

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1901 Session of 2011

INTRODUCED BY EVERETT, AUMENT, BAKER, BOBACK, CAUSER, FLECK, GEIST, GINGRICH, GRELL, GROVE, HICKERNELL, KAUFFMAN, M. K. KELLER, METCALFE, MILLER, MILNE, RAPP, REICHLEY, ROSS, SWANGER, VULAKOVICH AND BROOKS, OCTOBER 18, 2011

SENATOR PICCOLA, EDUCATION, IN SENATE, RE-REPORTED AS AMENDED, JUNE 27, 2012

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 grounds and buildings, further~~
6 ~~providing for work to be done under contract let on bids and~~
7 ~~exceptions.~~ IN PRELIMINARY PROVISIONS, FURTHER PROVIDING FOR
8 DEFINITIONS, FOR BACKGROUND CHECKS OF PROSPECTIVE EMPLOYEES
9 AND CONVICTION OF EMPLOYEES OF CERTAIN OFFENSES AND FOR
10 COLLECTION OF IDENTIFYING INFORMATION OF STUDENTS ATTENDING
11 INSTITUTIONS OF HIGHER EDUCATION; PROVIDING FOR ADJUSTMENTS
12 BASED ON CONSUMER PRICE INDEX AND FOR KEYSTONE EXAMS; IN
13 SCHOOL DISTRICTS, FURTHER PROVIDING FOR MORATORIUM ON CERTAIN
14 DATA COLLECTION SYSTEMS AND DATA SETS; IN SCHOOL FINANCES,
15 PROVIDING FOR REOPENING OF 2012-2013 BUDGET AND FOR
16 INTERGOVERNMENTAL AGREEMENTS FOR SCHOOL SECURITY AND SAFETY;
17 IN GROUNDS AND BUILDINGS, PROVIDING FOR LIMITATION ON NEW
18 APPLICATIONS FOR THE DEPARTMENT OF EDUCATION'S APPROVAL OF
19 PUBLIC SCHOOL BUILDING PROJECTS AND FURTHER PROVIDING FOR
20 WORK TO BE DONE UNDER CONTRACT LET ON BIDS AND EXCEPTION; IN
21 BOOKS, FURNITURE AND SUPPLIES, FURTHER PROVIDING FOR PURCHASE
22 OF SUPPLIES; IN DISTRICT SUPERINTENDENTS AND ASSISTANT
23 DISTRICT SUPERINTENDENTS, FURTHER PROVIDING FOR ELIGIBILITY
24 AND FOR MANNER OF ELECTION OR APPROVAL, PROVIDING FOR
25 PERFORMANCE REVIEW AND FURTHER PROVIDING FOR ELECTION OF
26 ASSISTANT DISTRICT SUPERINTENDENTS, FOR TERM AND SALARY OF
27 ASSISTANTS, FOR COMMISSIONS AND FOR REMOVAL; IN PROFESSIONAL
28 EMPLOYEES, FURTHER PROVIDING FOR CAUSES FOR SUSPENSION; IN
29 PUPILS AND ATTENDANCE, FURTHER PROVIDING FOR LIABILITY FOR
30 TUITION AND ENFORCEMENT OF PAYMENT AND FOR SCHOOL LUNCH AND



1 BREAKFAST REIMBURSEMENT; IN SAFE SCHOOLS, FURTHER PROVIDING
2 FOR REGULATIONS; ADDING A REQUIREMENT RELATING TO
3 CARDIOPULMONARY RESUSCITATION; PROVIDING FOR OPEN CAMPUS
4 INITIATIVES; IN HIGH SCHOOLS, FURTHER PROVIDING FOR
5 ATTENDANCE IN OTHER DISTRICTS; REENACTING AND AMENDING
6 PROVISIONS RELATING TO SCHOOL BOARDS AND EDUCATIONAL
7 EMPOWERMENT; IN COMMUNITY COLLEGES, FURTHER PROVIDING FOR
8 FINANCIAL PROGRAM, REIMBURSEMENT OF PAYMENTS; IN THADDEUS
9 STEVENS COLLEGE OF TECHNOLOGY, FURTHER PROVIDING FOR
10 CONTRACTS FOR CONSTRUCTION, REPAIR, RENOVATION OR
11 MAINTENANCE; IN STATE SYSTEM OF HIGHER EDUCATION, FURTHER
12 PROVIDING FOR PROJECT CONTRACTS AND FOR POWERS AND DUTIES OF
13 INSTITUTION PRESIDENTS; IN SCHOOL DISTRICTS OF THE FIRST
14 CLASS, FURTHER PROVIDING FOR SUPERINTENDENTS OF SCHOOLS OR
15 BUILDINGS AND OF SUPPLIES; IN FUNDING FOR PUBLIC LIBRARIES,
16 PROVIDING FOR STATE AND FOR FISCAL YEAR 2012-2013; IN
17 REIMBURSEMENTS BY COMMONWEALTH AND BETWEEN SCHOOL DISTRICTS,
18 PROVIDING FOR BASIC EDUCATION FUNDING FOR 2011-2012 SCHOOL
19 YEAR, FURTHER PROVIDING FOR PAYMENTS TO INTERMEDIATE UNITS
20 AND FOR SPECIAL EDUCATION PAYMENTS TO SCHOOL DISTRICTS,
21 PROVIDING FOR ASSISTANCE TO SCHOOL DISTRICTS CERTIFIED AS
22 EDUCATION EMPOWERMENT DISTRICTS, FURTHER PROVIDING FOR
23 PENNSYLVANIA ACCOUNTABILITY GRANTS AND PROVIDING FOR TARGETED
24 INDUSTRY CLUSTER CERTIFICATE SCHOLARSHIP PROGRAM; AND MAKING
25 EDITORIAL CHANGES.

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

28 ~~Section 1. Section 751(a) of the act of March 10, 1949~~ ←
29 ~~(P.L.30, No.14), known as the Public School Code of 1949,~~
30 ~~amended May 4, 1990 (P.L.164, No.38), is amended to read:~~

31 ~~Section 751. Work to be Done Under Contract Let on Bids;~~
32 ~~Exception. (a) All construction, reconstruction, repairs,~~
33 ~~maintenance or work of any nature, including the introduction of~~
34 ~~plumbing, heating and ventilating, or lighting systems, upon any~~
35 ~~school building or upon any school property, or upon any~~
36 ~~building or portion of a building leased under the provisions of~~
37 ~~section 703.1, made by any school district, where the entire~~
38 ~~cost, value, or amount of such construction, reconstruction,~~
39 ~~repairs, maintenance or work, including labor and material,~~
40 ~~shall exceed ten thousand dollars (\$10,000), shall be done under~~
41 ~~separate contracts to be entered into by such school district~~
42 ~~with the lowest responsible bidder, upon proper terms, after due~~

1 ~~public notice has been given asking for competitive bids.~~
2 ~~Whenever a board of school directors shall approve the use of a~~
3 ~~prefabricated unit, complete in itself, for a school building or~~
4 ~~other proper structure to be erected upon school property, the~~
5 ~~board of school directors may have prepared appropriate~~
6 ~~specifications detailing the size and material desired in a~~
7 ~~particular prefabricated unit, including all utilities such as~~
8 ~~plumbing, heating and ventilating, and electrical work, and may~~
9 ~~advertise for a single bid on all the work and award the~~
10 ~~contract therefor to the lowest responsible bidder: Provided,~~
11 ~~That if due to an emergency a school plant or any part thereof~~
12 ~~becomes unusable competitive bids for repairs or replacement may~~
13 ~~be solicited from at least three responsible bidders, and upon~~
14 ~~the approval of any of these bids by [the Secretary of~~
15 ~~Education,] the board of school directors, the school district~~
16 ~~may proceed at once to make the necessary repairs or~~
17 ~~replacements in accordance with the terms of said approved bid~~
18 ~~or bids; and Provided further, That the school district shall~~
19 ~~notify the Secretary of Education in a form and manner~~
20 ~~determined by the Secretary of Education that an emergency has~~
21 ~~occurred and a bid has been selected under the emergency process~~
22 ~~provided for in this section.~~

23 * * *

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

25 SECTION 1. SECTION 102 OF THE ACT OF MARCH 10, 1949 (P.L.30, ←
26 NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, IS AMENDED BY
27 ADDING A DEFINITION TO READ:

28 SECTION 102. DEFINITIONS.--WHEN USED IN THIS ACT THE
29 FOLLOWING WORDS AND PHRASES SHALL HAVE THE FOLLOWING MEANINGS:

30 * * *

1 "KEYSTONE EXAM." AN ASSESSMENT DEVELOPED OR CAUSED TO BE
2 DEVELOPED BY THE DEPARTMENT OF EDUCATION PURSUANT TO 22 PA. CODE
3 § 4.51(F) (RELATING TO STATE ASSESSMENT SYSTEM).

4 * * *

5 SECTION 2. SECTION 111 HEADING, (A.1), (E), (F.1), (F.2),
6 (H), (I) AND (J) OF THE ACT, AMENDED OR ADDED JULY 11, 2006
7 (P.L.1092, NO.114) AND JUNE 30, 2011 (P.L.112, NO.24), ARE
8 AMENDED TO READ:

9 SECTION 111. [BACKGROUND CHECKS OF] CRIMINAL HISTORY OF
10 EMPLOYES AND PROSPECTIVE EMPLOYES; CONVICTION OF [EMPLOYES OF]
11 CERTAIN OFFENSES.--* * *

12 (A.1) BEGINNING APRIL 1, 2007, THIS SECTION SHALL APPLY TO
13 ALL CURRENT AND PROSPECTIVE EMPLOYES OF PUBLIC AND PRIVATE
14 SCHOOLS, INTERMEDIATE UNITS AND AREA VOCATIONAL-TECHNICAL
15 SCHOOLS, INCLUDING, BUT NOT LIMITED TO, TEACHERS, SUBSTITUTES,
16 JANITORS, CAFETERIA WORKERS, INDEPENDENT CONTRACTORS AND THEIR
17 EMPLOYES, EXCEPT THOSE EMPLOYES AND INDEPENDENT CONTRACTORS AND
18 THEIR EMPLOYES WHO HAVE NO DIRECT CONTACT WITH CHILDREN.

19 (1) BEGINNING APRIL 1, 2007, THIS SECTION SHALL APPLY TO BUS
20 DRIVERS EMPLOYED OR OFFERED EMPLOYMENT BY A SCHOOL DISTRICT,
21 PRIVATE SCHOOL, NONPUBLIC SCHOOL, INTERMEDIATE UNIT OR AREA
22 VOCATIONAL-TECHNICAL SCHOOL OR BY AN INDEPENDENT CONTRACTOR.

23 (2) BEGINNING APRIL 1, 2007, THIS SECTION SHALL APPLY TO
24 STUDENT TEACHERS AND STUDENT TEACHER CANDIDATES ASSIGNED TO ALL
25 PUBLIC AND PRIVATE SCHOOLS, INTERMEDIATE UNITS AND AREA
26 VOCATIONAL-TECHNICAL SCHOOLS.

27 (3) FOR PURPOSES OF THIS SECTION, "STUDENT TEACHER" OR
28 "STUDENT TEACHER CANDIDATE" SHALL MEAN AN INDIVIDUAL
29 PARTICIPATING IN A CLASSROOM TEACHING, INTERNSHIP, CLINICAL OR
30 FIELD EXPERIENCE WHO, AS PART OF A PROGRAM FOR THE INITIAL OR

1 ADVANCED PREPARATION OF PROFESSIONAL EDUCATORS, PERFORMS
2 CLASSROOM TEACHING OR ASSISTS IN THE EDUCATION PROGRAM IN A
3 PUBLIC OR PRIVATE SCHOOL, INTERMEDIATE UNIT OR AREA VOCATIONAL-
4 TECHNICAL SCHOOL UNDER THE SUPERVISION OF EDUCATOR PREPARATION
5 PROGRAM FACULTY.

6 (4) PRIOR TO A STUDENT TEACHER OR STUDENT TEACHER
7 CANDIDATE'S PARTICIPATION IN ANY CLASSROOM TEACHING, INTERNSHIP,
8 CLINICAL OR FIELD EXPERIENCE, [THAT CANDIDATE] THE STUDENT
9 TEACHER OR STUDENT TEACHER CANDIDATE SHALL PROVIDE TO THE
10 ADMINISTRATOR OF HIS OR HER EDUCATOR PREPARATION PROGRAM ALL
11 CRIMINAL HISTORY RECORD INFORMATION REQUIRED OF AN EMPLOYE OR
12 PROSPECTIVE EMPLOYE WHO IS SUBJECT TO THIS SECTION.

13 (5) [THE] A STUDENT TEACHER OR STUDENT TEACHER CANDIDATE MAY
14 NOT PARTICIPATE IN ANY CLASSROOM TEACHING, INTERNSHIP, CLINICAL
15 OR FIELD EXPERIENCE IF THIS SECTION WOULD PROHIBIT AN EMPLOYE OR
16 PROSPECTIVE EMPLOYE SUBJECT TO THIS SECTION FROM BEING EMPLOYED
17 UNDER THOSE CIRCUMSTANCES.

18 (6) DURING THE COURSE OF A STUDENT TEACHER OR STUDENT
19 TEACHER CANDIDATE'S PARTICIPATION IN AN EDUCATOR PREPARATION
20 PROGRAM, THE ADMINISTRATOR OF THE STUDENT TEACHER OR STUDENT
21 TEACHER CANDIDATE'S EDUCATOR PREPARATION PROGRAM SHALL MAINTAIN
22 A COPY OF THE CRIMINAL HISTORY RECORD INFORMATION THAT WAS
23 PROVIDED BY THE STUDENT TEACHER OR STUDENT TEACHER CANDIDATE.
24 THE PENALTY PROVISIONS OF SUBSECTION (G) SHALL BE APPLICABLE TO
25 THE ADMINISTRATOR OF A STUDENT TEACHER OR STUDENT TEACHER
26 CANDIDATE'S EDUCATOR PREPARATION PROGRAM.

27 (7) IF A STUDENT TEACHER OR STUDENT TEACHER CANDIDATE IS
28 CONTINUOUSLY ENROLLED IN AN EDUCATOR PREPARATION PROGRAM, THE
29 CRIMINAL HISTORY RECORD INFORMATION INITIALLY SUBMITTED BY
30 [THAT] THE STUDENT TEACHER OR STUDENT TEACHER CANDIDATE TO THAT

1 PROGRAM SHALL REMAIN VALID DURING THAT PERIOD OF ENROLLMENT,
2 SUBJECT TO THE REQUIREMENTS OF SUBSECTION (J). IF A STUDENT
3 TEACHER OR STUDENT TEACHER CANDIDATE'S ENROLLMENT IN AN EDUCATOR
4 PREPARATION PROGRAM IS INTERRUPTED OR IF [THAT] THE STUDENT
5 TEACHER OR STUDENT TEACHER CANDIDATE TRANSFERS TO ANOTHER
6 EDUCATOR PREPARATION PROGRAM, THE STUDENT TEACHER OR STUDENT
7 TEACHER CANDIDATE SHALL PROVIDE TO THE ADMINISTRATOR OF HIS OR
8 HER EDUCATOR PREPARATION PROGRAM ALL CRIMINAL HISTORY RECORD
9 INFORMATION REQUIRED OF AN EMPLOYE WHO IS SUBJECT TO THIS
10 SECTION.

11 * * *

12 (E) NO PERSON SUBJECT TO THIS ACT SHALL BE EMPLOYED OR
13 REMAIN EMPLOYED IN A PUBLIC OR PRIVATE SCHOOL, INTERMEDIATE UNIT
14 OR AREA VOCATIONAL-TECHNICAL SCHOOL WHERE [THE] A REPORT OF
15 CRIMINAL HISTORY RECORD INFORMATION OR A FORM SUBMITTED BY AN
16 EMPLOYE UNDER SUBSECTION (J) INDICATES THE [APPLICANT] PERSON
17 HAS BEEN CONVICTED OF ANY OF THE FOLLOWING OFFENSES:

18 (1) AN OFFENSE UNDER ONE OR MORE OF THE FOLLOWING PROVISIONS
19 OF TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES:

20 CHAPTER 25 (RELATING TO CRIMINAL HOMICIDE).

21 SECTION 2702 (RELATING TO AGGRAVATED ASSAULT).

22 SECTION 2709.1 (RELATING TO STALKING).

23 SECTION 2901 (RELATING TO KIDNAPPING).

24 SECTION 2902 (RELATING TO UNLAWFUL RESTRAINT).

25 SECTION 2910 (RELATING TO LURING A CHILD INTO A MOTOR
26 VEHICLE OR STRUCTURE).

27 SECTION 3121 (RELATING TO RAPE).

28 SECTION 3122.1 (RELATING TO STATUTORY SEXUAL ASSAULT).

29 SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
30 INTERCOURSE).

1 SECTION 3124.1 (RELATING TO SEXUAL ASSAULT) .

2 SECTION 3124.2 (RELATING TO INSTITUTIONAL SEXUAL
3 ASSAULT) .

4 SECTION 3125 (RELATING TO AGGRAVATED INDECENT ASSAULT) .

5 SECTION 3126 (RELATING TO INDECENT ASSAULT) .

6 SECTION 3127 (RELATING TO INDECENT EXPOSURE) .

7 SECTION 3129 (RELATING TO SEXUAL INTERCOURSE WITH
8 ANIMAL) .

9 SECTION 4302 (RELATING TO INCEST) .

10 SECTION 4303 (RELATING TO CONCEALING DEATH OF CHILD) .

11 SECTION 4304 (RELATING TO ENDANGERING WELFARE OF
12 CHILDREN) .

13 SECTION 4305 (RELATING TO DEALING IN INFANT CHILDREN) .

14 A FELONY OFFENSE UNDER SECTION 5902(B) (RELATING TO
15 PROSTITUTION AND RELATED OFFENSES) .

16 SECTION 5903(C) OR (D) (RELATING TO OBSCENE AND OTHER
17 SEXUAL MATERIALS AND PERFORMANCES) .

18 SECTION 6301(A) (1) (RELATING TO CORRUPTION OF MINORS) .

19 SECTION 6312 (RELATING TO SEXUAL ABUSE OF CHILDREN) .

20 SECTION 6318 (RELATING TO UNLAWFUL CONTACT WITH MINOR) .

21 SECTION 6319 (RELATING TO SOLICITATION OF MINORS TO
22 TRAFFIC DRUGS) .

23 SECTION 6320 (RELATING TO SEXUAL EXPLOITATION OF
24 CHILDREN) .

25 (2) AN OFFENSE DESIGNATED AS A FELONY UNDER THE ACT OF APRIL
26 14, 1972 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED SUBSTANCE,
27 DRUG, DEVICE AND COSMETIC ACT."

28 (3) AN OFFENSE SIMILAR IN NATURE TO THOSE CRIMES LISTED IN
29 CLAUSES (1) AND (2) UNDER THE LAWS OR FORMER LAWS OF THE UNITED
30 STATES OR ONE OF ITS TERRITORIES OR POSSESSIONS, ANOTHER STATE,

1 THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A
2 FOREIGN NATION, OR UNDER A FORMER LAW OF THIS COMMONWEALTH.

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

11 (2) IF [THE CONVICTION IS FOR] A REPORT OF CRIMINAL HISTORY
12 RECORD INFORMATION OR A FORM SUBMITTED BY AN EMPLOYE UNDER
13 SUBSECTION (J) INDICATES THE PERSON HAS BEEN CONVICTED OF AN
14 OFFENSE GRADED AS A MISDEMEANOR OF THE FIRST DEGREE, OTHER THAN
15 ONE OF THE OFFENSES ENUMERATED IN SUBSECTION (E), THE PERSON
16 SHALL BE ELIGIBLE FOR CONTINUED OR PROSPECTIVE EMPLOYMENT ONLY
17 IF A PERIOD OF FIVE YEARS HAS ELAPSED FROM THE DATE OF
18 EXPIRATION OF THE SENTENCE FOR THE OFFENSE.

19 (3) IF THE REPORT OF CRIMINAL HISTORY RECORD INFORMATION OR
20 A FORM SUBMITTED BY AN EMPLOYE UNDER SUBSECTION (J) INDICATES
21 THE PERSON HAS BEEN CONVICTED MORE THAN ONCE FOR AN OFFENSE
22 UNDER 75 PA.C.S. § 3802(A), (B), (C) OR (D) (RELATING TO DRIVING
23 UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) AND THE
24 OFFENSE IS GRADED AS A MISDEMEANOR OF THE FIRST DEGREE UNDER 75
25 PA.C.S. § 3803 (RELATING TO GRADING), THE PERSON SHALL BE
26 ELIGIBLE FOR CURRENT OR PROSPECTIVE EMPLOYMENT ONLY IF A PERIOD
27 OF THREE YEARS HAS ELAPSED FROM THE DATE OF EXPIRATION OF THE
28 SENTENCE FOR THE MOST RECENT OFFENSE.

29 (F.2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
30 INTERFERE WITH THE ABILITY OF A PUBLIC OR PRIVATE SCHOOL,

1 INTERMEDIATE UNIT OR AREA VOCATIONAL-TECHNICAL SCHOOL TO MAKE
2 EMPLOYMENT, DISCIPLINE OR TERMINATION DECISIONS, PROVIDED THAT
3 THIS SUBSECTION SHALL NOT BE CONSTRUED TO CONFLICT WITH
4 SUBSECTION (E), (F.1) OR (J) (6).

5 * * *

6 (H) [ANY] SUBJECT TO THE REQUIREMENTS OF SUBSECTION (J), ANY
7 PERSON WHO HAS ONCE OBTAINED THE INFORMATION REQUIRED UNDER
8 [THIS SECTION] SUBSECTIONS (B), (C) AND (C.1) MAY TRANSFER TO OR
9 PROVIDE SERVICES TO ANOTHER SCHOOL IN THE SAME DISTRICT, DIOCESE
10 OR RELIGIOUS JUDICATORY OR ESTABLISHED AND SUPERVISED BY THE
11 SAME ORGANIZATION AND SHALL NOT BE REQUIRED TO OBTAIN ADDITIONAL
12 REPORTS BEFORE MAKING SUCH TRANSFER.

13 (I) NOTWITHSTANDING SUBSECTIONS (B), (C) AND (C.1), AND
14 SUBJECT TO THE REQUIREMENTS OF SUBSECTION (J), ADMINISTRATORS,
15 BEFORE APRIL 1, 2007, MAY EMPLOY IN-STATE APPLICANTS ON A
16 PROVISIONAL BASIS FOR A SINGLE PERIOD NOT TO EXCEED THIRTY (30)
17 DAYS AND MAY EMPLOY OUT-OF-STATE APPLICANTS ON A PROVISIONAL
18 BASIS FOR A SINGLE PERIOD NOT TO EXCEED NINETY (90) DAYS AND,
19 AFTER MARCH 31, 2007, MAY EMPLOY ANY APPLICANTS ON A PROVISIONAL
20 BASIS FOR A SINGLE PERIOD NOT TO EXCEED NINETY (90) DAYS, EXCEPT
21 DURING A LAWFUL STRIKE PROCEEDING UNDER THE PROVISIONS OF THE
22 ACT OF JULY 23, 1970 (P.L.563, NO.195), KNOWN AS THE "PUBLIC
23 EMPLOYE RELATIONS ACT," PROVIDED THAT ALL OF THE FOLLOWING
24 CONDITIONS ARE MET:

25 (1) THE APPLICANT HAS APPLIED FOR THE INFORMATION REQUIRED
26 UNDER SUBSECTION (B) AND, WHERE APPLICABLE, UNDER SUBSECTION (C)
27 OR (C.1) AND THE APPLICANT PROVIDES A COPY OF THE APPROPRIATE
28 COMPLETED REQUEST FORMS TO THE ADMINISTRATOR;

29 (2) THE ADMINISTRATOR HAS NO KNOWLEDGE OF INFORMATION
30 PERTAINING TO THE APPLICANT WHICH WOULD DISQUALIFY HIM FROM

1 EMPLOYMENT PURSUANT TO SUBSECTION (E) OR (F.1);

2 (3) THE APPLICANT SWEARS OR AFFIRMS IN WRITING THAT HE IS
3 NOT DISQUALIFIED FROM EMPLOYMENT PURSUANT TO SUBSECTION (E) OR
4 (F.1);

5 (4) IF THE INFORMATION OBTAINED PURSUANT TO SUBSECTION (B),
6 (C) OR (C.1) REVEALS THAT THE APPLICANT IS DISQUALIFIED FROM
7 EMPLOYMENT PURSUANT TO SUBSECTION (E) OR (F.1), THE APPLICANT
8 SHALL BE SUSPENDED AND SUBJECT TO TERMINATION PROCEEDINGS AS
9 PROVIDED FOR BY LAW; AND

10 (5) THE ADMINISTRATOR REQUIRES THAT THE APPLICANT NOT BE
11 PERMITTED TO WORK ALONE WITH CHILDREN AND THAT THE APPLICANT
12 WORK IN THE IMMEDIATE VICINITY OF A PERMANENT EMPLOYE.

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

29 (2) [WITHIN NINETY (90) DAYS OF THE EFFECTIVE DATE OF THIS
30 SUBSECTION, ALL CURRENT] ALL CURRENT AND PROSPECTIVE EMPLOYEES OF

1 A PUBLIC OR PRIVATE SCHOOL, INTERMEDIATE UNIT OR AREA
2 VOCATIONAL-TECHNICAL SCHOOL SHALL COMPLETE THE FORM DESCRIBED IN
3 CLAUSE (1), INDICATING WHETHER OR NOT THEY HAVE BEEN ARRESTED
4 FOR OR CONVICTED OF AN OFFENSE ENUMERATED UNDER [SUBSECTION (E)]
5 SUBSECTIONS (E) AND (F.1).

