GIVEN UNLESS THE BUILDING
24 FACILITIES TO BE LEASED MEET THE STANDARDS REQUIRED TO OPERATE
25 PUBLIC SCHOOL BUILDINGS IN USE IN THE COMMONWEALTH; PROVIDED,
26 HOWEVER, THAT DEPARTMENT OF EDUCATION APPROVAL OF ANY LEASE
27 AGREEMENT SHALL NOT BE REQUIRED FOR ANY LEASE AGREEMENT FOR
28 WHICH COMMONWEALTH REIMBURSEMENT IS NOT REQUESTED.

29 SECTION 6. SECTION 907-A OF THE ACT, ADDED MAY 4, 1970
30 (P.L.311, NO.102), IS AMENDED TO READ:

1 SECTION 907-A. SUBSIDIES FOR SERVICES.--(A) INTERMEDIATE
2 UNITS SHALL RECEIVE SUBSIDIES FROM THE COMMONWEALTH AS HEREIN
3 PROVIDED ONLY FOR SERVICES PERFORMED PURSUANT TO AND AUTHORIZED
4 BY LAW, AS HEREINAFTER PROVIDED. NOTHING CONTAINED HEREIN SHALL
5 PROHIBIT INTERMEDIATE UNITS FROM RECEIVING FUNDS FROM SCHOOL
6 DISTRICTS AND OTHER SOURCES INCLUDING NONPUBLIC NONPROFIT
7 SCHOOLS AND EXPENDING SUCH FUNDS TO PROVIDE ADDITIONAL SERVICES
8 NOT INCLUDED IN THE APPROVED PROGRAM OF SERVICES.

9 (B) NO LATER THAN FEBRUARY 1, 2012, AND BY FEBRUARY 1 OF
10 EACH YEAR THEREAFTER, AN INTERMEDIATE UNIT SHALL SUBMIT TO THE
11 DEPARTMENT OF EDUCATION A REPORT ON SUBSIDIES AND FUNDS RECEIVED
12 IN ACCORDANCE WITH THIS SECTION.

13 (1) THE REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE
14 FOLLOWING INFORMATION:

15 (I) A LISTING OF ALL CONTRACTS, INTERAGENCY
16 AGREEMENTS, INTERGOVERNMENTAL AGREEMENTS, PURCHASE
17 ORDERS, MEMORANDA OF UNDERSTANDING, AGREEMENTS AND OTHER
18 ARRANGEMENTS BETWEEN A COMMONWEALTH AGENCY AND AN
19 INTERMEDIATE UNIT OR BETWEEN INTERMEDIATE UNITS IN AN
20 AMOUNT GREATER THAN \$50,000.

21 (II) WITH RESPECT TO EACH ITEM LISTED UNDER
22 SUBPARAGRAPH (I), THE FOLLOWING:

23 (A) THE TOTAL AMOUNT AND DURATION OF THE ITEM,
24 INCLUDING THE ANNUAL AMOUNT IF THE ITEM COVERS
25 MULTIPLE YEARS.

26 (B) THE SOURCES AND AMOUNTS OF FUNDS NEEDED TO
27 COVER THE ENTIRE COST OF THE ITEM.

28 (C) A DESCRIPTION OF PROGRAMS OR SERVICES, OR
29 BOTH, BEING PROVIDED, INCLUDING PERFORMANCE MEASURES
30 BY WHICH THE INTERMEDIATE UNIT WILL BE ASSESSED AND

1 PENALTIES FOR NONPERFORMANCE.

2 (D) A DESCRIPTION OF THE SELECTION PROCESS USED
3 IN ENTERING INTO THE ITEM.

4 (E) A LISTING OF ALL EMPLOYES, CONTRACTORS AND
5 AGENTS COVERED UNDER THE ITEM, THE DUTIES OF EACH
6 INDIVIDUAL AND THE REMUNERATION PROVIDED TO EACH
7 INDIVIDUAL.

8 (2) THE DEPARTMENT OF EDUCATION SHALL DEVELOP THE FORMAT
9 TO BE USED BY THE INTERMEDIATE UNITS PREPARING THE REPORT
10 REQUIRED UNDER PARAGRAPH (1).

11 (3) THE DEPARTMENT OF EDUCATION SHALL POST THE REPORTS
12 ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE.

13 (4) THE FIRST REPORT SHALL COVER FISCAL YEARS 2009-2010
14 AND 2010-2011. EACH FUTURE REPORT SHALL COVER THE PREVIOUS
15 FISCAL YEAR.

16 SECTION 7. SECTION 921-A OF THE ACT IS AMENDED BY ADDING A
17 SUBSECTION TO READ:

18 SECTION 921-A. FINANCIAL REPORTS.--* * *

19 (A.1) THE DEPARTMENT OF EDUCATION SHALL POST ON ITS PUBLICLY
20 ACCESSIBLE INTERNET WEBSITE INFORMATION INCLUDED IN THE
21 INTERMEDIATE UNITS' ANNUAL FINANCIAL REPORTS. IN POSTING THE
22 INFORMATION, THE DEPARTMENT OF EDUCATION SHALL USE A FORMAT
23 CONSISTENT WITH THE FORMAT THE DEPARTMENT OF EDUCATION USES WHEN
24 POSTING THE ANNUAL FINANCIAL REPORT INFORMATION OF OTHER LOCAL
25 EDUCATION AGENCIES.

26 * * *

27 SECTION 8. ARTICLE X HEADING AND SECTION 1001 OF THE ACT,
28 AMENDED JANUARY 14, 1970 (1969 P.L.468, NO.192), ARE AMENDED TO
29 READ:

30 ARTICLE X.

1 DISTRICT SUPERINTENDENTS AND

2 ASSISTANT DISTRICT SUPERINTENDENTS.

3 SECTION 1001. PURPOSE.--FOR THE SUPERINTENDENCE AND
4 SUPERVISION OF THE PUBLIC SCHOOLS OF THIS COMMONWEALTH, THERE
5 SHALL BE ELECTED OR APPOINTED, IN THE MANNER HEREIN PROVIDED,
6 DISTRICT SUPERINTENDENTS, AND ASSISTANT DISTRICT
7 SUPERINTENDENTS.

8 SECTION 9. SECTION 1003 OF THE ACT, AMENDED JULY 20, 2007
9 (P.L.278, NO.45), IS AMENDED TO READ:

10 SECTION 1003. ELIGIBILITY.--[NO] (A) EXCEPT AS OTHERWISE
11 PROVIDED IN SUBSECTION (B), NO PERSON SHALL [BE ELIGIBLE FOR
12 ELECTION OR APPOINTMENT] RECEIVE A LETTER OF ELIGIBILITY OR BE
13 ELECTED OR APPOINTED AS A DISTRICT[,] SUPERINTENDENT OR
14 ASSISTANT DISTRICT SUPERINTENDENT, UNLESS--

15 (1) HE HOLDS A DIPLOMA FROM A COLLEGE OR OTHER INSTITUTION
16 APPROVED BY THE DEPARTMENT OF EDUCATION;

17 (2) HE HAS HAD SIX (6) YEARS' SUCCESSFUL TEACHING
18 EXPERIENCE, NOT LESS THAN THREE OF WHICH SHALL HAVE BEEN IN A
19 SUPERVISORY OR ADMINISTRATIVE CAPACITY;

20 (3) HE HAS COMPLETED IN A COLLEGE OR UNIVERSITY A GRADUATE
21 PROGRAM IN EDUCATION APPROVED BY THE DEPARTMENT OF EDUCATION
22 THAT INCLUDES THE PENNSYLVANIA SCHOOL LEADERSHIP STANDARDS UNDER
23 SECTION 1217. COMPLETION OF THE PROGRAM SHALL NOT BE SUBJECT TO
24 WAIVER UNDER SECTION 1714-B UNLESS THE CANDIDATE PROVIDES TO THE
25 SECRETARY OF EDUCATION EVIDENCE THAT THE CANDIDATE HAS
26 SUCCESSFULLY COMPLETED AN EQUIVALENT LEADERSHIP DEVELOPMENT
27 PROGRAM THAT ADDRESSES THE SCHOOL LEADERSHIP STANDARDS UNDER
28 SECTION 1217.

29 (4) PROVIDED THAT IN SCHOOL DISTRICTS OF THE FIRST CLASS,
30 FIVE (5) YEARS OF ADMINISTRATIVE EXPERIENCE AT THE LEVEL OF

1 ASSISTANT, ASSOCIATE OR DEPUTY SUPERINTENDENT, MAY BE
2 SUBSTITUTED FOR PRESCRIBED GRADUATE ADMINISTRATIVE COURSES, AND
3 WHICH SHALL BE THE RESPONSIBILITY OF THE SECRETARY OF EDUCATION
4 TO REVIEW THESE EQUIVALENCES TO CONFORM WITH STATE BOARD
5 REGULATIONS.

6 [SERVING EITHER AS COUNTY, DISTRICT, OR ASSISTANT COUNTY OR
7 DISTRICT SUPERINTENDENT, OR ASSOCIATE SUPERINTENDENT, IN THIS
8 COMMONWEALTH, AT THE TIME THIS ACT BECOMES EFFECTIVE, SHALL,
9 IRRESPECTIVE OF THE FOREGOING REQUIREMENTS, BE CONSIDERED
10 SUFFICIENT QUALIFICATION FOR ANY OF THE AFORESAID OFFICES.]

11 (B) NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION (A), A
12 PERSON SHALL BE ELIGIBLE FOR ELECTION OR APPOINTMENT AS A
13 DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT IF
14 HE HOLDS A GRADUATE DEGREE FROM AN ACCREDITED HIGHER EDUCATION
15 INSTITUTION IN BUSINESS OR FINANCE AND HAS AT LEAST FOUR (4)
16 YEARS OF RELEVANT EXPERIENCE IN BUSINESS, FINANCE OR MANAGEMENT.

17 (C) NOTWITHSTANDING THE PROVISIONS OF SECTIONS 1205.1(F),
18 1205.2(N.1) AND 1205.5(H), A PERSON ELECTED OR APPOINTED AS A
19 DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT FOR
20 THE FIRST TIME IN THIS COMMONWEALTH UNDER SUBSECTION (B) SHALL
21 SUCCESSFULLY COMPLETE A LEADERSHIP DEVELOPMENT PROGRAM THAT
22 MEETS THE PENNSYLVANIA SCHOOL LEADERSHIP STANDARDS UNDER SECTION
23 1217.

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

25 SECTION 1134. PROFESSIONAL AND TEMPORARY PROFESSIONAL
26 EMPLOYES OF SCHOOLS FORMERLY OPERATED BY THE COMMONWEALTH.-- (A)
27 THE FOLLOWING PROVISIONS SHALL APPLY TO PROFESSIONAL AND
28 TEMPORARY PROFESSIONAL EMPLOYES OF A SCHOOL FORMERLY OPERATED BY
29 THE COMMONWEALTH:

30 (1) THE COMMONWEALTH SHALL CREATE A POOL FOR EACH SCHOOL

1 COMPRISED OF THE PROFESSIONAL AND TEMPORARY PROFESSIONAL
2 EMPLOYES WHO HAVE RECEIVED FORMAL NOTICE OF SUSPENSION FROM THE
3 COMMONWEALTH AS A RESULT OF THE COMMONWEALTH'S DECISION TO CEASE
4 COMMONWEALTH OPERATION OF THE SCHOOL.

5 (2) FOR THE THREE SCHOOL YEARS IMMEDIATELY FOLLOWING THE
6 FORMAL NOTICE OF SUSPENSION FROM THE COMMONWEALTH, EMPLOYES IN A
7 POOL CREATED UNDER PARAGRAPH (1) SHALL BE OFFERED EMPLOYMENT BY
8 EACH ELIGIBLE SCHOOL ENTITY AS DETERMINED UNDER PARAGRAPH (4)
9 ASSOCIATED WITH THE APPLICABLE POOL CREATED UNDER PARAGRAPH (1),
10 WHEN THAT ELIGIBLE SCHOOL ENTITY HAS A VACANCY FOR A POSITION
11 THAT AN EMPLOYEE IN THE APPLICABLE POOL IS PROPERLY CERTIFIED TO
12 FILL, PROVIDED THAT NO EMPLOYEE OF THE ELIGIBLE SCHOOL ENTITY IN
13 WHICH THE VACANCY EXISTS, INCLUDING A SUSPENDED OR DEMOTED
14 EMPLOYEE, HAS A RIGHT TO THE VACANCY UNDER THIS ACT OR THE
15 COLLECTIVE BARGAINING AGREEMENT OF THE RESPECTIVE ELIGIBLE
16 SCHOOL ENTITY.

17 (3) FOR THE THREE SCHOOL YEARS IMMEDIATELY FOLLOWING THE
18 FORMAL NOTICE OF SUSPENSION FROM THE COMMONWEALTH, NO NEW
19 EMPLOYEE SHALL BE HIRED BY AN ELIGIBLE SCHOOL ENTITY AS
20 DETERMINED UNDER PARAGRAPH (4) ASSOCIATED WITH THE APPLICABLE
21 POOL CREATED UNDER PARAGRAPH (1), UNTIL THE POSITION HAS BEEN
22 OFFERED, IN ORDER OF SENIORITY, TO ALL PROPERLY CERTIFIED
23 MEMBERS OF THE APPLICABLE POOL CREATED UNDER PARAGRAPH (1).

24 (4) FOR THE PURPOSE OF PARAGRAPHS (2) AND (3), AN "ELIGIBLE
25 SCHOOL ENTITY" SHALL BE DETERMINED AS FOLLOWS:

26 (I) A SCHOOL DISTRICT, VOCATIONAL-TECHNICAL SCHOOL OR
27 INTERMEDIATE UNIT, THE ADMINISTRATION BUILDING OF WHICH IS 17
28 MILES OR LESS FROM THE ADMINISTRATION BUILDING OF A SCHOOL
29 FORMERLY OPERATED BY THE COMMONWEALTH OR A SCHOOL DISTRICT WHICH
30 IS ADJACENT TO THE SCHOOL DISTRICT IN WHICH A SCHOOL FORMERLY

1 OPERATED BY THE COMMONWEALTH WAS SITUATE; OR

2 (II) A SCHOOL DISTRICT WITH AVERAGE DAILY MEMBERSHIP GREATER
3 THAN OR EQUAL TO 8,000, THE ADMINISTRATION BUILDING OF WHICH IS
4 45 MILES OR LESS FROM THE ADMINISTRATION BUILDING OF A SCHOOL
5 FORMERLY OPERATED BY THE COMMONWEALTH, AND WHICH RELIES ON STATE
6 REVENUE FOR NOT LESS THAN FIFTY PER CENTUM (50%) OF THE SCHOOL
7 DISTRICT'S TOTAL BUDGET IN ONE OF THE TWO MOST RECENT YEARS FOR
8 WHICH DATA HAS BEEN PUBLISHED ON THE DEPARTMENT OF EDUCATION'S
9 PUBLICLY ACCESSIBLE INTERNET WEBSITE.

10 (B) (1) EMPLOYES HIRED FROM A POOL UNDER SUBSECTION (A) (2)
11 AND FORMER EMPLOYES OF A SCHOOL FORMERLY OPERATED BY THE
12 COMMONWEALTH WHO RESIGNED FROM A SCHOOL FORMERLY OPERATED BY THE
13 COMMONWEALTH WITHIN THE SIX MONTHS PRIOR TO OCTOBER 9, 2009, AND
14 WHO ACCEPTED EMPLOYMENT AT A SCHOOL DISTRICT, INTERMEDIATE UNIT
15 OR VOCATIONAL-TECHNICAL SCHOOL SHALL BE CREDITED BY THE HIRING
16 SCHOOL DISTRICT, INTERMEDIATE UNIT OR VOCATIONAL-TECHNICAL
17 SCHOOL FOR ALL SICK LEAVE ACCUMULATED IN THE SCHOOL AND SHALL BE
18 CREDITED FOR YEARS OF SERVICE IN THE SCHOOL FOR PURPOSES OF
19 SALARY SCHEDULE PLACEMENT.

20 (2) SUCH EMPLOYES SHALL FURTHER BE CREDITED FOR THEIR YEARS
21 OF SERVICE IN THE SCHOOL FOR PURPOSES OF SABBATICAL LEAVE
22 ELIGIBILITY, SUSPENSION AND REALIGNMENT RIGHTS AND ELIGIBILITY
23 FOR ANY RETIREMENT INCENTIVES OR SEVERANCE PAYMENTS IN A HIRING
24 SCHOOL DISTRICT, INTERMEDIATE UNIT OR VOCATIONAL-TECHNICAL
25 SCHOOL.

