

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1606 Session of 2015

INTRODUCED BY CHRISTIANA, STEPHENS, MALONEY, BARRAR, KAUFFMAN, A. HARRIS, SAYLOR, GROVE, B. MILLER, TOPPER, BLOOM, KORTZ, BARBIN, ROAE, DAVIS, VEREB AND ORTITAY, OCTOBER 8, 2015

SENATOR BROWNE, APPROPRIATIONS, IN SENATE, RE-REPORTED AS AMENDED, JULY 13, 2016

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," IN PRELIMINARY PROVISIONS, PROVIDING <--
6 FOR DUTIES OF PUBLIC SCHOOL BUILDING CONSTRUCTION AND
7 RECONSTRUCTION ADVISORY COMMITTEE; IN SCHOOL DISTRICTS,
8 PROVIDING FOR DATA COLLECTION REDUCTION; IN DUTIES AND POWERS
9 OF BOARDS OF SCHOOL DIRECTORS, PROVIDING FOR PUBLICATION OF
10 RULES, REGULATIONS AND POLICIES; IN SCHOOL FINANCES,
11 PROVIDING FOR PAYROLL TAX; IN SCHOOL DISTRICT FINANCIAL
12 RECOVERY, PROVIDING FOR ADDITIONAL CRITERIA; providing for
13 the posting of annual financial information for public school
14 entities--; IN PROFESSIONAL EMPLOYEES, FURTHER PROVIDING FOR <--
15 PAYMENT OF SALARIES IN CASES OF SICKNESS, INJURY OR DEATH; IN
16 CERTIFICATION OF TEACHERS, PROVIDING FOR SUBSTITUTE TEACHING
17 PERMIT FOR PROSPECTIVE TEACHERS, FURTHER PROVIDING FOR
18 GRANTING PROVISIONAL COLLEGE CERTIFICATES, PROVIDING FOR
19 PROVISIONAL VOCATIONAL EDUCATION CERTIFICATE AND FURTHER
20 PROVIDING FOR PROGRAM OF CONTINUING PROFESSIONAL EDUCATION;
21 IN PUPILS AND ATTENDANCE, PROVIDING FOR ASSIGNMENT OF
22 STUDENTS TO SCHOOL DISTRICTS OF THE FIRST CLASS A AND FURTHER
23 PROVIDING FOR EXCEPTIONAL CHILDREN AND EDUCATION AND TRAINING
24 AND FOR COST OF TUITION AND MAINTENANCE OF CERTAIN
25 EXCEPTIONAL CHILDREN IN APPROVED INSTITUTIONS; IN SCHOOL
26 HEALTH SERVICES, FURTHER PROVIDING FOR DEFINITIONS AND
27 PROVIDING FOR EDUCATION OF SCHOOL EMPLOYEES IN DIABETES CARE
28 AND MANAGEMENT, FOR DIABETES CARE IN SCHOOLS, FOR POSSESSION
29 AND USE OF DIABETES MEDICATION AND MONITORING EQUIPMENT, FOR
30 LIABILITY, FOR COORDINATING, SUPERVISING OR EDUCATING NOT
31 CONSIDERED DELEGATION AND FOR DIABETES CARE IN NONPUBLIC
32 SCHOOLS; PROVIDING FOR DRUG AND ALCOHOL RECOVERY HIGH SCHOOL