6 (3) IF, AS REQUIRED IN CLAUSE (2), [AN] A CURRENT OR
7 PROSPECTIVE EMPLOYE REFUSES TO SUBMIT THE FORM DESCRIBED IN
8 CLAUSE (1), THE ADMINISTRATOR OR OTHER PERSON RESPONSIBLE FOR
9 EMPLOYMENT DECISIONS IN A SCHOOL OR OTHER INSTITUTION SHALL
10 IMMEDIATELY REQUIRE THE CURRENT OR PROSPECTIVE EMPLOYE TO SUBMIT
11 TO THE ADMINISTRATOR A CURRENT REPORT OF CRIMINAL HISTORY RECORD
12 INFORMATION AS REQUIRED UNDER SUBSECTIONS (A.1), (B) AND (C.1).

13 (4) IF THE ARREST OR CONVICTION FOR AN OFFENSE ENUMERATED
14 UNDER SUBSECTION (E) OR (F.1) OCCURS AFTER THE EFFECTIVE DATE OF
15 THIS SUBSECTION, THE CURRENT OR PROSPECTIVE EMPLOYE SHALL
16 PROVIDE THE ADMINISTRATOR OR DESIGNEE WITH WRITTEN NOTICE
17 UTILIZING THE FORM PROVIDED FOR IN CLAUSE (1) NOT LATER THAN
18 SEVENTY-TWO (72) HOURS AFTER AN ARREST OR CONVICTION.

19 (5) IF AN ADMINISTRATOR OR OTHER PERSON RESPONSIBLE FOR
20 EMPLOYMENT DECISIONS IN A SCHOOL OR OTHER INSTITUTION HAS A
21 REASONABLE BELIEF THAT [AN] A CURRENT OR PROSPECTIVE EMPLOYE WAS
22 ARRESTED OR HAS A CONVICTION FOR AN OFFENSE REQUIRED TO BE
23 REPORTED UNDER CLAUSE (2) OR (4) AND THE EMPLOYE OR PROSPECTIVE
24 EMPLOYE HAS NOT NOTIFIED THE ADMINISTRATOR AS REQUIRED UNDER
25 THIS SECTION, THE ADMINISTRATOR OR OTHER PERSON RESPONSIBLE FOR
26 EMPLOYMENT DECISIONS IN A SCHOOL OR OTHER INSTITUTION SHALL
27 IMMEDIATELY REQUIRE THE CURRENT OR PROSPECTIVE EMPLOYE TO SUBMIT
28 TO THE ADMINISTRATOR A CURRENT REPORT OF CRIMINAL HISTORY RECORD
29 INFORMATION AS REQUIRED UNDER SUBSECTIONS (A.1), (B) AND (C.1).
30 THE COST OF THE CRIMINAL BACKGROUND CHECK SHALL BE BORNE BY THE

1 EMPLOYING ENTITY.

2 (6) [(I) AN] A CURRENT OR PROSPECTIVE EMPLOYEE WHO WILLFULLY
3 FAILS TO DISCLOSE A CONVICTION OR AN ARREST FOR AN OFFENSE
4 ENUMERATED UNDER [SUBSECTION (E) (1)] THIS SECTION SHALL BE
5 SUBJECT TO DISCIPLINE UP TO AND INCLUDING TERMINATION OR DENIAL
6 OF EMPLOYMENT AND MAY BE SUBJECT TO CRIMINAL PROSECUTION UNDER
7 18 PA.C.S. § 4904 (RELATING TO UNSWORN FALSIFICATION TO
8 AUTHORITIES).

9 [(II) AN EMPLOYEE WHO WILLFULLY FAILS TO DISCLOSE A
10 CONVICTION OF ANY OTHER OFFENSE REQUIRED TO BE REPORTED BY THIS
11 SECTION MAY BE SUBJECT TO DISCIPLINE AND MAY BE SUBJECT TO
12 CRIMINAL PROSECUTION UNDER 18 PA.C.S. § 4904.]

13 SECTION 3. SECTION 118(A) (1) OF THE ACT, ADDED JUNE 30, 2011
14 (P.L.112, NO.24), IS AMENDED TO READ:

15 SECTION 118. COLLECTION OF IDENTIFYING INFORMATION OF
16 STUDENTS ATTENDING INSTITUTIONS OF HIGHER EDUCATION.--(A) THE
17 FOLLOWING PROVISIONS SHALL APPLY TO THE DEPARTMENT OF
18 EDUCATION'S COLLECTION OF IDENTIFYING INFORMATION OF STUDENTS:

19 (1) THE DEPARTMENT MAY COLLECT IDENTIFYING INFORMATION OF
20 STUDENTS ONLY IF:

21 (I) THE DEPARTMENT IS SPECIFICALLY REQUIRED TO DO SO UNDER
22 FEDERAL STATUTE OR REGULATION OR UNDER ANOTHER PROVISION OF THIS
23 ACT; OR

24 (II) THE INFORMATION IS VOLUNTARILY PROVIDED BY AN
25 INSTITUTION OF HIGHER EDUCATION.

26 * * *

27 SECTION 4. SECTION 119 OF THE ACT, ADDED NOVEMBER 3, 2011
28 (P.L.400, NO.97), IS REPEALED:

29 [SECTION 119. ADJUSTMENTS BASED ON CONSUMER PRICE INDEX.--
30 ADJUSTMENTS TO THE BASE AMOUNTS SHALL BE MADE AS FOLLOWS:

1 (1) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL DETERMINE THE
2 PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR ALL URBAN
3 CONSUMERS: ALL ITEMS (CPI-U) FOR THE UNITED STATES CITY AVERAGE
4 AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
5 LABOR STATISTICS, FOR THE TWELVE-MONTH PERIOD ENDING SEPTEMBER
6 30, 2012, AND FOR EACH SUCCESSIVE TWELVE-MONTH PERIOD
7 THEREAFTER.

8 (2) IF THE DEPARTMENT DETERMINES THAT THERE IS NO POSITIVE
9 PERCENTAGE CHANGE, THEN NO ADJUSTMENT TO THE BASE AMOUNTS SHALL
10 OCCUR FOR THE RELEVANT TIME PERIOD.

11 (3) (I) IF THE DEPARTMENT DETERMINES THAT THERE IS A
12 POSITIVE PERCENTAGE CHANGE IN THE FIRST YEAR THAT THE
13 DETERMINATION IS MADE UNDER PARAGRAPH (1), THE POSITIVE
14 PERCENTAGE CHANGE SHALL BE MULTIPLIED BY EACH BASE AMOUNT, AND
15 THE PRODUCTS SHALL BE ADDED TO THE BASE AMOUNTS, RESPECTIVELY,
16 AND THE SUMS SHALL BE PRELIMINARY ADJUSTED AMOUNTS.

17 (II) THE PRELIMINARY ADJUSTED AMOUNTS SHALL BE ROUNDED TO
18 THE NEAREST ONE HUNDRED DOLLARS (\$100) TO DETERMINE THE FINAL
19 ADJUSTED BASE AMOUNTS.

20 (4) IN EACH SUCCESSIVE YEAR IN WHICH THERE IS A POSITIVE
21 PERCENTAGE CHANGE IN THE CPI-U FOR THE UNITED STATES CITY
22 AVERAGE, THE POSITIVE PERCENTAGE CHANGE SHALL BE MULTIPLIED BY
23 THE MOST RECENT PRELIMINARY ADJUSTED AMOUNTS, AND THE PRODUCTS
24 SHALL BE ADDED TO THE PRELIMINARY ADJUSTED AMOUNT OF THE PRIOR
25 YEAR TO CALCULATE THE PRELIMINARY ADJUSTED AMOUNTS FOR THE
26 CURRENT YEAR. THE SUMS THEREOF SHALL BE ROUNDED TO THE NEAREST
27 ONE HUNDRED DOLLARS (\$100) TO DETERMINE THE NEW FINAL ADJUSTED
28 BASE AMOUNTS.

29 (5) THE DETERMINATIONS AND ADJUSTMENTS REQUIRED UNDER THIS
30 SECTION SHALL BE MADE IN THE PERIOD BETWEEN OCTOBER 1 AND

1 NOVEMBER 15 OF THE YEAR FOLLOWING THE EFFECTIVE DATE OF THIS
2 SECTION AND ANNUALLY BETWEEN OCTOBER 1 AND NOVEMBER 15 OF EACH
3 YEAR THEREAFTER.

4 (6) THE FINAL ADJUSTED BASE AMOUNTS AND NEW FINAL ADJUSTED
5 BASE AMOUNTS OBTAINED UNDER PARAGRAPHS (3) AND (4) SHALL BECOME
6 EFFECTIVE JANUARY 1 FOR THE CALENDAR YEAR FOLLOWING THE YEAR IN
7 WHICH THE DETERMINATION REQUIRED UNDER PARAGRAPH (1) IS MADE.

8 (7) THE DEPARTMENT SHALL PUBLISH NOTICE IN THE PENNSYLVANIA
9 BULLETIN PRIOR TO JANUARY 1 OF EACH CALENDAR YEAR OF THE ANNUAL
10 PERCENTAGE CHANGE DETERMINED UNDER PARAGRAPH (1) AND THE
11 UNADJUSTED OR FINAL ADJUSTED BASE AMOUNTS DETERMINED UNDER
12 PARAGRAPHS (3) AND (4) AT WHICH COMPETITIVE BIDDING IS REQUIRED
13 AND WRITTEN OR TELEPHONIC PRICE QUOTATIONS ARE REQUIRED,
14 RESPECTIVELY, FOR THE CALENDAR YEAR BEGINNING THE FIRST DAY OF
15 JANUARY AFTER PUBLICATION OF THE NOTICE. THE NOTICE SHALL
16 INCLUDE A WRITTEN AND ILLUSTRATIVE EXPLANATION OF THE
17 CALCULATIONS PERFORMED BY THE DEPARTMENT IN ESTABLISHING THE
18 UNADJUSTED OR FINAL ADJUSTED BASE AMOUNTS UNDER THIS SECTION FOR
19 THE ENSUING CALENDAR YEAR.

20 (8) THE ANNUAL INCREASE IN THE PRELIMINARY ADJUSTED BASE
21 AMOUNTS OBTAINED UNDER PARAGRAPHS (3) AND (4) SHALL NOT EXCEED
22 THREE PERCENT (3%).]

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

24 SECTION 120. ADJUSTMENTS BASED ON CONSUMER PRICE INDEX.--

25 ADJUSTMENTS TO THE BASE AMOUNTS SHALL BE MADE AS FOLLOWS:

26 (1) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL DETERMINE THE
27 PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR ALL URBAN
28 CONSUMERS: ALL ITEMS (CPI-U) FOR THE UNITED STATES CITY AVERAGE
29 AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
30 LABOR STATISTICS, FOR THE TWELVE-MONTH PERIOD ENDING SEPTEMBER

1 30, 2012, AND FOR EACH SUCCESSIVE TWELVE-MONTH PERIOD
2 THEREAFTER.

3 (2) IF THE DEPARTMENT OF LABOR AND INDUSTRY DETERMINES THAT
4 THERE IS NO POSITIVE PERCENTAGE CHANGE, THEN NO ADJUSTMENT TO
5 THE BASE AMOUNTS SHALL OCCUR FOR THE RELEVANT TIME PERIOD.

6 (3) (I) IF THE DEPARTMENT OF LABOR AND INDUSTRY DETERMINES
7 THAT THERE IS A POSITIVE PERCENTAGE CHANGE IN THE FIRST YEAR
8 THAT THE DETERMINATION IS MADE UNDER PARAGRAPH (1), THE POSITIVE
9 PERCENTAGE CHANGE SHALL BE MULTIPLIED BY EACH BASE AMOUNT, AND
10 THE PRODUCTS SHALL BE ADDED TO THE BASE AMOUNTS, RESPECTIVELY,
11 AND THE SUMS SHALL BE PRELIMINARY ADJUSTED AMOUNTS.

12 (II) THE PRELIMINARY ADJUSTED AMOUNTS SHALL BE ROUNDED TO
13 THE NEAREST ONE HUNDRED DOLLARS (\$100) TO DETERMINE THE FINAL
14 ADJUSTED BASE AMOUNTS.

15 (4) IN EACH SUCCESSIVE YEAR IN WHICH THERE IS A POSITIVE
16 PERCENTAGE CHANGE IN THE CPI-U FOR THE UNITED STATES CITY
17 AVERAGE, THE POSITIVE PERCENTAGE CHANGE SHALL BE MULTIPLIED BY
18 THE MOST RECENT PRELIMINARY ADJUSTED AMOUNTS, AND THE PRODUCTS
19 SHALL BE ADDED TO THE PRELIMINARY ADJUSTED AMOUNT OF THE PRIOR
20 YEAR TO CALCULATE THE PRELIMINARY ADJUSTED AMOUNTS FOR THE
21 CURRENT YEAR. THE SUMS THEREOF SHALL BE ROUNDED TO THE NEAREST
22 ONE HUNDRED DOLLARS (\$100) TO DETERMINE THE NEW FINAL ADJUSTED
23 BASE AMOUNTS.

24 (5) THE DETERMINATIONS AND ADJUSTMENTS REQUIRED UNDER THIS
25 SECTION SHALL BE MADE IN THE PERIOD BETWEEN OCTOBER 1 AND
26 NOVEMBER 15, 2012, AND ANNUALLY BETWEEN OCTOBER 1 AND NOVEMBER
27 15 OF EACH YEAR THEREAFTER.

28 (6) THE FINAL ADJUSTED BASE AMOUNTS AND NEW FINAL ADJUSTED
29 BASE AMOUNTS OBTAINED UNDER PARAGRAPHS (3) AND (4) SHALL BECOME
30 EFFECTIVE JANUARY 1 FOR THE CALENDAR YEAR FOLLOWING THE YEAR IN

1 WHICH THE DETERMINATION REQUIRED UNDER PARAGRAPH (1) IS MADE.
2 (7) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL PUBLISH
3 NOTICE IN THE PENNSYLVANIA BULLETIN PRIOR TO JANUARY 1 OF EACH
4 CALENDAR YEAR OF THE ANNUAL PERCENTAGE CHANGE DETERMINED UNDER
5 PARAGRAPH (1) AND THE UNADJUSTED OR FINAL ADJUSTED BASE AMOUNTS
6 DETERMINED UNDER PARAGRAPHS (3) AND (4) AT WHICH COMPETITIVE
7 BIDDING IS REQUIRED AND WRITTEN OR TELEPHONIC PRICE QUOTATIONS
8 ARE REQUIRED, RESPECTIVELY, FOR THE CALENDAR YEAR BEGINNING THE
9 FIRST DAY OF JANUARY AFTER PUBLICATION OF THE NOTICE. THE NOTICE
10 SHALL INCLUDE A WRITTEN AND ILLUSTRATIVE EXPLANATION OF THE
11 CALCULATIONS PERFORMED BY THE DEPARTMENT OF LABOR AND INDUSTRY
12 IN ESTABLISHING THE UNADJUSTED OR FINAL ADJUSTED BASE AMOUNTS
13 UNDER THIS SECTION FOR THE ENSUING CALENDAR YEAR.

14 (8) THE ANNUAL INCREASE IN THE PRELIMINARY ADJUSTED BASE
15 AMOUNTS OBTAINED UNDER PARAGRAPHS (3) AND (4) SHALL NOT EXCEED
16 THREE PERCENT (3%).

17 SECTION 121. KEYSTONE EXAMS.--SUBJECT TO ANNUAL
18 APPROPRIATION, NOT LATER THAN THE 2020-2021 SCHOOL YEAR, THE
19 DEPARTMENT OF EDUCATION SHALL DEVELOP AND IMPLEMENT KEYSTONE
20 EXAMS IN THE FOLLOWING SUBJECTS: ALGEBRA I; LITERATURE; BIOLOGY;
21 ENGLISH COMPOSITION; ALGEBRA II; GEOMETRY; UNITED STATES
22 HISTORY; CHEMISTRY; CIVICS AND GOVERNMENT; AND WORLD HISTORY.
23 THE STATE BOARD OF EDUCATION SHALL PROMULGATE REGULATIONS,
24 SUBJECT TO THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS
25 THE "REGULATORY REVIEW ACT," NECESSARY TO IMPLEMENT THIS
26 SECTION.

27 SECTION 6. SECTION 221.1(A) OF THE ACT, ADDED JUNE 30, 2011
28 (P.L.112, NO.24), IS AMENDED TO READ:

29 SECTION 221.1. MORATORIUM ON CERTAIN DATA COLLECTION SYSTEMS
30 AND DATA SETS.--(A) FOR THE SCHOOL YEARS 2011-2012 AND

1 2012-2013, THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF
2 PUBLIC WELFARE SHALL SUSPEND THE COLLECTION OF DATA THROUGH
3 PENNSYLVANIA'S ENTERPRISE TO LINK INFORMATION FOR CHILDREN
4 ACROSS NETWORK (PELICAN) AND THE PENNSYLVANIA INFORMATION
5 MANAGEMENT SYSTEM (PIMS) EXCEPT AS FOLLOWS:

6 (1) INFORMATION REQUIRED TO MEET FEDERAL MANDATES IN THE
7 FOLLOWING:

8 (I) THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965
9 (PUBLIC LAW 89-10, 20 U.S.C. § 6301 ET SEQ.).

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

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

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

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

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

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

24 (VIII) THE SOCIAL SECURITY ACT (49 STAT. 620, 42 U.S.C. §
25 301 ET SEQ.).

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

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

30 (3) INFORMATION REQUIRED BY THE DEPARTMENT OF PUBLIC WELFARE

1 TO SUPERVISE, LICENSE OR REGISTER A CHILD-CARE PROVIDER UNDER
2 ARTICLES IX AND X OF THE ACT OF JUNE 13, 1967 (P.L.31, NO.21),
3 KNOWN AS THE "PUBLIC WELFARE CODE."

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

9 (5) INFORMATION NECESSARY FOR ALL PAYMENTS OR REIMBURSEMENT
10 BY THE COMMONWEALTH.

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

13 (7) INFORMATION WHICH IS VOLUNTARILY PROVIDED BY AN
14 INSTITUTION OF HIGHER EDUCATION.

15 * * *

16 SECTION 7. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:
17 SECTION 616. REOPENING OF 2012-2013 BUDGET.--NOTWITHSTANDING
18 ANY OTHER PROVISIONS OF LAW, A BOARD OF SCHOOL DIRECTORS OF A
19 SCHOOL DISTRICT MAY REOPEN ITS 2012-2013 BUDGET TO REFLECT THE
20 FOLLOWING:

21 (1) FEDERAL AND STATE ALLOCATIONS FOR FISCAL YEARS 2011-2012
22 AND 2012-2013 PROVIDED BY THE ACT OF JUNE , 2012 (P.L. ,
23 NO.), KNOWN AS THE GENERAL APPROPRIATION ACT OF 2012; AND

24 (2) ANY INCREASE IN LOCAL REVENUE ALLOCATIONS THAT RESULT
25 FROM OTHER LEGISLATION ENACTED BY THE GENERAL ASSEMBLY DURING
26 THE 2011 REGULAR SESSION.

27 SECTION 617. INTERGOVERNMENTAL AGREEMENTS FOR SCHOOL
28 SECURITY AND SAFETY.--THE BOARD OF SCHOOL DIRECTORS OF A SCHOOL
29 DISTRICT MAY ENTER INTO AGREEMENTS WITH OTHER POLITICAL
30 SUBDIVISIONS TO PROVIDE FOR THE SAFETY AND SECURITY OF THE

1 SCHOOL. THE BOARD OF SCHOOL DIRECTORS MAY USE SCHOOL FUNDS TO
2 SHARE COSTS WITH MUNICIPALITIES AND COUNTIES FOR SUCH EXPENSES
3 AS BENEFITS AND SALARIES OF SCHOOL RESOURCE OFFICERS AND
4 PROBATION OFFICERS. SUCH OFFICERS ARE NOT REQUIRED TO BE
5 EMPLOYES OF THE SCHOOL DISTRICT AND MAY BE EMPLOYES OF OTHER
6 POLITICAL SUBDIVISIONS.

7 SECTION 732.1. LIMITATION ON NEW APPLICATIONS FOR DEPARTMENT
8 OF EDUCATION APPROVAL OF PUBLIC SCHOOL BUILDING PROJECTS.--(A)
9 FOR THE 2012-2013 FISCAL YEAR, THE DEPARTMENT OF EDUCATION SHALL
10 NOT ACCEPT OR APPROVE NEW SCHOOL BUILDING CONSTRUCTION OR
11 RECONSTRUCTION PROJECT APPLICATIONS. COMPLETED SCHOOL BUILDING
12 CONSTRUCTION OR RECONSTRUCTION PROJECT APPLICATIONS RECEIVED BY
13 THE DEPARTMENT OF EDUCATION BY OCTOBER 1, 2012, ARE NOT SUBJECT
14 TO THIS PROVISION.

15 (B) THE DEPARTMENT OF EDUCATION SHALL, IN CONSULTATION WITH
16 SCHOOL DISTRICT OFFICIALS AND THE GENERAL ASSEMBLY, CONDUCT A
17 REVIEW OF THE DEPARTMENT OF EDUCATION'S CURRENT PROCESS THROUGH
18 WHICH PUBLIC SCHOOL BUILDING PROJECTS ARE REVIEWED AND APPROVED
19 FOR COMMONWEALTH REIMBURSEMENT. THE REVIEW SHALL INCORPORATE AN
20 ANALYSIS OF IMPACTING LOCAL FACTORS INCLUDING, BUT NOT LIMITED
21 TO, TAX EFFORT AND BUILDING REQUIREMENTS, AND SHALL MAKE
22 RECOMMENDATIONS TO THE CHAIR AND MINORITY CHAIR OF THE
23 APPROPRIATIONS COMMITTEE OF THE SENATE, THE CHAIR AND MINORITY
24 CHAIR OF THE EDUCATION COMMITTEE OF THE SENATE, THE CHAIR AND
25 MINORITY CHAIR OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF
26 REPRESENTATIVES AND THE CHAIR AND MINORITY CHAIR OF THE
27 EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES BY MAY 1,
28 2013.

29 SECTION 8. SECTIONS 751(A), (A.1), (B) AND (F) AND 807.1 OF
30 THE ACT, AMENDED NOVEMBER 3, 2011 (P.L.400, NO.97), ARE AMENDED

1 AND THE SECTIONS ARE AMENDED BY ADDING SUBSECTIONS TO READ:
2 SECTION 751. WORK TO BE DONE UNDER CONTRACT LET ON BIDS;
3 EXCEPTION.--[(A) ALL CONSTRUCTION, RECONSTRUCTION, REPAIRS,
4 MAINTENANCE OR WORK OF ANY NATURE, INCLUDING THE INTRODUCTION OF
5 PLUMBING, HEATING AND VENTILATING, OR LIGHTING SYSTEMS, UPON ANY
6 SCHOOL BUILDING OR UPON ANY SCHOOL PROPERTY, OR UPON ANY
7 BUILDING OR PORTION OF A BUILDING LEASED UNDER THE PROVISIONS OF
8 SECTION 703.1, MADE BY ANY SCHOOL DISTRICT, WHERE THE ENTIRE
9 COST, VALUE, OR AMOUNT OF SUCH CONSTRUCTION, RECONSTRUCTION,
10 REPAIRS, MAINTENANCE OR WORK, INCLUDING LABOR AND MATERIAL,
11 SHALL EXCEED A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED
12 DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION 119,
13 SHALL BE DONE UNDER SEPARATE CONTRACTS TO BE ENTERED INTO BY
14 SUCH SCHOOL DISTRICT WITH THE LOWEST RESPONSIBLE BIDDER, UPON
15 PROPER TERMS, AFTER DUE PUBLIC NOTICE HAS BEEN GIVEN ASKING FOR
16 COMPETITIVE BIDS. WHENEVER A BOARD OF SCHOOL DIRECTORS SHALL
17 APPROVE THE USE OF A PREFABRICATED UNIT, COMPLETE IN ITSELF, FOR
18 A SCHOOL BUILDING OR OTHER PROPER STRUCTURE TO BE ERECTED UPON
19 SCHOOL PROPERTY, THE BOARD OF SCHOOL DIRECTORS MAY HAVE PREPARED
20 APPROPRIATE SPECIFICATIONS DETAILING THE SIZE AND MATERIAL
21 DESIRED IN A PARTICULAR PREFABRICATED UNIT, INCLUDING ALL
22 UTILITIES SUCH AS PLUMBING, HEATING AND VENTILATING, AND
23 ELECTRICAL WORK, AND MAY ADVERTISE FOR A SINGLE BID ON ALL THE
24 WORK AND AWARD THE CONTRACT THEREFOR TO THE LOWEST RESPONSIBLE
25 BIDDER: PROVIDED, THAT IF DUE TO AN EMERGENCY A SCHOOL PLANT OR
26 ANY PART THEREOF BECOMES UNUSABLE COMPETITIVE BIDS FOR REPAIRS
27 OR REPLACEMENT MAY BE SOLICITED FROM AT LEAST THREE RESPONSIBLE
28 BIDDERS, AND UPON THE APPROVAL OF ANY OF THESE BIDS BY THE
29 SECRETARY OF EDUCATION, THE BOARD OF SCHOOL DIRECTORS MAY
30 PROCEED AT ONCE TO MAKE THE NECESSARY REPAIRS OR REPLACEMENTS IN

1 ACCORDANCE WITH THE TERMS OF SAID APPROVED BID OR BIDS.

2 (A.1) WRITTEN OR TELEPHONIC PRICE QUOTATIONS FROM AT LEAST
3 THREE QUALIFIED AND RESPONSIBLE CONTRACTORS SHALL BE REQUESTED
4 BY THE BOARD OF SCHOOL DIRECTORS FOR ALL CONTRACTS THAT EXCEED A
5 BASE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000), SUBJECT TO
6 ADJUSTMENT UNDER SECTION 119, BUT ARE LESS THAN THE AMOUNT
7 REQUIRING ADVERTISEMENT AND COMPETITIVE BIDDING, OR, IN LIEU OF
8 PRICE QUOTATIONS, A MEMORANDUM SHALL BE KEPT ON FILE SHOWING
9 THAT FEWER THAN THREE QUALIFIED CONTRACTORS EXIST IN THE MARKET
10 AREA WITHIN WHICH IT IS PRACTICABLE TO OBTAIN QUOTATIONS. A
11 WRITTEN RECORD OF TELEPHONIC PRICE QUOTATIONS SHALL BE MADE AND
12 SHALL CONTAIN AT LEAST THE DATE OF THE QUOTATION, THE NAME OF
13 THE CONTRACTOR AND THE CONTRACTOR'S REPRESENTATIVE, THE
14 CONSTRUCTION, RECONSTRUCTION, REPAIR, MAINTENANCE OR WORK WHICH
15 WAS THE SUBJECT OF THE QUOTATION AND THE PRICE. WRITTEN PRICE
16 QUOTATIONS, WRITTEN RECORDS OF TELEPHONIC PRICE QUOTATIONS AND
17 MEMORANDA SHALL BE RETAINED FOR A PERIOD OF THREE YEARS.]