26 (3) NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO
27 SUPERSEDE OR PREEMPT ANY PROVISION OF AN INDIVIDUAL EMPLOYMENT
28 AGREEMENT BETWEEN A SCHOOL DISTRICT, INTERMEDIATE UNIT OR
29 VOCATIONAL-TECHNICAL SCHOOL AND AN EMPLOYEE ENTERED INTO PRIOR TO
30 OCTOBER 9, 2009, OR ANY PROVISION OF A COLLECTIVE BARGAINING

1 AGREEMENT IN EFFECT AS OF OCTOBER 9, 2009, AND NEGOTIATED BY A
2 SCHOOL ENTITY AND AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN
3 ACCORDANCE WITH THE ACT OF JULY 23, 1970 (P.L.563, NO.195),
4 KNOWN AS THE "PUBLIC EMPLOYE RELATIONS ACT."

5 (C) THIS SECTION SHALL EXPIRE ON JUNE 30, 2012.

6 SECTION 11. SECTION 1201 OF THE ACT, AMENDED JANUARY 14,
7 1970 (1969 P.L.468, NO.192), IS AMENDED TO READ:

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

25 SECTION 12. SECTION 1203 OF THE ACT IS AMENDED TO READ:

26 SECTION 1203. KINDS OF STATE CERTIFICATES.--(A) STATE
27 CERTIFICATES HEREAFTER GRANTED SHALL INCLUDE THE FOLLOWING:
28 PROVISIONAL COLLEGE CERTIFICATES,
29 PERMANENT COLLEGE CERTIFICATES,
30 CERTIFICATES ISSUED BY OTHER STATES AND VALIDATED BY THE

1 SUPERINTENDENT OF PUBLIC INSTRUCTION,
2 SPECIAL TEMPORARY CERTIFICATES,
3 SPECIAL PERMANENT CERTIFICATES[.],
4 RESIDENCY CERTIFICATES,
5 INTERN CERTIFICATES.

6 (B) ALL PERSONS RECEIVING ANY OF SUCH CERTIFICATES SHALL
7 HAVE QUALIFICATIONS NOT LESS THAN GRADUATION FROM A STATE
8 TEACHERS' COLLEGE OF THIS COMMONWEALTH, OR EQUIVALENT TRAINING.
9 POSTBACCALAUREATE CERTIFICATION PROGRAMS, INCLUDING RESIDENCY,
10 INTERN AND ADMINISTRATIVE CERTIFICATION PROGRAMS COMPLETED UNDER
11 SECTION 1207.1, ARE EQUIVALENT TRAINING FOR PURPOSES OF THIS
12 ACT.

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

17 SECTION 13. SECTION 1205.1 OF THE ACT IS AMENDED BY ADDING A
18 SUBSECTION TO READ:

19 SECTION 1205.1. CONTINUING PROFESSIONAL DEVELOPMENT.--* * *

20 (F) (1) BEGINNING ON THE EFFECTIVE DATE OF THIS SUBSECTION,
21 THE REQUIREMENTS UNDER THIS SECTION SHALL BE SUSPENDED UNTIL
22 JUNE 30, 2013.

23 (2) NOTWITHSTANDING THIS SUBSECTION, THE PROVISIONS OF
24 SECTIONS 1003(A) (3) AND (C) AND 1207.1(D) (1) (IV) REQUIRING THAT
25 CANDIDATES FOR APPOINTMENT AS A DISTRICT SUPERINTENDENT OR
26 ASSISTANT DISTRICT SUPERINTENDENT AND CANDIDATES FOR
27 ADMINISTRATIVE AND VOCATIONAL DIRECTOR CERTIFICATES COMPLETE A
28 LEADERSHIP DEVELOPMENT PROGRAM THAT MEETS THE PENNSYLVANIA
29 SCHOOL LEADERSHIP STANDARDS UNDER SECTION 1217 SHALL NOT BE
30 SUSPENDED.

1 SECTION 14. SECTION 1205.2(A) AND (F) OF THE ACT, AMENDED
2 JULY 13, 2005 (P.L.226, NO.46) AND FEBRUARY 2, 2006 (P.L.19,
3 NO.5), ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A
4 SUBSECTION TO READ:

5 SECTION 1205.2. PROGRAM OF CONTINUING PROFESSIONAL
6 EDUCATION.--(A) A CONTINUING PROFESSIONAL EDUCATION PROGRAM IS
7 HEREBY ESTABLISHED FOR PROFESSIONAL EDUCATORS, THE SATISFACTORY
8 COMPLETION OF WHICH IS REQUIRED TO MAINTAIN ACTIVE
9 CERTIFICATION. EXCEPT AS PROVIDED IN SUBSECTION [(J.1)] (N.1),
10 THE CONTINUING PROFESSIONAL EDUCATION PROGRAM SHALL REQUIRE THE
11 SATISFACTORY COMPLETION OF CONTINUING PROFESSIONAL EDUCATION
12 EVERY FIVE (5) YEARS, WHICH SHALL INCLUDE:

13 (1) SIX (6) CREDITS OF COLLEGIATE STUDY;

14 (2) SIX (6) CREDITS OF CONTINUING PROFESSIONAL EDUCATION
15 COURSES;

16 (3) ONE HUNDRED EIGHTY (180) HOURS OF CONTINUING
17 PROFESSIONAL EDUCATION PROGRAMS, ACTIVITIES OR LEARNING
18 EXPERIENCES; OR

19 (4) ANY COMBINATION OF COLLEGIATE STUDIES, CONTINUING
20 PROFESSIONAL EDUCATION COURSES, OR OTHER PROGRAMS, ACTIVITIES OR
21 LEARNING EXPERIENCES EQUIVALENT TO ONE HUNDRED EIGHTY (180)
22 HOURS.

23 * * *

24 (F) [THE] EXCEPT AS PROVIDED IN SUBSECTION (N.1), THE
25 DEPARTMENT SHALL ANNUALLY PROVIDE A MINIMUM OF FORTY (40) HOURS
26 OF CONTINUING PROFESSIONAL EDUCATION COURSES, PROGRAMS,
27 ACTIVITIES OR LEARNING EXPERIENCES AT NO CHARGE TO PROFESSIONAL
28 EDUCATORS. IN PROVIDING THESE COURSES, THE DEPARTMENT SHALL SEEK
29 TO USE THE MOST EFFICIENT AND COST-EFFECTIVE MEANS POSSIBLE,
30 INCLUDING THE USE OF ADVANCED TECHNOLOGY SUCH AS CD-ROM, THE

1 INTERNET AND DISTANCE COMMUNICATION.

2 * * *

3 (N.1) (1) BEGINNING ON THE EFFECTIVE DATE OF THIS
4 SUBSECTION, THE REQUIREMENTS UNDER SUBSECTIONS (A) AND (F) SHALL
5 BE SUSPENDED UNTIL JUNE 30, 2013. DURING THAT TIME, THE
6 LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL CONDUCT A STUDY
7 OF THE COSTS AND BENEFITS OF THE CONTINUING PROFESSIONAL
8 EDUCATION PROGRAM WHICH SHALL BE DUE ON MARCH 1, 2013. ON JULY
9 1, 2013, EACH PROFESSIONAL EDUCATOR SHALL HAVE THE SAME NUMBER
10 OF HOURS OF CONTINUING PROFESSIONAL EDUCATION AND THE SAME
11 AMOUNT OF TIME IN WHICH TO COMPLETE THOSE HOURS AS EXISTED FOR
12 THE PROFESSIONAL EDUCATOR ON THE EFFECTIVE DATE OF THIS
13 SUBSECTION; PROVIDED, HOWEVER, THAT ANY CONTINUING PROFESSIONAL
14 EDUCATION CREDITS OR HOURS COMPLETED BY A PROFESSIONAL EDUCATOR
15 DURING THE PERIOD OF SUSPENSION UNDER THIS SUBSECTION SHALL BE
16 CREDITED TO THE PROFESSIONAL EDUCATOR'S CONTINUING PROFESSIONAL
17 EDUCATION RECORD.

18 (2) NOTWITHSTANDING THIS SUBSECTION, THE PROVISIONS OF
19 SECTIONS 1003(A) (3) AND (C) AND 1207.1(D) (1) (IV) REQUIRING THAT
20 CANDIDATES FOR APPOINTMENT AS A DISTRICT SUPERINTENDENT OR
21 ASSISTANT DISTRICT SUPERINTENDENT AND CANDIDATES FOR
22 ADMINISTRATIVE AND VOCATIONAL DIRECTOR CERTIFICATES COMPLETE A
23 LEADERSHIP DEVELOPMENT PROGRAM THAT MEETS THE PENNSYLVANIA
24 SCHOOL LEADERSHIP STANDARDS UNDER SECTION 1217 SHALL NOT BE
25 SUSPENDED.

26 * * *

27 SECTION 15. SECTION 1205.5 OF THE ACT IS AMENDED BY ADDING A
28 SUBSECTION TO READ:

29 SECTION 1205.5. CONTINUING PROFESSIONAL EDUCATION FOR SCHOOL
30 OR SYSTEM LEADERS.--* * *

1 (H) (1) BEGINNING ON THE EFFECTIVE DATE OF THIS SUBSECTION,
2 THE REQUIREMENTS OF SUBSECTIONS (A), (C) AND (D) SHALL BE
3 SUSPENDED UNTIL JUNE 30, 2013.

4 (2) NOTWITHSTANDING THIS SUBSECTION, THE PROVISIONS OF
5 SECTIONS 1003(A) (3) AND (C) AND 1207.1(D) (1) (IV) REQUIRING THAT
6 CANDIDATES FOR APPOINTMENT AS A DISTRICT SUPERINTENDENT OR
7 ASSISTANT DISTRICT SUPERINTENDENT AND CANDIDATES FOR
8 ADMINISTRATIVE AND VOCATIONAL DIRECTOR CERTIFICATES COMPLETE A
9 LEADERSHIP DEVELOPMENT PROGRAM THAT MEETS THE PENNSYLVANIA
10 SCHOOL LEADERSHIP STANDARDS UNDER SECTION 1217 SHALL NOT BE
11 SUSPENDED.

12 SECTION 16. SECTION 1206 OF THE ACT IS AMENDED TO READ:

13 SECTION 1206. CERTIFICATES ISSUED BY OTHER STATES.--[THE
14 SUPERINTENDENT OF PUBLIC INSTRUCTION MAY VALIDATE IN THIS
15 COMMONWEALTH TEACHERS' CERTIFICATES ISSUED BY OTHER STATES, OR
16 BY THE STATE NORMAL SCHOOLS OR COLLEGES OF OTHER STATES, WHOSE
17 REQUIREMENTS ARE EQUIVALENT TO THOSE OF THIS COMMONWEALTH. SUCH
18 VALIDATION OF CERTIFICATES MAY BE REVOKED BY THE SUPERINTENDENT
19 OF PUBLIC INSTRUCTION AT ANY TIME.] (A) CANDIDATES HOLDING A
20 VALID INSTRUCTIONAL CERTIFICATE ISSUED BY ANOTHER STATE MAY BE
21 ELIGIBLE FOR COMPARABLE PENNSYLVANIA CERTIFICATION PROVIDED THAT
22 THE CANDIDATE MEETS THE FOLLOWING REQUIREMENTS:

23 (1) HOLDS A BACHELOR'S DEGREE FROM AN ACCREDITED COLLEGE OR
24 UNIVERSITY.

25 (2) HAS AT LEAST TWO (2) YEARS OF SUCCESSFUL CLASSROOM
26 EXPERIENCE.

27 (3) DEMONSTRATES SUBJECT MATTER COMPETENCY IN THE APPLICABLE
28 AREA OF PENNSYLVANIA CERTIFICATION.

29 (4) SATISFIES THE REQUIREMENTS OF SECTION 1209.

30 (B) THE SECRETARY OF EDUCATION SHALL ADOPT STANDARDS AND

1 GUIDELINES AS NECESSARY TO IMPLEMENT THIS SECTION.

2 (C) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT
3 THE SECRETARY OF EDUCATION FROM CERTIFYING OUT-OF-STATE
4 APPLICANTS IN ACCORDANCE WITH REGULATIONS OF THE DEPARTMENT OF
5 EDUCATION OR THE STATE BOARD OF EDUCATION.

6 SECTION 17. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

7 SECTION 1207.1. POSTBACCALAUREATE CERTIFICATION.-- (A)

8 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE
9 SECRETARY OF EDUCATION SHALL HAVE ALL OF THE FOLLOWING POWERS
10 AND DUTIES WITH REGARD TO POSTBACCALAUREATE CERTIFICATION
11 PROGRAMS:

12 (1) EVALUATE AND APPROVE, IN ACCORDANCE WITH THIS SECTION,
13 ALL POSTBACCALAUREATE CERTIFICATION PROGRAMS, INCLUDING
14 ACCELERATED PROGRAMS, LEADING TO THE CERTIFICATION OF
15 PROFESSIONAL PERSONNEL INCLUDING INTERN CERTIFICATION PROGRAMS,
16 RESIDENCY CERTIFICATION PROGRAMS AND ADMINISTRATIVE
17 CERTIFICATION PROGRAMS.

18 (2) EVALUATE AND APPROVE QUALIFIED PROVIDERS OF
19 POSTBACCALAUREATE CERTIFICATION PROGRAMS, WHICH MAY INCLUDE
20 PROVIDERS OTHER THAN INSTITUTIONS OF HIGHER EDUCATION, AND
21 ENSURE THAT THE APPROVAL PROCESS DESIGNED FOR PROGRAM PROVIDERS
22 WHICH ARE NOT INSTITUTIONS OF HIGHER EDUCATION ENABLES HIGH-
23 QUALITY, NONTRADITIONAL PROGRAM PROVIDERS TO SEEK AND GAIN
24 APPROVAL.

25 (3) DEVELOP GUIDELINES FOR THE APPROVAL OF FLEXIBLE
26 POSTBACCALAUREATE INSTRUCTIONAL CERTIFICATION PROGRAMS. SUCH
27 PROGRAM GUIDELINES SHALL ADDRESS:

28 (I) INSTRUCTION AND TRAINING IN THE FOLLOWING:

29 (A) EDUCATIONAL STRATEGIES FOR THE DESIGNATED SUBJECT AREA.

30 (B) CHILD DEVELOPMENT SPECIFICALLY RELATED TO THE LEVEL OF

1 THE CERTIFICATE SOUGHT.

2 (C) PROFESSIONAL ETHICS AND RESPONSIBILITIES.

3 (D) PENNSYLVANIA ACADEMIC STANDARDS.

4 (E) ASSESSMENT KNOWLEDGE AND SKILLS.

5 (F) ACCOMMODATIONS AND ADAPTATIONS FOR STUDENTS WITH
6 DISABILITIES IN AN INCLUSIVE SETTING.

7 (G) STRATEGIES FOR MEETING INSTRUCTIONAL NEEDS OF ENGLISH
8 LANGUAGE LEARNERS.

9 (II) REQUIREMENTS FOR CANDIDATE OVERSIGHT AND MENTORING THAT
10 MAY INCLUDE FIELD PLACEMENT, STUDENT TEACHING, CLASSROOM
11 OBSERVATIONS AND ONGOING SUPPORT FOR NOVICE EDUCATORS IN
12 PARTNERSHIP WITH LOCAL EDUCATION AGENCIES DURING THEIR INDUCTION
13 PERIOD, INCLUDING OBSERVATION, CONSULTATION AND ASSESSMENT THAT
14 INCLUDES CLOSE SUPERVISION BY A PROFESSIONAL EMPLOYEE.

15 (4) ISSUE CERTIFICATES IN ACCORDANCE WITH THIS SECTION TO
16 QUALIFIED CANDIDATES.

17 (5) ADOPT STANDARDS AND GUIDELINES AS NECESSARY TO IMPLEMENT
18 THIS SECTION.

19 (B) (1) THE SECRETARY OF EDUCATION MAY MAKE A ONE-TIME
20 ISSUANCE OF A RESIDENCY CERTIFICATE FOR SERVICE IN A SPECIFIC
21 SHORTAGE AREA OF INSTRUCTION IN PUBLIC SCHOOLS OF THIS
22 COMMONWEALTH TO AN APPLICANT WHO MEETS ALL OF THE FOLLOWING:

23 (I) SATISFIES THE REQUIREMENTS SPECIFIED UNDER SECTION 1209.

24 (II) MEETS ONE OF THE FOLLOWING:

25 (A) HOLDS A DOCTORAL DEGREE OR MASTER'S DEGREE FROM AN
26 ACCREDITED COLLEGE OR UNIVERSITY IN THE SUBJECT AREA OF
27 SHORTAGE.

28 (B) HOLDS A BACHELOR'S DEGREE FROM AN ACCREDITED COLLEGE OR
29 UNIVERSITY IN THE SUBJECT AREA OF SHORTAGE AND HAS AT LEAST
30 THREE (3) YEARS OF WORK EXPERIENCE IN THE SUBJECT AREA OR

1 RELATED FIELD.

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

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

6 (2) A RESIDENCY CERTIFICATE SHALL BE VALID FOR THREE (3)
7 YEARS OF TEACHING IN THE PUBLIC SCHOOLS OF THIS COMMONWEALTH IN
8 THE AREA FOR WHICH IT APPLIES.

9 (3) THE SECRETARY OF EDUCATION SHALL HAVE ALL OF THE
10 FOLLOWING POWERS AND DUTIES RELATED TO THE ISSUANCE OF RESIDENCY
11 CERTIFICATES:

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

14 (II) DEVELOP GUIDELINES FOR THE RESIDENCY PROGRAM IN
15 ACCORDANCE WITH SUBSECTION (A).

16 (III) ISSUE RESIDENCY CERTIFICATES TO QUALIFIED APPLICANTS.

17 (IV) REPORT ANNUALLY TO THE STATE BOARD OF EDUCATION ON THE
18 NUMBER OF RESIDENCY CERTIFICATES ISSUED UNDER THIS SECTION.

19 (4) A RESIDENCY CERTIFICATE MAY BE CONVERTED TO AN
20 INSTRUCTIONAL I CERTIFICATE UPON THE COMPLETION OF ALL RESIDENCY
21 PROGRAM REQUIREMENTS UNDER DEPARTMENT OF EDUCATION GUIDELINES
22 AND THE COMPLETION OF THREE (3) YEARS OF SATISFACTORY TEACHING
23 IN THE PUBLIC SCHOOLS OF THIS COMMONWEALTH.

24 (C) (1) POSTBACCALAUREATE INSTRUCTIONAL INTERN
25 CERTIFICATION PROGRAMS SHALL PROVIDE FLEXIBLE AND ACCELERATED
26 PEDAGOGICAL TRAINING TO TEACHERS WHO HAVE DEMONSTRATED SUBJECT
27 MATTER COMPETENCY IN A SUBJECT AREA RELATED TO THEIR
28 CERTIFICATION.

29 (2) THE SECRETARY OF EDUCATION MAY MAKE A ONE-TIME ISSUANCE
30 OF A POSTBACCALAUREATE INSTRUCTIONAL INTERN CERTIFICATE FOR

1 SERVICE IN A SPECIFIC AREA OF INSTRUCTION TO CANDIDATES WHO, IN
2 ADDITION TO MEETING THE REQUIREMENTS OF SECTION 1209, PRESENT
3 EVIDENCE OF SATISFACTORY ACHIEVEMENT ON THE DEPARTMENT-
4 PRESCRIBED SUBJECT MATTER ASSESSMENTS RELATED TO THE AREA OF
5 CERTIFICATION AND HOLD A BACHELOR'S DEGREE FROM AN ACCREDITED
6 COLLEGE OR UNIVERSITY. THIS CERTIFICATE SHALL REQUIRE CONTINUING
7 ENROLLMENT IN AN APPROVED POSTBACCALAUREATE INSTRUCTIONAL INTERN
8 CERTIFICATION PROGRAM.

9 (3) A POSTBACCALAUREATE INSTRUCTIONAL INTERN CERTIFICATE
10 SHALL BE VALID FOR THREE (3) YEARS OF TEACHING IN THE PUBLIC
11 SCHOOLS OF THIS COMMONWEALTH AND MAY NOT BE RENEWED.

12 (4) A CANDIDATE SHALL BE ISSUED AN INSTRUCTIONAL I
13 CERTIFICATE UPON SUCCESSFUL COMPLETION OF THE APPROVED
14 POSTBACCALAUREATE INSTRUCTIONAL INTERN PROGRAM PROVIDED THAT THE
15 CANDIDATE HAS SATISFIED THE REQUIREMENTS OF SECTION 1209.

16 (D) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO
17 PERSON SHALL BE GRANTED AN ADMINISTRATIVE CERTIFICATE OR A
18 VOCATIONAL DIRECTOR CERTIFICATE BY THE DEPARTMENT OF EDUCATION
19 UNLESS:

20 (I) THE CANDIDATE HOLDS A BACHELOR'S DEGREE FROM AN
21 ACCREDITED COLLEGE OR UNIVERSITY.

22 (II) THE CANDIDATE HAS HAD THREE (3) YEARS OF RELEVANT
23 PROFESSIONAL EXPERIENCE.

24 (III) THE CANDIDATE SATISFIES THE REQUIREMENTS OF SECTION
25 1209.

26 (IV) NOTWITHSTANDING THE PROVISIONS OF SECTIONS 1205.1(F),
27 1205.2(N.1) AND 1205.5(H), THE CANDIDATE HAS COMPLETED IN A
28 COLLEGE OR UNIVERSITY A GRADUATE PROGRAM IN EDUCATION APPROVED
29 BY THE DEPARTMENT OF EDUCATION OR HAS PROVIDED TO THE SECRETARY
30 OF EDUCATION, WITHIN TWO YEARS OF EMPLOYMENT IN THE SCHOOL OR

1 SYSTEM LEADERSHIP POSITION FOR WHICH THE CANDIDATE WAS
2 CERTIFIED, SATISFACTORY EVIDENCE THAT THE CANDIDATE HAS
3 SUCCESSFULLY COMPLETED A LEADERSHIP DEVELOPMENT PROGRAM THAT
4 MEETS THE PENNSYLVANIA SCHOOL LEADERSHIP STANDARDS UNDER SECTION
5 1217 AND HAS DEMONSTRATED KNOWLEDGE OF BASIC SCHOOL LAWS AND
6 REGULATIONS.

7 (2) THE SECRETARY OF EDUCATION MAY ADOPT STANDARDS AND
8 GUIDELINES AS NECESSARY TO IMPLEMENT THIS SECTION.

9 (E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO CANDIDATE
10 FOR CERTIFICATION OR ADMISSION INTO A CERTIFICATION PREPARATION
11 PROGRAM WHO HOLDS A BACHELOR'S DEGREE FROM A REGIONALLY
12 ACCREDITED COLLEGE OR UNIVERSITY SHALL BE REQUIRED TO COMPLETE
13 THE ACADEMIC PREPARATION REQUIREMENTS OF 22 PA. CODE CH. 354
14 (RELATING TO PREPARATION OF PROFESSIONAL EDUCATORS).

15 (F) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT
16 THE STATE BOARD OF EDUCATION FROM AUTHORIZING CERTIFICATION
17 PROGRAMS IN ACCORDANCE WITH STATE LAW, NOR SHALL THIS SECTION BE
18 CONSTRUED TO IMPACT ANY PROGRAMS THAT HAVE BEEN AUTHORIZED BY
19 THE STATE BOARD OF EDUCATION PRIOR TO THE EFFECTIVE DATE OF THIS
20 SECTION.

21 SECTION 18. SECTION 1304 OF THE ACT, AMENDED JANUARY 14,
22 1970 (1969 P.L.468, NO.192), IS AMENDED TO READ:

23 SECTION 1304. ADMISSION OF BEGINNERS.--[THE ADMISSION OF]

24 (A) SCHOOL DISTRICTS SHALL ADMIT BEGINNERS TO THE PUBLIC
25 SCHOOLS [SHALL BE CONFINED TO] DURING AT LEAST THE FIRST TWO
26 WEEKS OF THE ANNUAL SCHOOL TERM IN DISTRICTS OPERATING ON AN
27 ANNUAL PROMOTION BASIS[,] AND [TO] DURING THE FIRST TWO WEEKS OF
28 EITHER THE FIRST OR THE SECOND SEMESTER OF THE SCHOOL TERM IN
29 DISTRICTS OPERATING ON A SEMI-ANNUAL PROMOTION BASIS;
30 THEREAFTER, THE ADMISSION OF BEGINNERS SHALL BE AT THE

1 DISCRETION OF EACH SCHOOL DISTRICT.

2 (B) ADMISSION SHALL BE LIMITED TO BEGINNERS WHO HAVE
3 ATTAINED THE AGE OF FIVE YEARS AND SEVEN MONTHS BEFORE THE FIRST
4 DAY OF SEPTEMBER IF THEY ARE TO BE ADMITTED IN THE FALL, AND TO
5 THOSE WHO HAVE ATTAINED THE AGE OF FIVE YEARS AND SEVEN MONTHS
6 BEFORE THE FIRST DAY OF FEBRUARY IF THEY ARE TO BE ADMITTED AT
7 THE BEGINNING OF THE SECOND SEMESTER. THE BOARD OF SCHOOL
8 DIRECTORS OF ANY SCHOOL DISTRICT MAY ADMIT BEGINNERS WHO ARE
9 LESS THAN FIVE YEARS AND SEVEN MONTHS OF AGE, IN ACCORDANCE WITH
10 STANDARDS PRESCRIBED BY THE STATE BOARD OF EDUCATION. THE BOARD
11 OF SCHOOL DIRECTORS MAY REFUSE TO ACCEPT OR RETAIN BEGINNERS WHO
12 HAVE NOT ATTAINED A MENTAL AGE OF FIVE YEARS, AS DETERMINED BY
13 THE SUPERVISOR OF SPECIAL EDUCATION OR A PROPERLY CERTIFICATED
14 PUBLIC SCHOOL PSYCHOLOGIST IN ACCORDANCE WITH STANDARDS
15 PRESCRIBED BY THE STATE BOARD OF EDUCATION.

16 (C) THE TERM "BEGINNERS," AS USED IN THIS SECTION, SHALL
17 MEAN ANY CHILD THAT SHOULD ENTER THE LOWEST GRADE OF THE PRIMARY
18 SCHOOL OR THE LOWEST PRIMARY CLASS ABOVE THE KINDERGARTEN LEVEL.

19 SECTION 19. SECTION 1376(C.1) OF THE ACT, AMENDED JULY 4,
20 2004 (P.L.536, NO.70), IS AMENDED TO READ:

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

23 [(C.1) ANY FUNDS REMAINING FROM THE APPROPRIATION LINE ITEMS
24 "FOR SPECIAL EDUCATION - APPROVED PRIVATE SCHOOLS" OR FOR
25 PENNSYLVANIA CHARTER SCHOOLS FOR THE DEAF AND BLIND FROM THE
26 GENERAL APPROPRIATIONS ACTS FOR FISCAL YEARS 1978-1979 AND EACH
27 FISCAL YEAR THEREAFTER SHALL BE TRANSFERRED BY THE STATE
28 TREASURER INTO A RESTRICTED ACCOUNT (CONTINUING APPROPRIATION)
29 FOR AUDIT RESOLUTION WHICH IS HEREBY ESTABLISHED. THE DEPARTMENT
30 OF EDUCATION SHALL ALSO DEPOSIT INTO THIS RESTRICTED ACCOUNT ANY

1 FUNDS RETURNED TO OR RECOVERED BY THE DEPARTMENT FROM APPROVED
2 PRIVATE SCHOOLS OR CHARTERED SCHOOLS FOR OVERPAYMENTS DURING
3 FISCAL YEARS 1978-1979 AND EACH FISCAL YEAR THEREAFTER. THE
4 FUNDS IN THE RESTRICTED ACCOUNT ARE HEREBY APPROPRIATED UPON
5 APPROVAL OF THE GOVERNOR TO THE DEPARTMENT OF EDUCATION FOR
6 PAYMENTS TO APPROVED PRIVATE SCHOOLS FOR AUDIT RESOLUTIONS FOR
7 FISCAL YEARS 1978-1979 THROUGH 2003-2004. DURING THE 1995-1996
8 FISCAL YEAR AND DURING EACH FISCAL YEAR THEREAFTER, THE
9 DEPARTMENT OF EDUCATION SHALL REVIEW THE ACTIVITY IN THE
10 RESTRICTED ACCOUNT AND MAY RECOMMEND THAT THE GOVERNOR AUTHORIZE
11 THE LAPSING INTO THE GENERAL FUND OF ANY FUNDS THAT ARE
12 ESTIMATED NOT TO BE NEEDED FOR AUDIT RESOLUTION.]

13 * * *

14 SECTION 20. SECTION 1303-A(C) (1) OF THE ACT, AMENDED
15 NOVEMBER 17, 2010 (P.L.996, NO.104), IS AMENDED TO READ:

16 SECTION 1303-A. REPORTING.--* * *

17 (C) EACH CHIEF SCHOOL ADMINISTRATOR SHALL FORM AN ADVISORY
18 COMMITTEE COMPOSED OF RELEVANT SCHOOL STAFF, INCLUDING, BUT NOT
19 LIMITED TO, PRINCIPALS, SECURITY PERSONNEL, SCHOOL RESOURCE
20 OFFICERS, GUIDANCE COUNSELORS AND SPECIAL EDUCATION
21 ADMINISTRATORS, TO ASSIST IN THE DEVELOPMENT OF A MEMORANDUM OF
22 UNDERSTANDING PURSUANT TO THIS SECTION. IN CONSULTATION WITH THE
23 ADVISORY COMMITTEE, EACH CHIEF SCHOOL ADMINISTRATOR SHALL ENTER
24 INTO A MEMORANDUM OF UNDERSTANDING WITH POLICE DEPARTMENTS
25 HAVING JURISDICTION OVER SCHOOL PROPERTY OF THE SCHOOL ENTITY.
26 EACH CHIEF SCHOOL ADMINISTRATOR SHALL SUBMIT A COPY OF THE
27 MEMORANDUM OF UNDERSTANDING TO THE OFFICE BY JUNE 30, 2011, AND
28 BIENNIALY UPDATE AND RE-EXECUTE A MEMORANDUM OF UNDERSTANDING
29 WITH LOCAL LAW ENFORCEMENT AND FILE SUCH MEMORANDUM WITH THE
30 OFFICE ON A BIENNIAL BASIS. THE MEMORANDUM OF UNDERSTANDING

1 SHALL BE SIGNED BY THE CHIEF SCHOOL ADMINISTRATOR, THE CHIEF OF
2 POLICE OF THE POLICE DEPARTMENT WITH JURISDICTION OVER THE
3 RELEVANT SCHOOL PROPERTY AND PRINCIPALS OF EACH SCHOOL BUILDING
4 OF THE SCHOOL ENTITY. THE MEMORANDUM OF UNDERSTANDING SHALL
5 COMPLY WITH THE REGULATIONS PROMULGATED BY THE STATE BOARD OF
6 EDUCATION UNDER SECTION 1302.1-A AND SHALL ALSO INCLUDE:

7 (1) THE PROCEDURE FOR POLICE DEPARTMENT REVIEW OF THE
8 [SEMIANNUAL] ANNUAL REPORT REQUIRED UNDER SUBSECTION (B) PRIOR
9 TO THE CHIEF SCHOOL ADMINISTRATOR FILING THE REPORT REQUIRED
10 UNDER SUBSECTION (B) WITH THE OFFICE.

11 * * *

12 SECTION 21. SECTION 1310-A(A) AND (B) (6) AND (8) OF THE ACT,
13 ADDED NOVEMBER 22, 2000 (P.L.672, NO.91), ARE AMENDED TO READ:

14 SECTION 1310-A. SAFE SCHOOLS ADVOCATE IN SCHOOL DISTRICTS OF
15 THE FIRST CLASS.--(A) THE [SECRETARY OF EDUCATION] EXECUTIVE
16 DIRECTOR OF THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY
17 SHALL ESTABLISH, WITHIN THE [OFFICE] COMMISSION, A SAFE SCHOOLS
18 ADVOCATE FOR EACH SCHOOL DISTRICT OF THE FIRST CLASS. THE
19 ADVOCATE SHALL NOT BE SUBJECT TO THE ACT OF AUGUST 5, 1941
20 (P.L.752, NO.286), KNOWN AS THE "CIVIL SERVICE ACT." THE
21 ADVOCATE SHALL ESTABLISH AND MAINTAIN AN OFFICE WITHIN THE
22 SCHOOL DISTRICT.