18 (A.2) ALL CONSTRUCTION, RECONSTRUCTION, REPAIRS, MAINTENANCE
19 OR WORK OF ANY NATURE, INCLUDING THE INTRODUCTION OF PLUMBING,
20 HEATING AND VENTILATING, OR LIGHTING SYSTEMS, UPON ANY SCHOOL
21 BUILDING OR UPON ANY SCHOOL PROPERTY, OR UPON ANY BUILDING OR
22 PORTION OF A BUILDING LEASED UNDER THE PROVISIONS OF SECTION
23 703.1, MADE BY ANY SCHOOL DISTRICT, WHERE THE ENTIRE COST,
24 VALUE, OR AMOUNT OF SUCH CONSTRUCTION, RECONSTRUCTION, REPAIRS,
25 MAINTENANCE OR WORK, INCLUDING LABOR AND MATERIAL, SHALL EXCEED
26 A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS
27 (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION 120, SHALL BE
28 DONE UNDER SEPARATE CONTRACTS TO BE ENTERED INTO BY SUCH SCHOOL
29 DISTRICT WITH THE LOWEST RESPONSIBLE BIDDER, UPON PROPER TERMS,
30 AFTER DUE PUBLIC NOTICE HAS BEEN GIVEN ASKING FOR COMPETITIVE

1 BIDS. WHENEVER A BOARD OF SCHOOL DIRECTORS SHALL APPROVE THE USE
2 OF A PREFABRICATED UNIT, COMPLETE IN ITSELF, FOR A SCHOOL
3 BUILDING OR OTHER PROPER STRUCTURE TO BE ERECTED UPON SCHOOL
4 PROPERTY, THE BOARD OF SCHOOL DIRECTORS MAY HAVE PREPARED
5 APPROPRIATE SPECIFICATIONS DETAILING THE SIZE AND MATERIAL
6 DESIRED IN A PARTICULAR PREFABRICATED UNIT, INCLUDING ALL
7 UTILITIES SUCH AS PLUMBING, HEATING AND VENTILATING, AND
8 ELECTRICAL WORK, AND MAY ADVERTISE FOR A SINGLE BID ON ALL THE
9 WORK AND AWARD THE CONTRACT THEREFOR TO THE LOWEST RESPONSIBLE
10 BIDDER: PROVIDED, THAT IF DUE TO AN EMERGENCY A SCHOOL PLANT OR
11 ANY PART THEREOF BECOMES UNUSABLE COMPETITIVE BIDS FOR REPAIRS
12 OR REPLACEMENT MAY BE SOLICITED FROM AT LEAST THREE RESPONSIBLE
13 BIDDERS, AND UPON THE APPROVAL OF ANY OF THESE BIDS BY THE BOARD
14 OF SCHOOL DIRECTORS, THE SCHOOL DISTRICT MAY PROCEED AT ONCE TO
15 MAKE THE NECESSARY REPAIRS OR REPLACEMENTS IN ACCORDANCE WITH
16 THE TERMS OF SAID APPROVED BID OR BIDS; AND PROVIDED FURTHER,
17 THAT THE SCHOOL DISTRICT SHALL NOTIFY THE SECRETARY OF EDUCATION
18 IN A FORM AND MANNER DETERMINED BY THE SECRETARY OF EDUCATION
19 THAT AN EMERGENCY HAS OCCURRED AND A BID HAS BEEN SELECTED UNDER
20 THE EMERGENCY PROCESS PROVIDED FOR IN THIS SECTION.

21 (A.3) WRITTEN OR TELEPHONIC PRICE QUOTATIONS FROM AT LEAST
22 THREE QUALIFIED AND RESPONSIBLE CONTRACTORS SHALL BE REQUESTED
23 BY THE BOARD OF SCHOOL DIRECTORS FOR ALL CONTRACTS THAT EXCEED A
24 BASE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000), SUBJECT TO
25 ADJUSTMENT UNDER SECTION 120, BUT ARE LESS THAN THE AMOUNT
26 REQUIRING ADVERTISEMENT AND COMPETITIVE BIDDING, OR, IN LIEU OF
27 PRICE QUOTATIONS, A MEMORANDUM SHALL BE KEPT ON FILE SHOWING
28 THAT FEWER THAN THREE QUALIFIED CONTRACTORS EXIST IN THE MARKET
29 AREA WITHIN WHICH IT IS PRACTICABLE TO OBTAIN QUOTATIONS. A
30 WRITTEN RECORD OF TELEPHONIC PRICE QUOTATIONS SHALL BE MADE AND

1 SHALL CONTAIN AT LEAST THE DATE OF THE QUOTATION, THE NAME OF
2 THE CONTRACTOR AND THE CONTRACTOR'S REPRESENTATIVE, THE
3 CONSTRUCTION, RECONSTRUCTION, REPAIR, MAINTENANCE OR WORK WHICH
4 WAS THE SUBJECT OF THE QUOTATION AND THE PRICE. WRITTEN PRICE
5 QUOTATIONS, WRITTEN RECORDS OF TELEPHONIC PRICE QUOTATIONS AND
6 MEMORANDA SHALL BE RETAINED FOR A PERIOD OF THREE YEARS.

7 [(B) THE BOARD OF SCHOOL DIRECTORS IN ANY SCHOOL DISTRICT
8 MAY PERFORM ANY CONSTRUCTION, RECONSTRUCTION, REPAIRS, OR WORK
9 OF ANY NATURE, WHERE THE ENTIRE COST OR VALUE, INCLUDING LABOR
10 AND MATERIAL, IS LESS THAN A BASE AMOUNT OF TEN THOUSAND DOLLARS
11 (\$10,000), SUBJECT TO ADJUSTMENT UNDER SECTION 119, BY ITS OWN
12 MAINTENANCE PERSONNEL. THE BOARD OF SCHOOL DIRECTORS IN ANY
13 SCHOOL DISTRICT MAY AUTHORIZE THE SECRETARY OF THE BOARD OR
14 OTHER EXECUTIVE TO AWARD CONTRACTS FOR CONSTRUCTION,
15 RECONSTRUCTION, REPAIRS, OR WORK OF ANY NATURE, WHERE THE ENTIRE
16 COST OR VALUE, INCLUDING LABOR AND MATERIAL, SUBJECT TO
17 ADJUSTMENT UNDER SECTION 119, IS A BASE AMOUNT OF EIGHTEEN
18 THOUSAND FIVE HUNDRED DOLLARS (\$18,500) OR LESS, WITHOUT
19 SOLICITING COMPETITIVE BIDS, SUBJECT, HOWEVER, TO THE PROVISIONS
20 OF SUBSECTION (A.1).]

21 (B.1) THE BOARD OF SCHOOL DIRECTORS IN ANY SCHOOL DISTRICT
22 MAY PERFORM ANY CONSTRUCTION, RECONSTRUCTION, REPAIRS, OR WORK
23 OF ANY NATURE, WHERE THE ENTIRE COST OR VALUE, INCLUDING LABOR
24 AND MATERIAL, IS LESS THAN A BASE AMOUNT OF TEN THOUSAND DOLLARS
25 (\$10,000), SUBJECT TO ADJUSTMENT UNDER SECTION 120, BY ITS OWN
26 MAINTENANCE PERSONNEL. THE BOARD OF SCHOOL DIRECTORS IN ANY
27 SCHOOL DISTRICT MAY AUTHORIZE THE SECRETARY OF THE BOARD OR
28 OTHER EXECUTIVE TO AWARD CONTRACTS FOR CONSTRUCTION,
29 RECONSTRUCTION, REPAIRS, OR WORK OF ANY NATURE, WHERE THE ENTIRE
30 COST OR VALUE, INCLUDING LABOR AND MATERIAL, SUBJECT TO

1 ADJUSTMENT UNDER SECTION 120, IS A BASE AMOUNT OF EIGHTEEN
2 THOUSAND FIVE HUNDRED DOLLARS (\$18,500) OR LESS, WITHOUT
3 SOLICITING COMPETITIVE BIDS, SUBJECT, HOWEVER, TO THE PROVISIONS
4 OF SUBSECTION (A.3).

5 * * *

6 [(F) NO BOARD OF SCHOOL DIRECTORS SHALL EVADE THE PROVISIONS
7 OF THIS SECTION AS TO ADVERTISING FOR BIDS OR PURCHASING
8 MATERIALS OR CONTRACTING FOR SERVICES PIECEMEAL FOR THE PURPOSE
9 OF OBTAINING PRICES UNDER A BASE AMOUNT OF EIGHTEEN THOUSAND
10 FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER
11 SECTION 119, UPON TRANSACTIONS WHICH SHOULD, IN THE EXERCISE OF
12 REASONABLE DISCRETION AND PRUDENCE, BE CONDUCTED AS ONE
13 TRANSACTION AMOUNTING TO MORE THAN A BASE AMOUNT OF EIGHTEEN
14 THOUSAND FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT
15 UNDER SECTION 119. THIS PROVISION IS INTENDED TO MAKE UNLAWFUL
16 THE PRACTICE OF EVADING ADVERTISING REQUIREMENTS BY MAKING A
17 SERIES OF PURCHASES OR CONTRACTS EACH FOR LESS THAN THE
18 ADVERTISING REQUIREMENT PRICE, OR BY MAKING SEVERAL SIMULTANEOUS
19 PURCHASES OR CONTRACTS EACH BELOW SAID PRICE, WHEN IN EITHER
20 CASE THE TRANSACTION INVOLVED SHOULD HAVE BEEN MADE AS ONE
21 TRANSACTION FOR ONE PRICE.]

22 (G) NO BOARD OF SCHOOL DIRECTORS SHALL EVADE THE PROVISIONS
23 OF THIS SECTION AS TO ADVERTISING FOR BIDS OR PURCHASING
24 MATERIALS OR CONTRACTING FOR SERVICES PIECEMEAL FOR THE PURPOSE
25 OF OBTAINING PRICES UNDER A BASE AMOUNT OF EIGHTEEN THOUSAND
26 FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER
27 SECTION 120, UPON TRANSACTIONS WHICH SHOULD, IN THE EXERCISE OF
28 REASONABLE DISCRETION AND PRUDENCE, BE CONDUCTED AS ONE
29 TRANSACTION AMOUNTING TO MORE THAN A BASE AMOUNT OF EIGHTEEN
30 THOUSAND FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT

1 UNDER SECTION 120. THIS PROVISION IS INTENDED TO MAKE UNLAWFUL
2 THE PRACTICE OF EVADING ADVERTISING REQUIREMENTS BY MAKING A
3 SERIES OF PURCHASES OR CONTRACTS EACH FOR LESS THAN THE
4 ADVERTISING REQUIREMENT PRICE, OR BY MAKING SEVERAL SIMULTANEOUS
5 PURCHASES OR CONTRACTS EACH BELOW SAID PRICE, WHEN IN EITHER
6 CASE THE TRANSACTION INVOLVED SHOULD HAVE BEEN MADE AS ONE
7 TRANSACTION FOR ONE PRICE.

8 SECTION 807.1. PURCHASE OF SUPPLIES.--[(A) ALL FURNITURE,
9 EQUIPMENT, TEXTBOOKS, SCHOOL SUPPLIES AND OTHER APPLIANCES FOR
10 THE USE OF THE PUBLIC SCHOOLS, COSTING, SUBJECT TO ADJUSTMENT
11 UNDER SECTION 119, A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE
12 HUNDRED DOLLARS (\$18,500) OR MORE SHALL BE PURCHASED BY THE
13 BOARD OF SCHOOL DIRECTORS ONLY AFTER DUE ADVERTISEMENT AS
14 HEREINAFTER PROVIDED. SUPPLIES COSTING, SUBJECT TO ADJUSTMENT
15 UNDER SECTION 119, A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE
16 HUNDRED DOLLARS (\$18,500) OR MORE SHALL BE PURCHASED BY THE
17 BOARD OF SCHOOL DIRECTORS ONLY AFTER PUBLIC NOTICE HAS BEEN
18 GIVEN BY ADVERTISEMENT ONCE A WEEK FOR THREE (3) WEEKS IN NOT
19 LESS THAN TWO (2) NEWSPAPERS OF GENERAL CIRCULATION. IN ANY
20 DISTRICT WHERE NO NEWSPAPER IS PUBLISHED, SAID NOTICE MAY, IN
21 LIEU OF SUCH PUBLICATION, BE POSTED IN AT LEAST FIVE (5) PUBLIC
22 PLACES.

23 (A.1) WRITTEN OR TELEPHONIC PRICE QUOTATIONS FROM AT LEAST
24 THREE QUALIFIED AND RESPONSIBLE VENDORS SHALL BE REQUESTED BY
25 THE BOARD OF SCHOOL DIRECTORS FOR ALL PURCHASES OF SUPPLIES THAT
26 EXCEED A BASE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000), SUBJECT
27 TO ADJUSTMENT UNDER SECTION 119, BUT ARE LESS THAN THE AMOUNT
28 REQUIRING ADVERTISEMENT AND COMPETITIVE BIDDING, OR, IN LIEU OF
29 PRICE QUOTATIONS, A MEMORANDUM SHALL BE KEPT ON FILE SHOWING
30 THAT FEWER THAN THREE QUALIFIED VENDORS EXIST IN THE MARKET AREA

1 WITHIN WHICH IT IS PRACTICABLE TO OBTAIN QUOTATIONS. A WRITTEN
2 RECORD OF TELEPHONIC PRICE QUOTATIONS SHALL BE MADE AND SHALL
3 CONTAIN AT LEAST THE DATE OF THE QUOTATION, THE NAME OF THE
4 VENDOR AND THE VENDOR'S REPRESENTATIVE, THE SUPPLIES WHICH WERE
5 THE SUBJECT OF THE QUOTATION AND THE PRICE OF THE SUPPLIES.
6 WRITTEN PRICE QUOTATIONS, WRITTEN RECORDS OF TELEPHONIC PRICE
7 QUOTATIONS AND MEMORANDA SHALL BE RETAINED FOR A PERIOD OF THREE
8 YEARS.]

9 (A.2) ALL FURNITURE, EQUIPMENT, TEXTBOOKS, SCHOOL SUPPLIES
10 AND OTHER APPLIANCES FOR THE USE OF THE PUBLIC SCHOOLS COSTING,
11 SUBJECT TO ADJUSTMENT UNDER SECTION 120, A BASE AMOUNT OF
12 EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS (\$18,500) OR MORE SHALL
13 BE PURCHASED BY THE BOARD OF SCHOOL DIRECTORS ONLY AFTER DUE
14 ADVERTISEMENT AS HEREINAFTER PROVIDED. SUPPLIES COSTING, SUBJECT
15 TO ADJUSTMENT UNDER SECTION 120, A BASE AMOUNT OF EIGHTEEN
16 THOUSAND FIVE HUNDRED DOLLARS (\$18,500) OR MORE SHALL BE
17 PURCHASED BY THE BOARD OF SCHOOL DIRECTORS ONLY AFTER PUBLIC
18 NOTICE HAS BEEN GIVEN BY ADVERTISEMENT ONCE A WEEK FOR THREE (3)
19 WEEKS IN NOT LESS THAN TWO (2) NEWSPAPERS OF GENERAL
20 CIRCULATION. IN ANY DISTRICT WHERE NO NEWSPAPER IS PUBLISHED,
21 SAID NOTICE MAY, IN LIEU OF SUCH PUBLICATION, BE POSTED IN AT
22 LEAST FIVE (5) PUBLIC PLACES.

23 (A.3) WRITTEN OR TELEPHONIC PRICE QUOTATIONS FROM AT LEAST
24 THREE QUALIFIED AND RESPONSIBLE VENDORS SHALL BE REQUESTED BY
25 THE BOARD OF SCHOOL DIRECTORS FOR ALL PURCHASES OF SUPPLIES THAT
26 EXCEED A BASE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000), SUBJECT
27 TO ADJUSTMENT UNDER SECTION 120, BUT ARE LESS THAN THE AMOUNT
28 REQUIRING ADVERTISEMENT AND COMPETITIVE BIDDING, OR, IN LIEU OF
29 PRICE QUOTATIONS, A MEMORANDUM SHALL BE KEPT ON FILE SHOWING
30 THAT FEWER THAN THREE (3) QUALIFIED VENDORS EXIST IN THE MARKET

1 AREA WITHIN WHICH IT IS PRACTICABLE TO OBTAIN QUOTATIONS. A
2 WRITTEN RECORD OF TELEPHONIC PRICE QUOTATIONS SHALL BE MADE AND
3 SHALL CONTAIN AT LEAST THE DATE OF THE QUOTATION, THE NAME OF
4 THE VENDOR AND THE VENDOR'S REPRESENTATIVE, THE SUPPLIES WHICH
5 WERE THE SUBJECT OF THE QUOTATION AND THE PRICE OF THE SUPPLIES.
6 WRITTEN PRICE QUOTATIONS, WRITTEN RECORDS OF TELEPHONIC PRICE
7 QUOTATIONS AND MEMORANDA SHALL BE RETAINED FOR A PERIOD OF THREE
8 YEARS.

9 [(B) THE BOARD OF SCHOOL DIRECTORS SHALL ACCEPT THE BID OF
10 THE LOWEST RESPONSIBLE BIDDER, KIND, QUALITY, AND MATERIAL BEING
11 EQUAL, BUT SHALL HAVE THE RIGHT TO REJECT ANY AND ALL BIDS, OR
12 SELECT A SINGLE ITEM FROM ANY BID. THE BOARD OF SCHOOL DIRECTORS
13 IN ANY DISTRICT MAY AUTHORIZE OR APPOINT THE SECRETARY OF THE
14 BOARD OR OTHER EXECUTIVE AS PURCHASING AGENT FOR THE DISTRICT,
15 WITH AUTHORITY TO PURCHASE SUPPLIES THAT COST A BASE AMOUNT OF
16 LESS THAN EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS (\$18,500),
17 SUBJECT TO ADJUSTMENT UNDER SECTION 119.]

18 (B.1) THE BOARD OF SCHOOL DIRECTORS SHALL ACCEPT THE BID OF
19 THE LOWEST RESPONSIBLE BIDDER, KIND, QUALITY, AND MATERIAL BEING
20 EQUAL, BUT SHALL HAVE THE RIGHT TO REJECT ANY AND ALL BIDS, OR
21 SELECT A SINGLE ITEM FROM ANY BID. THE BOARD OF SCHOOL DIRECTORS
22 IN ANY DISTRICT MAY AUTHORIZE OR APPOINT THE SECRETARY OF THE
23 BOARD OR OTHER EXECUTIVE AS PURCHASING AGENT FOR THE DISTRICT,
24 WITH AUTHORITY TO PURCHASE SUPPLIES THAT COST A BASE AMOUNT OF
25 LESS THAN EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS (\$18,500),
26 SUBJECT TO ADJUSTMENT UNDER SECTION 120.

27 (C) THE FOLLOWING SHALL BE EXEMPT FROM THE ABOVE PROVISIONS:
28 MAPS, MUSIC, GLOBES, CHARTS, EDUCATIONAL FILMS, FILMSTRIPS,
29 PREPARED TRANSPARENCIES AND SLIDES, PRE-RECORDED MAGNETIC TAPES
30 AND DISC RECORDINGS, TEXTBOOKS, GAMES, TOYS, PREPARED KITS,

1 FLANNEL BOARD MATERIALS, FLASH CARDS, MODELS, PROJECTUALS AND
2 TEACHER DEMONSTRATION DEVICES NECESSARY FOR SCHOOL USE.

3 [(D) NO BOARD OF SCHOOL DIRECTORS SHALL EVADE THE PROVISIONS
4 OF THIS SECTION AS TO ADVERTISING FOR BIDS OR PURCHASING
5 MATERIALS PIECEMEAL FOR THE PURPOSE OF OBTAINING PRICES UNDER
6 THE BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS
7 (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION 119, UPON
8 TRANSACTIONS WHICH SHOULD, IN THE EXERCISE OF REASONABLE
9 DISCRETION AND PRUDENCE, BE CONDUCTED AS ONE TRANSACTION
10 AMOUNTING TO MORE THAN A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE
11 HUNDRED DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION
12 119. THIS PROVISION IS INTENDED TO MAKE UNLAWFUL THE PRACTICE OF
13 EVADING ADVERTISING REQUIREMENTS BY MAKING A SERIES OF PURCHASES
14 OR CONTRACTS EACH FOR LESS THAN THE ADVERTISING REQUIREMENT
15 PRICE, OR BY MAKING SEVERAL SIMULTANEOUS PURCHASES OR CONTRACTS
16 EACH BELOW SAID PRICE, WHEN IN EITHER CASE THE TRANSACTION
17 INVOLVED SHOULD HAVE BEEN MADE AS ONE TRANSACTION FOR ONE
18 PRICE.]

19 (E) NO BOARD OF SCHOOL DIRECTORS SHALL EVADE THE PROVISIONS
20 OF THIS SECTION AS TO ADVERTISING FOR BIDS OR PURCHASING
21 MATERIALS PIECEMEAL FOR THE PURPOSE OF OBTAINING PRICES UNDER
22 THE BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS
23 (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION 120, UPON
24 TRANSACTIONS WHICH SHOULD, IN THE EXERCISE OF REASONABLE
25 DISCRETION AND PRUDENCE, BE CONDUCTED AS ONE TRANSACTION
26 AMOUNTING TO MORE THAN A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE
27 HUNDRED DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION
28 120. THIS PROVISION IS INTENDED TO MAKE UNLAWFUL THE PRACTICE OF
29 EVADING ADVERTISING REQUIREMENTS BY MAKING A SERIES OF PURCHASES
30 OR CONTRACTS EACH FOR LESS THAN THE ADVERTISING REQUIREMENT

1 PRICE, OR BY MAKING SEVERAL SIMULTANEOUS PURCHASES OR CONTRACTS
2 EACH BELOW SAID PRICE, WHEN IN EITHER CASE THE TRANSACTION
3 INVOLVED SHOULD HAVE BEEN MADE AS ONE TRANSACTION FOR ONE PRICE.

4 SECTION 9. SECTION 1003 OF THE ACT IS AMENDED BY ADDING A
5 SUBSECTION TO READ:

6 SECTION 1003. ELIGIBILITY.--* * *

7 (B.1) THE DEPARTMENT SHALL, UPON REQUEST IN A FORM AND
8 MANNER AS PRESCRIBED BY THE DEPARTMENT AND MADE AVAILABLE ON THE
9 DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE, CONFIRM THAT
10 AN INDIVIDUAL SATISFIES THE REQUIREMENTS OF SUBSECTION (B) AND
11 THAT THE INDIVIDUAL IS ELIGIBLE FOR ELECTION OR APPOINTMENT AS A
12 DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT.
13 UPON A SCHOOL DISTRICT'S HIRING OF AN INDIVIDUAL WHO SATISFIES
14 THE REQUIREMENTS OF SUBSECTION (B), THE DEPARTMENT SHALL ISSUE
15 THE INDIVIDUAL A COMMISSION.

16 * * *

17 SECTION 10. SECTION 1073 OF THE ACT, AMENDED JANUARY 14,
18 1970 (1969 P.L.468, NO.192) AND JANUARY 16, 1974 (P.L.1, NO.1),
19 IS AMENDED TO READ:

20 SECTION 1073. MANNER OF ELECTION OR APPROVAL.--(A) THE
21 BOARD OF SCHOOL DIRECTORS OF EACH SCHOOL DISTRICT[, EXCEPT IN
22 SCHOOL DISTRICTS OF THE FIRST CLASS,] SHALL MEET AT ITS REGULAR
23 PLACE OF MEETING, DURING THE LAST YEAR OF THE TERM OF THE
24 DISTRICT SUPERINTENDENT OR AT ANY OTHER TIME WHEN A VACANCY
25 SHALL OCCUR IN THE OFFICE OF DISTRICT SUPERINTENDENT, AT AN HOUR
26 PREVIOUSLY FIXED BY THE BOARD. THE SECRETARY OF EACH BOARD OF
27 SCHOOL DIRECTORS SHALL MAIL TO EACH MEMBER THEREOF AT LEAST FIVE
28 DAYS BEFOREHAND, A NOTICE OF THE TIME, PLACE AND PURPOSE OF SUCH
29 MEETING. AT SUCH MEETING THE BOARD SHALL ELECT OR APPROVE A
30 PROPERLY QUALIFIED DISTRICT SUPERINTENDENT TO ENTER INTO A

1 CONTRACT TO SERVE A TERM OF [FROM] THREE TO FIVE YEARS FROM THE
2 FIRST DAY OF JULY NEXT FOLLOWING HIS ELECTION OR FROM A TIME
3 MUTUALLY AGREED UPON BY THE DULY ELECTED DISTRICT SUPERINTENDENT
4 AND THE BOARD OF SCHOOL DIRECTORS. THE CONTRACT SHALL BE SUBJECT
5 TO THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE
6 "RIGHT-TO-KNOW LAW."

7 (B) AT A REGULAR MEETING OF THE BOARD OF SCHOOL DIRECTORS
8 OCCURRING AT LEAST ONE HUNDRED FIFTY (150) DAYS PRIOR TO THE
9 EXPIRATION DATE OF THE TERM OF OFFICE OF THE DISTRICT
10 SUPERINTENDENT, THE AGENDA SHALL INCLUDE AN ITEM REQUIRING
11 AFFIRMATIVE ACTION BY FIVE OR MORE MEMBERS OF THE BOARD OF
12 SCHOOL DIRECTORS TO NOTIFY THE DISTRICT SUPERINTENDENT THAT THE
13 BOARD INTENDS TO RETAIN HIM FOR A FURTHER TERM OF [FROM] THREE
14 (3) TO FIVE (5) YEARS OR THAT ANOTHER OR OTHER CANDIDATES WILL
15 BE CONSIDERED FOR THE OFFICE. IN THE EVENT THAT THE BOARD FAILS
16 TO TAKE SUCH ACTION AT A REGULAR MEETING OF THE BOARD OF SCHOOL
17 DIRECTORS OCCURRING AT LEAST ONE HUNDRED FIFTY (150) DAYS PRIOR
18 TO THE EXPIRATION DATE OF THE TERM OF OFFICE OF THE DISTRICT
19 SUPERINTENDENT, HE SHALL CONTINUE IN OFFICE FOR A FURTHER TERM
20 OF SIMILAR LENGTH TO THAT WHICH HE IS SERVING.

21 (D) THE TERM OF OFFICE OR COMMISSION OF A DISTRICT
22 SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT SHALL NOT BE
23 SHORTENED BY REASON OF THE FACT THAT THE DISTRICT IN WHICH HE
24 SERVES SHALL [BE COME] BECOME PART OF A JOINT SCHOOL, OR BY
25 REASON OF THE FACT THAT THE DISTRICT IN WHICH HE SERVES SHALL
26 BECOME A PART OF A NEW SCHOOL DISTRICT ESTABLISHED AS THE RESULT
27 OF REORGANIZATION OF SCHOOL DISTRICTS PURSUANT TO ARTICLE II.,
28 SUBDIVISION (I) OR SECTION 224 OF THIS ACT. ANY DISTRICT
29 SUPERINTENDENT, ASSISTANT DISTRICT SUPERINTENDENT OR SUPERVISING
30 PRINCIPAL NOT SELECTED AS THE DISTRICT SUPERINTENDENT OF THE

1 JOINT SCHOOL OR NEWLY ESTABLISHED SCHOOL DISTRICT IN WHICH THE
2 DISTRICT HE SERVES BECOMES A PART SHALL BE ASSIGNED TO A
3 POSITION OR OFFICE FOR WHICH HE IS ELIGIBLE: PROVIDED, HOWEVER,
4 THAT IN A NEW SCHOOL DISTRICT REORGANIZED UNDER ARTICLE II.,
5 SUBDIVISION (I) OR SECTION 224 OF THIS ACT, HE SHALL BE ASSIGNED
6 TO A POSITION OR OFFICE WHICH IS ADMINISTRATIVE OR SUPERVISORY
7 IN NATURE ONLY, BUT THERE SHALL BE NO REDUCTION IN SALARY UNTIL
8 THE EXPIRATION OF HIS COMMISSION. THEREAFTER, UNLESS ELECTED TO
9 AN OFFICE REQUIRING A COMMISSION HE SHALL HAVE THE STATUS OF A
10 PROFESSIONAL EMPLOYEE: PROVIDED, THAT THE BOARD OF SCHOOL
11 DIRECTORS MAY ADJUST THE SALARY ACCORDING TO THE CLASSIFICATION
12 OF THE POSITION TO WHICH HE MAY BE ASSIGNED, AND THAT THE PERIOD
13 OF SERVICE AS A COMMISSIONED DISTRICT SUPERINTENDENT, ASSISTANT
14 DISTRICT SUPERINTENDENT OR ASSOCIATE SUPERINTENDENT SHALL BE
15 COUNTED AS TIME SERVED AS A PROFESSIONAL EMPLOYEE IN DETERMINING
16 HIS SENIORITY RIGHTS.

17 (E) THE FOLLOWING SHALL APPLY:

18 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO
19 INDIVIDUAL SHALL BE EMPLOYED AS A DISTRICT SUPERINTENDENT OR
20 ASSISTANT DISTRICT SUPERINTENDENT BY A SCHOOL DISTRICT EXCEPT
21 PURSUANT TO A WRITTEN CONTRACT OF EMPLOYMENT EXPRESSLY STATING
22 THE TERMS AND CONDITIONS OF EMPLOYMENT.

23 (2) A CONTRACT FOR THE EMPLOYMENT OF A DISTRICT
24 SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT SHALL DO ALL
25 OF THE FOLLOWING:

26 (I) CONTAIN THE MUTUAL AND COMPLETE AGREEMENT BETWEEN THE
27 DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT AND
28 THE BOARD OF SCHOOL DIRECTORS WITH RESPECT TO THE TERMS AND
29 CONDITIONS OF EMPLOYMENT.

30 (II) CONSISTENT WITH STATE BOARD OF EDUCATION CERTIFICATION

1 REQUIREMENTS, SPECIFY THE DUTIES, RESPONSIBILITIES, JOB
2 DESCRIPTION AND PERFORMANCE EXPECTATIONS, INCLUDING PERFORMANCE
3 STANDARDS AND ASSESSMENTS PROVIDED FOR UNDER SECTION 1073.1.

4 (III) INCORPORATE ALL PROVISIONS RELATING TO COMPENSATION
5 AND BENEFITS TO BE PAID TO OR ON BEHALF OF THE DISTRICT
6 SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT.

7 (IV) SPECIFY THE TERM OF EMPLOYMENT AND STATE THAT THE
8 CONTRACT SHALL TERMINATE IMMEDIATELY, EXCEPT AS OTHERWISE
9 PROVIDED UNDER THIS SECTION, UPON THE EXPIRATION OF THE TERM
10 UNLESS THE CONTRACT IS ALLOWED TO RENEW AUTOMATICALLY UNDER
11 SUBSECTION (B).

12 (V) SPECIFY THE TERMINATION, BUYOUT AND SEVERANCE
13 PROVISIONS, INCLUDING ALL POSTEMPLOYMENT COMPENSATION AND THE
14 PERIOD OF TIME IN WHICH THE COMPENSATION SHALL BE PROVIDED.
15 TERMINATION, BUYOUT AND SEVERANCE PROVISIONS MAY NOT BE MODIFIED
16 DURING THE COURSE OF THE CONTRACT OR IN THE EVENT A CONTRACT IS
17 TERMINATED PREMATURELY.

18 (VI) CONTAIN PROVISIONS RELATING TO OUTSIDE WORK THAT MAY BE
19 PERFORMED, IF ANY.

20 (VII) STATE THAT ANY MODIFICATION TO THE CONTRACT MUST BE IN
21 WRITING.

22 (VIII) STATE THAT THE CONTRACT SHALL BE GOVERNED BY THE LAWS
23 OF THIS COMMONWEALTH.

24 (IX) LIMIT COMPENSATION FOR UNUSED SICK LEAVE IN NEW
25 EMPLOYMENT CONTRACTS ENTERED INTO AFTER THE EFFECTIVE DATE OF
26 THIS SUBSECTION FOR DISTRICT SUPERINTENDENTS OR ASSISTANT
27 DISTRICT SUPERINTENDENTS WHO HAVE NO PRIOR EXPERIENCE AS A
28 DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT TO
29 THE MAXIMUM COMPENSATION FOR UNUSED SICK LEAVE UNDER THE SCHOOL
30 DISTRICT'S ADMINISTRATOR COMPENSATION PLAN UNDER SECTION 1164 IN

1 EFFECT AT THE TIME OF THE CONTRACT.

2 (X) LIMIT TRANSFERRED SICK LEAVE FROM PREVIOUS EMPLOYMENT TO
3 NOT MORE THAN THIRTY (30) DAYS IN NEW EMPLOYMENT CONTRACTS AFTER
4 THE EFFECTIVE DATE OF THIS SUBSECTION FOR DISTRICT
5 SUPERINTENDENTS OR ASSISTANT DISTRICT SUPERINTENDENTS WHO HAVE
6 NO PRIOR EXPERIENCE AS A DISTRICT SUPERINTENDENT OR ASSISTANT
7 DISTRICT SUPERINTENDENT.

8 (XI) SPECIFY POSTRETIREMENT BENEFITS AND THE PERIOD OF TIME
9 IN WHICH THE BENEFITS SHALL BE PROVIDED.

10 (3) NO AGREEMENT BETWEEN THE BOARD OF SCHOOL DIRECTORS AND A
11 DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT FOR
12 A NEGOTIATED SEVERANCE OF EMPLOYMENT PRIOR TO THE END OF THE
13 SPECIFIED CONTRACT TERM SHALL PROVIDE FOR SEVERANCE COMPENSATION
14 TO THE DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT
15 SUPERINTENDENT, INCLUDING THE REASONABLE VALUE OF ANY NONCASH
16 SEVERANCE BENEFITS OR POSTEMPLOYMENT BENEFITS NOT OTHERWISE
17 ACCRUING UNDER THE CONTRACT OR PURSUANT TO LAW, THAT:

18 (I) IF THE AGREEMENT TAKES EFFECT TWO (2) YEARS OR MORE
19 PRIOR TO THE END OF THE SPECIFIED CONTRACT TERM, EXCEEDS THE
20 EQUIVALENT OF ONE (1) YEAR'S COMPENSATION AND BENEFITS OTHERWISE
21 DUE UNDER THE CONTRACT.

22 (II) IF THE AGREEMENT TAKES EFFECT LESS THAN TWO (2) YEARS
23 PRIOR TO THE END OF THE SPECIFIED CONTRACT TERM, EXCEEDS THE
24 EQUIVALENT OF ONE-HALF OF THE TOTAL COMPENSATION AND BENEFITS
25 DUE UNDER THE CONTRACT FOR THE REMAINDER OF THE TERM.

26 SECTION 11. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
27 SECTION 1073.1. PERFORMANCE REVIEW.--(A) IN ADDITION TO ANY
28 OTHER REQUIREMENTS PROVIDED FOR UNDER THIS ACT, THE EMPLOYMENT
29 CONTRACT FOR A DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT

1 SUPERINTENDENT SHALL INCLUDE OBJECTIVE PERFORMANCE STANDARDS
2 MUTUALLY AGREED TO IN WRITING BY THE BOARD OF SCHOOL DIRECTORS
3 AND THE DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT
4 SUPERINTENDENT. THE OBJECTIVE PERFORMANCE STANDARDS MAY BE BASED
5 UPON THE FOLLOWING:

6 (1) ACHIEVEMENT OF ANNUAL MEASURABLE OBJECTIVES ESTABLISHED
7 BY THE SCHOOL DISTRICT;

8 (2) ACHIEVEMENT ON PENNSYLVANIA SYSTEM OF SCHOOL ASSESSMENT
9 (PSSA) TESTS;

10 (3) ACHIEVEMENT ON KEYSTONE EXAMS;

11 (4) STUDENT GROWTH AS MEASURED BY THE PENNSYLVANIA VALUE-
12 ADDED ASSESSMENT SYSTEM;

13 (5) ATTRITION RATES OR GRADUATION RATES;

14 (6) FINANCIAL MANAGEMENT STANDARDS;

15 (7) STANDARDS OF OPERATIONAL EXCELLENCE; OR

16 (8) ANY ADDITIONAL CRITERIA DEEMED RELEVANT AND MUTUALLY
17 AGREED TO BY THE BOARD OF SCHOOL DIRECTORS AND THE DISTRICT
18 SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT.

19 (B) THE BOARD OF SCHOOL DIRECTORS SHALL CONDUCT A FORMAL
20 WRITTEN PERFORMANCE ASSESSMENT OF THE DISTRICT SUPERINTENDENT
21 AND ASSISTANT DISTRICT SUPERINTENDENT ANNUALLY. A TIME FRAME FOR
22 THE ASSESSMENT SHALL BE INCLUDED IN THE CONTRACT.

23 (B.1) THE BOARD OF SCHOOL DIRECTORS SHALL POST THE MUTUALLY
24 AGREED TO OBJECTIVE PERFORMANCE STANDARDS CONTAINED IN THE
25 CONTRACT ON THE SCHOOL DISTRICT'S PUBLICLY ACCESSIBLE INTERNET
26 WEBSITE. UPON COMPLETION OF THE ANNUAL PERFORMANCE ASSESSMENT,
27 THE BOARD OF SCHOOL DIRECTORS SHALL POST THE DATE OF THE
28 ASSESSMENT AND WHETHER OR NOT THE DISTRICT SUPERINTENDENT AND
29 ASSISTANT DISTRICT SUPERINTENDENT HAVE MET THE AGREED TO
30 OBJECTIVE PERFORMANCE STANDARDS ON THE SCHOOL DISTRICT'S

1 PUBLICLY ACCESSIBLE INTERNET WEBSITE.

2 (C) THE STATE BOARD OF EDUCATION MAY PROMULGATE REGULATIONS
3 PURSUANT TO THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS
4 THE "REGULATORY REVIEW ACT," IN ORDER TO IMPLEMENT THIS SECTION.

5 SECTION 12. SECTIONS 1076 AND 1077 OF THE ACT, AMENDED
6 JANUARY 16, 1974 (P.L.1, NO.1), ARE AMENDED TO READ:

7 SECTION 1076. ELECTION OF ASSISTANT DISTRICT
8 SUPERINTENDENTS[, EXCEPT IN DISTRICTS FIRST CLASS].--[EXCEPT IN
9 DISTRICTS OF THE FIRST CLASS, ASSISTANT] ASSISTANT DISTRICT
10 SUPERINTENDENTS SHALL BE CHOSEN BY A MAJORITY VOTE OF ALL THE
11 MEMBERS OF THE BOARD OF SCHOOL DIRECTORS OF THE DISTRICT, FOR A
12 TERM OF [FROM] THREE TO FIVE YEARS UPON THE NOMINATION BY THE
13 DISTRICT SUPERINTENDENT.

14 SECTION 1077. TERM AND SALARY OF ASSISTANTS.--(A) ASSISTANT
15 DISTRICT SUPERINTENDENTS MAY SERVE THROUGH THE TERM OF THE
16 DISTRICT SUPERINTENDENT, OR ENTER A CONTRACT FOR A TERM OF
17 [FROM] THREE TO FIVE YEARS AT SALARIES PAID BY THE DISTRICT, AND
18 FIXED BY A MAJORITY VOTE OF THE WHOLE BOARD OF SCHOOL DIRECTORS
19 PRIOR TO THEIR ELECTION. THE CONTRACT SHALL BE SUBJECT TO THE
20 ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE "RIGHT-TO-
21 KNOW LAW."

22 (B) AT A REGULAR MEETING OF THE BOARD OF SCHOOL DIRECTORS
23 OCCURRING AT LEAST ONE HUNDRED FIFTY (150) DAYS PRIOR TO THE
24 EXPIRATION DATE OF THE TERM OF OFFICE OF THE ASSISTANT DISTRICT
25 SUPERINTENDENT, THE AGENDA SHALL INCLUDE AN ITEM REQUIRING
26 AFFIRMATIVE ACTION BY FIVE (5) OR MORE MEMBERS OF THE BOARD OF
27 SCHOOL DIRECTORS TO NOTIFY THE ASSISTANT DISTRICT SUPERINTENDENT
28 THAT THE BOARD INTENDS TO RETAIN HIM FOR A FURTHER TERM OF
29 [FROM] THREE (3) TO FIVE (5) YEARS OR THAT ANOTHER OR OTHER
30 CANDIDATES WILL BE CONSIDERED FOR THE OFFICE. IN THE EVENT THAT

1 THE BOARD FAILS TO TAKE SUCH ACTION AT A REGULAR MEETING OF THE
2 BOARD OF SCHOOL DIRECTORS OCCURRING AT LEAST ONE HUNDRED FIFTY
3 (150) DAYS PRIOR TO THE EXPIRATION DATE OF THE TERM OF OFFICE OF
4 THE ASSISTANT DISTRICT SUPERINTENDENT, HE SHALL CONTINUE IN
5 OFFICE FOR A FURTHER TERM OF SIMILAR LENGTH TO THAT WHICH HE IS
6 SERVING.

7 SECTION 13. SECTION 1078 OF THE ACT, AMENDED JANUARY 14,
8 1970 (1969 P.L.468, NO.192), IS AMENDED TO READ:

9 SECTION 1078. COMMISSIONS.--DISTRICT SUPERINTENDENTS AND
10 ASSISTANT DISTRICT SUPERINTENDENTS SHALL BE COMMISSIONED BY THE
11 [SUPERINTENDENT OF PUBLIC INSTRUCTION] SECRETARY OF EDUCATION.

12 SECTION 14. SECTION 1080 OF THE ACT IS AMENDED TO READ:

13 SECTION 1080. REMOVAL.--(A) DISTRICT SUPERINTENDENTS AND
14 ASSISTANT DISTRICT SUPERINTENDENTS MAY BE REMOVED FROM OFFICE
15 AND HAVE THEIR CONTRACTS TERMINATED, AFTER HEARING, BY A
16 MAJORITY VOTE OF THE BOARD OF SCHOOL DIRECTORS OF THE DISTRICT,
17 FOR NEGLECT OF DUTY, INCOMPETENCY, INTEMPERANCE, OR IMMORALITY,
18 OF WHICH HEARING NOTICE OF AT LEAST ONE WEEK HAS BEEN SENT BY
19 MAIL TO THE ACCUSED, AS WELL AS TO EACH MEMBER OF THE BOARD OF
20 SCHOOL DIRECTORS.

21 (B) THE BOARD OF SCHOOL DIRECTORS SHALL PUBLICLY DISCLOSE AT
22 THE NEXT REGULARLY SCHEDULED MONTHLY MEETING THE REMOVAL OF A
23 DISTRICT SUPERINTENDENT OR ASSISTANT DISTRICT SUPERINTENDENT
24 FROM OFFICE UNDER SUBSECTION (A).

25 (C) PROCEEDINGS UNDER THIS SECTION SHALL BE HELD UNDER 2
26 PA.C.S. CH. 5 SUBCH. B (RELATING TO PRACTICE AND PROCEDURE OF
27 LOCAL AGENCIES).

28 SECTION 15. SECTION 1124 OF THE ACT, ADDED AUGUST 8, 1963
29 (P.L.564, NO.299), IS AMENDED TO READ:

30 SECTION 1124. CAUSES FOR SUSPENSION.--(A) ANY BOARD OF

1 SCHOOL DIRECTORS MAY SUSPEND THE NECESSARY NUMBER OF
2 PROFESSIONAL EMPLOYES, FOR ANY OF THE CAUSES HEREINAFTER
3 ENUMERATED:

4 (1) [SUBSTANTIAL] SUBSTANTIAL DECREASE IN PUPIL ENROLLMENT
5 IN THE SCHOOL DISTRICT;

6 (2) [CURTAILMENT] CURTAILMENT OR ALTERATION OF THE
7 EDUCATIONAL PROGRAM ON RECOMMENDATION OF THE SUPERINTENDENT[,
8 CONCURRED IN] AND ON CONCURRENCE BY THE BOARD OF SCHOOL
9 DIRECTORS, [APPROVED BY THE DEPARTMENT OF PUBLIC INSTRUCTION,]
10 AS A RESULT OF SUBSTANTIAL DECLINE IN CLASS OR COURSE
11 ENROLLMENTS OR TO CONFORM WITH STANDARDS OF ORGANIZATION OR
12 EDUCATIONAL ACTIVITIES REQUIRED BY LAW OR RECOMMENDED BY THE
13 DEPARTMENT OF PUBLIC INSTRUCTION;

14 (3) [CONSOLIDATION] CONSOLIDATION OF SCHOOLS, WHETHER WITHIN
15 A SINGLE DISTRICT, THROUGH A MERGER OF DISTRICTS, OR AS A RESULT
16 OF JOINT BOARD AGREEMENTS, WHEN SUCH CONSOLIDATION MAKES IT
17 UNNECESSARY TO RETAIN THE FULL STAFF OF PROFESSIONAL
18 EMPLOYES[.]; OR

19 (4) [WHEN] WHEN NEW SCHOOL DISTRICTS ARE ESTABLISHED AS THE
20 RESULT OF REORGANIZATION OF SCHOOL DISTRICTS PURSUANT TO ARTICLE
21 II., SUBDIVISION (I) OF THIS ACT, AND WHEN SUCH REORGANIZATION
22 MAKES IT UNNECESSARY TO RETAIN THE FULL STAFF OF PROFESSIONAL
23 EMPLOYES.

24 (B) NOTWITHSTANDING AN EXISTING OR FUTURE PROVISION IN A
25 COLLECTIVE BARGAINING AGREEMENT OR OTHER SIMILAR EMPLOYMENT
26 CONTRACT TO THE CONTRARY, SUSPENSION OF A PROFESSIONAL EMPLOYEE
27 DUE TO THE CURTAILMENT OR ALTERATION OF THE EDUCATIONAL PROGRAM
28 AS SET FORTH IN SUBSECTION (A) (2) MAY BE EFFECTUATED WITHOUT THE
29 APPROVAL OF THE CURTAILMENT OR ALTERATION OF THE EDUCATIONAL
30 PROGRAM BY THE DEPARTMENT OF EDUCATION, PROVIDED THAT WHERE AN

1 EDUCATIONAL PROGRAM IS ALTERED OR CURTAILED AS SET FORTH IN
2 SUBSECTION (A) (2), THE SCHOOL DISTRICT SHALL NOTIFY THE
3 DEPARTMENT OF EDUCATION OF THE ACTIONS TAKEN PURSUANT TO
4 SUBSECTION (A) (2). THE DEPARTMENT OF EDUCATION SHALL POST ALL
5 NOTIFICATIONS RECEIVED FROM A SCHOOL DISTRICT PURSUANT TO THIS
6 SUBSECTION ON THE DEPARTMENT OF EDUCATION'S PUBLICLY ACCESSIBLE
7 INTERNET WEBSITE.

8 SECTION 16. SECTION 1205.1(C) OF THE ACT, AMENDED JUNE 22,
9 2001 (P.L.530, NO.35), IS AMENDED TO READ:

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

11 (C) THE PROFESSIONAL EDUCATION PLAN OF EACH SCHOOL ENTITY
12 SHALL BE DESIGNED TO MEET THE EDUCATIONAL NEEDS OF THAT SCHOOL
13 ENTITY AND ITS PROFESSIONAL EMPLOYEES. A SCHOOL ENTITY SHALL
14 ANNUALLY REVIEW ITS PLAN TO DETERMINE WHETHER OR NOT IT
15 CONTINUES TO REFLECT THE NEEDS OF THE SCHOOL ENTITY [AND ITS
16 STRATEGIC PLAN] AND THE NEEDS OF ITS PROFESSIONAL EMPLOYEES,
17 STUDENTS AND THE COMMUNITY. THE PLAN SHALL BE AMENDED AS
18 NECESSARY TO ENSURE THAT THE PLAN MEETS THE REQUIREMENTS OF THIS
19 SUBSECTION. THE PLAN SHALL SPECIFY THE CONTINUING PROFESSIONAL
20 EDUCATIONAL COURSES, PROGRAMS, ACTIVITIES AND OTHER LEARNING
21 EXPERIENCES APPROVED TO MEET CONTINUING PROFESSIONAL DEVELOPMENT
22 REQUIREMENTS UNDER SECTION 1205.2(C), INCLUDING EFFORTS DESIGNED
23 TO IMPROVE TEACHER KNOWLEDGE IN SUBJECT AREAS COVERING THE
24 ACADEMIC STANDARDS LISTED IN 22 PA. CODE CH. 4 (RELATING TO
25 ACADEMIC STANDARDS AND ASSESSMENT).

26 * * *

27 SECTION 16.1. SECTION 1308 OF THE ACT, AMENDED JUNE 7, 1993
28 (P.L.49, NO.16), IS AMENDED TO READ:

29 SECTION 1308. LIABILITY FOR TUITION AND ENFORCEMENT OF
30 PAYMENT.--(A) IN ALL CASES NOT COVERED BY THE PRECEDING SECTION

1 IF A CHARGE IS MADE BY ANY SCHOOL DISTRICT FOR TUITION FOR THE
2 INMATES OF ANY SUCH INSTITUTION, THE OFFICERS OF THE INSTITUTION
3 SHALL SUBMIT TO THE BOARD OF SCHOOL DIRECTORS A SWORN STATEMENT,
4 SETTING FORTH THE NAMES, AGES, AND SCHOOL DISTRICTS LIABLE FOR
5 TUITION OF ALL CHILDREN WHO ARE INMATES THEREOF, AND DESIRE TO
6 ATTEND PUBLIC SCHOOL IN THE DISTRICT. THE DISTRICT IN WHICH THE
7 INSTITUTION IS LOCATED SHALL OBTAIN A BLANK ACKNOWLEDGING OR
8 DISCLAIMING RESIDENCE, SIGNED BY THE SECRETARY OF THE SCHOOL
9 DISTRICT IN WHICH THE INSTITUTION DECLARES THE LEGAL RESIDENCE
10 OF THE CHILD TO BE. IF SAID DISTRICT SHALL FAIL TO FILE SAID
11 BLANK WITHIN FIFTEEN (15) DAYS FROM THE DATE IT IS SENT TO THE
12 DISTRICT BY REGISTERED MAIL, THE DISTRICT IN WHICH THE
13 INSTITUTION IS LOCATED SHALL AGAIN NOTIFY THE DISTRICT OF ITS
14 FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ACT. IF THE
15 DISTRICT SHALL FAIL TO COMPLY WITHIN FIFTEEN (15) DAYS FOLLOWING
16 THE SECOND NOTICE, SAID FAILURES TO RETURN THE BLANK SHALL BE
17 CONSTRUED AS AN ACKNOWLEDGEMENT OF SAID CHILD'S RESIDENCE. THE
18 TUITION OF SUCH INMATES AS ARE INCLUDED IN THE SWORN STATEMENT
19 TO THE BOARD OF SCHOOL DIRECTORS SHALL BE PAID BY THE DISTRICT
20 OF RESIDENCE OF THE INMATES UPON RECEIPT OF A BILL FROM THE
21 DISTRICT IN WHICH THE INSTITUTION IS LOCATED SETTING FORTH THE
22 NAMES, AGES AND TUITION CHARGES OF THE INMATES. THE DISTRICT SO
23 CHARGED WITH TUITION MAY FILE AN APPEAL WITH THE SECRETARY OF
24 EDUCATION, IN WHICH IT SHALL BE THE COMPLAINANT AND THE DISTRICT
25 IN WHICH THE INSTITUTION IS LOCATED THE RESPONDENT. THE DECISION
26 OF THE SECRETARY OF EDUCATION, AS TO WHICH OF SAID PARTIES IS
27 RESPONSIBLE FOR TUITION, SHALL BE FINAL.