23 (B) THE SAFE SCHOOLS ADVOCATE SHALL HAVE THE POWER AND ITS
24 DUTIES SHALL BE:

25 * * *

26 (6) TO REVIEW AND ANALYZE FEDERAL AND STATE STATUTES WHICH
27 MAY BE AN IMPEDIMENT TO SCHOOL SAFETY AND THE IMPOSITION OF
28 DISCIPLINE FOR THE COMMISSION OF ACTS OF VIOLENCE ON SCHOOL
29 PROPERTY AND TO PREPARE, BY APRIL 30, 2001, AND AS NECESSARY
30 FROM TIME TO TIME THEREAFTER, REPORTS MAKING RECOMMENDATIONS FOR

1 CHANGES TO THE STATUTES WHICH WOULD PROMOTE SCHOOL SAFETY AND
2 FACILITATE EFFECTIVE AND EXPEDIENT DISCIPLINARY ACTION. THE
3 REPORTS SHALL BE SUBMITTED TO THE SECRETARY AND THE EXECUTIVE
4 DIRECTOR OF THE PENNSYLVANIA COMMISSION ON CRIME AND
5 DELINQUENCY.

6 * * *

7 (8) TO PREPARE AN ANNUAL REPORT REGARDING THE ACTIVITIES OF
8 THE ADVOCATE DURING THE PRIOR FISCAL YEAR AND ANY
9 RECOMMENDATIONS FOR REMEDIAL LEGISLATION, REGULATIONS OR SCHOOL
10 DISTRICT ADMINISTRATIVE REFORMS, WHICH SHALL BE SUBMITTED TO THE
11 SCHOOL DISTRICT SUPERINTENDENT, THE SECRETARY, THE EXECUTIVE
12 DIRECTOR OF THE PENNSYLVANIA COMMISSION ON CRIME AND
13 DELINQUENCY, THE CHAIRPERSON OF THE EDUCATION COMMITTEE OF THE
14 SENATE AND THE CHAIRPERSON OF THE EDUCATION COMMITTEE OF THE
15 HOUSE OF REPRESENTATIVES BY AUGUST 15 OF EACH YEAR.

16 * * *

17 SECTION 22. SECTION 1311-A OF THE ACT, AMENDED JUNE 22, 2001
18 (P.L.530, NO.35), IS AMENDED TO READ:

19 SECTION 1311-A. STANDING.--(A) IF A STUDENT IN A SCHOOL
20 DISTRICT OF THE FIRST CLASS IS A VICTIM OF AN ACT OF VIOLENCE
21 INVOLVING A WEAPON ON SCHOOL PROPERTY AND THE STUDENT WHO
22 POSSESSED THE WEAPON WAS NOT EXPELLED UNDER SECTION 1317.2, THE
23 PARENT OR GUARDIAN OF THE VICTIM SHALL HAVE STANDING TO
24 INSTITUTE A LEGAL PROCEEDING TO OBTAIN EXPULSION OF THE STUDENT.

25 (B) THE OFFICE OF GENERAL COUNSEL SHALL HAVE STANDING TO
26 BRING AN ACTION ON BEHALF OF A VICTIM OR THE PARENT OR GUARDIAN
27 OF A VICTIM OF AN ACT OF VIOLENCE IN A SCHOOL IN A SCHOOL
28 DISTRICT OF THE FIRST CLASS TO MODIFY, CLARIFY OR ELIMINATE A
29 CONSENT DECREE THAT IS RELATED TO DISCIPLINE IN THE DISTRICT IF,
30 IN CONSULTATION WITH THE ADVOCATE, THE OFFICE OF GENERAL COUNSEL

1 BELIEVES THAT THE ACTION IS IN THE BEST INTERESTS OF THE
2 STUDENTS OF THE SCHOOL DISTRICT.

3 (C) (1) THE [SECRETARY OF EDUCATION] EXECUTIVE DIRECTOR OF
4 THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY IN
5 CONSULTATION WITH THE GENERAL COUNSEL MAY DESIGNATE A PORTION OF
6 THE FUNDS PROVIDED FOR THE SAFE SCHOOLS ADVOCATE [FOR]:

7 (I) FOR CONTRACTS FOR LEGAL SERVICES TO ASSIST LOW-INCOME
8 PARENTS OR GUARDIANS OF VICTIMS TO OBTAIN LEGAL SERVICES FOR
9 PROCEEDINGS UNDER SUBSECTION (A). [THE SECRETARY OF EDUCATION IN
10 CONSULTATION WITH THE GENERAL COUNSEL MAY DESIGNATE A PORTION OF
11 THE FUNDS PROVIDED FOR THE ADVOCATE TO]

12 (II) TO CHALLENGE A CONSENT DECREE UNDER SUBSECTION (B) OR
13 TO BRING AN ACTION UNDER SECTIONS 1310-A(C) (5) AND 1312-A(A).

14 (2) THE DESIGNATION OF ATTORNEYS TO RECEIVE FUNDS UNDER THIS
15 SUBSECTION SHALL BE WITHIN THE DISCRETION OF THE OFFICE OF
16 GENERAL COUNSEL AFTER CONSULTATION WITH THE SAFE SCHOOLS
17 ADVOCATE.

18 (3) DESIGNATED FUNDS WHICH ARE NOT EXPENDED UNDER THIS
19 SUBSECTION SHALL LAPSE TO THE GENERAL FUND.

20 (D) LEGAL PROCEEDINGS UNDER THIS SECTION SHALL BE CONDUCTED
21 BY AN ATTORNEY DESIGNATED BY THE OFFICE OF GENERAL COUNSEL IN
22 CONSULTATION WITH THE SAFE SCHOOLS ADVOCATE. THE ATTORNEY MUST
23 BE A MEMBER OF THE BAR IN GOOD STANDING.

24 [(E) THE APPROPRIATION FOR THE OFFICE OF SCHOOL VICTIM
25 ADVOCATE IN SECTION 202 OF THE ACT OF MAY 24, 2000 (P.L.1086,
26 NO.21A), KNOWN AS THE "GENERAL APPROPRIATION ACT OF 2000," SHALL
27 BE USED TO IMPLEMENT THIS SECTION AND SECTIONS 1310-A AND 1312-
28 A.]

29 (F) AS USED IN THIS SECTION, "LOW-INCOME PARENT OR GUARDIAN"
30 SHALL MEAN A PARENT WHOSE FAMILY INCOME IS NO GREATER THAN TWO

1 HUNDRED FIFTY PER CENTUM (250%) OF THE FEDERAL POVERTY LEVEL.

2 SECTION 23. SECTION 1312-A OF THE ACT, ADDED NOVEMBER 22,
3 2000 (P.L.672, NO.91), IS AMENDED TO READ:

4 SECTION 1312-A. ENFORCEMENT.--(A) (1) IF THE SCHOOL
5 DISTRICT OF THE FIRST CLASS FAILS TO COMPLY WITH REQUIREMENTS TO
6 PROVIDE INFORMATION TO THE SAFE SCHOOLS ADVOCATE UNDER SECTION
7 1310-A, THE ADVOCATE SHALL PROVIDE DOCUMENTATION OF THE FAILURE
8 TO THE [DEPARTMENT OF EDUCATION] SECRETARY OF EDUCATION AND THE
9 PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY.

10 (2) IF THE [DEPARTMENT] SECRETARY DETERMINES THAT THERE IS
11 NONCOMPLIANCE, THE [DEPARTMENT] SECRETARY SHALL NOTIFY THE
12 ADVOCATE AND THE OFFICE OF GENERAL COUNSEL. THE OFFICE OF
13 GENERAL COUNSEL, IN CONSULTATION WITH THE SAFE SCHOOLS ADVOCATE,
14 SHALL DESIGNATE AN ATTORNEY TO BRING AN ACTION IN A COURT OF
15 COMPETENT JURISDICTION TO ENFORCE SECTION 1310-A.

16 (3) IF THE SECRETARY DETERMINES THAT THE SCHOOL DISTRICT OF
17 THE FIRST CLASS HAS COMPLIED WITH THE REQUIREMENTS TO PROVIDE
18 INFORMATION TO THE SAFE SCHOOLS ADVOCATE UNDER SECTION 1310-A,
19 THE SECRETARY SHALL CONVENE A PUBLIC HEARING AT WHICH THE SAFE
20 SCHOOLS ADVOCATE SHALL BE PERMITTED TO TESTIFY REGARDING THE
21 ALLEGED NONCOMPLIANCE.

22 (B) LEGAL PROCEEDINGS UNDER SUBSECTION (A) SHALL BE
23 CONDUCTED BY AN ATTORNEY DESIGNATED BY THE OFFICE OF GENERAL
24 COUNSEL IN CONSULTATION WITH THE SAFE SCHOOLS ADVOCATE. THE
25 ATTORNEY MUST BE A MEMBER OF THE BAR IN GOOD STANDING.

26 SECTION 24. SECTION 1604-A(B) OF THE ACT IS AMENDED BY
27 ADDING A PARAGRAPH TO READ:

28 SECTION 1604-A. COUNCIL RECOMMENDATIONS AND STANDARDS.--* *

29 *

30 (B) THE ASSOCIATION SHALL TAKE ALL STEPS NECESSARY TO COMPLY

1 WITH THE FOLLOWING STANDARDS:

2 * * *

3 (14) BY AUGUST 8, 2011, ESTABLISH A POLICY REQUIRING THAT
4 STUDENTS WHO IN THE CURRENT OR PRIOR SCHOOL YEAR ATTENDED A
5 SCHOOL ENTITY THAT HAS ABOLISHED ITS PROGRAM OF INTERSCHOLASTIC
6 ATHLETICS IN WHOLE OR IN PART SHALL BE ELIGIBLE TO PARTICIPATE
7 WITHOUT PENALTY IN THE PROGRAM OF INTERSCHOLASTIC ATHLETICS OF
8 ANOTHER SCHOOL ENTITY IN WHICH THEY ARE CURRENTLY ENROLLED,
9 PROVIDED THAT:

10 (I) IF THE ASSOCIATION FAILS TO ESTABLISH AND ENFORCE THE
11 POLICY, NO SCHOOL ENTITY MAY BE A MEMBER OF THE ASSOCIATION AND
12 MAY NOT PAY DUES TO THE ASSOCIATION DIRECTLY OR INDIRECTLY
13 THROUGH AN AFFILIATED ORGANIZATION.

14 (II) NO SCHOOL ENTITY THAT IS A MEMBER OF THE ASSOCIATION
15 MAY RECRUIT TO PARTICIPATE IN ITS PROGRAM OF INTERSCHOLASTIC
16 ATHLETICS ANY STUDENTS WHO ATTEND A SCHOOL ENTITY THAT HAS
17 ABOLISHED ITS PROGRAM OF INTERSCHOLASTIC ATHLETICS.

18 (III) IF A SCHOOL ENTITY THAT HAS ABOLISHED ITS PROGRAM OF
19 INTERSCHOLASTIC ATHLETICS IN WHOLE OR IN PART REINSTATES ITS
20 PROGRAM OF INTERSCHOLASTIC ATHLETICS IN WHOLE OR IN PART IN A
21 SUBSEQUENT YEAR, A STUDENT WHO IS CURRENTLY OR WAS PREVIOUSLY
22 ENROLLED IN THE SCHOOL ENTITY BUT WHO HAS PARTICIPATED IN THE
23 PROGRAM OF INTERSCHOLASTIC ATHLETICS OF ANOTHER SCHOOL ENTITY
24 UNDER THIS SECTION SHALL BE ELIGIBLE TO PARTICIPATE WITHOUT
25 PENALTY IN THE PROGRAM OF INTERSCHOLASTIC ATHLETICS OF THE
26 SCHOOL ENTITY THAT REINSTATED ITS PREVIOUSLY ABOLISHED PROGRAM
27 IN WHOLE OR IN PART.

28 SECTION 25. THE DEFINITION OF "CONCURRENT ENROLLMENT
29 COMMITTEE" IN SECTION 1602-B OF THE ACT, ADDED JULY 13, 2005
30 (P.L.226, NO.46), IS AMENDED TO READ:

1 SECTION 1602-B. DEFINITIONS.

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

5 * * *

6 ["CONCURRENT ENROLLMENT COMMITTEE." A COMMITTEE COMPRISED OF
7 REPRESENTATIVES FROM A SCHOOL ENTITY AND ELIGIBLE POSTSECONDARY
8 INSTITUTIONS WITH WHICH IT OFFERS A CONCURRENT ENROLLMENT
9 PROGRAM.]

10 * * *

11 SECTION 26. SECTION 1611-B(A) OF THE ACT, AMENDED JULY 11,
12 2006 (P.L.1092, NO.114), IS AMENDED TO READ:

13 SECTION 1611-B. RESPONSIBILITIES OF SCHOOL ENTITIES.

14 (A) CONCURRENT ENROLLMENT PROGRAM.--A SCHOOL ENTITY SEEKING
15 A GRANT UNDER SECTION 1603-B(C) SHALL DO ALL OF THE FOLLOWING:

16 (1) ENTER INTO A CONCURRENT ENROLLMENT AGREEMENT WITH AN
17 ELIGIBLE POSTSECONDARY INSTITUTION OR INSTITUTIONS AS
18 REQUIRED UNDER SECTION 1613-B.

19 [(2) FORM A CONCURRENT ENROLLMENT COMMITTEE AS REQUIRED
20 UNDER SECTION 1612-B.]

21 (3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II),
22 PROVIDE, NO LATER THAN 90 DAYS PRIOR TO THE DATE ON WHICH
23 AN APPLICATION IS SUBMITTED PURSUANT TO SUBSECTION (C),
24 WRITTEN NOTICE OF THE AVAILABILITY OF THE CONCURRENT
25 ENROLLMENT PROGRAM TO:

26 (A) ANY NONPUBLIC OR PRIVATE SCHOOL FOR WHICH
27 THE SCHOOL ENTITY PROVIDES FREE TRANSPORTATION AS
28 REQUIRED UNDER SECTION 1361.

29 (B) ANY CHARTER SCHOOL APPROVED TO OPERATE
30 WITHIN THE SCHOOL ENTITY.

1 (C) THE PARENTS OF STUDENTS ENROLLED IN A HOME
2 EDUCATION PROGRAM UNDER SECTION 1327.1.

3 (II) FOR THE 2006-2007 SCHOOL YEAR, A SCHOOL ENTITY
4 SHALL PROVIDE THE INFORMATION REQUIRED UNDER THIS
5 SUBPARAGRAPH NO LATER THAN 30 DAYS PRIOR TO THE DATE ON
6 WHICH AN APPLICATION IS SUBMITTED UNDER SUBSECTION (C).

7 * * *

8 SECTION 27. SECTION 1612-B OF THE ACT, ADDED JULY 13, 2005
9 (P.L.226, NO.46), IS REPEALED:

10 [SECTION 1612-B. CONCURRENT ENROLLMENT COMMITTEES.

11 (A) COMPOSITION.--

12 (1) (I) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (II),
13 IN ORDER TO BE ELIGIBLE FOR GRANT FUNDS UNDER SECTION
14 1603-B(C), A SCHOOL ENTITY SHALL FORM A CONCURRENT
15 ENROLLMENT COMMITTEE, WHICH SHALL INCLUDE NO FEWER THAN
16 SIX MEMBERS.

17 (II) THE NUMBER OF COMMITTEE MEMBERS APPOINTED UNDER
18 PARAGRAPH (3) OR (4) SHALL NOT EXCEED THE NUMBER OF
19 COMMITTEE MEMBERS APPOINTED UNDER PARAGRAPH (2).

20 (2) AT LEAST FOUR MEMBERS SHALL BE APPOINTED BY THE
21 BOARD OF SCHOOL DIRECTORS OF THE SCHOOL ENTITY. AT A MINIMUM,
22 THE MEMBERS SHALL INCLUDE:

23 (I) A PARENT OF A HIGH SCHOOL STUDENT ENROLLED IN
24 THE SCHOOL ENTITY.

25 (II) A TEACHER EMPLOYED BY THE SCHOOL ENTITY AND
26 SELECTED BY THE TEACHERS OF THE SCHOOL ENTITY.

27 (III) AN ADMINISTRATOR EMPLOYED BY THE SCHOOL ENTITY
28 AND SELECTED BY THE SUPERINTENDENT OF THE SCHOOL ENTITY.

29 (IV) A MEMBER OF THE BOARD OF SCHOOL DIRECTORS OF
30 THE SCHOOL ENTITY, WHO SHALL BE THE CHAIRMAN.

1 (3) AT LEAST TWO MEMBERS SHALL BE APPOINTED BY EACH
2 ELIGIBLE POSTSECONDARY INSTITUTION PARTICIPATING IN THE
3 CONCURRENT ENROLLMENT PROGRAM, OF WHICH AT LEAST ONE SHALL BE
4 A FACULTY MEMBER REPRESENTING A DEPARTMENT WITH
5 ADMINISTRATIVE AUTHORITY OVER ONE OR MORE APPROVED CONCURRENT
6 COURSES.

7 (4) WHERE MORE THAN THREE ELIGIBLE POSTSECONDARY
8 INSTITUTIONS PARTICIPATE IN THE CONCURRENT ENROLLMENT
9 PROGRAM, ONE MEMBER SHALL BE APPOINTED BY EACH ELIGIBLE
10 POSTSECONDARY INSTITUTION.

11 (B) DUTIES.--THE CONCURRENT ENROLLMENT COMMITTEE SHALL DO
12 ALL OF THE FOLLOWING:

13 (1) DEVELOP A PROPOSED CONCURRENT ENROLLMENT AGREEMENT,
14 WHICH MAY INCLUDE SEPARATE, INDIVIDUAL AGREEMENTS WITH EACH
15 ELIGIBLE POSTSECONDARY INSTITUTION WITH MEMBERS APPOINTED TO
16 THE CONCURRENT ENROLLMENT COMMITTEE.

17 (2) PRESENT THE PROPOSED CONCURRENT ENROLLMENT AGREEMENT
18 TO THE BOARD OF SCHOOL DIRECTORS OF THE SCHOOL ENTITY FOR
19 APPROVAL.

20 (3) MEET NO LESS THAN QUARTERLY TO REVIEW THE CONCURRENT
21 ENROLLMENT PROGRAM.

22 (4) RECOMMEND ANY CHANGES TO THE CONCURRENT ENROLLMENT
23 PROGRAM TO THE BOARD OF SCHOOL DIRECTORS OF THE SCHOOL
24 ENTITY.

25 (5) DEVELOP CRITERIA TO PERMIT STUDENTS WHO ARE NOT
26 QUALIFIED UNDER SECTION 1614-B(A) TO ENROLL IN THE CONCURRENT
27 ENROLLMENT PROGRAM.]

28 SECTION 28. SECTIONS 1613-B(A) AND 1614-B(B) OF THE ACT,
29 ADDED JULY 13, 2005 (P.L.226, NO.46), ARE AMENDED TO READ:
30 SECTION 1613-B. CONCURRENT ENROLLMENT AGREEMENTS.

1 (A) DEADLINE.--IN ORDER TO BE ELIGIBLE FOR FUNDING UNDER
2 SECTION 1603-B(C), A [CONCURRENT ENROLLMENT COMMITTEE] SCHOOL
3 ENTITY SHALL DEVELOP A CONCURRENT ENROLLMENT AGREEMENT AND
4 PRESENT IT TO [THE BOARD OF SCHOOL DIRECTORS OF THE SCHOOL
5 ENTITY AND TO] EACH ELIGIBLE POSTSECONDARY INSTITUTION [WITH
6 MEMBERS APPOINTED TO THE CONCURRENT ENROLLMENT COMMITTEE]
7 PARTICIPATING IN THE CONCURRENT ENROLLMENT PROGRAM FOR APPROVAL
8 PRIOR TO THE SUBMISSION OF A GRANT APPLICATION PURSUANT TO
9 SECTION 1611-B(C).

10 * * *

11 SECTION 1614-B. ENROLLMENT IN CONCURRENT COURSES.

12 * * *

13 (B) OPTIONAL ENROLLMENT.--A STUDENT ENROLLED IN A SCHOOL
14 DISTRICT, CHARTER SCHOOL, AREA VOCATIONAL-TECHNICAL SCHOOL,
15 NONPUBLIC SCHOOL, PRIVATE SCHOOL OR HOME EDUCATION PROGRAM WHO
16 DOES NOT QUALIFY UNDER SUBSECTION (A) MAY ENROLL IN CONCURRENT
17 COURSES THAT ARE PART OF A CONCURRENT ENROLLMENT PROGRAM
18 APPROVED BY THE STUDENT'S SCHOOL DISTRICT OF RESIDENCE OR THE
19 AREA VOCATIONAL-TECHNICAL SCHOOL IN WHICH THE STUDENT IS
20 ENROLLED BY MEETING ALTERNATE CRITERIA [ESTABLISHED BY THE
21 CONCURRENT ENROLLMENT COMMITTEE] AGREED UPON BY THE SCHOOL
22 ENTITY AND THE ELIGIBLE POSTSECONDARY INSTITUTION AT WHICH THE
23 STUDENT SEEKS TO ENROLL IN CONCURRENT COURSES, PROVIDED THAT THE
24 CHARTER SCHOOL, NONPUBLIC SCHOOL, PRIVATE SCHOOL OR HOME
25 EDUCATION PROGRAM AWARDS SECONDARY CREDIT FOR A SUCCESSFULLY
26 COMPLETED CONCURRENT COURSE. THE STUDENT SHALL BE INCLUDED IN
27 THE NUMBER OF STUDENTS REPORTED TO THE DEPARTMENT UNDER SECTION
28 1611-B(B) AND (C).

29 SECTION 29. SECTION 1724-A(C) OF THE ACT, ADDED JUNE 19,
30 1997 (P.L.225, NO.22), IS AMENDED TO READ:

1 SECTION 1724-A. SCHOOL STAFF.--* * *

2 (C) ALL EMPLOYES OF A CHARTER SCHOOL SHALL BE ENROLLED IN
3 THE PUBLIC SCHOOL [EMPLOYEE'S] EMPLOYEES' RETIREMENT SYSTEM IN
4 THE SAME MANNER AS SET FORTH IN 24 PA.C.S. § 8301(A) (RELATING
5 TO MANDATORY AND OPTIONAL MEMBERSHIP) UNLESS AT THE TIME OF THE
6 APPLICATION FOR THE CHARTER SCHOOL THE SPONSORING DISTRICT OR
7 THE BOARD OF TRUSTEES OF THE CHARTER SCHOOL HAS A RETIREMENT
8 PROGRAM WHICH COVERS THE EMPLOYES OR THE EMPLOYEE IS CURRENTLY
9 ENROLLED IN ANOTHER RETIREMENT PROGRAM. THE COMMONWEALTH SHALL
10 MAKE CONTRIBUTIONS ON BEHALF OF CHARTER SCHOOL EMPLOYES[, AND
11 THE] ENROLLED IN THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM.
12 THE CHARTER SCHOOL SHALL BE CONSIDERED A SCHOOL DISTRICT AND
13 SHALL MAKE PAYMENTS BY EMPLOYERS TO THE PUBLIC SCHOOL EMPLOYEES'
14 RETIREMENT SYSTEM AND PAYMENTS ON ACCOUNT OF SOCIAL SECURITY AS
15 ESTABLISHED UNDER 24 PA.C.S. PT. IV (RELATING TO RETIREMENT FOR
16 SCHOOL EMPLOYEES). [FOR PURPOSES OF PAYMENTS BY EMPLOYERS, A
17 CHARTER SCHOOL SHALL BE CONSIDERED A SCHOOL DISTRICT UNDER 24
18 PA.C.S. § 8329(A) (1) (RELATING TO PAYMENTS ON ACCOUNT OF SOCIAL
19 SECURITY DEDUCTIONS FROM APPROPRIATIONS).] THE MARKET
20 VALUE/INCOME AID RATIO USED IN CALCULATING PAYMENTS AS
21 PRESCRIBED IN THIS SUBSECTION SHALL BE THE MARKET VALUE/INCOME
22 AID RATIO FOR THE SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS
23 LOCATED OR, IN THE CASE OF A REGIONAL CHARTER SCHOOL, SHALL BE A
24 COMPOSITE MARKET VALUE/INCOME AID RATIO FOR THE PARTICIPATING
25 SCHOOL DISTRICTS AS DETERMINED BY THE DEPARTMENT. EXCEPT AS
26 OTHERWISE PROVIDED, EMPLOYES OF A CHARTER SCHOOL SHALL MAKE
27 REGULAR MEMBER CONTRIBUTIONS AS REQUIRED FOR ACTIVE MEMBERS
28 UNDER 24 PA.C.S. PT. IV. IF THE EMPLOYES OF THE CHARTER SCHOOL
29 PARTICIPATE IN ANOTHER RETIREMENT PLAN, THEN THOSE EMPLOYES
30 SHALL HAVE NO CONCURRENT CLAIM ON THE BENEFITS PROVIDED TO

1 PUBLIC SCHOOL EMPLOYEES UNDER 24 PA.C.S. PT. IV. FOR PURPOSES OF
2 THIS SUBSECTION, A CHARTER SCHOOL SHALL BE DEEMED TO BE A
3 "PUBLIC SCHOOL" AS DEFINED IN 24 PA.C.S. § 8102 (RELATING TO
4 DEFINITIONS).

5 * * *

6 SECTION 30. SECTION 1913-A(B) (1.6) OF THE ACT, AMENDED JULY
7 9, 2008 (P.L.846, NO.61), IS AMENDED TO READ:

8 SECTION 1913-A. FINANCIAL PROGRAM; REIMBURSEMENT OF
9 PAYMENTS.--* * *

10 (B) * * *

11 (1.6) FOR THE 2006-2007 FISCAL YEAR AND EACH FISCAL YEAR
12 THEREAFTER, THE PAYMENT FOR A COMMUNITY COLLEGE SHALL CONSIST OF
13 THE FOLLOWING:

14 (I) EACH COMMUNITY COLLEGE SHALL RECEIVE AN AMOUNT EQUAL TO
15 THE REIMBURSEMENT FOR OPERATING COSTS, BASE SUPPLEMENT AND
16 GROWTH SUPPLEMENT AMOUNTS IT RECEIVED IN THE IMMEDIATELY
17 PRECEDING FISCAL YEAR.

18 (II) EACH COMMUNITY COLLEGE SHALL RECEIVE AN ECONOMIC
19 DEVELOPMENT STIPEND AS CALCULATED UNDER CLAUSE (1.7). THE AMOUNT
20 AVAILABLE FOR ECONOMIC DEVELOPMENT STIPENDS SHALL INCREASE EACH
21 YEAR BY THE PERCENT INCREASE IN THE STATE APPROPRIATION FOR
22 PAYMENT OF APPROVED OPERATING EXPENSES OF COMMUNITY COLLEGES AND
23 MAY INCLUDE ANY OTHER PRIVATE OR PUBLIC FUNDS APPROPRIATED OR
24 OTHERWISE MADE AVAILABLE TO THE DEPARTMENT OF EDUCATION FOR THAT
25 PURPOSE.

26 (III) EACH COMMUNITY COLLEGE SHALL RECEIVE A BASE SUPPLEMENT
27 DETERMINED BY:

28 (A) SUBTRACTING THE TOTAL AMOUNT OF FUNDS DETERMINED UNDER
29 SUBCLAUSES (I) AND (II) FROM THE STATE APPROPRIATION FOR PAYMENT
30 OF APPROVED OPERATING EXPENSES OF COMMUNITY COLLEGES;

1 (B) DIVIDING THE PAYMENT UNDER SUBCLAUSE (I) BY THE SUM OF
2 THE AMOUNTS DETERMINED FOR ALL COMMUNITY COLLEGES UNDER
3 SUBCLAUSE (I); AND

4 (C) MULTIPLYING THE QUOTIENT FROM PARAGRAPH (B) BY AN AMOUNT
5 EQUAL TO SEVENTY-FIVE PERCENT (75%) OF THE AMOUNT DETERMINED
6 UNDER PARAGRAPH (A).

7 (IV) EACH COMMUNITY COLLEGE WITH AN EQUIVALENT FULL-TIME
8 ENROLLMENT IN CREDIT, NONCREDIT AND WORKFORCE DEVELOPMENT
9 COURSES FOR THE YEAR PRIOR TO THE IMMEDIATELY PRECEDING YEAR
10 GREATER THAN ITS EQUIVALENT FULL-TIME ENROLLMENT IN CREDIT,
11 NONCREDIT AND WORKFORCE DEVELOPMENT COURSES FOR THE SECOND YEAR
12 PRIOR TO THE IMMEDIATELY PRECEDING YEAR SHALL RECEIVE A GROWTH
13 SUPPLEMENT AMOUNT DETERMINED BY:

14 (A) SUBTRACTING ITS EQUIVALENT FULL-TIME ENROLLMENT IN
15 CREDIT, NONCREDIT AND WORKFORCE DEVELOPMENT COURSES FOR THE
16 SECOND YEAR PRIOR TO THE IMMEDIATELY PRECEDING YEAR FROM ITS
17 EQUIVALENT FULL-TIME ENROLLMENT IN CREDIT, NONCREDIT AND
18 WORKFORCE DEVELOPMENT COURSES FOR THE YEAR PRIOR TO THE
19 IMMEDIATELY PRECEDING YEAR;

20 (B) DIVIDING THE DIFFERENCE FROM PARAGRAPH (A) BY THE SUM OF
21 THE DIFFERENCES FROM PARAGRAPH (A) FOR ALL COMMUNITY COLLEGES;
22 AND

23 (C) MULTIPLYING THE AMOUNT FROM PARAGRAPH (B) BY AN AMOUNT
24 EQUAL TO TWENTY-FIVE PERCENT (25%) OF THE AMOUNT DETERMINED
25 UNDER SUBCLAUSE (III) (A).

26 SECONDARY SENIOR HIGH SCHOOL STUDENTS ENROLLED IN CREDIT-
27 BEARING, NONREMEDIAL COLLEGE COURSES SHALL BE INCLUDED IN THE
28 CALCULATION UNDER PARAGRAPH (A). CALCULATIONS UNDER THIS
29 SUBCLAUSE SHALL BE BASED UPON THE AUDITED FINANCIAL STATEMENTS
30 SUBMITTED BY A COMMUNITY COLLEGE PURSUANT TO SUBSECTION (K.1).

1 (V) SUBCLAUSES (I), (II), (III) AND (IV) SHALL NOT APPLY TO
2 THE 2011-2012 FISCAL YEAR.

3 (VI) FOR THE 2011-2012 FISCAL YEAR, EACH COMMUNITY COLLEGE
4 SHALL RECEIVE AN AMOUNT EQUAL TO THE SUM OF THE FOLLOWING:

5 (A) A REIMBURSEMENT FOR OPERATING COSTS DETERMINED BY:

6 (I) DIVIDING THE AMOUNT OF FUNDING THAT THE COMMUNITY
7 COLLEGE RECEIVED IN FISCAL YEAR 2010-2011 UNDER SECTION
8 1722-L(A) (7) OF THE ACT OF APRIL 9, 1929 (P.L.343, NO.176),
9 KNOWN AS "THE FISCAL CODE," BY THE TOTAL AMOUNT OF FUNDING
10 PROVIDED TO ALL COMMUNITY COLLEGES IN FISCAL YEAR 2010-2011
11 UNDER SECTION 1722-L(A) (7) OF "THE FISCAL CODE"; AND

12 (II) MULTIPLYING THE QUOTIENT UNDER SUBPARAGRAPH (I) BY
13 \$168,167,000.

14 (B) AN ECONOMIC DEVELOPMENT STIPEND DETERMINED BY:

15 (I) DIVIDING THE AMOUNT OF FUNDING THAT THE COMMUNITY
16 COLLEGE RECEIVED IN FISCAL YEAR 2010-2011 UNDER SECTION 1722-
17 L(A) (7) OF THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS
18 "THE FISCAL CODE," BY THE TOTAL AMOUNT OF FUNDING PROVIDED TO
19 ALL COMMUNITY COLLEGES IN FISCAL YEAR 2010-2011 UNDER SECTION
20 1722-L(A) (7) OF THE FISCAL CODE; AND

21 (II) MULTIPLYING THE QUOTIENT UNDER SUBPARAGRAPH (I) BY
22 \$44,000,000.

23 * * *

24 SECTION 31. SECTION 2002-C OF THE ACT IS AMENDED BY ADDING A
25 SUBSECTION TO READ:

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

28 * * *

29 (C) OTHER DUTIES.--EACH PUBLIC INSTITUTION OF HIGHER
30 EDUCATION SHALL DO ALL OF THE FOLLOWING:

1 (1) AGREE TO ACCEPT WITH FULL JUNIOR STANDING THE
2 ASSOCIATE OF ARTS OR ASSOCIATE OF SCIENCE DEGREE INTO A
3 PARALLEL BACCALAUREATE PROGRAM AS OUTLINED IN PARAGRAPH (3)
4 BY THE TIMELINES ESTABLISHED BY THE TRANSFER AND ARTICULATION
5 OVERSIGHT COMMITTEE BUT NO LATER THAN DECEMBER 31, 2011. FOR
6 PURPOSES OF THIS PARAGRAPH, AN ASSOCIATE OF ARTS OR ASSOCIATE
7 OF SCIENCE DEGREE IS A DEGREE DESIGNED PRIMARILY FOR TRANSFER
8 TO A BACCALAUREATE INSTITUTION AND MUST CONTAIN A MINIMUM OF
9 60 CREDITS.