28 (B) IN THE EVENT THAT THE DISTRICT IN WHICH THE INSTITUTION
29 IS LOCATED CONTRACTS WITH A THIRD PARTY TO PROVIDE EDUCATIONAL
30 SERVICES TO CHILDREN WHO ARE INMATES OF THE INSTITUTION, THE

1 THIRD PARTY MAY SEEK PAYMENT OF TUITION DIRECTLY FROM THE
2 DISTRICT OF RESIDENCE. THE THIRD PARTY SHALL NOTIFY THE DISTRICT
3 IN WHICH THE INSTITUTION IS LOCATED OF ITS PAYMENT REQUEST TO
4 THE DISTRICT OF RESIDENCE AND, IF THE DISTRICT OF RESIDENCE
5 MAKES PAYMENT TO THE THIRD PARTY, THE THIRD PARTY SHALL NOTIFY
6 THE DISTRICT IN WHICH THE INSTITUTION IS LOCATED. SUCH PAYMENT
7 TO THE THIRD PARTY SHALL SATISFY AND EXTINGUISH THE CONTRACTUAL
8 PAYMENT OBLIGATION OF THE DISTRICT IN WHICH THE INSTITUTION IS
9 LOCATED. THE DISTRICT SO CHARGED WITH TUITION BY THE THIRD PARTY
10 MAY FILE AN APPEAL WITH THE SECRETARY AS SET FORTH IN SUBSECTION
11 (A).

12 (C) IF ANY INMATES HAVE BEEN RECEIVED FROM OUTSIDE OF
13 PENNSYLVANIA, OR IF THE INSTITUTION CANNOT CERTIFY AS TO THEIR
14 RESIDENCE, THEIR TUITION SHALL BE PAID BY THE INSTITUTION HAVING
15 THE CARE OR CUSTODY OF SAID CHILDREN, EXCEPT IN THE CASE OF
16 MEDICALLY INDIGENT CHILDREN HOSPITALIZED IN EXCLUSIVELY
17 CHARITABLE CHILDREN'S HOSPITALS EXEMPT UNDER SECTION 501(C) (3)
18 OF THE INTERNAL REVENUE CODE WHICH MAKE NO CHARGES TO ANY OF ITS
19 PATIENTS NOR ACCEPTS ANY THIRD-PARTY PAYMENTS FOR SERVICES
20 PROVIDED TO ANY OF ITS PATIENTS. IN SUCH CASES THEIR TUITION
21 SHALL BE PAID BY THE COMMONWEALTH OUT OF MONEYS APPROPRIATED BY
22 THE GENERAL ASSEMBLY FOR THE PURPOSES OF THIS ACT. ENROLLMENT OF
23 ANY OUT-OF-STATE STUDENT IN A SCHOOL DISTRICT OR INTERMEDIATE
24 UNIT PROGRAM SHALL BE CONDITIONED UPON A GUARANTEE, OR ACTUAL
25 ADVANCE RECEIPT, OF TUITION AND TRANSPORTATION PAYMENT FROM THE
26 INSTITUTION, FROM THE STUDENT'S HOME STATE OR OUT-OF-STATE
27 SCHOOL DISTRICT, OR FROM THE OUT-OF-STATE PARTY OR AGENCY WHICH
28 PLACED THE STUDENT IN THE INSTITUTION, EXCEPT IN THE CASE OF
29 MEDICALLY INDIGENT CHILDREN HOSPITALIZED IN EXCLUSIVELY
30 CHARITABLE CHILDREN'S HOSPITALS EXEMPT UNDER SECTION 501(C) (3)

1 OF THE INTERNAL REVENUE CODE WHICH MAKE NO CHARGES TO ANY OF ITS
2 PATIENTS NOR ACCEPTS ANY THIRD-PARTY PAYMENTS FOR SERVICES
3 PROVIDED TO ANY OF ITS PATIENTS WHERE THE COMMONWEALTH IS PAYING
4 THE TUITION AS OTHERWISE PROVIDED FOR IN THIS PARAGRAPH. IF THE
5 SECRETARY OF EDUCATION DECIDES THAT THE LEGAL RESIDENCE OF ANY
6 OF SAID INMATES IS IN PENNSYLVANIA, BUT CANNOT BE FIXED IN A
7 PARTICULAR DISTRICT, THE COMMONWEALTH SHALL PAY THE TUITION OF
8 SUCH INMATE OUT OF MONEYS APPROPRIATED TO THE DEPARTMENT OF
9 EDUCATION BY THE GENERAL ASSEMBLY FOR THE MAINTENANCE AND
10 SUPPORT OF THE PUBLIC SCHOOLS OF THE COMMONWEALTH.

11 SECTION 17. SECTION 1337.1 OF THE ACT, AMENDED OR ADDED MAY
12 10, 2000 (P.L.44, NO.16) AND JULY 20, 2007 (P.L.278, NO.45), IS
13 AMENDED TO READ:

14 SECTION 1337.1. SCHOOL LUNCH AND BREAKFAST REIMBURSEMENT.--

15 (A) SCHOOLS THAT PARTICIPATE IN THE SCHOOL LUNCH PROGRAM SHALL
16 BE REIMBURSED IN THE FOLLOWING MANNER:

17 (1) SUBJECT TO FUTURE ADJUSTMENTS UNDER CLAUSE (2), EACH
18 SCHOOL WHICH OFFERS THE SCHOOL LUNCH PROGRAM SHALL RECEIVE A
19 REIMBURSEMENT OF NO LESS THAN TEN CENTS (10¢) PER LUNCH SERVED,
20 EXCLUSIVE OF ANY REIMBURSEMENTS UNDER SUBSECTION (C).

21 (2) FOR THE 2000-2001 SCHOOL YEAR AND EACH SCHOOL YEAR
22 THEREAFTER, REIMBURSEMENTS FOR THE SCHOOL LUNCH PROGRAM SHALL BE
23 FIXED BY REGULATION OF THE DEPARTMENT OF EDUCATION: PROVIDED,
24 THAT SUCH REIMBURSEMENTS SHALL BE NO LESS THAN THE AMOUNTS PER
25 LUNCH SERVED ESTABLISHED BY CLAUSE (1).

26 (B) SCHOOLS THAT PARTICIPATE IN THE SCHOOL BREAKFAST PROGRAM
27 SHALL BE REIMBURSED IN THE FOLLOWING MANNER:

28 (1) SUBJECT TO FUTURE ADJUSTMENTS UNDER CLAUSE (2), EACH
29 SCHOOL WHICH OFFERS THE SCHOOL BREAKFAST PROGRAM SHALL RECEIVE A
30 REIMBURSEMENT OF NO LESS THAN TEN CENTS (10¢) PER BREAKFAST

1 SERVED.

2 (2) FOR THE 2000-2001 SCHOOL YEAR AND EACH SCHOOL YEAR
3 THEREAFTER, REIMBURSEMENTS FOR THE SCHOOL BREAKFAST PROGRAM
4 SHALL BE FIXED BY REGULATION OF THE DEPARTMENT OF EDUCATION:
5 PROVIDED, THAT SUCH REIMBURSEMENTS SHALL BE NO LESS THAN THE
6 AMOUNTS PER BREAKFAST SERVED ESTABLISHED BY CLAUSE (1).

7 (C) SCHOOLS THAT PARTICIPATE IN BOTH THE SCHOOL LUNCH
8 PROGRAM AND THE SCHOOL BREAKFAST PROGRAM SHALL BE PROVIDED WITH
9 THE FOLLOWING INCENTIVE REIMBURSEMENTS:

10 (1) SUBJECT TO FUTURE ADJUSTMENTS UNDER CLAUSE (3), EACH
11 SCHOOL WHICH OFFERS BOTH A SCHOOL LUNCH PROGRAM UNDER SUBSECTION
12 (A) AND A SCHOOL BREAKFAST PROGRAM UNDER SUBSECTION (B) WHICH
13 SERVES LESS THAN OR EQUAL TO TWENTY PER CENTUM (20%) OF ITS
14 STUDENT ENROLLMENT SHALL RECEIVE AN ADDITIONAL REIMBURSEMENT OF
15 TWO CENTS (2¢) PER LUNCH SERVED.

16 (2) SUBJECT TO FUTURE ADJUSTMENTS UNDER CLAUSE (3), EACH
17 SCHOOL WHICH OFFERS A SCHOOL LUNCH PROGRAM UNDER SUBSECTION (A)
18 AND A SCHOOL BREAKFAST PROGRAM UNDER SUBSECTION (B) WHICH SERVES
19 MORE THAN TWENTY PER CENTUM (20%) OF ITS STUDENT ENROLLMENT
20 SHALL RECEIVE AN ADDITIONAL REIMBURSEMENT OF FOUR CENTS (4¢) PER
21 LUNCH SERVED.

22 (3) FOR THE 2000-2001 SCHOOL YEAR AND EACH SCHOOL YEAR
23 THEREAFTER, REIMBURSEMENTS FOR THE SCHOOL BREAKFAST INCENTIVE
24 PROGRAM SHALL BE FIXED BY REGULATION OF THE DEPARTMENT OF
25 EDUCATION: PROVIDED, THAT SUCH REIMBURSEMENT SHALL BE NO LESS
26 THAN THE AMOUNTS PER LUNCH SERVED ESTABLISHED BY CLAUSES (1) AND
27 (2).

28 [(C.1) (1) IN ORDER TO PROMOTE INITIATIVES REGARDING CHILD
29 HEALTH AND NUTRITION, THE DEPARTMENT SHALL ESTABLISH A SCHOOL
30 NUTRITION INCENTIVE PROGRAM. THE PROGRAM SHALL PROVIDE A

1 SUPPLEMENTAL SCHOOL LUNCH AND BREAKFAST REIMBURSEMENT TO ANY
2 SCHOOL IN A LOCAL EDUCATION AGENCY THAT HAS ADOPTED AND
3 IMPLEMENTED THE NUTRITIONAL GUIDELINES FOR FOOD AND BEVERAGES
4 AVAILABLE ON EACH SCHOOL CAMPUS PUBLISHED BY THE DEPARTMENT
5 PURSUANT TO SECTION 1422.3(5).

6 (2) TO QUALIFY, THE LOCAL WELLNESS POLICY ADOPTED BY THE
7 LOCAL EDUCATION AGENCY PURSUANT TO SECTION 1422.1 MUST INDICATE
8 ADOPTION OF SUCH GUIDELINES.

9 (3) FOR THE 2007-2008 SCHOOL YEAR AND EACH SCHOOL YEAR
10 THEREAFTER, SUPPLEMENTAL REIMBURSEMENT SHALL BE PROVIDED TO
11 SCHOOLS IN QUALIFYING LOCAL EDUCATION AGENCIES AS FOLLOWS:

12 (I) EACH SCHOOL THAT OFFERS THE SCHOOL LUNCH PROGRAM UNDER
13 SUBSECTION (A) SHALL RECEIVE AN ADDITIONAL REIMBURSEMENT OF ONE
14 CENT (1¢) PER LUNCH SERVED, EXCLUSIVE OF ANY ADDITIONAL
15 SUPPLEMENTAL REIMBURSEMENT UNDER SUBCLAUSE (III) OR (IV).

16 (II) EACH SCHOOL THAT OFFERS THE SCHOOL BREAKFAST PROGRAM
17 UNDER SUBSECTION (B) SHALL RECEIVE AN ADDITIONAL REIMBURSEMENT
18 OF ONE CENT (1¢) PER BREAKFAST SERVED, EXCLUSIVE OF ANY
19 ADDITIONAL SUPPLEMENTAL REIMBURSEMENT UNDER SUBCLAUSE (III) OR
20 (IV).

21 (III) EACH SCHOOL THAT OFFERS BOTH A SCHOOL LUNCH PROGRAM
22 UNDER SUBSECTION (A) AND A SCHOOL BREAKFAST PROGRAM UNDER
23 SUBSECTION (B) THAT SERVES BREAKFAST TO LESS THAN OR EQUAL TO
24 TWENTY PER CENTUM (20%) OF ITS STUDENT ENROLLMENT SHALL RECEIVE
25 AN ADDITIONAL REIMBURSEMENT OF TWO CENTS (2¢) PER LUNCH SERVED.

26 (IV) EACH SCHOOL THAT OFFERS BOTH A SCHOOL LUNCH PROGRAM
27 UNDER SUBSECTION (A) AND A SCHOOL BREAKFAST PROGRAM UNDER
28 SUBSECTION (B) THAT SERVES BREAKFAST TO MORE THAN TWENTY PER
29 CENTUM (20%) OF ITS STUDENT ENROLLMENT SHALL RECEIVE AN
30 ADDITIONAL REIMBURSEMENT OF THREE CENTS (3¢) PER LUNCH SERVED.]

1 (D) FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS
2 SHALL HAVE THE FOLLOWING MEANINGS:

3 "SCHOOL" SHALL HAVE THE SAME MEANING AS GIVEN TO THAT TERM IN
4 7 CFR 210.2 (RELATING TO DEFINITIONS).

5 "SCHOOL LUNCH PROGRAM" SHALL HAVE THE SAME MEANING AS GIVEN
6 TO THE TERM "NATIONAL SCHOOL LUNCH PROGRAM" IN 7 CFR 210.2
7 (RELATING TO DEFINITIONS).

8 "SCHOOL BREAKFAST PROGRAM" SHALL HAVE THE SAME MEANING AS
9 GIVEN TO THAT TERM IN 7 CFR PT. 220 (RELATING TO SCHOOL
10 BREAKFAST PROGRAM).

11 SECTION 18. SECTION 1302.1-A(A) OF THE ACT, ADDED NOVEMBER
12 17, 2010 (P.L.996, NO.104), IS AMENDED TO READ:

13 SECTION 1302.1-A. REGULATIONS.-- (A) WITHIN ONE YEAR OF THE
14 EFFECTIVE DATE OF THIS SECTION, THE STATE BOARD OF EDUCATION
15 SHALL PROMULGATE FINAL-OMITTED REGULATIONS PURSUANT TO THE ACT
16 OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE "REGULATORY
17 REVIEW ACT," NECESSARY TO IMPLEMENT THIS ARTICLE. THE
18 REGULATIONS SHALL INCLUDE THE FOLLOWING:

19 (1) A MODEL MEMORANDUM OF UNDERSTANDING BETWEEN SCHOOL
20 ENTITIES AND LOCAL POLICE DEPARTMENTS. THE MODEL MEMORANDUM OF
21 UNDERSTANDING SHALL BE REVIEWED ON A BIENNIAL BASIS AND REVISED
22 WHERE NECESSARY. THE STATE BOARD OF EDUCATION MAY REVISE THE
23 MODEL MEMORANDUM OF UNDERSTANDING BY PUBLISHING A NOTICE IN THE
24 PENNSYLVANIA BULLETIN THAT CONTAINS THE COMPLETE REVISED MODEL
25 MEMORANDUM OF UNDERSTANDING. THE REVISED MODEL MEMORANDUM OF
26 UNDERSTANDING SHALL BE INCORPORATED INTO THE PENNSYLVANIA CODE
27 IN PLACE OF THE EXISTING MODEL MEMORANDUM OF UNDERSTANDING.

28 (2) PROTOCOL FOR THE NOTIFICATION OF THE POLICE DEPARTMENT
29 WHEN AN OFFENSE LISTED UNDER SECTION 1303-A(B) (4.1) OCCURS ON
30 SCHOOL PROPERTY, WHICH SHALL INCLUDE A REQUIREMENT THAT THE

1 LOCAL POLICE DEPARTMENT BE NOTIFIED IMMEDIATELY WHEN SUCH AN
2 OFFENSE OCCURS.

3 (3) PROTOCOL FOR THE NOTIFICATION OF THE POLICE DEPARTMENT
4 AT THE DISCRETION OF THE CHIEF SCHOOL ADMINISTRATOR REGARDING AN
5 OFFENSE LISTED UNDER SECTION 1303-A(B) (4.2) OR ANY OTHER OFFENSE
6 THAT OCCURS ON SCHOOL PROPERTY.

7 (4) PROTOCOL FOR EMERGENCY AND NONEMERGENCY RESPONSE BY THE
8 POLICE DEPARTMENT, WHICH SHALL INCLUDE A REQUIREMENT THAT THE
9 SCHOOL DISTRICT SHALL SUPPLY THE POLICE DEPARTMENT WITH A COPY
10 OF THE COMPREHENSIVE DISASTER RESPONSE AND EMERGENCY
11 PREPAREDNESS PLAN AS REQUIRED BY 35 PA.C.S. § 7701(G) (RELATING
12 TO DUTIES CONCERNING DISASTER PREVENTION).

13 (5) PROCEDURES AND PROTOCOLS FOR THE RESPONSE AND HANDLING
14 OF STUDENTS WITH A DISABILITY, INCLUDING PROCEDURES RELATED TO
15 STUDENT BEHAVIOR AS REQUIRED BY 22 PA. CODE §§ 14.104 (RELATING
16 TO SPECIAL EDUCATION PLANS) AND 14.133 (RELATING TO POSITIVE
17 BEHAVIOR SUPPORT).

18 * * *

19 SECTION 19. SECTION 1422.1 OF THE ACT, AMENDED NOVEMBER 17,
20 2010 (P.L.996, NO.104), IS AMENDED TO READ:

21 SECTION 1422.1. LOCAL WELLNESS POLICY.--(A) NOT LATER THAN
22 THE FIRST DAY OF THE SCHOOL YEAR BEGINNING AFTER JUNE 30, 2006,
23 EACH LOCAL EDUCATION AGENCY SHALL, PURSUANT TO SECTION 204 OF
24 THE CHILD NUTRITION AND WIC REAUTHORIZATION ACT OF 2004 (PUBLIC
25 LAW 108-265, 118 STAT. 729), ESTABLISH A LOCAL WELLNESS POLICY
26 FOR SCHOOLS WITHIN THE LOCAL EDUCATION AGENCY.

27 [(B) A LOCAL EDUCATION AGENCY TO WHICH 22 PA. CODE § 4.13
28 (RELATING TO STRATEGIC PLANS) APPLIES SHALL INCLUDE THE LOCAL
29 WELLNESS POLICY AS PART OF THE STRATEGIC PLAN REQUIRED UNDER 22
30 PA. CODE § 4.13.]

1 (C) A LOCAL EDUCATION AGENCY MAY SUBMIT ITS LOCAL WELLNESS
2 POLICY OR INFORMATION ON OTHER INITIATIVES REGARDING CHILD
3 HEALTH, NUTRITION, FOOD ALLERGY REACTION MANAGEMENT AND PHYSICAL
4 EDUCATION TO THE DEPARTMENT OF EDUCATION FOR INCLUSION IN THE
5 CLEARINGHOUSE ESTABLISHED UNDER SECTION 1422.3(3). [AN UPDATE TO
6 THE POLICY INFORMATION MAY BE DONE IN CONCERT WITH THE SCHEDULED
7 SUBMISSION OF THE SCHOOL DISTRICT'S STRATEGIC PLAN AS REQUIRED
8 UNDER 22 PA. CODE § 4.13.]

9 SECTION 19.1. THE ACT IS AMENDED BY ADDING A SECTION TO
10 READ:

11 SECTION 1439. CARDIOPULMONARY RESUSCITATION.--(A) A SCHOOL
12 ENTITY SHALL HAVE AT EACH SCHOOL, OR IN THE CASE OF A CYBER
13 CHARTER SCHOOL AT EACH LOCATION, UNDER ITS JURISDICTION, EXCEPT
14 IN EXTENUATING CIRCUMSTANCES, ONE PERSON CERTIFIED IN THE USE OF
15 CARDIOPULMONARY RESUSCITATION DURING REGULAR SCHOOL HOURS WHEN
16 SCHOOL IS IN SESSION AND STUDENTS ARE PRESENT.

17 (B) THE PROVISIONS OF 42 PA.C.S. §§ 8332 (RELATING TO
18 NONMEDICAL GOOD SAMARITAN CIVIL IMMUNITY) AND 8337.1 (RELATING
19 TO CIVIL IMMUNITY OF SCHOOL OFFICERS OR EMPLOYEES RELATING TO
20 EMERGENCY CARE, FIRST AID AND RESCUE) SHALL APPLY TO A PERSON
21 WHO RENDERS CARDIOPULMONARY RESUSCITATION.

22 (C) AS USED IN THIS SECTION, "SCHOOL ENTITY" MEANS AN AREA
23 VOCATIONAL-TECHNICAL SCHOOL, A CHARTER SCHOOL, A CYBER CHARTER
24 SCHOOL, AN INTERMEDIATE UNIT, A NONPUBLIC SCHOOL OR A SCHOOL
25 DISTRICT.

26 SECTION 20. SECTION 1524(A) OF THE ACT, ADDED DECEMBER 9,
27 2002 (P.L.1472, NO.187), IS AMENDED TO READ:

28 SECTION 1524. RECOGNITION OF AMERICAN SIGN LANGUAGE
29 COURSES.--(A) A STUDENT SHALL RECEIVE CREDIT FOR COMPLETION OF
30 A COURSE IN AMERICAN SIGN LANGUAGE AT THE HIGH SCHOOL LEVEL

1 TOWARD THE SATISFACTION OF THE FOREIGN LANGUAGE REQUIREMENTS
2 INCLUDED IN [A SCHOOL DISTRICT'S STRATEGIC PLAN OR] REQUIREMENTS
3 FOR GRADUATION ESTABLISHED PURSUANT TO 22 PA. CODE CH. 4
4 (RELATING TO ACADEMIC STANDARDS AND ASSESSMENT).

5 * * *

6 SECTION 21. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

7 ARTICLE XV-G

8 OPEN CAMPUS INITIATIVES

9 SECTION 1501-G. LEGISLATIVE INTENT.

10 IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ENCOURAGE
11 COLLABORATIVE PARTNERSHIPS BETWEEN SCHOOL DISTRICTS FOR THE
12 PURPOSE OF PROVIDING EXPANDED ACCESS TO HIGH-QUALITY CURRICULA
13 TO STUDENTS IN A COST-EFFECTIVE MANNER THROUGH THE USE OF
14 TECHNOLOGY.

15 SECTION 1502-G. DEFINITIONS.

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

19 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
20 COMMONWEALTH.

21 "NONPARTICIPATING SCHOOL ENTITY." A SCHOOL DISTRICT, WHICH
22 IS NOT A PARTY TO A COOPERATIVE AGREEMENT BETWEEN SCHOOL
23 DISTRICTS, A CHARTER SCHOOL, CYBER CHARTER SCHOOL, NONPUBLIC
24 SCHOOL OR HOME EDUCATION PROGRAM PROVIDED UNDER SECTION 1327.1.

25 "OPEN CAMPUS INITIATIVE." A PROGRAM ESTABLISHED UNDER
26 SECTION 1503-G.

27 "PARTICIPATING SCHOOL DISTRICT." A SCHOOL DISTRICT WHICH IS
28 PARTY TO THE COOPERATIVE AGREEMENT BETWEEN SCHOOL DISTRICTS
29 ESTABLISHING THE OPEN CAMPUS INITIATIVE.

30 SECTION 1503-G. OPEN CAMPUS INITIATIVES.

1 (A) ESTABLISHMENT.--AN OPEN CAMPUS INITIATIVE MAY BE
2 ESTABLISHED BETWEEN SCHOOL DISTRICTS THROUGH A COOPERATIVE
3 AGREEMENT.

4 (B) COURSES.--COURSES OF AN OPEN CAMPUS INITIATIVE MAY BE
5 DELIVERED OUTSIDE OF A SCHOOL BUILDING IN WHOLE OR IN PART USING
6 TECHNOLOGY THAT MAY INCLUDE THE INTERNET, VIDEO CONFERENCING OR
7 OTHER ELECTRONIC MEANS.

8 (C) GRADES, CREDIT, PROMOTION AND GRADUATION.--COURSE
9 GRADES, CREDIT, PROMOTION AND GRADUATION POLICIES FOR STUDENTS
10 PARTICIPATING IN OPEN CAMPUS INITIATIVE COURSES SHALL BE
11 DETERMINED BY THE SCHOOL DISTRICT, CHARTER SCHOOL, CYBER CHARTER
12 SCHOOL, NONPUBLIC SCHOOL OR EVALUATOR OF A HOME EDUCATION
13 PROGRAM IN WHICH THE STUDENT IS ENROLLED AND THE COOPERATIVE
14 AGREEMENT BETWEEN THE PARTICIPATING SCHOOL DISTRICTS.

15 (D) STUDENT ELIGIBILITY REQUIREMENTS.--ELIGIBILITY
16 REQUIREMENTS FOR STUDENT PARTICIPATION IN OPEN CAMPUS INITIATIVE
17 COURSES SHALL BE DETERMINED BY THE SCHOOL DISTRICT, CHARTER
18 SCHOOL, CYBER CHARTER SCHOOL, NONPUBLIC SCHOOL OR SUPERVISOR OF
19 A HOME EDUCATION PROGRAM IN WHICH EACH STUDENT IS ENROLLED AND
20 THE COOPERATIVE AGREEMENT BETWEEN THE PARTICIPATING SCHOOL
21 DISTRICTS.

22 (E) NONPARTICIPATING SCHOOL ENTITIES.--A COOPERATIVE
23 AGREEMENT BETWEEN PARTICIPATING SCHOOL DISTRICTS MAY PROVIDE FOR
24 STUDENTS ATTENDING A NONPARTICIPATING SCHOOL ENTITY TO
25 PARTICIPATE IN AN OPEN CAMPUS INITIATIVE COURSE.

26 (F) COMPULSORY ATTENDANCE REQUIREMENTS.--THE TIME DURING
27 WHICH A STUDENT PARTICIPATES IN OPEN CAMPUS INITIATIVE COURSES
28 SHALL BE CONSIDERED TO BE COMPLIANT WITH THE COMPULSORY
29 ATTENDANCE REQUIREMENTS OF SECTION 1327.

30 (G) STUDENT PARTICIPATION.--THE SCHOOL DISTRICT, CHARTER

1 SCHOOL, CYBER CHARTER SCHOOL, NONPUBLIC SCHOOL OR HOME EDUCATION
2 PROGRAM IN WHICH THE STUDENT IS ENROLLED SHALL ENSURE THAT A
3 STUDENT PARTICIPATING IN OPEN CAMPUS INITIATIVE COURSES IS
4 OFFERED AT LEAST 990 HOURS OF INSTRUCTION AT THE SECONDARY LEVEL
5 AND 900 HOURS OF INSTRUCTION AT THE ELEMENTARY LEVEL.

6 (H) TECHNICAL ASSISTANCE.--THE DEPARTMENT SHALL PROVIDE
7 TECHNICAL ASSISTANCE AS NEEDED TO SCHOOL DISTRICTS ESTABLISHING
8 AND OPERATING AN OPEN CAMPUS INITIATIVE.

9 SECTION 1504-G. COOPERATIVE AGREEMENTS.

10 (A) CONTENTS.--SCHOOL DISTRICTS DESIRING TO ESTABLISH AND
11 OPERATE AN OPEN CAMPUS INITIATIVE SHALL DEVELOP AND ENTER INTO A
12 COOPERATIVE AGREEMENT THAT SHALL, AT A MINIMUM, INCLUDE:

13 (1) A POLICY FOR GRADING, CREDIT AND PROMOTION OF
14 STUDENTS PARTICIPATING IN OPEN CAMPUS INITIATIVE COURSES.

15 (2) A POLICY FOR PARTICIPATION OF STUDENTS FROM
16 PARTICIPATING SCHOOL DISTRICTS WHICH SHALL INCLUDE MINIMUM
17 ACADEMIC AND ATTENDANCE CRITERIA.

18 (3) A POLICY FOR PARTICIPATION OF STUDENTS FROM
19 NONPARTICIPATING SCHOOL ENTITIES, WHICH INCLUDES A FEE
20 SCHEDULE FOR DETERMINING TUITION CHARGES FOR COURSES
21 DELIVERED TO THOSE STUDENTS, IF THE PARTICIPATING SCHOOL
22 DISTRICTS ALLOW PARTICIPATION OF STUDENTS FROM
23 NONPARTICIPATING SCHOOL ENTITIES.

24 (4) A POLICY FOR DISCIPLINE AND REMOVAL OF STUDENTS FROM
25 OPEN CAMPUS INITIATIVE COURSES IN COMPLIANCE WITH STATE LAW
26 RELATED TO STUDENT DISCIPLINE.

27 (5) INFORMATION ABOUT THE ATTRIBUTION OF STUDENT DATA TO
28 THE SCHOOL DISTRICT, CHARTER SCHOOL, CYBER CHARTER SCHOOL,
29 NONPUBLIC SCHOOL OR HOME EDUCATION PROGRAM IN WHICH THE
30 STUDENT IS ENROLLED, INCLUDING STUDENT ASSESSMENT DATA.

1 (6) INFORMATION ABOUT THE SHARING OF COSTS BETWEEN THE
2 PARTICIPATING SCHOOL DISTRICTS.

3 (7) INFORMATION ABOUT THE USE AND DISTRIBUTION OF
4 TUITION REVENUE.

5 (8) PROCESSES FOR ADDING AND REMOVING OPEN CAMPUS
6 INITIATIVE COURSES.

7 (9) PROCESSES FOR TERMINATION OF THE OPEN CAMPUS
8 INITIATIVE.

9 (B) ADOPTION BY BOARDS OF SCHOOL DIRECTORS.--EACH OPEN
10 CAMPUS INITIATIVE COOPERATIVE AGREEMENT SHALL BE ADOPTED BY
11 MAJORITY VOTE OF THE BOARD OF SCHOOL DIRECTORS OF EACH OF THE
12 PARTICIPATING SCHOOL DISTRICTS.

13 SECTION 1505-G. REIMBURSEMENTS BY THE COMMONWEALTH.

14 FOR THE PURPOSE OF MAKING REIMBURSEMENTS UNDER ARTICLE XXV, A
15 STUDENT PARTICIPATING IN AN OPEN CAMPUS INITIATIVE SHALL BE
16 CONSIDERED TO BE ENROLLED IN THE SCHOOL DISTRICT, CHARTER
17 SCHOOL, CYBER CHARTER SCHOOL, NONPUBLIC SCHOOL OR HOME EDUCATION
18 PROGRAM WHICH DETERMINES THE STUDENT'S ELIGIBILITY FOR
19 PARTICIPATION IN THE OPEN CAMPUS INITIATIVE.

20 SECTION 1506-G. PARENTAL AND PUBLIC INFORMATION.

21 ALL POLICIES RELATED TO AN OPEN CAMPUS INITIATIVE SHALL BE
22 MADE ACCESSIBLE TO PARENTS AND POSTED ON THE PARTICIPATING
23 SCHOOL DISTRICTS' PUBLICLY ACCESSIBLE INTERNET WEBSITES.

24 SECTION 1507-G. STUDENTS WITH DISABILITIES.

25 NOTHING IN THIS ARTICLE OR IN ANY POLICY OR COOPERATIVE
26 AGREEMENT DEVELOPED UNDER THIS ARTICLE SHALL CONFLICT WITH:

27 (1) FEDERAL OR STATE LAW REGARDING THE PROTECTIONS
28 PROVIDED TO A STUDENT WITH A DISABILITY FOR RECEIVING
29 EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT.

30 (2) THE LEGAL AUTHORITY OF AN INDIVIDUALIZED EDUCATION

1 PROGRAM TEAM TO MAKE APPROPRIATE PROGRAM AND PLACEMENT
2 DECISIONS FOR A STUDENT WITH A DISABILITY IN ACCORDANCE WITH
3 THE STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM.

4 SECTION 1508-G. COLLECTIVE BARGAINING.

5 NOTHING CONTAINED IN THIS ARTICLE SHALL BE CONSTRUED TO
6 SUPERSEDE OR PREEMPT THE RIGHTS, REMEDIES AND PROCEDURES
7 AFFORDED TO SCHOOL EMPLOYEES OR LABOR ORGANIZATIONS UNDER
8 FEDERAL OR STATE LAW, INCLUDING THE ACT OF JULY 23, 1970
9 (P.L.563, NO.195), KNOWN AS THE PUBLIC EMPLOYE RELATIONS ACT, OR
10 ANY PROVISION OF A COLLECTIVE BARGAINING AGREEMENT NEGOTIATED
11 BETWEEN A SCHOOL ENTITY AND AN EXCLUSIVE REPRESENTATIVE OF THE
12 EMPLOYEES IN ACCORDANCE WITH THAT ACT.

13 SECTION 22. SECTION 1607(B) OF THE ACT, AMENDED NOVEMBER 23,
14 2010 (P.L.1350, NO.123), IS AMENDED AND THE SECTION IS AMENDED
15 BY ADDING A SUBSECTION TO READ:

16 SECTION 1607. ATTENDANCE IN OTHER DISTRICTS.--* * *

17 (B) IF A THIRD CLASS SCHOOL DISTRICT OPERATING UNDER A
18 SPECIAL BOARD OF CONTROL PURSUANT TO SECTION 692 HAS, WITH THE
19 APPROVAL OF THE SECRETARY OF EDUCATION, CURTAILED ITS
20 EDUCATIONAL PROGRAM BY ELIMINATING ITS HIGH SCHOOL AND HAS NOT
21 ASSIGNED ITS HIGH SCHOOL PUPILS TO ANOTHER SCHOOL DISTRICT AND
22 PROVIDED ADEQUATE TRANSPORTATION IN A MANNER UNDER SUBSECTION
23 (A), THE SECRETARY SHALL HAVE THE FOLLOWING AUTHORITY:

24 (1) TO DESIGNATE TWO OR MORE SCHOOL DISTRICTS, WHICH SHALL
25 ACCEPT ON A TUITION BASIS THE HIGH SCHOOL STUDENTS OF THE
26 DISTRESSED SCHOOL DISTRICT, SO LONG AS A DESIGNATED SCHOOL
27 DISTRICT'S BORDER IS NO MORE THAN THREE (3) MILES FROM THE
28 BORDER OF THE DISTRESSED SCHOOL DISTRICT. THE DESIGNATION UNDER
29 THIS PARAGRAPH SHALL OCCUR NO LATER THAN THIRTY (30) DAYS AFTER
30 RECEIVING THE APPROVAL OF THE SECRETARY TO CURTAIL ITS

1 EDUCATIONAL PROGRAM BY THE ELIMINATION OF ITS HIGH SCHOOL,
2 PROVIDED, HOWEVER, THAT IF ANY SCHOOL DISTRICT MEETS THE
3 CRITERIA OF THIS SUBSECTION ON THE EFFECTIVE DATE OF THIS
4 SUBSECTION, THE DESIGNATION OF SCHOOL DISTRICTS SHALL OCCUR NO
5 LATER THAN THIRTY (30) DAYS AFTER THE EFFECTIVE DATE OF THIS
6 SUBSECTION. [NO DESIGNATED SCHOOL DISTRICT SHALL BE ASSIGNED
7 MORE THAN ONE HUNDRED SIXTY-FIVE (165) STUDENTS FROM THE
8 DISTRESSED SCHOOL DISTRICT.]

9 (2) TO ESTABLISH A PROCESS FOR THE DISTRESSED SCHOOL
10 DISTRICT TO USE TO REASSIGN ITS HIGH SCHOOL STUDENTS TO THE
11 SCHOOL DISTRICTS DESIGNATED UNDER PARAGRAPH (1).

12 (3) TO ESTABLISH THE PER-PUPIL TUITION RATE THAT A SCHOOL
13 DISTRICT DESIGNATED UNDER PARAGRAPH (1) SHALL RECEIVE FOR EACH
14 REASSIGNED STUDENT IN A REGULAR OR SPECIAL EDUCATION PROGRAM.
15 FOR THE 2010-2011 AND 2011-2012 SCHOOL [YEAR AND EACH SCHOOL
16 YEAR THEREAFTER] YEARS, THE TUITION RATE ESTABLISHED UNDER THIS
17 PARAGRAPH MAY NOT EXCEED THE PRODUCT OF:

18 (I) THE TUITION RATE ESTABLISHED FOR THE 2007-2008 SCHOOL
19 YEAR; AND

20 (II) THE GREATER OF:

21 (A) TWO PERCENT (2%); OR

22 (B) THE PERCENTAGE INCREASE IN TOTAL BUDGETED REVENUES
23 AVAILABLE TO A DISTRESSED SCHOOL DISTRICT.

24 (4) FOR THE 2012-2013 SCHOOL YEAR AND EACH SCHOOL YEAR
25 THEREAFTER, THE PER PUPIL TUITION RATE THAT A SCHOOL DISTRICT
26 DESIGNATED UNDER PARAGRAPH (1) SHALL RECEIVE FOR EACH REASSIGNED
27 STUDENT IN A REGULAR OR SPECIAL EDUCATION PROGRAM SHALL BE THE
28 GREATER OF TEN THOUSAND DOLLARS (\$10,000) OR THE PRODUCT OF:

29 (I) THE TUITION RATE ESTABLISHED FOR THE PRIOR SCHOOL YEAR;
30 AND

1 (II) THE GREATER OF:

2 (A) THE PERCENTAGE INCREASE IN TOTAL BUDGETED REVENUES
3 AVAILABLE TO A DISTRESSED SCHOOL DISTRICT; OR

4 (B) THE INDEX SET PURSUANT TO THE ACT OF JUNE 27, 2006 (1ST
5 SP.SESS., P.L.1873, NO.1), KNOWN AS THE "TAXPAYER RELIEF ACT,"
6 FOR THE DISTRESSED SCHOOL DISTRICT.

7 * * *

8 (H.1) FOR THE TWO (2) CONSECUTIVE SCHOOL YEARS FOLLOWING THE
9 EFFECTIVE DATE OF THIS SUBSECTION, A SCHOOL DISTRICT DESIGNATED
10 UNDER SUBSECTION (B) (1) SHALL RECEIVE AN ADDITIONAL PER-PUPIL
11 SUM OF FIVE HUNDRED (\$500) DOLLARS FOR STUDENTS REASSIGNED AND
12 ENTERING GRADES SEVEN, EIGHT AND NINE PURSUANT TO THIS SECTION.
13 THESE ADDITIONAL FUNDS SHALL BE USED FOR TRANSITION SERVICES TO
14 STUDENTS, INCLUDING STUDENT MENTORING, TUTORING, EMPLOYE IN-
15 SERVICE PROGRAMS DESIGNED TO ASSIST TRANSITION STUDENTS AND
16 SECURITY EXPENDITURES.

17 SECTION 22.1. SECTION 1704-B HEADING AND (C) OF THE ACT,
18 AMENDED OR ADDED JULY 11, 2006 (P.L.1092, NO.114) AND JULY 9,
19 2008 (P.L.846, NO.61), ARE REENACTED AND AMENDED TO READ:

20 SECTION 1704-B. BOARD OF SCHOOL DIRECTORS OF COMMONWEALTH
21 PARTNERSHIP SCHOOL DISTRICTS.--* * *

22 (C) (1) IN ADDITION TO ALL CURRENT RIGHTS, POWERS,
23 PRIVILEGES, PREROGATIVES AND DUTIES, A BOARD OF SCHOOL DIRECTORS
24 OF A SCHOOL DISTRICT THAT HAS BEEN PLACED ON THE EMPOWERMENT
25 LIST ON OR AFTER JUNE 30, 2006, DUE TO THE DESIGNATION BY THE
26 SECRETARY AS A COMMONWEALTH PARTNERSHIP SCHOOL DISTRICT SHALL
27 HAVE THE POWER TO CANCEL OR RENEGOTIATE ANY CONTRACT, OTHER THAN
28 COLLECTIVE BARGAINING AGREEMENTS, FOR THE PURPOSE OF MAKING
29 NECESSARY ECONOMIES IN THE OPERATION OF THE SCHOOLS WITHIN THE
30 SCHOOL DISTRICT; ELIMINATE NONPROFESSIONAL POSITIONS FOR

1 SERVICES NONESSENTIAL FOR THE OPERATION OF THE SCHOOL DISTRICT;
2 OR ENTER INTO AGREEMENTS WITH INDIVIDUALS, FOR-PROFIT OR
3 NONPROFIT ORGANIZATIONS FOR THE OPERATION OF SCHOOL BUILDINGS OR
4 GROUPS OF SCHOOL BUILDINGS OR FOR THE PROVISION OF EDUCATIONAL
5 OR OTHER TYPES OF SERVICES TO OR FOR THE SCHOOL DISTRICT.

6 (2) THE SUPERINTENDENT SHALL BE RESPONSIBLE FOR THE
7 IMPLEMENTATION OF A SYSTEM OF PERFORMANCE REVIEW OF SCHOOL
8 ADMINISTRATORS, AS APPROVED BY THE BOARD OF SCHOOL DIRECTORS.
9 ADMINISTRATOR PERFORMANCE SHALL BE EVALUATED ON THE BASIS OF
10 ABILITIES AND EFFECTIVENESS TO MANAGE THE OPERATION OF THE
11 SCHOOL FACILITIES AND STAFF, MANAGE RESOURCES, PROVIDE
12 INSTRUCTIONAL LEADERSHIP, IMPLEMENT AND ADMINISTER THE SCHOOL
13 BUDGET AND PROMOTE AND MAINTAIN A POSITIVE EDUCATIONAL LEARNING
14 ENVIRONMENT.

15 (3) BASED UPON AN UNSATISFACTORY REVIEW AND EVALUATION OF A
16 SCHOOL ADMINISTRATOR ARISING FROM THE IMPLEMENTATION OF THE
17 PROGRAM ESTABLISHED IN PARAGRAPH (2), A BOARD OF SCHOOL
18 DIRECTORS MAY REASSIGN, TRANSFER OR SUSPEND THE SCHOOL
19 ADMINISTRATOR WITHOUT REGARD TO SECTION 1125.1 OR 1151.

20 (4) BASED UPON AN UNSATISFACTORY REVIEW AND EVALUATION OF A
21 SCHOOL ADMINISTRATOR ARISING FROM THE IMPLEMENTATION OF THE
22 PROGRAM ESTABLISHED IN PARAGRAPH (2), A BOARD OF SCHOOL
23 DIRECTORS MAY DISMISS THE SCHOOL ADMINISTRATOR PURSUANT TO THE
24 PROCEDURE CONTAINED IN SECTION 1127, PROVIDED THAT THE BOARD OF
25 SCHOOL DIRECTORS SHALL AFFORD THE SCHOOL ADMINISTRATOR NOTICE
26 AND AN OPPORTUNITY TO BE HEARD PURSUANT TO 2 PA.C.S. CH. 5
27 SUBCH. B (RELATING TO PRACTICE AND PROCEDURE OF LOCAL AGENCIES).

28 (4.1) IN ADDITION TO POWERS ENUMERATED IN THIS ACT, A SCHOOL
29 DISTRICT DESIGNATED AS A COMMONWEALTH PARTNERSHIP SCHOOL
30 DISTRICT MAY DISPOSE OF UNUSED AND UNNECESSARY LANDS AND

1 BUILDINGS, IF SUCH BUILDINGS ARE IN EXCESS OF TWENTY-FIVE (25)
2 YEARS OF AGE, IN THE FOLLOWING MANNER, NOTWITHSTANDING THE
3 PROVISIONS OF SECTION 707 OF THIS ACT:

4 (I) BY NEGOTIATED SALE, PROVIDED THE DISTRICT HAS AN
5 AFFIDAVIT OF AT LEAST THREE (3) PERSONS WHO ARE FAMILIAR WITH
6 THE VALUE OF REAL ESTATE IN THE LOCALITY IN WHICH THE LANDS AND
7 BUILDINGS PROPOSED TO BE SOLD ARE LOCATED, WHO HAVE EXAMINED THE
8 PROPERTY AND SET FORTH A VALUE FOR THE PROPERTY AND WHO OPINE
9 THAT THE CONSIDERATION FOR THE PROPERTY IS EQUAL TO OR BETTER
10 THAN THAT WHICH COULD BE RECEIVED BY SEALED BID. THE SALE PRICE
11 SHALL NOT BE LESS THAN THE HIGHEST VALUE SET FORTH IN THE THREE
12 (3) AFFIDAVITS.

13 (II) BY ENTERING INTO AGREEMENTS WITH AN URBAN REDEVELOPMENT
14 AUTHORITY ORGANIZED UNDER THE ACT OF MAY 24, 1945 (P.L.991,
15 NO.385), KNOWN AS THE URBAN REDEVELOPMENT LAW, UNDER WHICH THE
16 DISTRICT MAY CONVEY PROPERTY TO THE AUTHORITY FOR THE PURPOSE OF
17 THE AUTHORITY FACILITATING THE CONVEYANCE OF THE PROPERTY
18 CONSISTENT WITH THE GOALS OF THE SCHOOL DISTRICT AND THE
19 AUTHORITY.

20 (5) [AS USED IN] FOR PURPOSES OF THIS SUBSECTION, ["SCHOOL
21 ADMINISTRATOR" SHALL HAVE THE SAME MEANING GIVEN TO IT UNDER
22 SECTION 1164] THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING
23 MEANINGS:

24 "COMMONWEALTH PARTNERSHIP SCHOOL DISTRICT." A SCHOOL
25 DISTRICT FOR WHICH THE SECRETARY HAS DETERMINED, ON OR AFTER
26 JULY 11, 2006, AND NOT LATER THAN SEPTEMBER 9, 2006, ALL OF THE
27 FOLLOWING:

28 (I) THE SCHOOL DISTRICT HAS EXPERIENCED A DECLINE OF FIFTEEN
29 PER CENTUM (15%) OR MORE IN STUDENT ENROLLMENT DURING THE
30 IMMEDIATELY PRECEDING FIVE-YEAR PERIOD.

1 (II) THE SCHOOL DISTRICT HAS EXPERIENCED A LOSS OF REVENUE
2 DURING THE IMMEDIATELY PRECEDING THREE-YEAR PERIOD DUE TO THE
3 STATUTORY REMOVAL OF ONE OR MORE OF THE SOURCES OF REVENUE MADE
4 AVAILABLE PURSUANT TO SECTION 652.1.

5 (III) THE SCHOOL DISTRICT HAS AN EQUALIZED MILLAGE FOR THE
6 2004-2005 FISCAL YEAR OF GREATER THAN TWENTY-SEVEN (27).

7 "EMPOWERMENT LIST." A LIST PREPARED BY THE DEPARTMENT OF
8 EDUCATION CONTAINING SCHOOL DISTRICTS THAT FALL BELOW CERTAIN
9 ACADEMIC ASSESSMENTS AS PROVIDED IN FORMER SECTION 1703-B.

10 "SCHOOL ADMINISTRATOR." AS DEFINED IN SECTION 1164.

11 "SECRETARY." THE SECRETARY OF EDUCATION OF THE COMMONWEALTH.

12 [(6) THIS SUBSECTION SHALL EXPIRE JUNE 30, 2012.]

13 SECTION 23. SECTION 1913-A(B) (1.6) (V) OF THE ACT, AMENDED
14 JUNE 30, 2011 (P.L.112, NO.24), IS AMENDED AND THE CLAUSE IS
15 AMENDED BY ADDING A SUBCLAUSE TO READ:

16 SECTION 1913-A. FINANCIAL PROGRAM; REIMBURSEMENT OF
17 PAYMENTS.--* * *

18 (B) * * *

19 (1.6) FOR THE 2006-2007 FISCAL YEAR AND EACH FISCAL YEAR
20 THEREAFTER, THE PAYMENT FOR A COMMUNITY COLLEGE SHALL CONSIST OF
21 THE FOLLOWING:

22 * * *

23 (V) SUBCLAUSES (I), (II), (III) AND (IV) SHALL NOT APPLY TO
24 THE 2011-2012 AND 2012-2013 FISCAL [YEAR] YEARS.

25 * * *

26 (VII) FOR THE 2012-2013 FISCAL YEAR, EACH COMMUNITY COLLEGE
27 SHALL RECEIVE AN AMOUNT EQUAL TO THE SUM OF THE FOLLOWING:

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

29 (I) DIVIDING THE AMOUNT OF FUNDING THAT THE COMMUNITY
30 COLLEGE RECEIVED IN FISCAL YEAR 2011-2012 UNDER SUBCLAUSE

1 (VI) (A) BY THE TOTAL AMOUNT OF FUNDING PROVIDED TO COMMUNITY
2 COLLEGES IN FISCAL YEAR 2011-2012 UNDER SUBCLAUSE (VI) (A); AND
3 (II) MULTIPLYING THE QUOTIENT UNDER SUBPARAGRAPH (I) BY
4 \$168,167,000.

5 (B) AN ECONOMIC DEVELOPMENT STIPEND DETERMINED BY:

6 (I) DIVIDING THE AMOUNT OF FUNDING THAT THE COMMUNITY
7 COLLEGE RECEIVED IN FISCAL YEAR 2011-2012 UNDER SUBCLAUSE (VI)

8 (B) BY THE TOTAL AMOUNT OF FUNDING PROVIDED TO ALL COMMUNITY
9 COLLEGES IN FISCAL YEAR 2011-2012 UNDER SUBCLAUSE (VI) (B); AND

10 (II) MULTIPLYING THE QUOTIENT UNDER SUBPARAGRAPH (I) BY
11 \$44,000,000.

12 * * *

13 SECTION 24. SECTIONS 1913-B.1(C) AND 2003-A.1(C) AND (C.1)
14 OF THE ACT, AMENDED OR ADDED NOVEMBER 3, 2011 (P.L.400, NO.97),
15 ARE AMENDED AND THE SECTIONS ARE AMENDED BY ADDING SUBSECTIONS
16 TO READ:

17 SECTION 1913-B.1. CONTRACTS FOR CONSTRUCTION, REPAIR,
18 RENOVATION OR MAINTENANCE.--* * *

19 [(C) ALL CONTRACTS, OTHER THAN CONTRACTS FOR THE RETENTION
20 OF ARCHITECTS AND ENGINEERS, AUTHORIZED BY THIS SECTION WHICH
21 EXCEED A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS
22 (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION 119, SHALL BE
23 ADVERTISED IN THE MANNER PROVIDED BY LAW AND COMPETITIVELY BID
24 AND AWARDED TO THE LOWEST RESPONSIBLE BIDDER. IN CASE OF
25 EMERGENCIES AND NOTWITHSTANDING ANY OTHER PROVISION OF THIS
26 SECTION TO THE CONTRARY, THE BOARD OF TRUSTEES MAY MAKE OR
27 AUTHORIZE OTHERS TO MAKE AN EMERGENCY PROCUREMENT WHENEVER A
28 THREAT EXISTS TO PUBLIC HEALTH, WELFARE OR SAFETY OR
29 CIRCUMSTANCES OUTSIDE THE CONTROL OF THE COLLEGE AND CREATES AN
30 URGENCY OF NEED WHICH DOES NOT PERMIT THE DELAY INVOLVED IN

1 USING MORE FORMAL COMPETITIVE METHODS. WHENEVER PRACTICAL, IN
2 THE CASE OF A PROCUREMENT OF A SUPPLY, AT LEAST TWO (2) BIDS
3 SHALL BE SOLICITED. A WRITTEN DETERMINATION OF THE BASIS FOR THE
4 EMERGENCY AND FOR THE SELECTION OF THE PARTICULAR CONTRACTOR
5 SHALL BE INCLUDED IN THE CONTRACT FILE.]