10 (2) SUBMIT TO THE DEPARTMENT OF EDUCATION INTERIM
11 REPORTS OUTLINING THE ACTIONS THAT THE PUBLIC INSTITUTION OF
12 HIGHER EDUCATION HAS UNDERTAKEN OR INTENDS TO UNDERTAKE TO
13 COMPLY WITH PARAGRAPH (1).

14 (3) AS A MEMBER OF THE TRANSFER AND ARTICULATION
15 OVERSIGHT COMMITTEE ESTABLISHED IN SECTION 2004-C:

16 (I) CONSULT WITH THE DEPARTMENT OF EDUCATION ON A
17 PROCESS AND TIMELINE, SUBJECT TO APPROVAL BY THE
18 DEPARTMENT, TO IDENTIFY THE ASSOCIATE OF ARTS OR
19 ASSOCIATE OF SCIENCE DEGREE ALIGNED WITH THE GRADUATION
20 REQUIREMENTS OF THE PARALLEL BACCALAUREATE DEGREE IN ALL
21 PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN CONSULTATION
22 WITH FACULTY AND PERSONNEL.

23 (II) IDENTIFY ASSOCIATE OF ARTS OR ASSOCIATE OF
24 SCIENCE DEGREE PROGRAMS FOR TRANSFER WITH FULL JUNIOR
25 STANDING INTO A PARALLEL BACCALAUREATE DEGREE IN
26 CONSULTATION WITH FACULTY AND PERSONNEL IN THOSE DEGREE
27 PROGRAMS BY DECEMBER 31, 2011.

28 (III) IDENTIFY MODIFICATIONS THAT MAY BE REQUIRED IN
29 EXISTING ASSOCIATE OR BACCALAUREATE DEGREES TO SATISFY
30 EXTERNAL ACCREDITATION OR LICENSURE REQUIREMENTS IN

1 CONSULTATION WITH FACULTY AND PERSONNEL. APPROVED
2 MODIFICATIONS SHALL RECOGNIZE ALL COMPETENCIES ATTAINED
3 WITHIN EITHER THE ASSOCIATE OR BACCALAUREATE PROGRAMS.

4 (IV) DEFINE REQUIREMENTS, IN CONSULTATION WITH
5 FACULTY AND PERSONNEL, FOR EDUCATION DEGREES, INCLUDING
6 EARLY CHILDHOOD EDUCATION DEGREES, LEADING TO
7 CERTIFICATION TO BE INCLUDED IN AN ASSOCIATE DEGREE AND
8 TO BE ACCEPTED FOR TRANSFER WITH FULL JUNIOR STANDING
9 INTO A PARALLEL BACCALAUREATE DEGREE PROGRAM.

10 SECTION 32. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:
11 SECTION 2006.1-C. PARTICIPATION BY STATE-RELATED INSTITUTIONS.

12 (A) IDENTIFICATION.--EACH STATE-RELATED INSTITUTION SHALL
13 IDENTIFY 30 CREDIT HOURS OF COURSE CONTENT FROM EQUIVALENT
14 COURSES IDENTIFIED UNDER THIS ARTICLE THAT IT WILL ACCEPT FROM A
15 STUDENT ACCEPTED FOR TRANSFER FROM AN INSTITUTION OF HIGHER
16 EDUCATION PARTICIPATING IN THIS ARTICLE. A STATE-RELATED
17 INSTITUTION SHALL COUNT A COURSE IN THE SAME MANNER THAT IT
18 WOULD COUNT THE SAME OR EQUIVALENT COURSE IF TAKEN BY A STUDENT
19 AT THE STATE-RELATED INSTITUTION. A STATE-RELATED INSTITUTION
20 THAT PREVIOUSLY IDENTIFIED 30 CREDIT HOURS SHALL BE DEEMED TO
21 HAVE SATISFIED THE PROVISIONS OF THIS SUBSECTION.

22 (B) POSTING.--EACH STATE-RELATED INSTITUTION SHALL MAKE THE
23 INFORMATION IDENTIFIED UNDER SUBSECTION (A) AVAILABLE TO THE
24 DEPARTMENT FOR POSTING ON THE DEPARTMENT'S PUBLICLY ACCESSIBLE
25 INTERNET WEBSITE.

26 (C) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE
27 CONSTRUED TO DO ANY OF THE FOLLOWING:

28 (1) REQUIRE A STATE-RELATED INSTITUTION TO APPLY A
29 COURSE TO GRADUATION OR DEGREE REQUIREMENTS IF THAT COURSE OR
30 ITS EQUIVALENT COURSE WOULD NOT BE APPLIED TO GRADUATION OR

1 DEGREE REQUIREMENTS IF TAKEN AT THE STATE-RELATED
2 INSTITUTION.

3 (2) INFRINGE ON A STATE-RELATED INSTITUTION'S SOLE
4 AUTHORITY TO ACCEPT A STUDENT FOR TRANSFER, TO DETERMINE
5 ACCEPTANCE INTO A MAJOR, TO DETERMINE THE CAMPUS ASSIGNMENT
6 OF THE STUDENT OR TO DETERMINE HOW MANY AND WHICH CREDIT
7 HOURS SHALL APPLY FOR THE TRANSFER STUDENT TOWARD THE
8 COMPLETION OF A DEGREE. THE MANNER IN WHICH ACCEPTED COURSES
9 APPLY TOWARD COMPLETION OF A DEGREE AND WHETHER THEY ARE
10 COUNTED FOR GENERAL EDUCATION, MAJOR OR FREE ELECTIVE CREDIT
11 SHALL BE SUBJECT TO THE REQUIREMENTS ESTABLISHED BY THE
12 ACCEPTING STATE-RELATED INSTITUTION FOR EACH INDIVIDUAL MAJOR
13 OR PROGRAM OF STUDY.

14 (3) PROHIBIT A STATE-RELATED INSTITUTION'S ABILITY TO
15 ENTER INTO DISCUSSIONS WITH THE DEPARTMENT TO INCREASE THE
16 NUMBER OF CREDITS UNDER SUBSECTION (A).

17 SECTION 2318. STATE AID FOR FISCAL YEAR 2011-2012.

18 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
19 EACH LIBRARY SUBJECT TO THE ACT OF JUNE 14, 1961 (P.L.324,
20 NO.188), KNOWN AS THE LIBRARY CODE, SHALL BE ELIGIBLE FOR STATE-
21 AID FOR FISCAL YEAR 2011-2012 WHICH SHALL CONSIST OF THE
22 FOLLOWING:

23 (1) FUNDS APPROPRIATED FOR LIBRARIES SHALL BE
24 DISTRIBUTED TO EACH LIBRARY UNDER THE FOLLOWING FORMULA:

25 (I) DIVIDE THE AMOUNT OF FUNDING THAT THE LIBRARY
26 RECEIVED IN FISCAL YEAR 2010-2011 UNDER SECTION
27 1722-L(12) OF THE ACT OF APRIL 9, 1929 (P.L.364, NO.176),
28 KNOWN AS THE FISCAL CODE, BY THE TOTAL STATE-AID SUBSIDY
29 FOR FISCAL YEAR 2010-2011.

30 (II) MULTIPLY THE QUOTIENT UNDER SUBPARAGRAPH (I) BY

1 THE TOTAL STATE-AID SUBSIDY FOR 2011-2012.

2 (2) FOLLOWING DISTRIBUTION OF FUNDS APPROPRIATED FOR
3 STATE-AID TO LIBRARIES, ANY REMAINING FUNDS MAY BE
4 DISTRIBUTED AT THE DISCRETION OF THE STATE LIBRARIAN.

5 (3) IF FUNDS APPROPRIATED FOR STATE-AID TO LIBRARIES IN
6 FISCAL YEAR 2011-2012 ARE LESS THAN FUNDS APPROPRIATED IN
7 FISCAL YEAR 2002-2003, THE STATE LIBRARIAN MAY WAIVE
8 STANDARDS AS PRESCRIBED IN SECTION 103 OF THE LIBRARY CODE,
9 RELATING TO HOURS OF OPERATION, CONTINUING PROFESSIONAL
10 DEVELOPMENT, COLLECTIONS, EXPENDITURES AND OTHER ASPECTS OF
11 LIBRARY OPERATION.

12 (4) (I) EACH LIBRARY SYSTEM RECEIVING STATE-AID UNDER
13 THIS SECTION MAY DISTRIBUTE THE LOCAL LIBRARY SHARE OF
14 THAT AID IN A MANNER AS DETERMINED BY THE BOARD OF
15 DIRECTORS OF THE LIBRARY SYSTEM.

16 (II) SUBPARAGRAPH (I) SHALL NOT APPLY TO A LIBRARY
17 SYSTEM OPERATING IN A COUNTY OF THE SECOND CLASS.

18 SECTION 33. THE DEFINITION OF "AVERAGE DAILY MEMBERSHIP" IN
19 SECTION 2501(3) OF THE ACT, AMENDED JULY 9, 2008 (P.L.846,
20 NO.61), IS AMENDED TO READ:

21 SECTION 2501. DEFINITIONS.--FOR THE PURPOSES OF THIS ARTICLE
22 THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

23 * * *

24 (3) "AVERAGE DAILY MEMBERSHIP" SHALL BE COMPUTED IN
25 ACCORDANCE WITH RULES OF PROCEDURE AS ESTABLISHED BY THE
26 SECRETARY OF EDUCATION. FOR THE PURPOSE OF CALCULATING THE BASIC
27 EDUCATION FUNDING ALLOCATION [UNDER SECTION 2502.48] FOR THE
28 2007-2008 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER, THE
29 COMPUTATION SHALL BE ADJUSTED FOR EACH LEVEL OF INSTRUCTION AS
30 FOLLOWS:

1 (I) HALF-TIME PREKINDERGARTEN AND HALF-TIME KINDERGARTEN: .
2 50;

3 (II) FULL-TIME PREKINDERGARTEN, FULL-TIME KINDERGARTEN,
4 ELEMENTARY AND SECONDARY: 1.00.

5 A CHILD ON WHOSE BEHALF PAYMENT IS MADE UNDER SECTION 1514-D
6 SHALL NOT BE INCLUDED IN THIS CALCULATION.

7 * * *

8 SECTION 34. SECTION 2502.48(C) (2) OF THE ACT, ADDED JULY 9,
9 2008 (P.L.846, NO.61), IS AMENDED TO READ:

10 SECTION 2502.48. BASIC EDUCATION FUNDING FOR STUDENT
11 ACHIEVEMENT.--* * *

12 (C) * * *

13 (2) [IN FURTHERANCE OF THE GENERAL ASSEMBLY'S LONG-STANDING
14 COMMITMENT TO PROVIDING ADEQUATE FUNDING THAT WILL ENSURE
15 EQUITABLE STATE AND LOCAL INVESTMENTS IN PUBLIC EDUCATION AND IN
16 ORDER TO ENABLE STUDENTS TO ATTAIN APPLICABLE FEDERAL AND STATE
17 ACADEMIC STANDARDS, IT IS THE GOAL OF THIS COMMONWEALTH TO
18 REVIEW AND MEET STATE FUNDING TARGETS BY FISCAL YEAR 2013-2014.]
19 (RESERVED).

20 SECTION 35. SECTION 2502.49 OF THE ACT, ADDED JULY 9, 2008
21 (P.L.846, NO.61), IS REPEALED:

22 [SECTION 2502.49. ACCOUNTABILITY TO COMMONWEALTH
23 TAXPAYERS.--(A) IN ANY SCHOOL DISTRICT WHERE THE AMOUNT OF
24 BASIC EDUCATION FUNDING ALLOCATED PURSUANT TO SECTION 2502.48
25 EXCEEDS THE AMOUNT OF BASIC EDUCATION FUNDING ALLOCATED TO THE
26 SCHOOL DISTRICT IN THE PRIOR FISCAL YEAR BY MORE THAN THE INDEX,
27 THE BOARD OF SCHOOL DIRECTORS SHALL USE ONE HUNDRED PERCENT
28 (100%) OF THE PORTION OF THE INCREASE THAT EXCEEDS THE INDEX AS
29 FOLLOWS:

30 (1) AT LEAST EIGHTY PERCENT (80%) OF SUCH FUNDS SHALL BE

1 USED TO OFFER ANY OF THE FOLLOWING FOR THE FIRST TIME OR TO
2 EXPAND ANY OF THE FOLLOWING:

3 (I) PROGRAMS THAT INCREASE THE AMOUNT OF STUDENT
4 INSTRUCTIONAL TIME, WHICH MAY INCLUDE TUTORING, AN EXTENSION OF
5 THE SCHOOL DAY OR SCHOOL CALENDAR OR INTENSIVE SUPPORT FOR
6 STUDENTS WHO HAVE LIMITED ENGLISH PROFICIENCY.

7 (II) IMPLEMENTATION OF NEW CURRICULA OR COURSE OFFERINGS
8 THAT INCREASE THE NUMBER OF STUDENTS WHO GRADUATE FROM HIGH
9 SCHOOL PREPARED FOR COLLEGE AND HIGH-SKILL CAREERS.

10 (III) TRAINING OF PROFESSIONAL EMPLOYEES IN THE DELIVERY OF A
11 CURRICULUM THAT INCREASES THE NUMBER OF STUDENTS WHO GRADUATE
12 FROM HIGH SCHOOL PREPARED FOR COLLEGE AND HIGH-SKILL CAREERS, IN
13 STRATEGIES FOR ADDRESSING THE LEARNING NEEDS OF STUDENTS AT RISK
14 OF ACADEMIC FAILURE OR NEEDING REMEDIATION OR IN STRATEGIES TO
15 ENSURE THAT STUDENTS STAY IN SCHOOL UNTIL GRADUATION AND
16 SUCCESSFULLY TRANSITION TO POSTSECONDARY EDUCATION OR THE WORK
17 FORCE.

18 (IV) REDUCTION OF CLASS SIZE.

19 (V) PREKINDERGARTEN OR FULL-DAY KINDERGARTEN.

20 (VI) INCENTIVES FOR THE MOST EFFECTIVE HIGHLY QUALIFIED
21 TEACHERS AND PRINCIPALS TO WORK IN A SCHOOL IDENTIFIED FOR
22 IMPROVEMENT OR CORRECTIVE ACTION.

23 (VII) SCHOOL LIBRARY SERVICES, WHICH MAY INCLUDE THE
24 EMPLOYMENT OF SCHOOL LIBRARIANS OR ADDITIONAL SCHOOL LIBRARY
25 STAFF OR THE PURCHASE OF PRINTED OR ELECTRONIC MATERIALS OR
26 OTHER RESOURCES FOR THE SCHOOL LIBRARY COLLECTION.

27 (2) NO MORE THAN TEN PERCENT (10%) OF SUCH FUNDS MAY BE USED
28 TO MAINTAIN EXISTING PROGRAMS THAT MEET THE CRITERIA OF
29 PARAGRAPH (1) OR FOR ONE-TIME COSTS NECESSARY TO THE DELIVERY OF
30 INSTRUCTION THAT SHALL INCLUDE BOOKS, MATERIALS OR OTHER

1 SUPPLIES.

2 (3) NO MORE THAN TEN PERCENT (10%) OF SUCH FUNDS MAY BE USED
3 FOR OTHER PROGRAMS OR ACTIVITIES THAT ARE ESSENTIAL TO ACHIEVING
4 OR MAINTAINING ACADEMIC PERFORMANCE TARGETS AND THAT ARE BASED
5 ON SOUND RESEARCH OR FOR ONE-TIME COSTS NECESSARY TO THE
6 DELIVERY OF INSTRUCTION THAT SHALL INCLUDE BOOKS, MATERIALS OR
7 OTHER SUPPLIES.