6 (C.1) ALL CONTRACTS, OTHER THAN CONTRACTS FOR THE RETENTION
7 OF ARCHITECTS AND ENGINEERS, AUTHORIZED BY THIS SECTION WHICH
8 EXCEED A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS
9 (\$18,500), SUBJECT TO ADJUSTMENT UNDER SECTION 120, SHALL BE
10 ADVERTISED IN THE MANNER PROVIDED BY LAW AND COMPETITIVELY BID
11 AND AWARDED TO THE LOWEST RESPONSIBLE BIDDER. IN CASE OF
12 EMERGENCIES AND NOTWITHSTANDING ANY OTHER PROVISION OF THIS
13 SECTION TO THE CONTRARY, THE BOARD OF TRUSTEES MAY MAKE OR
14 AUTHORIZE OTHERS TO MAKE AN EMERGENCY PROCUREMENT WHENEVER A
15 THREAT EXISTS TO PUBLIC HEALTH, WELFARE OR SAFETY OR
16 CIRCUMSTANCES OUTSIDE THE CONTROL OF THE COLLEGE AND CREATES AN
17 URGENCY OF NEED WHICH DOES NOT PERMIT THE DELAY INVOLVED IN
18 USING MORE FORMAL COMPETITIVE METHODS. WHENEVER PRACTICAL, IN
19 THE CASE OF A PROCUREMENT OF A SUPPLY, AT LEAST TWO (2) BIDS
20 SHALL BE SOLICITED. A WRITTEN DETERMINATION OF THE BASIS FOR THE
21 EMERGENCY AND FOR THE SELECTION OF THE PARTICULAR CONTRACTOR
22 SHALL BE INCLUDED IN THE CONTRACT FILE.

23 * * *

24 SECTION 2003-A.1. PROJECT CONTRACTS.--* * *

25 [(C) ALL CONTRACTS, OTHER THAN CONTRACTS FOR THE RETENTION
26 OF ARCHITECTS AND ENGINEERS, AUTHORIZED BY THIS SECTION WHICH
27 EXCEED A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS
28 (\$18,500), SUBJECT TO ADJUSTMENT UNDER SUBSECTION (C.1), SHALL
29 BE ADVERTISED IN THE MANNER PROVIDED BY LAW AND COMPETITIVELY
30 BID AND AWARDED TO THE LOWEST RESPONSIBLE BIDDER. IN CASE OF

1 EMERGENCIES AND NOTWITHSTANDING ANY OTHER PROVISION OF THIS
2 SECTION TO THE CONTRARY, THE CHANCELLOR MAY MAKE OR AUTHORIZE
3 OTHERS TO MAKE AN EMERGENCY PROCUREMENT WHENEVER A THREAT EXISTS
4 TO PUBLIC HEALTH, WELFARE OR SAFETY OR CIRCUMSTANCES OUTSIDE THE
5 CONTROL OF THE STATE SYSTEM AND CREATES AN URGENCY OF NEED WHICH
6 DOES NOT PERMIT THE DELAY INVOLVED IN USING MORE FORMAL
7 COMPETITIVE METHODS. WHENEVER PRACTICAL, IN THE CASE OF A
8 PROCUREMENT OF A SUPPLY, AT LEAST TWO (2) BIDS SHALL BE
9 SOLICITED. A WRITTEN DETERMINATION OF THE BASIS FOR THE
10 EMERGENCY AND FOR THE SELECTION OF THE PARTICULAR CONTRACTOR
11 SHALL BE INCLUDED IN THE CONTRACT FILE.

12 (C.1) ADJUSTMENTS SHALL BE MADE AS FOLLOWS:

13 (1) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL CALCULATE THE
14 AVERAGE ANNUAL PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR
15 ALL URBAN CONSUMERS: ALL ITEMS (CPI-U) FOR THE UNITED STATES
16 CITY AVERAGE AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF
17 LABOR, BUREAU OF LABOR STATISTICS, FOR THE TWELVE-MONTH PERIOD
18 ENDING SEPTEMBER 30, 2012, AND FOR EACH SUCCESSIVE TWELVE-MONTH
19 PERIOD THEREAFTER.

20 (1.1) IF THE DEPARTMENT DETERMINES THAT THERE IS NO POSITIVE
21 PERCENTAGE CHANGE, THEN NO ADJUSTMENT TO THE BASE AMOUNTS SHALL
22 OCCUR FOR THE RELEVANT TIME PERIOD.

23 (2) THE POSITIVE PERCENTAGE CHANGE, AS DETERMINED IN
24 ACCORDANCE WITH CLAUSE (1), SHALL BE MULTIPLIED BY THE AMOUNT
25 APPLICABLE UNDER SUBSECTION (C) FOR THE CURRENT PERIOD, AND THE
26 PRODUCT THEREOF SHALL BE ADDED TO THE AMOUNT APPLICABLE UNDER
27 SUBSECTION (C) FOR THE CURRENT PERIOD, WITH THE RESULT ROUNDED
28 TO THE NEAREST MULTIPLE OF ONE HUNDRED DOLLARS (\$100).

29 (3) THE DETERMINATION REQUIRED UNDER CLAUSE (1) AND THE
30 CALCULATION ADJUSTMENTS REQUIRED UNDER CLAUSE (2) SHALL BE MADE

1 IN THE PERIOD BETWEEN OCTOBER 1 AND NOVEMBER 15 OF THE YEAR
2 FOLLOWING THE EFFECTIVE DATE OF THIS SUBSECTION AND BETWEEN
3 OCTOBER 1 AND NOVEMBER 15 OF EACH SUCCESSIVE YEAR.

4 (4) THE ADJUSTED AMOUNTS OBTAINED IN ACCORDANCE WITH CLAUSE
5 (2) SHALL BECOME EFFECTIVE JANUARY 1 FOR THE PERIOD FOLLOWING
6 THE YEAR IN WHICH THE DETERMINATION REQUIRED UNDER CLAUSE (1) IS
7 MADE.

8 (5) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL GIVE NOTICE
9 IN THE PENNSYLVANIA BULLETIN PRIOR TO JANUARY 1 OF EACH CALENDAR
10 YEAR IN WHICH THE PERCENTAGE CHANGE IS DETERMINED IN ACCORDANCE
11 WITH CLAUSE (1) OF THE AMOUNTS, WHETHER ADJUSTED OR UNADJUSTED
12 IN ACCORDANCE WITH CLAUSE (2), AT WHICH COMPETITIVE BIDDING IS
13 REQUIRED UNDER SUBSECTION (C) FOR THE PERIOD BEGINNING THE FIRST
14 DAY OF JANUARY AFTER PUBLICATION OF THE NOTICE.

15 (6) THE ANNUAL INCREASE IN THE PRELIMINARY ADJUSTED BASE
16 AMOUNTS OBTAINED UNDER CLAUSES (3) AND (4) SHALL NOT EXCEED
17 THREE PERCENT (3%).]

18 (C.2) ALL CONTRACTS, OTHER THAN CONTRACTS FOR THE RETENTION
19 OF ARCHITECTS AND ENGINEERS, AUTHORIZED BY THIS SECTION WHICH
20 EXCEED A BASE AMOUNT OF EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS
21 (\$18,500), SUBJECT TO ADJUSTMENT UNDER SUBSECTION (C.3), SHALL
22 BE ADVERTISED IN THE MANNER PROVIDED BY LAW AND COMPETITIVELY
23 BID AND AWARDED TO THE LOWEST RESPONSIBLE BIDDER. IN CASE OF
24 EMERGENCIES AND NOTWITHSTANDING ANY OTHER PROVISION OF THIS
25 SECTION TO THE CONTRARY, THE CHANCELLOR MAY MAKE OR AUTHORIZE
26 OTHERS TO MAKE AN EMERGENCY PROCUREMENT WHENEVER A THREAT EXISTS
27 TO PUBLIC HEALTH, WELFARE OR SAFETY OR CIRCUMSTANCES OUTSIDE THE
28 CONTROL OF THE STATE SYSTEM AND CREATES AN URGENCY OF NEED WHICH
29 DOES NOT PERMIT THE DELAY INVOLVED IN USING MORE FORMAL
30 COMPETITIVE METHODS. WHENEVER PRACTICAL, IN THE CASE OF A

1 PROCUREMENT OF A SUPPLY, AT LEAST TWO (2) BIDS SHALL BE
2 SOLICITED. A WRITTEN DETERMINATION OF THE BASIS FOR THE
3 EMERGENCY AND FOR THE SELECTION OF THE PARTICULAR CONTRACTOR
4 SHALL BE INCLUDED IN THE CONTRACT FILE.

5 (C.3) ADJUSTMENTS SHALL BE MADE AS FOLLOWS:

6 (1) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL CALCULATE THE
7 AVERAGE ANNUAL PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR
8 ALL URBAN CONSUMERS: ALL ITEMS (CPI-U) FOR THE UNITED STATES
9 CITY AVERAGE AS PUBLISHED BY THE UNITED STATES DEPARTMENT OF
10 LABOR, BUREAU OF LABOR STATISTICS, FOR THE TWELVE-MONTH PERIOD
11 ENDING SEPTEMBER 30, 2012, AND FOR EACH SUCCESSIVE TWELVE-MONTH
12 PERIOD THEREAFTER.

13 (1.1) IF THE DEPARTMENT OF LABOR AND INDUSTRY DETERMINES
14 THAT THERE IS NO POSITIVE PERCENTAGE CHANGE, THEN NO ADJUSTMENT
15 TO THE BASE AMOUNTS SHALL OCCUR FOR THE RELEVANT TIME PERIOD.

16 (2) THE POSITIVE PERCENTAGE CHANGE, AS DETERMINED IN
17 ACCORDANCE WITH CLAUSE (1), SHALL BE MULTIPLIED BY THE AMOUNT
18 APPLICABLE UNDER SUBSECTION (C.2) FOR THE CURRENT PERIOD, AND
19 THE PRODUCT THEREOF SHALL BE ADDED TO THE AMOUNT APPLICABLE
20 UNDER SUBSECTION (C.2) FOR THE CURRENT PERIOD, WITH THE RESULT
21 ROUNDED TO THE NEAREST MULTIPLE OF ONE HUNDRED DOLLARS (\$100).

22 (3) THE DETERMINATION REQUIRED UNDER CLAUSE (1) AND THE
23 CALCULATION ADJUSTMENTS REQUIRED UNDER CLAUSE (2) SHALL BE MADE
24 IN THE PERIOD BETWEEN OCTOBER 1 AND NOVEMBER 15, 2012, AND
25 BETWEEN OCTOBER 1 AND NOVEMBER 15 OF EACH SUCCESSIVE YEAR.

26 (4) THE ADJUSTED AMOUNTS OBTAINED IN ACCORDANCE WITH CLAUSE
27 (2) SHALL BECOME EFFECTIVE JANUARY 1 FOR THE PERIOD FOLLOWING
28 THE YEAR IN WHICH THE DETERMINATION REQUIRED UNDER CLAUSE (1) IS
29 MADE.

30 (5) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL GIVE NOTICE

1 IN THE PENNSYLVANIA BULLETIN PRIOR TO JANUARY 1 OF EACH CALENDAR
2 YEAR IN WHICH THE PERCENTAGE CHANGE IS DETERMINED IN ACCORDANCE
3 WITH CLAUSE (1) OF THE AMOUNTS, WHETHER ADJUSTED OR UNADJUSTED
4 IN ACCORDANCE WITH CLAUSE (2), AT WHICH COMPETITIVE BIDDING IS
5 REQUIRED UNDER SUBSECTION (C.2) FOR THE PERIOD BEGINNING THE
6 FIRST DAY OF JANUARY AFTER PUBLICATION OF THE NOTICE.

7 (6) THE ANNUAL INCREASE IN THE PRELIMINARY ADJUSTED BASE
8 AMOUNTS OBTAINED UNDER CLAUSES (3) AND (4) SHALL NOT EXCEED
9 THREE PERCENT (3%).

10 * * *

11 SECTION 25. SECTION 2010-A(10) OF THE ACT, AMENDED NOVEMBER
12 3, 2011 (P.L.400, NO.97), IS AMENDED AND THE SECTION IS AMENDED
13 BY ADDING A PARAGRAPH TO READ:

14 SECTION 2010-A. POWER AND DUTIES OF INSTITUTION
15 PRESIDENTS.--THE PRESIDENT OF EACH INSTITUTION SHALL BE
16 APPOINTED BY THE BOARD. THE PRESIDENT SHALL BE THE CHIEF
17 EXECUTIVE OFFICER OF THAT INSTITUTION. HE SHALL HAVE THE RIGHT
18 TO ATTEND ALL MEETINGS OF THE COUNCIL OF THAT INSTITUTION AND
19 SHALL HAVE THE RIGHT TO SPEAK ON ALL MATTERS BEFORE THE COUNCIL
20 BUT NOT TO VOTE. SUBJECT TO THE STATED AUTHORITY OF THE BOARD
21 AND THE COUNCIL, EACH PRESIDENT SHALL HAVE THE FOLLOWING POWERS
22 AND DUTIES:

23 * * *

24 [(10) WITHIN THE LIMITATIONS OF THE OPERATING BUDGET AND
25 OTHER AVAILABLE FUNDS IN ACCORDANCE WITH THE PROCEDURES
26 ESTABLISHED BY THE BOARD AND WITH THE APPROVAL OF THE LOCAL
27 COUNCIL, TO NEGOTIATE AND AWARD ALL CONTRACTS FOR EQUIPMENT,
28 SERVICES AND SUPPLIES IN EXCESS OF A COST OF A BASE AMOUNT OF
29 EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO
30 ADJUSTMENT UNDER SECTION 119, ON A COMPETITIVE BID BASIS AND TO

1 PURCHASE INSTRUCTIONAL, EDUCATIONAL, EXTRACURRICULAR, TECHNICAL,
2 ADMINISTRATIVE, CUSTODIAL AND MAINTENANCE EQUIPMENT AND SUPPLIES
3 NOT IN EXCESS OF A COST OF A BASE AMOUNT OF EIGHTEEN THOUSAND
4 FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER
5 SECTION 119, WITHOUT COMPETITIVE BIDDING, EXCEPT THAT SUCH ITEMS
6 SHALL NOT BE BOUGHT IN SERIES TO AVOID THE DOLLAR CEILING.]

7 (10.1) WITHIN THE LIMITATIONS OF THE OPERATING BUDGET AND
8 OTHER AVAILABLE FUNDS IN ACCORDANCE WITH THE PROCEDURES
9 ESTABLISHED BY THE BOARD AND WITH THE APPROVAL OF THE LOCAL
10 COUNCIL, TO NEGOTIATE AND AWARD ALL CONTRACTS FOR EQUIPMENT,
11 SERVICES AND SUPPLIES IN EXCESS OF A COST OF A BASE AMOUNT OF
12 EIGHTEEN THOUSAND FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO
13 ADJUSTMENT UNDER SECTION 120, ON A COMPETITIVE BID BASIS AND TO
14 PURCHASE INSTRUCTIONAL, EDUCATIONAL, EXTRACURRICULAR, TECHNICAL,
15 ADMINISTRATIVE, CUSTODIAL AND MAINTENANCE EQUIPMENT AND SUPPLIES
16 NOT IN EXCESS OF A COST OF A BASE AMOUNT OF EIGHTEEN THOUSAND
17 FIVE HUNDRED DOLLARS (\$18,500), SUBJECT TO ADJUSTMENT UNDER
18 SECTION 120, WITHOUT COMPETITIVE BIDDING, EXCEPT THAT SUCH ITEMS
19 SHALL NOT BE BOUGHT IN SERIES TO AVOID THE DOLLAR CEILING.

20 * * *

21 SECTION 26. SECTION 2104 OF THE ACT IS AMENDED TO READ:

22 SECTION 2104. SUPERINTENDENTS OF SCHOOLS OR BUILDINGS AND OF
23 SUPPLIES.--THE BOARD OF PUBLIC EDUCATION IN EACH SCHOOL DISTRICT
24 OF THE FIRST CLASS SHALL, WHENEVER A VACANCY IN SAID OFFICE
25 SHALL OCCUR, APPOINT A DISTRICT SUPERINTENDENT, WHO SHALL BE
26 DESIGNATED AND KNOWN AS SUPERINTENDENT OF SCHOOLS[, FOR A TERM
27 OF NOT MORE THAN SIX (6) YEARS]. THE BOARD MAY ALSO APPOINT A
28 SUPERINTENDENT OF BUILDINGS AND A SUPERINTENDENT OF SUPPLIES.
29 THE BOARD SHALL PRESCRIBE THE TERMS AND DUTIES AND FIX THE
30 SALARIES OF EACH OF SUCH EMPLOYES. THEY SHALL BE RESPONSIBLE TO

1 THE BOARD FOR THE CONDUCT OF THEIR RESPECTIVE DEPARTMENTS, SHALL
2 MAKE ANNUAL REPORTS TO THE BOARD, AND SHALL FROM TIME TO TIME
3 SUBMIT SUCH PLANS AND SUGGESTIONS FOR THE IMPROVEMENT OF THE
4 SCHOOLS AND THE SCHOOL SYSTEM AS THEY SHALL DEEM EXPEDIENT OR AS
5 THE BOARD OF PUBLIC EDUCATION MAY REQUIRE.

6 THE SUPERINTENDENT OF BUILDINGS SHALL BE AN ENGINEER OR
7 ARCHITECT OF GOOD STANDING IN HIS PROFESSION. THE SUPERINTENDENT
8 OF BUILDINGS AND THE SUPERINTENDENT OF SUPPLIES SHALL EACH GIVE
9 SUCH SECURITY FOR THE FAITHFUL PERFORMANCE OF THE DUTIES OF
10 THEIR RESPECTIVE OFFICES AS THE BOARD OF PUBLIC EDUCATION SHALL
11 PRESCRIBE.

12 SECTION 27. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:
13 SECTION 2319. STATE AID FOR FISCAL YEAR 2012-2013.

14 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
15 EACH LIBRARY SUBJECT TO THE ACT OF JUNE 14, 1961 (P.L.324,
16 NO.188), KNOWN AS THE LIBRARY CODE, SHALL BE ELIGIBLE FOR STATE
17 AID FOR FISCAL YEAR 2012-2013, WHICH SHALL CONSIST OF THE
18 FOLLOWING:

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

21 (I) DIVIDE THE AMOUNT OF FUNDING THAT THE LIBRARY
22 RECEIVED IN FISCAL YEAR 2011-2012 UNDER SECTION 2318, BY
23 THE TOTAL STATE-AID SUBSIDY FOR FISCAL YEAR 2011-2012.

24 (II) MULTIPLY THE QUOTIENT UNDER SUBPARAGRAPH (I) BY
25 THE TOTAL STATE-AID SUBSIDY FOR 2012-2013.

26 (2) FOLLOWING DISTRIBUTION OF FUNDS APPROPRIATED FOR
27 STATE AID TO LIBRARIES UNDER PARAGRAPH (1), ANY REMAINING
28 FUNDS MAY BE DISTRIBUTED AT THE DISCRETION OF THE STATE
29 LIBRARIAN.

30 (3) IF FUNDS APPROPRIATED FOR STATE AID TO LIBRARIES IN

1 FISCAL YEAR 2012-2013 ARE LESS THAN FUNDS APPROPRIATED IN
2 FISCAL YEAR 2002-2003, THE STATE LIBRARIAN MAY WAIVE
3 STANDARDS AS PRESCRIBED IN SECTION 103 OF THE LIBRARY CODE.

4 (4) (I) EACH LIBRARY SYSTEM RECEIVING STATE AID UNDER
5 THIS SECTION MAY DISTRIBUTE THE LOCAL LIBRARY SHARE OF
6 THAT AID IN A MANNER AS DETERMINED BY THE BOARD OF
7 DIRECTORS OF THE LIBRARY SYSTEM.

8 (II) IN THE CASE OF A LIBRARY SYSTEM THAT CONTAINS A
9 LIBRARY OPERATING IN A CITY OF THE SECOND CLASS, CHANGES
10 TO THE DISTRIBUTION OF STATE AID TO THE LIBRARY SHALL BE
11 MADE BY MUTUAL AGREEMENT BETWEEN THE LIBRARY AND THE
12 LIBRARY SYSTEM.

13 (5) IN THE EVENT OF A CHANGE IN DISTRICT LIBRARY CENTER
14 POPULATION PRIOR TO THE EFFECTIVE DATE OF THIS SECTION AS A
15 RESULT OF:

16 (I) A CITY, BOROUGH, TOWN, TOWNSHIP, SCHOOL DISTRICT
17 OR COUNTY MOVING FROM ONE LIBRARY CENTER TO ANOTHER; OR

18 (II) A TRANSFER OF DISTRICT LIBRARY CENTER STATUS TO
19 A COUNTY LIBRARY SYSTEM,

20 FUNDING OF DISTRICT LIBRARY CENTER AID SHALL BE PAID BASED ON
21 THE POPULATION OF THE NEWLY ESTABLISHED OR RECONFIGURED
22 DISTRICT LIBRARY CENTER.

23 SECTION 2502.51. BASIC EDUCATION FUNDING FOR 2011-2012
24 SCHOOL YEAR.--(A) FOR THE 2011-2012 SCHOOL YEAR, THE
25 COMMONWEALTH SHALL PAY TO EACH SCHOOL DISTRICT A BASIC EDUCATION
26 FUNDING ALLOCATION WHICH SHALL CONSIST OF THE FOLLOWING:

27 (1) AN AMOUNT EQUAL TO THE BASIC EDUCATION FUNDING
28 ALLOCATION FOR THE 2010-2011 SCHOOL YEAR PURSUANT TO SECTION
29 2502.50.

30 (2) AN ENGLISH LANGUAGE LEARNER HIGH INCIDENCE SUPPLEMENT

1 CALCULATED FOR QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

2 (I) TO QUALIFY FOR THE ENGLISH LANGUAGE LEARNER HIGH
3 INCIDENCE SUPPLEMENT, A SCHOOL DISTRICT'S 2011-2012 MARKET
4 VALUE/INCOME AID RATIO MUST BE GREATER THAN SEVEN THOUSAND TEN-
5 THOUSANDTHS (0.7000) AND ITS ENGLISH LANGUAGE LEARNER
6 CONCENTRATION MUST BE EQUAL TO OR GREATER THAN SIX PERCENT (6%).

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

9 (A) MULTIPLY THE QUALIFYING SCHOOL DISTRICT'S 2009-2010
10 AVERAGE DAILY MEMBERSHIP BY SEVENTEEN MILLION FOUR HUNDRED FIFTY
11 THOUSAND DOLLARS (\$17,450,000).

12 (B) DIVIDE THE PRODUCT FROM CLAUSE (A) BY THE SUM OF THE
13 2009-2010 AVERAGE DAILY MEMBERSHIP FOR ALL QUALIFYING SCHOOL
14 DISTRICTS.

15 (3) A CHARTER AND CYBER CHARTER SCHOOL EXTRAORDINARY
16 ENROLLMENT SUPPLEMENT CALCULATED FOR QUALIFYING SCHOOL DISTRICTS
17 AS FOLLOWS:

18 (I) TO QUALIFY FOR THE CHARTER AND CYBER CHARTER SCHOOL
19 EXTRAORDINARY ENROLLMENT SUPPLEMENT, A SCHOOL DISTRICT'S
20 2011-2012 MARKET VALUE/INCOME AID RATIO MUST BE GREATER THAN
21 EIGHT THOUSAND TEN-THOUSANDTHS (0.8000), ITS 2009-2010 AVERAGE
22 DAILY MEMBERSHIP MUST BE GREATER THAN FIVE THOUSAND (5,000) AND
23 ITS CHARTER AND CYBER CHARTER SCHOOL CONCENTRATION MUST BE
24 GREATER THAN FOURTEEN PERCENT (14%).

25 (II) THE CHARTER AND CYBER CHARTER SCHOOL EXTRAORDINARY
26 ENROLLMENT SUPPLEMENT SHALL BE CALCULATED FOR QUALIFYING SCHOOL
27 DISTRICTS AS FOLLOWS:

28 (A) FOR SCHOOL DISTRICTS WITH A CHARTER AND CYBER CHARTER
29 SCHOOL CONCENTRATION EQUAL TO OR GREATER THAN THIRTY PERCENT
30 (30%), MULTIPLY THE QUALIFYING SCHOOL DISTRICT'S 2009-2010

1 AVERAGE DAILY MEMBERSHIP BY ONE THOUSAND THREE HUNDRED SEVENTEEN
2 DOLLARS (\$1,317).

3 (B) FOR SCHOOL DISTRICTS WITH A CHARTER AND CYBER CHARTER
4 SCHOOL CONCENTRATION LESS THAN THIRTY PERCENT (30%), MULTIPLY
5 THE QUALIFYING SCHOOL DISTRICT'S 2009-2010 AVERAGE DAILY
6 MEMBERSHIP BY FIVE HUNDRED DOLLARS (\$500).

7 (4) A SECOND CLASS COUNTY SCHOOL DISTRICT SUPPLEMENT
8 CALCULATED FOR QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

9 (I) TO QUALIFY FOR THE SECOND CLASS COUNTY SCHOOL DISTRICT
10 SUPPLEMENT, A SCHOOL DISTRICT MUST BE LOCATED IN A COUNTY OF THE
11 SECOND CLASS, ITS 2011-2012 MARKET VALUE/INCOME AID RATIO MUST
12 BE GREATER THAN SIX THOUSAND TEN-THOUSANDTHS (0.6000), ITS
13 2009-2010 AVERAGE DAILY MEMBERSHIP MUST BE GREATER THAN ONE
14 THOUSAND (1,000) AND LESS THAN TWO THOUSAND FIVE HUNDRED (2,500)
15 AND ITS NUMBER OF STUDENTS ELIGIBLE FOR FREE OR REDUCED-PRICE
16 MEALS UNDER THE NATIONAL SCHOOL LUNCH PROGRAM DURING THE
17 2010-2011 SCHOOL YEAR MUST BE GREATER THAN ONE THOUSAND FIFTY
18 (1,050) AND LESS THAN ONE THOUSAND TWO HUNDRED FIFTY (1,250).