8 (B) THE FOLLOWING SHALL APPLY:

9 (1) A SCHOOL DISTRICT SUBJECT TO THIS SECTION SHALL SUBMIT A
10 PLAN TO THE DEPARTMENT OF EDUCATION NO LATER THAN AUGUST 1,
11 2008, AND NO LATER THAN APRIL 15 OF EACH YEAR THEREAFTER,
12 DETAILING ITS INTENDED USE OF FUNDS SUBJECT TO THIS SECTION IN
13 THE SUBSEQUENT FISCAL YEAR. IF A GENERAL APPROPRIATION BILL THAT
14 INCLUDES BASIC EDUCATION FUNDING FOR THE APPLICABLE FISCAL YEAR
15 HAS NOT BEEN ENACTED PRIOR TO THE DEADLINE, A SCHOOL DISTRICT
16 SHALL BASE ITS PLAN ON THE AMOUNT OF BASIC EDUCATION FUNDING
17 PROPOSED IN AN EXECUTIVE BUDGET AND POSTED ON THE DEPARTMENT'S
18 INTERNET WEBSITE.

19 (2) THE DEPARTMENT SHALL REVIEW ALL PLANS AND MAY PROVIDE
20 RECOMMENDATIONS TO SCHOOL DISTRICTS WITHIN FORTY-FIVE (45) DAYS
21 OF RECEIPT OF THE PLAN.

22 (3) WITHIN NINETY (90) DAYS OF RECEIPT OF A PLAN SUBMITTED
23 BY A SCHOOL DISTRICT IDENTIFIED FOR WARNING, IMPROVEMENT OR
24 CORRECTIVE ACTION OR A SCHOOL DISTRICT WITH ONE OR MORE SCHOOLS
25 IDENTIFIED FOR IMPROVEMENT OR CORRECTIVE ACTION, THE DEPARTMENT
26 SHALL APPROVE OR DISAPPROVE THE PLAN. THE DEPARTMENT SHALL
27 PROVIDE A WRITTEN EXPLANATION TO THE BOARD OF SCHOOL DIRECTORS
28 OF ANY SCHOOL DISTRICT WHOSE PLAN IS DISAPPROVED.

29 (4) A SCHOOL DISTRICT WHOSE PLAN HAS BEEN DISAPPROVED SHALL
30 AMEND AND RESUBMIT ITS PLAN AS NECESSARY UNTIL APPROVED BY THE

1 DEPARTMENT.

2 (C) THE DEPARTMENT SHALL APPROVE ANY SCHOOL DISTRICT
3 ACHIEVEMENT PLAN THAT:

4 (1) MEETS THE REQUIREMENTS OF THIS SECTION;

5 (2) ADDRESSES THE ACADEMIC CHALLENGES IDENTIFIED IN THE
6 SCHOOL DISTRICT'S MOST RECENT STUDENT ACHIEVEMENT RESULTS, WITH
7 SPECIFIC FOCUS ON INDIVIDUAL SCHOOLS, GRADE LEVELS AND
8 POPULATIONS OF STUDENTS THAT DEMONSTRATE INADEQUATE LEVELS OF
9 STUDENT ACHIEVEMENT; AND

10 (3) IN THE DETERMINATION OF THE DEPARTMENT, DESCRIBES
11 PROGRAMS AND STRATEGIES THAT ARE MOST LIKELY TO IMPROVE STUDENT
12 ACHIEVEMENT IN THE SCHOOL DISTRICT.

13 (D) FOR ANY SCHOOL DISTRICT WHERE APPROVAL OF A PLAN IS
14 REQUIRED PURSUANT TO SUBSECTION (B), AND NOTWITHSTANDING ANY
15 OTHER PROVISION OF LAW TO THE CONTRARY, THE DEPARTMENT SHALL
16 WITHHOLD THE PORTION OF THE INCREASE IN BASIC EDUCATION FUNDING
17 WHICH EXCEEDS THE INDEX UNTIL SUCH A TIME AS A PLAN IS APPROVED.

18 (E) THE DEPARTMENT OF EDUCATION SHALL:

19 (1) PROVIDE TECHNICAL ASSISTANCE TO ANY SCHOOL DISTRICT UPON
20 REQUEST FOR THE DEVELOPMENT OF A PLAN PURSUANT TO THIS SECTION.

21 (2) DETERMINE THE FORM AND MANNER IN WHICH SCHOOL DISTRICTS
22 SHALL SUBMIT A PLAN PURSUANT TO THIS SECTION.

23 (3) REVIEW ALL PLANS SUBMITTED TO THE DEPARTMENT AND APPROVE
24 OR DISAPPROVE PLANS AS REQUIRED PURSUANT TO THIS SECTION.

25 (F) NOTHING IN THIS SECTION SHALL SUPERSEDE OR PREEMPT ANY
26 PROVISIONS OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN A SCHOOL
27 ENTITY AND AN EMPLOYE ORGANIZATION IN EFFECT ON THE EFFECTIVE
28 DATE OF THIS SECTION.]

29 SECTION 36. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

30 SECTION 2502.50. BASIC EDUCATION FUNDING FOR 2010-2011

1 SCHOOL YEAR.--(A) FOR THE 2010-2011 SCHOOL YEAR, THE
2 COMMONWEALTH SHALL DETERMINE THE BASIC EDUCATION FUNDING
3 ALLOCATION AS FOLLOWS:

4 (1) CALCULATE A BASE SUPPLEMENT FOR EACH SCHOOL DISTRICT BY
5 MULTIPLYING ITS AVERAGE DAILY MEMBERSHIP BY THE BASE AMOUNT FOR
6 THE FUNDING YEAR.

7 (2) CALCULATE AN ENGLISH LANGUAGE LEARNER SUPPLEMENT FOR
8 EACH QUALIFYING SCHOOL DISTRICT AS FOLLOWS:

9 (I) DETERMINE THE SCHOOL DISTRICT'S ENGLISH LANGUAGE LEARNER
10 CONCENTRATION BY DIVIDING ITS NUMBER OF ENROLLED STUDENTS
11 IDENTIFIED AS LIMITED ENGLISH PROFICIENT BY ITS AVERAGE DAILY
12 MEMBERSHIP FOR THE FUNDING YEAR.

13 (II) MULTIPLY THE SCHOOL DISTRICT'S NUMBER OF STUDENTS
14 IDENTIFIED AS LIMITED ENGLISH PROFICIENT FOR THE FUNDING YEAR BY
15 THE ENGLISH LANGUAGE LEARNER FACTOR BASED ON ITS ENGLISH
16 LANGUAGE LEARNER CONCENTRATION.

17 (3) CALCULATE A POVERTY SUPPLEMENT FOR EACH QUALIFYING
18 SCHOOL DISTRICT AS FOLLOWS:

19 (I) DETERMINE THE SCHOOL DISTRICT'S POVERTY CONCENTRATION BY
20 DIVIDING ITS NUMBER OF STUDENTS ELIGIBLE FOR FREE OR REDUCED-
21 PRICE MEALS UNDER THE NATIONAL SCHOOL LUNCH PROGRAM ON OCTOBER
22 31 IN THE FUNDING YEAR BY ITS AVERAGE DAILY MEMBERSHIP FOR THE
23 FUNDING YEAR.

24 (II) MULTIPLY THE SCHOOL DISTRICT'S NUMBER OF STUDENTS
25 ELIGIBLE FOR FREE OR REDUCED-PRICE MEALS UNDER THE NATIONAL
26 SCHOOL LUNCH PROGRAM ON OCTOBER 31 IN THE FUNDING YEAR BY THE
27 POVERTY FACTOR BASED ON ITS POVERTY CONCENTRATION.

28 (4) CALCULATE A DISTRICT SIZE SUPPLEMENT FOR EACH QUALIFYING
29 SCHOOL DISTRICT BY MULTIPLYING ITS AVERAGE DAILY MEMBERSHIP BY
30 THE DISTRICT SIZE FACTOR FOR THE FUNDING YEAR.

1 (5) ADD THE AMOUNTS UNDER PARAGRAPHS (1), (2), (3) AND (4).

2 (6) MULTIPLY THE SUM UNDER PARAGRAPH (5) BY THE STATE SHARE
3 FACTOR FOR THE FUNDING YEAR.

4 (B) FOR THE 2010-2011 SCHOOL YEAR, THE COMMONWEALTH SHALL
5 PAY TO EACH SCHOOL DISTRICT A BASIC EDUCATION FUNDING ALLOCATION
6 WHICH SHALL CONSIST OF THE FOLLOWING:

7 (1) AN AMOUNT EQUAL TO ITS BASIC EDUCATION FUNDING
8 ALLOCATION FOR THE 2009-2010 SCHOOL YEAR FROM THE STATE
9 APPROPRIATION AND EDUCATION JOBS FUND APPROPRIATION PURSUANT TO
10 SECTION 2502.48 OF THIS ACT AND SECTION 1722-L(A) (14) (I) AND
11 (II) OF THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS
12 "THE FISCAL CODE."

13 (2) A STUDENT-FOCUSED FUNDING SUPPLEMENT CALCULATED WITH THE
14 FOLLOWING FACTORS:

15 (I) A BASE AMOUNT EQUAL TO ONE HUNDRED DOLLARS (\$100).

16 (II) AN ENGLISH LANGUAGE LEARNER FACTOR EQUAL TO:

17 (A) THE BASE AMOUNT MULTIPLIED BY THREE-TENTHS (0.3), IF THE
18 SCHOOL DISTRICT'S ENGLISH LANGUAGE LEARNER CONCENTRATION FOR THE
19 2009-2010 SCHOOL YEAR IS LESS THAN ONE PERCENT (1%); OR

20 (B) THE BASE AMOUNT MULTIPLIED BY TWO-TENTHS (0.2), IF THE
21 SCHOOL DISTRICT'S ENGLISH LANGUAGE LEARNER CONCENTRATION FOR THE
22 2009-2010 SCHOOL YEAR IS EQUAL TO OR GREATER THAN ONE PERCENT
23 (1%).

24 (III) A POVERTY FACTOR EQUAL TO:

25 (A) THE BASE AMOUNT MULTIPLIED BY TWO-TENTHS (0.2), IF THE
26 SCHOOL DISTRICT'S POVERTY CONCENTRATION FOR THE 2009-2010 SCHOOL
27 YEAR IS LESS THAN FORTY PERCENT (40%); OR

28 (B) THE BASE AMOUNT MULTIPLIED BY THREE-TENTHS (0.3), IF THE
29 SCHOOL DISTRICT'S POVERTY CONCENTRATION FOR THE 2009-2010 SCHOOL
30 YEAR IS EQUAL TO OR GREATER THAN FORTY PERCENT (40%).

1 (IV) A DISTRICT SIZE FACTOR EQUAL TO:

2 (A) THE BASE AMOUNT MULTIPLIED BY ONE-TENTH (0.1), IF THE
3 SCHOOL DISTRICT'S AVERAGE DAILY MEMBERSHIP FOR THE 2009-2010
4 SCHOOL YEAR IS EQUAL TO OR LESS THAN ONE THOUSAND (1,000); OR

5 (B) THE BASE AMOUNT MULTIPLIED BY FIVE ONE-HUNDREDTHS
6 (0.05), IF THE AVERAGE DAILY MEMBERSHIP FOR THE 2009-2010 SCHOOL
7 YEAR IS GREATER THAN ONE THOUSAND (1,000) AND LESS THAN TWO
8 THOUSAND THREE HUNDRED (2,300).

9 (V) A STATE SHARE FACTOR EQUAL TO:

10 (A) THE SCHOOL DISTRICT'S 2011-2012 MARKET VALUE/INCOME AID
11 RATIO, IF ITS MARKET VALUE/INCOME AID RATIO IS GREATER THAN
12 THREE THOUSAND TEN THOUSANDTHS (0.3000); OR

13 (B) THE LESSER OF ONE (1) AND THE SCHOOL DISTRICT'S
14 2009-2010 EQUALIZED MILLAGE DIVIDED BY THE EQUALIZED MILLAGE
15 THAT REPRESENTS THE SEVENTY-FIFTH PERCENTILE OF THE EQUALIZED
16 MILLAGE OF ALL SCHOOL DISTRICTS MULTIPLIED BY THE SCHOOL
17 DISTRICT'S 2011-2012 MARKET VALUE/INCOME AID RATIO, IF ITS
18 MARKET VALUE/INCOME AID RATIO IS LESS THAN OR EQUAL TO THREE
19 THOUSAND TEN THOUSANDTHS (0.3000).

20 (3) EACH SCHOOL DISTRICT SHALL RECEIVE ADDITIONAL FUNDING
21 EQUAL TO THE DIFFERENCE BETWEEN:

22 (I) THE SUM OF PARAGRAPHS (1) AND (2); AND

23 (II) THE AMOUNT OF FUNDING RECEIVED BY THE SCHOOL DISTRICT
24 UNDER SECTION 2502.48 FOR THE 2007-2008 SCHOOL YEAR.

25 (4) AN ENGLISH LANGUAGE LEARNER HIGH INCIDENCE SUPPLEMENT
26 CALCULATED FOR QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

27 (I) TO QUALIFY FOR THE ENGLISH LANGUAGE LEARNER HIGH
28 INCIDENCE SUPPLEMENT, A SCHOOL DISTRICT'S 2011-2012 MARKET
29 VALUE/INCOME AID RATIO AS OF JUNE 30, 2011, MUST BE EQUAL TO OR
30 GREATER THAN SEVEN THOUSAND TEN-THOUSANDTHS (0.7000) AND LESS

1 THAN EIGHT THOUSAND TEN-THOUSANDTHS (0.8000), ITS 2009-2010
2 AVERAGE DAILY MEMBERSHIP MUST BE LESS THAN TWENTY THOUSAND
3 (20,000), AND ITS ENGLISH LANGUAGE LEARNER CONCENTRATION MUST BE
4 EQUAL TO OR GREATER THAN SIX PERCENT (6%).

5 (II) THE ENGLISH LANGUAGE LEARNER HIGH INCIDENCE SUPPLEMENT
6 SHALL BE CALCULATED FOR QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

7 (A) MULTIPLY THE QUALIFYING SCHOOL DISTRICT'S 2009-2010
8 AVERAGE DAILY MEMBERSHIP BY THIRTEEN MILLION DOLLARS
9 (\$13,000,000).

10 (B) DIVIDE THE PRODUCT FROM CLAUSE (A) BY THE SUM OF THE
11 2009-2010 AVERAGE DAILY MEMBERSHIP FOR ALL QUALIFYING SCHOOL
12 DISTRICTS.

13 (5) EACH SCHOOL DISTRICT WITH A 2011-2012 MARKET
14 VALUE/INCOME AID RATIO AS OF JUNE 30, 2011, EQUAL TO OR GREATER
15 THAN EIGHT THOUSAND TEN THOUSANDTHS (0.8000) AND A 2009-2010
16 AVERAGE DAILY MEMBERSHIP LESS THAN TEN THOUSAND (10,000) SHALL
17 RECEIVE ADDITIONAL FUNDING AS NECESSARY EQUAL TO THE DIFFERENCE
18 BETWEEN STATE SUBSIDIES PAID TO SCHOOL DISTRICTS IN THE
19 2010-2011 AND 2011-2012 FISCAL YEARS MINUS EIGHT PERCENT (8%) OF
20 THE SCHOOL DISTRICT'S 2008-2009 TOTAL REVENUE. FOR THE PURPOSE
21 OF THIS PARAGRAPH, THE DIFFERENCE BETWEEN STATE SUBSIDIES PAID
22 TO SCHOOL DISTRICTS IN THE 2010-2011 AND 2011-2012 FISCAL YEARS
23 SHALL BE CALCULATED BY SUBTRACTING:

24 (I) THE SUM OF THE AMOUNTS PAID TO THE SCHOOL DISTRICT IN
25 THE 2011-2012 FISCAL YEAR UNDER PARAGRAPHS (1), (2), (3) AND (4)
26 AND SECTION 2599.2 OF THIS ACT; FROM

27 (II) THE SUM OF THE AMOUNTS PAID TO THE SCHOOL DISTRICT IN
28 THE 2010-2011 FISCAL YEAR UNDER SECTIONS 1603-B AND 2591.1 OF
29 THIS ACT AND SECTION 1722-L(A) (9), (10), (14) AND (17) OF "THE
30 FISCAL CODE," THE APPROPRIATION TO THE DEPARTMENT OF EDUCATION

1 FOR BASIC EDUCATION FORMULA ENHANCEMENTS IN SECTION 212 OF THE
2 ACT OF JULY 6, 2010 (P.L.1367, NO.1A), KNOWN AS THE GENERAL
3 APPROPRIATION ACT OF 2010.