19 (II) THE SECOND CLASS COUNTY SCHOOL DISTRICT SUPPLEMENT
20 SHALL BE CALCULATED FOR QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

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

23 (B) DIVIDE THE PRODUCT FROM CLAUSE (A) BY THE SUM OF THE
24 2009-2010 AVERAGE DAILY MEMBERSHIP FOR ALL QUALIFYING SCHOOL
25 DISTRICTS.

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

28 (I) TO QUALIFY FOR THE SECOND CLASS SCHOOL DISTRICT
29 SUPPLEMENT, A SCHOOL DISTRICT MUST HAVE BEEN CLASSIFIED AS A
30 SECOND CLASS SCHOOL DISTRICT DURING THE 2000 CENSUS, IT MUST

1 HAVE RECEIVED STATE REIMBURSEMENTS PURSUANT TO SECTION 2591.1
2 FOR THE 2009-2010 SCHOOL YEAR IN AN AMOUNT GREATER THAN THREE
3 MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) AND IT MUST
4 HAVE A 2009-2010 AVERAGE DAILY MEMBERSHIP GREATER THAN EIGHT
5 THOUSAND (8,000).

6 (II) THE SECOND CLASS SCHOOL DISTRICT SUPPLEMENT SHALL BE
7 CALCULATED FOR QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

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

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 (6) AN INCREASING AID RATIO SUPPLEMENT CALCULATED FOR
14 QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

15 (I) TO QUALIFY FOR THE INCREASING AID RATIO SUPPLEMENT, A
16 SCHOOL DISTRICT'S 2011-2012 MARKET VALUE/INCOME AID RATIO MUST
17 BE GREATER THAN SIX THOUSAND TEN-THOUSANDTHS (0.6000), ITS
18 2009-2010 AVERAGE DAILY MEMBERSHIP MUST BE GREATER THAN ELEVEN
19 THOUSAND (11,000), ITS NUMBER OF STUDENTS ELIGIBLE FOR FREE OR
20 REDUCED-PRICE MEALS UNDER THE NATIONAL SCHOOL LUNCH PROGRAM
21 DURING THE 2010-2011 SCHOOL YEAR MUST BE GREATER THAN SIX
22 THOUSAND (6,000) AND ITS MARKET VALUE/INCOME AID RATIO MUST HAVE
23 INCREASED FROM THE 1991-1992 SCHOOL YEAR TO THE 2011-2012 SCHOOL
24 YEAR BY MORE THAN SIXTY PERCENT (60%).

25 (II) THE INCREASING AID RATIO SUPPLEMENT SHALL BE CALCULATED
26 FOR QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

27 (A) MULTIPLY THE QUALIFYING SCHOOL DISTRICT'S 2009-2010
28 AVERAGE DAILY MEMBERSHIP BY TWO MILLION DOLLARS (\$2,000,000).

29 (B) DIVIDE THE PRODUCT FROM CLAUSE (A) BY THE SUM OF THE
30 2009-2010 AVERAGE DAILY MEMBERSHIP FOR ALL QUALIFYING SCHOOL

1 DISTRICTS.

2 (7) A PERSONAL INCOME SUPPLEMENT CALCULATED FOR QUALIFYING
3 SCHOOL DISTRICTS AS FOLLOWS:

4 (I) TO QUALIFY FOR THE PERSONAL INCOME SUPPLEMENT, A SCHOOL
5 DISTRICT'S 2011-2012 MARKET VALUE/INCOME AID RATIO MUST BE
6 GREATER THAN FIFTY-TWO HUNDRED TEN-THOUSANDTHS (0.5200) AND LESS
7 THAN SIX THOUSAND TEN-THOUSANDTHS (0.6000), ITS 2009-2010
8 AVERAGE DAILY MEMBERSHIP MUST BE GREATER THAN FIVE THOUSAND FIVE
9 HUNDRED (5,500), ITS 2010-2011 EQUALIZED MILLAGE RATE MUST BE
10 GREATER THAN TWENTY-TWO (22) AND LESS THAN TWENTY-SIX (26), ITS
11 ADJUSTED PERSONAL INCOME VALUATION FOR THE 2008 TAX YEAR MUST BE
12 GREATER THAN SIX HUNDRED FIFTY MILLION DOLLARS (\$650,000,000)
13 AND ITS NUMBER OF STUDENTS ELIGIBLE FOR FREE OR REDUCED-PRICE
14 MEALS UNDER THE NATIONAL SCHOOL LUNCH PROGRAM DURING THE
15 2010-2011 SCHOOL YEAR MUST BE GREATER THAN ONE THOUSAND FIVE
16 HUNDRED (1,500).

17 (II) THE PERSONAL INCOME SUPPLEMENT SHALL BE CALCULATED FOR
18 QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

19 (A) FOR EACH SCHOOL DISTRICT WITH AN ADJUSTED PERSONAL
20 INCOME VALUATION FOR THE 2008 TAX YEAR GREATER THAN EIGHT
21 HUNDRED MILLION DOLLARS (\$800,000,000), THE PERSONAL INCOME
22 SUPPLEMENT SHALL BE TWO MILLION DOLLARS (\$2,000,000).

23 (B) FOR EACH SCHOOL DISTRICT WITH AN ADJUSTED PERSONAL
24 INCOME VALUATION FOR THE 2008 TAX YEAR LESS THAN EIGHT HUNDRED
25 MILLION DOLLARS (\$800,000,000), THE PERSONAL INCOME SUPPLEMENT
26 SHALL BE ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000).

27 (8) A SMALL DISTRICT INCREASING AID RATIO SUPPLEMENT
28 CALCULATED FOR QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

29 (I) TO QUALIFY FOR THE SMALL DISTRICT INCREASING AID RATIO
30 SUPPLEMENT, A SCHOOL DISTRICT'S 2011-2012 MARKET VALUE/INCOME

1 AID RATIO MUST BE GREATER THAN FIVE THOUSAND TEN-THOUSANDTHS
2 (0.5000) AND LESS THAN FIFTY-FIVE HUNDRED TEN-THOUSANDTHS
3 (0.5500), ITS MARKET VALUE/INCOME AID RATIO MUST HAVE INCREASED
4 FROM THE 1991-1992 SCHOOL YEAR TO THE 2011-2012 SCHOOL YEAR BY
5 MORE THAN THIRTY PERCENT (30%), AND ITS 2009-2010 AVERAGE DAILY
6 MEMBERSHIP MUST BE GREATER THAN ONE THOUSAND SEVEN HUNDRED
7 (1,700) AND LESS THAN ONE THOUSAND EIGHT HUNDRED (1,800).

8 (II) THE SMALL DISTRICT INCREASING AID RATIO SUPPLEMENT
9 SHALL BE CALCULATED FOR QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

10 (A) MULTIPLY THE QUALIFYING SCHOOL DISTRICT'S 2009-2010
11 AVERAGE DAILY MEMBERSHIP BY THREE HUNDRED THOUSAND DOLLARS
12 (\$300,000).

13 (B) DIVIDE THE PRODUCT FROM CLAUSE (A) BY THE SUM OF THE
14 2009-2010 AVERAGE DAILY MEMBERSHIP FOR ALL QUALIFYING SCHOOL
15 DISTRICTS.

16 (9) A SMALL DISTRICT SUPPLEMENT CALCULATED FOR QUALIFYING
17 SCHOOL DISTRICTS AS FOLLOWS:

18 (I) TO QUALIFY FOR THE SMALL DISTRICT SUPPLEMENT, A SCHOOL
19 DISTRICT'S 2011-2012 MARKET VALUE/INCOME AID RATIO MUST BE
20 GREATER THAN SEVEN THOUSAND TEN-THOUSANDTHS (0.7000) AND LESS
21 THAN SEVENTY-FIVE TEN-THOUSANDTHS (0.7500), ITS 2009-2010
22 AVERAGE DAILY MEMBERSHIP MUST BE GREATER THAN ONE THOUSAND TWO
23 HUNDRED (1,200) AND LESS THAN ONE THOUSAND THREE HUNDRED (1,300)
24 AND ITS 2010-2011 EQUALIZED MILLAGE RATE MUST BE GREATER THAN
25 NINETEEN (19).

26 (II) THE SMALL DISTRICT SUPPLEMENT SHALL BE CALCULATED FOR
27 QUALIFYING SCHOOL DISTRICTS AS FOLLOWS:

28 (A) MULTIPLY THE QUALIFYING SCHOOL DISTRICT'S 2009-2010
29 AVERAGE DAILY MEMBERSHIP BY TWO HUNDRED FIFTY THOUSAND DOLLARS
30 (\$250,000).

1 (B) DIVIDE THE PRODUCT FROM CLAUSE (A) BY THE SUM OF THE
2 2009-2010 AVERAGE DAILY MEMBERSHIP FOR ALL QUALIFYING SCHOOL
3 DISTRICTS.

4 (B) THE DATA USED TO CALCULATE THE PROVISIONS CONTAINED IN
5 SUBSECTION (A) (2), (3), (4), (5), (6), (7), (8) AND (9) SHALL BE
6 BASED ON INFORMATION AVAILABLE TO THE DEPARTMENT OF EDUCATION AS
7 OF JUNE 30, 2012.

8 (C) FUNDS RECEIVED UNDER SUBSECTION (A) (2) (II) BY A SCHOOL
9 DISTRICT WITH A 2011-2012 MARKET VALUE/INCOME AID RATIO GREATER
10 THAN EIGHTY-FIVE HUNDRED TEN-THOUSANDTHS (0.8500) SHALL BE
11 WITHHELD UNTIL SUCH TIME THAT A SPENDING PLAN PROPOSED BY THE
12 SCHOOL DISTRICT'S BOARD OF SCHOOL DIRECTORS FOR USE OF THE FUNDS
13 IS APPROVED BY THE SECRETARY OF EDUCATION IN CONSULTATION WITH
14 THE LOCAL INTERMEDIATE UNIT.

15 (D) THE FOLLOWING SHALL APPLY:

16 (1) (I) FUNDS RECEIVED BY A SCHOOL DISTRICT UNDER
17 SUBSECTION (A) (3) (II) (A) SHALL BE USED TO SATISFY JUDGMENTS AND
18 PAST-DUE ACCOUNTS PAYABLE BEYOND NINETY (90) OR MORE DAYS
19 INCLUDING HEALTH CARE BENEFITS, PAYMENTS TO CHARTER SCHOOLS,
20 PAYMENTS TO APPROVED PRIVATE SCHOOLS AND PAYMENTS TO
21 INTERMEDIATE UNITS.

22 (II) IF ALL JUDGMENTS HAVE BEEN SATISFIED AND PAST-DUE
23 ACCOUNTS PAID, FUNDS MAY BE USED FOR TIMELY PAYMENT OF HEALTH
24 CARE BENEFITS, PAYMENTS TO CHARTER SCHOOLS, PAYMENTS TO APPROVED
25 PRIVATE SCHOOLS, PAYMENTS TO INTERMEDIATE UNITS AND FOR OTHER
26 EXPENSES APPROVED BY THE SECRETARY OF EDUCATION TO ENSURE THE
27 FISCAL STABILITY OF THE SCHOOL DISTRICT.

28 (2) NOT LATER THAN AUGUST 31, 2012, THE SCHOOL DISTRICT
29 SHALL SUBMIT A REPORT TO THE DEPARTMENT OF EDUCATION DETAILING
30 THE USE OF THE FUNDS RECEIVED UNDER THIS SUBSECTION, INCLUDING

1 SPECIFIC PAYMENT AMOUNTS, SPECIFIC PAYMENT DATES AND THE
2 ENTITIES RECEIVING PAYMENT.

3 (E) ANY UNDISTRIBUTED FUNDS SHALL BE DEPOSITED IN THE
4 FINANCIAL RECOVERY SCHOOL DISTRICT TRANSITIONAL LOAN ACCOUNT.

5 (F) FOR THE PURPOSES OF THIS SECTION:

6 (1) THE ENGLISH LANGUAGE LEARNER CONCENTRATION SHALL BE
7 DETERMINED BY DIVIDING THE SCHOOL DISTRICT'S NUMBER OF ENROLLED
8 STUDENTS IDENTIFIED AS LIMITED ENGLISH PROFICIENT DURING THE
9 2009-2010 SCHOOL YEAR BY ITS 2009-2010 AVERAGE DAILY MEMBERSHIP.

10 (2) THE CHARTER AND CYBER SCHOOL CONCENTRATION SHALL BE
11 DETERMINED BY DIVIDING THE SCHOOL DISTRICT'S 2009-2010 AVERAGE
12 DAILY MEMBERSHIP ENROLLED IN CHARTER AND CYBER CHARTER SCHOOLS
13 BY ITS 2009-2010 AVERAGE DAILY MEMBERSHIP.

14 SECTION 28. SECTIONS 2509.1(C.1) AND 2509.5(AAA) OF THE ACT,
15 ADDED JUNE 30, 2011 (P.L.112, NO.24), ARE AMENDED TO READ:

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

17 (C.1) FOR THE 2011-2012 [SCHOOL YEAR] AND 2012-2013 SCHOOL
18 YEARS, FIVE AND ONE-HALF PERCENT (5.5%) OF THE STATE SPECIAL
19 EDUCATION APPROPRIATION SHALL BE PAID TO INTERMEDIATE UNITS ON
20 ACCOUNT OF SPECIAL EDUCATION SERVICES. OF THIS FIVE AND ONE-HALF
21 PERCENT (5.5%), THIRTY-FIVE PERCENT (35%) SHALL BE DISTRIBUTED
22 EQUALLY AMONG ALL INTERMEDIATE UNITS. THE REMAINING SIXTY-FIVE
23 PERCENT (65%) SHALL BE DISTRIBUTED TO EACH INTERMEDIATE UNIT IN
24 PROPORTION TO THE NUMBER OF AVERAGE DAILY MEMBERSHIP OF THE
25 COMPONENT SCHOOL DISTRICTS OF EACH INTERMEDIATE UNIT AS COMPARED
26 TO THE STATEWIDE TOTAL AVERAGE DAILY MEMBERSHIP.

27 * * *

28 SECTION 2509.5. SPECIAL EDUCATION PAYMENTS TO SCHOOL
29 DISTRICTS.--* * *

30 (AAA) DURING THE 2009-2010 THROUGH THE [2011-2012] 2012-2013

1 SCHOOL YEARS, EACH SCHOOL DISTRICT SHALL BE PAID THE AMOUNT IT
2 RECEIVED DURING THE 2008-2009 SCHOOL YEAR UNDER SUBSECTION (ZZ).
3 IF INSUFFICIENT FUNDS ARE APPROPRIATED, THE PAYMENTS SHALL BE
4 MADE ON A PRO RATA BASIS.

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

6 SECTION 2510.2. ASSISTANCE TO SCHOOL DISTRICTS CERTIFIED AS
7 EDUCATION EMPOWERMENT DISTRICTS.--FOR THE 2012-2013 FISCAL YEAR,
8 THE DEPARTMENT OF EDUCATION MAY UTILIZE UP TO \$4,500,000 OF
9 UNDISTRIBUTED FUNDS NOT EXPENDED, ENCUMBERED OR COMMITTED FROM
10 APPROPRIATIONS FOR GRANTS AND SUBSIDIES MADE TO THE DEPARTMENT
11 OF EDUCATION TO ASSIST SCHOOL DISTRICTS CERTIFIED ON OR BEFORE
12 JUNE 30, 2010, AS AN EDUCATION EMPOWERMENT DISTRICT UNDER
13 SECTION 1705-B(H) (3). THE FUNDS SHALL BE TRANSFERRED BY THE
14 SECRETARY OF THE BUDGET TO A RESTRICTED ACCOUNT AS NECESSARY TO
15 MAKE PAYMENTS UNDER THIS SECTION AND WHEN TRANSFERRED ARE HEREBY
16 APPROPRIATED TO CARRY OUT THE PROVISIONS OF THIS SECTION.

17 SECTION 30. SECTION 2574(A) OF THE ACT, AMENDED SEPTEMBER
18 29, 1959 (P.L.992, NO.407), IS AMENDED TO READ:

19 SECTION 2574. APPROVED REIMBURSABLE RENTAL FOR LEASES
20 HEREAFTER APPROVED AND APPROVED REIMBURSABLE SINKING FUND
21 CHARGES ON INDEBTEDNESS.-- (A) FOR SCHOOL BUILDING PROJECTS FOR
22 WHICH THE GENERAL CONSTRUCTION CONTRACT IS AWARDED SUBSEQUENT TO
23 MARCH 22, 1956, AND FOR APPROVED SCHOOL BUILDING PROJECTS FOR
24 WHICH THE GENERAL CONSTRUCTION CONTRACT WAS AWARDED BUT FOR
25 WHICH A LEASE WAS NOT APPROVED BY THE DEPARTMENT OF [PUBLIC
26 INSTRUCTION] EDUCATION PRIOR TO MARCH 22, 1956, THE DEPARTMENT
27 OF [PUBLIC INSTRUCTION] EDUCATION SHALL CALCULATE AN APPROVED
28 REIMBURSABLE RENTAL OR APPROVED REIMBURSABLE SINKING FUND
29 CHARGES. REIMBURSABLE SINKING FUND CHARGES MAY INCLUDE CHARGES
30 FOR TEMPORARY INDEBTEDNESS WITHIN CONSTITUTIONAL LIMITATIONS, IF

1 THE INDEBTEDNESS IS INCURRED FOR APPROVED PERMANENT IMPROVEMENTS
2 TO THE SCHOOL PLANT INCLUDING THE COST OF ACQUIRING A SUITABLE
3 SITE FOR A SCHOOL BUILDING, THE COST OF CONSTRUCTING A NEW
4 SCHOOL BUILDING, OR THE COST OF PROVIDING NEEDED ADDITIONS OR
5 ALTERATIONS TO EXISTING BUILDINGS FOR WHICH NO BOND ISSUE IS
6 PROVIDED AND FOR WHICH AN APPROVED OBLIGATION OR OBLIGATIONS
7 OTHER THAN BONDS HAVE BEEN ISSUED AND THE OBLIGATION OR
8 OBLIGATIONS ARE PAYABLE WITHIN FIVE (5) YEARS FROM THE DATE OF
9 ISSUE OF THE OBLIGATION IN EQUAL ANNUAL INSTALLMENTS.

10 NOTHING IN THIS SECTION OR IN THE DEPARTMENT OF EDUCATION
11 GUIDELINES SHALL PROHIBIT A SCHOOL DISTRICT FROM RECEIVING
12 REIMBURSEMENT FOR APPROVED BUILDING IMPROVEMENTS, INCLUDING THE
13 COST OF ACQUIRING A SUITABLE SITE FOR A SCHOOL BUILDING, THE
14 COST OF CONSTRUCTING A NEW SCHOOL BUILDING OR THE COST OF
15 PROVIDING NEEDED ADDITIONS OR ALTERATIONS TO EXISTING BUILDINGS,
16 IF A SCHOOL DISTRICT ELECTS NOT TO REMOVE ANY RELOCATABLE OR
17 MODULAR CLASSROOM UTILIZED AFTER THE COMPLETION OF A BUILDING
18 PROJECT. THE TERM "RELOCATABLE OR MODULAR CLASSROOM" SHALL MEAN
19 A CLASSROOM NOT OF A PERMANENT NATURE WHICH MEETS THE CRITERIA
20 AND SPECIFICATIONS OF THE DEPARTMENT OF EDUCATION.

21 APPROVED REIMBURSABLE RENTAL OR SINKING FUND CHARGE SHALL
22 CONSIST OF THAT PART OF THE ANNUAL RENTAL OR SINKING FUND CHARGE
23 ATTRIBUTABLE TO--

24 (1) THE COST OF ACQUIRING THE LAND UPON WHICH THE SCHOOL
25 BUILDINGS ARE SITUATE, THE COST OF NECESSARY ROUGH GRADING TO
26 PERMIT PROPER PLACEMENT OF THE BUILDING UPON SAID LAND AND THE
27 COST OF SEWAGE TREATMENT PLANTS, AS REQUIRED BY THE DEPARTMENT
28 OF HEALTH, TO THE EXTENT THAT SUCH COSTS ARE DEEMED REASONABLE
29 BY THE DEPARTMENT OF [PUBLIC INSTRUCTION] EDUCATION AND THE
30 INTEREST ON SUCH COSTS OF ACQUISITION, GRADING AND SEWAGE

1 TREATMENT PLANTS EARNED SUBSEQUENT TO DATE THE CONSTRUCTION
2 CONTRACT IS AWARDED, AND

3 (2) THE APPROVED BUILDING CONSTRUCTION COST AND THE INTEREST
4 ON SUCH CONSTRUCTION COST.

5 * * *

6 SECTION 31. SECTION 2599.2(E) (7) OF THE ACT, ADDED JULY 9,
7 2008 (P.L.846, NO.61), IS AMENDED TO READ:

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

9 (E) * * *

10 (7) FOR THE 2008-2009 AND 2012-2013 FISCAL [YEAR] YEARS, IF
11 INSUFFICIENT FUNDS ARE APPROPRIATED TO MAKE COMMONWEALTH
12 PAYMENTS PURSUANT TO THIS SECTION, SUCH PAYMENTS SHALL BE MADE
13 ON A PRO RATA BASIS.

14 * * *

15 SECTION 32. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

16 SECTION 2599.4. TARGETED INDUSTRY CLUSTER CERTIFICATE

17 SCHOLARSHIP PROGRAM.--(A) THE TARGETED INDUSTRY CLUSTER

18 CERTIFICATE SCHOLARSHIP PROGRAM IS ESTABLISHED WITHIN THE

19 PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY.

20 (B) THE AGENCY MAY USE FUNDS APPROPRIATED TO PROVIDE GRANTS

21 FOR DEFRAYING THE NECESSARY EXPENSE OF RESIDENTS OF THIS

22 COMMONWEALTH WHO ARE ELIGIBLE STUDENTS PURSUING AN ELIGIBLE

23 COURSE OF STUDY AT AN ELIGIBLE EDUCATIONAL PROVIDER.

24 (C) THE AGENCY SHALL DETERMINE AND APPROVE STUDENT

25 ELIGIBILITY AND EDUCATIONAL PROVIDER ELIGIBILITY REQUIREMENTS

26 FOR THE PROGRAM.

27 (D) THE DEPARTMENT OF EDUCATION SHALL CONSULT WITH THE

28 DEPARTMENT OF LABOR AND INDUSTRY TO IDENTIFY PROGRAMS OF STUDY

29 THAT TRAIN INDIVIDUALS FOR AREAS OF IMMEDIATE WORKFORCE NEED AND

30 PROVIDE THE AGENCY WITH A LIST OF ELIGIBLE PROGRAMS OF STUDY.

1 (E) GRANT AWARDS SHALL BE ESTABLISHED BY THE AGENCY BASED
2 UPON AVAILABLE RESOURCES.

3 SECTION 33. SECTION 2506-A(B) OF THE ACT, ADDED DECEMBER 23,
4 2003 (P.L.304, NO.48), IS AMENDED TO READ:

5 SECTION 2506-A. REVIEW PROCESS.

6 * * *

7 (B) [STRATEGIC PLAN.--EACH DISTRICT'S REVIEW SHALL BE
8 SCHEDULED ONE YEAR PRIOR TO THE DATE REQUIRED FOR FILING OF THE
9 DISTRICT'S STRATEGIC PLAN UNDER 22 PA. CODE § 4.13 (RELATING TO
10 STRATEGIC PLANS) OR ITS SUCCESSOR REGULATIONS, EXCEPT THAT ALL
11 DISTRICTS PLACED ON THE EDUCATION EMPOWERMENT LIST PURSUANT TO
12 SECTION 1703-B OR DETERMINED TO BE DISTRESSED PURSUANT TO
13 SECTION 691 AS OF THE EFFECTIVE DATE OF THIS ARTICLE SHALL BE
14 INCLUDED IN THE INITIAL CYCLE OF SCHOOL DISTRICTS SUBJECT TO A
15 REVIEW.] (RESERVED).

16 * * *

17 SECTION 34. THIS ACT SHALL APPLY AS FOLLOWS:

18 (1) THE AMENDMENT OR ADDITION OF SECTIONS 1073, 1073.1,
19 1076, 1077, 1078 AND 1080 OF THE ACT SHALL APPLY TO CONTRACTS
20 OF DISTRICT SUPERINTENDENTS OR ASSISTANT DISTRICT
21 SUPERINTENDENTS ENTERED INTO OR RENEWED ON OR AFTER NOVEMBER
22 1, 2012.

23 (2) TO CONTRACTS AND PURCHASES ADVERTISED ON OR AFTER
24 JULY 1, 2012, OR IMMEDIATELY, WHICHEVER IS LATER.

25 SECTION 35. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

26 (1) THE AMENDMENT OF SECTION 1308 OF THE ACT SHALL TAKE
27 EFFECT IN 60 DAYS.

28 (2) THE AMENDMENTS OF SECTION 1439 OF THE ACT SHALL TAKE
29 EFFECT IN 90 DAYS.

30 (3) THE ADDITION OF ARTICLE XV-G OF THE ACT SHALL TAKE

1 EFFECT IMMEDIATELY.

2 (3.1) THE REENACTMENT AND AMENDMENT OF SECTION 1704-B
3 HEADING AND (C) OF THE ACT SHALL TAKE EFFECT IMMEDIATELY.

4 (4) SECTION 34 AND THIS SECTION SHALL TAKE EFFECT
5 IMMEDIATELY.

6 (5) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JULY 1,
7 2012, OR IMMEDIATELY, WHICHEVER IS LATER.