4 (6) A SECOND CLASS SCHOOL DISTRICT SUPPLEMENT CALCULATED FOR
5 QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

6 (I) TO QUALIFY FOR A SECOND CLASS SCHOOL DISTRICT
7 SUPPLEMENT, A SCHOOL DISTRICT MUST HAVE BEEN CLASSIFIED AS A
8 SECOND CLASS SCHOOL DISTRICT DURING THE 2000 CENSUS, MUST HAVE
9 RECEIVED STATE REIMBURSEMENTS PURSUANT TO SECTION 2591.1 FOR THE
10 2009-2010 SCHOOL YEAR GREATER THAN THREE MILLION FIVE HUNDRED
11 THOUSAND DOLLARS (\$3,500,000) AND MUST HAVE A 2009-2010 AVERAGE
12 DAILY MEMBERSHIP GREATER THAN EIGHT THOUSAND (8,000).

13 (II) THE SECOND CLASS SCHOOL DISTRICT SUPPLEMENT SHALL BE
14 CALCULATED FOR ALL QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

15 (A) MULTIPLY THE QUALIFYING SCHOOL DISTRICT'S 2009-2010
16 AVERAGE DAILY MEMBERSHIP BY ONE MILLION DOLLARS (\$1,000,000).

17 (B) DIVIDE THE PRODUCT FROM CLAUSE (A) BY THE SUM OF THE
18 2009-2010 AVERAGE DAILY MEMBERSHIP FOR ALL QUALIFYING SCHOOL
19 DISTRICTS.

20 (7) A PERSONAL INCOME SUPPLEMENT CALCULATED FOR QUALIFYING
21 SCHOOL DISTRICTS AS FOLLOWS:

22 (I) TO QUALIFY FOR THE PERSONAL INCOME SUPPLEMENT, SCHOOL
23 DISTRICTS MUST MEET ALL OF THE FOLLOWING CRITERIA:

24 (A) BE ELIGIBLE TO RECEIVE A POVERTY SUPPLEMENT PURSUANT TO
25 SUBSECTION (A) (3) GREATER THAN THIRTY-FIVE THOUSAND DOLLARS
26 (\$35,000).

27 (B) HAVE AN AVERAGE DAILY MEMBERSHIP FOR THE 2009-2010
28 SCHOOL YEAR GREATER THAN FIVE THOUSAND FIVE HUNDRED (5,500).

29 (C) HAVE A 2011-2012 MARKET VALUE/INCOME AID RATIO AS OF
30 JUNE 30, 2011, GREATER THAN FIVE THOUSAND TEN-THOUSANDTHS

1 (0.5000).

2 (D) HAVE EQUALIZED MILLS FOR THE 2009-2010 SCHOOL YEAR
3 GREATER THAN TWENTY-THREE (23).

4 (E) THE AMOUNT OF FUNDING RECEIVED BY THE SCHOOL DISTRICT
5 UNDER SECTION 2502.48 FOR THE YEAR 2007-2008 WAS LESS THAN
6 TWENTY MILLION DOLLARS (\$20,000,000).

7 (F) HAD AN ADJUSTED PERSONAL INCOME VALUATION FOR THE 2008
8 TAX YEAR OF LESS THAN NINE HUNDRED MILLION DOLLARS
9 (\$900,000,000).

10 (II) THE PERSONAL INCOME SUPPLEMENT SHALL BE CALCULATED FOR
11 ALL QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

12 (A) MULTIPLY THE QUALIFYING SCHOOL DISTRICT'S 2009-2010
13 AVERAGE DAILY MEMBERSHIP BY ITS 2011-2012 MARKET VALUE/INCOME
14 AID RATIO AS OF JUNE 30, 2011.

15 (B) MULTIPLY THE PRODUCT IN CLAUSE (A) BY ONE MILLION
16 DOLLARS (\$1,000,000).

17 (C) DIVIDE THE PRODUCT FROM CLAUSE (B) BY THE SUM OF
18 PRODUCTS IN CLAUSE (A).

19 (C) THE DEPARTMENT OF EDUCATION SHALL WITHHOLD UP TO
20 \$25,000,000 FROM THE ALLOCATION MADE UNDER THIS SECTION TO A
21 SCHOOL DISTRICT OF THE FIRST CLASS TO BE USED TO PAY COSTS TO
22 PROVIDE ALTERNATIVE EDUCATION PROGRAMS OPERATED EITHER BY THE
23 DISTRICT ITSELF OR UNDER TERMS OF ANY CONTRACT BETWEEN THE
24 DISTRICT AND A PRIVATE ALTERNATIVE EDUCATION INSTITUTION AS
25 DEFINED PURSUANT TO ARTICLE XIX-E.

26 SECTION 37. SECTION 2509.1(B.16) AND (C) OF THE ACT, AMENDED
27 OR ADDED JUNE 30, 1995 (P.L.220, NO.26) AND JULY 9, 2008
28 (P.L.846, NO.61), ARE AMENDED AND THE SECTION IS AMENDED BY
29 ADDING SUBSECTIONS TO READ:

30 SECTION 2509.1. PAYMENTS TO INTERMEDIATE UNITS.--* * *

1 (B.16) UP TO ELEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS
2 (\$11,500,000) MAY BE UTILIZED FOR PROGRAMS ADMINISTERED AND
3 OPERATED BY INTERMEDIATE UNITS DURING THE 2008-2009 THROUGH THE
4 2010-2011 SCHOOL [YEAR] YEARS FOR INSTITUTIONALIZED CHILDREN AS
5 ESTABLISHED IN SUBSECTION (B.1).

6 (B.17) UP TO NINE MILLION DOLLARS (\$9,000,000) MAY BE
7 UTILIZED FOR PROGRAMS ADMINISTERED AND OPERATED BY INTERMEDIATE
8 UNITS DURING THE 2011-2012 SCHOOL YEAR AND EACH SCHOOL YEAR
9 THEREAFTER FOR INSTITUTIONALIZED CHILDREN AS ESTABLISHED IN
10 SUBSECTION (B.1).

11 (C) FOR THE 1991-1992 THROUGH THE 2010-2011 SCHOOL [YEAR AND
12 EACH SCHOOL YEAR THEREAFTER] YEARS, FIVE PERCENT (5%) OF THE
13 STATE SPECIAL EDUCATION APPROPRIATION SHALL BE PAID TO THE
14 INTERMEDIATE UNITS ON ACCOUNT OF SPECIAL EDUCATION SERVICES. OF
15 THIS FIVE PERCENT (5%), THIRTY-FIVE PERCENT (35%) SHALL BE
16 DISTRIBUTED EQUALLY AMONG ALL TWENTY-NINE (29) INTERMEDIATE
17 UNITS. THE REMAINING SIXTY-FIVE PERCENT (65%) SHALL BE
18 DISTRIBUTED TO EACH INTERMEDIATE UNIT IN PROPORTION TO THE
19 NUMBER OF AVERAGE DAILY MEMBERSHIP OF THE COMPONENT SCHOOL
20 DISTRICTS OF EACH INTERMEDIATE UNIT AS COMPARED TO THE STATEWIDE
21 TOTAL AVERAGE DAILY MEMBERSHIP.

22 (C.1) FOR THE 2011-2012 SCHOOL YEAR, FIVE AND ONE-HALF
23 PERCENT (5.5%) OF THE STATE SPECIAL EDUCATION APPROPRIATION
24 SHALL BE PAID TO INTERMEDIATE UNITS ON ACCOUNT OF SPECIAL
25 EDUCATION SERVICES. OF THIS FIVE AND ONE-HALF PERCENT (5.5%),
26 THIRTY-FIVE PERCENT (35%) SHALL BE DISTRIBUTED EQUALLY AMONG ALL
27 INTERMEDIATE UNITS. THE REMAINING SIXTY-FIVE PERCENT (65%) SHALL
28 BE DISTRIBUTED TO EACH INTERMEDIATE UNIT IN PROPORTION TO THE
29 NUMBER OF AVERAGE DAILY MEMBERSHIP OF THE COMPONENT SCHOOL
30 DISTRICTS OF EACH INTERMEDIATE UNIT AS COMPARED TO THE STATEWIDE

1 TOTAL AVERAGE DAILY MEMBERSHIP.

2 * * *

3 SECTION 38. SECTION 2509.5 OF THE ACT IS AMENDED BY ADDING A
4 SUBSECTION TO READ:

5 SECTION 2509.5. SPECIAL EDUCATION PAYMENTS TO SCHOOL
6 DISTRICTS.--* * *

7 (AAA) DURING THE 2009-2010 THROUGH THE 2011-2012 SCHOOL
8 YEARS, EACH SCHOOL DISTRICT SHALL BE PAID THE AMOUNT IT RECEIVED
9 DURING THE 2008-2009 SCHOOL YEAR UNDER SUBSECTION (ZZ). IF
10 INSUFFICIENT FUNDS ARE APPROPRIATED, THE PAYMENTS SHALL BE MADE
11 ON A PRO RATA BASIS.

12 SECTION 39. SECTION 2510.1 OF THE ACT, ADDED FEBRUARY 1,
13 1966 (1965 P.L.1642, NO.580), IS AMENDED TO READ:

14 SECTION 2510.1. PAYMENTS ON ACCOUNT OF HOMEBOUND CHILDREN.--
15 EVERY SCHOOL DISTRICT, REGARDLESS OF CLASSIFICATION, SHALL BE
16 PAID BY THE COMMONWEALTH FOR THE SCHOOL YEAR 1966-1967, AND FOR
17 EACH SCHOOL YEAR THEREAFTER, ON ACCOUNT OF THE INSTRUCTION OF
18 HOMEBOUND CHILDREN, AN AMOUNT DETERMINED BY MULTIPLYING THE
19 MANDATED MINIMUM HOURLY RATE FOR INSTRUCTING HOMEBOUND CHILDREN
20 BY THE DISTRICT'S AID RATIO. PAYMENTS MADE TO SCHOOL DISTRICTS
21 FOR THE INSTRUCTION OF HOMEBOUND CHILDREN SHALL ONLY BE MADE TO
22 THE EXTENT FUNDS ARE APPROPRIATED FOR THIS PURPOSE.

23 SECTION 40. SECTION 2541(F) OF THE ACT, ADDED JULY 20, 2007
24 (P.L.278, NO.45), IS AMENDED TO READ:

25 SECTION 2541. PAYMENTS ON ACCOUNT OF PUPIL TRANSPORTATION.--
26 * * *

27 (F) EFFECTIVE FOR THE 2007-2008 SCHOOL YEAR, ANY SCHOOL
28 DISTRICT THAT IS REQUIRED TO TRANSPORT RESIDENT STUDENTS OF A
29 DISTRESSED SCHOOL DISTRICT PURSUANT TO SECTION [1607.1(B)]
30 1607(B) SHALL BE REIMBURSED BY THE COMMONWEALTH THE ADDITIONAL

1 SUM OF THREE HUNDRED EIGHTY-FIVE DOLLARS (\$385) FOR EACH STUDENT
2 REASSIGNED TO A SCHOOL DISTRICT DESIGNATED PURSUANT TO [SECTION
3 1607.1(A)(1)] SECTION 1607.

4 SECTION 41. SECTION 2599.2(E) OF THE ACT IS AMENDED BY
5 ADDING A PARAGRAPH TO READ:

6 SECTION 2599.2. PENNSYLVANIA ACCOUNTABILITY GRANTS.--* * *

7 (E) * * *

8 (8) FOR THE 2010-2011 FISCAL YEAR, ANY FUNDING REMAINING TO
9 BE ALLOCATED TO SCHOOL DISTRICTS FROM THE APPROPRIATION FOR
10 PENNSYLVANIA ACCOUNTABILITY GRANTS ON OR AFTER JULY 1, 2011,
11 SHALL BE DISTRIBUTED AS FOLLOWS:

12 (I) MULTIPLY THE AMOUNT OF FUNDING THAT EACH SCHOOL DISTRICT
13 RECEIVED FROM THE APPROPRIATION BEFORE JULY 1, 2011, BY THE
14 AMOUNT OF FUNDING REMAINING TO BE ALLOCATED TO SCHOOL DISTRICTS
15 ON OR AFTER JULY 1, 2011.

16 (II) DIVIDE THE PRODUCT FROM SUBPARAGRAPH (I) BY THE SUM OF
17 THE FUNDS ALLOCATED FROM THE APPROPRIATION TO SCHOOL DISTRICTS
18 BEFORE JULY 1, 2011.

19 SCHOOL DISTRICTS MAY EXPEND FUNDS RECEIVED UNDER THIS PARAGRAPH
20 IN FISCAL YEAR 2010-2011 OR FISCAL YEAR 2011-2012 ON PROGRAMS
21 AUTHORIZED UNDER SUBSECTION (B).

22 * * *

23 SECTION 42. NOTHING IN THE AMENDMENT OR ADDITION OF SECTIONS
24 1205.1(F) AND 1205.2(A), (F) AND (N.1) OF THE ACT SHALL BE
25 CONSTRUED TO SUPERSEDE OR PREEMPT ANY PROVISION OF A COLLECTIVE
26 BARGAINING AGREEMENT RELATING TO CONTINUING PROFESSIONAL
27 DEVELOPMENT NEGOTIATED BY A SCHOOL ENTITY AND AN EXCLUSIVE
28 REPRESENTATIVE OF THE EMPLOYEES IN ACCORDANCE WITH THE ACT OF
29 JULY 23, 1970 (P.L.563, NO.195), KNOWN AS THE PUBLIC EMPLOYE
30 RELATIONS ACT, WHICH IS IN EFFECT ON THE EFFECTIVE DATE OF THIS

1 SECTION.

2 SECTION 42.1. FOR THE 2011-2012 FISCAL YEAR, THE DEPARTMENT
3 OF EDUCATION MAY UTILIZE UP TO \$4,500,000 OF UNDISTRIBUTED FUNDS
4 NOT EXPENDED, ENCUMBERED OR COMMITTED FROM APPROPRIATIONS FOR
5 GRANTS AND SUBSIDIES MADE TO THE DEPARTMENT TO ASSIST SCHOOL
6 DISTRICTS CERTIFIED ON OR BEFORE JUNE 30, 2010, AS AN EDUCATION
7 EMPOWERMENT DISTRICT UNDER SECTION 1705-B(H) (3) OF THE ACT.

8 SECTION 43. REPEALS ARE AS FOLLOWS:

9 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEALS UNDER
10 PARAGRAPH (2) ARE NECESSARY TO EFFECTUATE THE ADDITION OF
11 SECTIONS 2002-C(C) AND 2006.1-C OF THE ACT.

12 (2) SECTIONS 1737-J, 1737.1-J, 1737-L AND 1737.1-L OF
13 THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE
14 FISCAL CODE, ARE REPEALED.

15 SECTION 44. IF THE DATE OF ENACTMENT OF THIS ACT OCCURS ON
16 OR AFTER JULY 1, 2011, THE AMENDMENT OR ADDITION OF SECTIONS
17 223, 1134, 2002-C AND 2006.1-C OF THE ACT SHALL APPLY
18 RETROACTIVELY TO JUNE 30, 2011.

19 SECTION 45. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

20 (1) THE AMENDMENT OF SECTIONS 703, 731 AND 731.1 OF THE
21 ACT SHALL TAKE EFFECT IN 180 DAYS.

22 (2) THE AMENDMENT OF SECTION 111 OF THE ACT SHALL TAKE
23 EFFECT IN 90 DAYS.

24 (3) THE AMENDMENT OR ADDITION OF SECTIONS 221.1, 907-A,
25 921-A(A.1), 1201, 1203, 1205.5, 1206, 1207.1 AND 1604-A OF
26 THE ACT SHALL TAKE EFFECT IMMEDIATELY.

27 (4) THE AMENDMENT OR ADDITION OF SECTIONS 223, 615,
28 1134, 1304, 1376(C.1), 1303-A(C) (1), 1913-A(B) (1.6), 2002-
29 C(C), 2006.1-C, 2318, 2501(3), 2502.48(C) (2), 2502.50,
30 2509.1(B.16), (B.17), (C) AND (C.1), 2509.5(AAA), 2510.1,

1 2541(F) AND 2599.2(E) (8) OF THE ACT SHALL TAKE EFFECT JULY 1,
2 2011, OR IMMEDIATELY, WHICHEVER IS LATER.

3 (5) SECTIONS 42.1, 43 AND 44 OF THIS ACT SHALL TAKE
4 EFFECT JULY 1, 2011, OR IMMEDIATELY, WHICHEVER IS LATER.

5 (6) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

6 (7) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
7 DAYS.