1 PILOT PROGRAM; PROVIDING FOR ADMINISTRATIVE PARTNERSHIPS
2 BETWEEN SCHOOL ENTITIES AND FOR THE E-CHIEVEMENT PROGRAM; IN
3 HIGH SCHOOLS, FURTHER PROVIDING FOR COURSES OF STUDY; IN
4 CHARTER SCHOOLS, FURTHER PROVIDING FOR DEFINITIONS, FOR
5 SCHOOL STAFF AND FOR FUNDING FOR CHARTER SCHOOLS; IN
6 VOCATIONAL EDUCATION, FURTHER PROVIDING FOR VOCATIONAL
7 EDUCATION EQUIPMENT GRANTS; IN COMMUNITY COLLEGES, FURTHER
8 PROVIDING FOR ELECTION OR APPOINTMENT AND TERM AND
9 ORGANIZATION OF BOARD OF TRUSTEES AND FOR FINANCIAL PROGRAM
10 AND REIMBURSEMENT OF PAYMENTS; IN DISRUPTIVE STUDENT
11 PROGRAMS, FURTHER PROVIDING FOR APPLICATIONS AND ESTABLISHING
12 THE ALTERNATIVE EDUCATION PROGRAM ACCOUNT; IN PRIVATE
13 ALTERNATIVE EDUCATION INSTITUTIONS FOR DISRUPTIVE STUDENTS,
14 FURTHER PROVIDING FOR CONTRACTS WITH PRIVATE ALTERNATIVE
15 EDUCATION INSTITUTIONS; PROVIDING FOR RURAL REGIONAL COLLEGE
16 FOR UNDERSERVED COUNTIES AND FOR EDUCATIONAL TAX CREDITS; IN
17 FUNDING FOR PUBLIC LIBRARIES, PROVIDING FOR STATE AID FOR
18 FISCAL YEAR 2016-2017; IN REIMBURSEMENTS BY COMMONWEALTH AND
19 BETWEEN SCHOOL DISTRICTS, FURTHER PROVIDING FOR PAYMENTS TO
20 INTERMEDIATE UNITS, FOR SPECIAL EDUCATION PAYMENTS TO SCHOOL
21 DISTRICTS, FOR EXTRAORDINARY SPECIAL EDUCATION PROGRAM
22 EXPENSES AND FOR ASSISTANCE TO SCHOOL DISTRICTS DECLARED TO
23 BE IN FINANCIAL RECOVERY STATUS OR IDENTIFIED FOR FINANCIAL
24 WATCH STATUS AND PROVIDING FOR READY-TO-LEARN BLOCK GRANT AND
25 FOR PAYMENT OF REQUIRED CONTRIBUTION FOR PUBLIC SCHOOL
26 EMPLOYEES' SOCIAL SECURITY; SAVING AN APPROPRIATION FROM
27 LAPSING; ALLOCATING AN APPROPRIATION; MAKING RELATED REPEALS;
28 AND MAKING EDITORIAL CHANGES.

29 The General Assembly of the Commonwealth of Pennsylvania
30 hereby enacts as follows:

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

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

37 SECTION 125. DUTIES OF PUBLIC SCHOOL BUILDING CONSTRUCTION
38 AND RECONSTRUCTION ADVISORY COMMITTEE.--(A) THE PUBLIC SCHOOL
39 BUILDING CONSTRUCTION AND RECONSTRUCTION ADVISORY COMMITTEE
40 ESTABLISHED UNDER SECTION 1708-E.2 OF THE ACT OF APRIL 9, 1929
41 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE, AS PART OF ITS
42 DUTIES SHALL REVIEW AND REPORT ON WHETHER THE COMMONWEALTH
43 SHOULD IMPLEMENT A COMPREHENSIVE PUBLIC SCHOOL BUILDING SAFETY
44 PROGRAM, WHICH MAY INCLUDE:

- 1 (1) REGULAR SAFETY INSPECTIONS.
- 2 (2) BUILDING AND BUILDING COMPONENT INSPECTIONS.
- 3 (3) A SYSTEM OF RATING SCHOOL BUILDING SAFETY.
- 4 (4) PERIODIC SURVEYS OF THE INVENTORY AND CONDITION OF
5 SCHOOL BUILDINGS.
- 6 (5) ANY OTHER INFORMATION RELATED TO SCHOOL BUILDING SAFETY
7 IN AND OF THIS COMMONWEALTH'S PUBLIC SCHOOL BUILDINGS, AS THE
8 COMMITTEE DEEMS APPROPRIATE.

9 SECTION 221.2. DATA COLLECTION REDUCTION.-- (A) THE STATE
10 BOARD, IN CONSULTATION WITH THE ADVISORY COMMITTEE, SHALL:

11 (1) REVIEW DATA COLLECTION REQUIREMENTS EXISTING AS OF THE
12 EFFECTIVE DATE OF THIS SECTION THAT ARE IMPOSED ON PUBLIC SCHOOL
13 ENTITIES IN THE AREAS OF FINANCE, HUMAN RESOURCES, FOOD
14 SERVICES, TRANSPORTATION, CHILD ACCOUNTING, ATHLETICS, HEALTH
15 AND SPECIAL EDUCATION. IN THE REVIEW, THE ADVISORY COMMITTEE
16 SHALL ALSO CONSIDER WHETHER THE DATA HAS A VALUABLE PURPOSE TO
17 INFORM POLICYMAKERS AND THE PUBLIC ABOUT THE OPERATION OF PUBLIC
18 SCHOOL ENTITIES.

19 (2) IDENTIFY THOSE DATA COLLECTION REQUIREMENTS THAT ARE
20 REDUNDANT, OVERLY BURDENSOME OR NO LONGER NECESSARY.

21 (3) WITHIN ONE HUNDRED EIGHTY (180) DAYS OF THE EFFECTIVE
22 DATE OF THIS SECTION, ISSUE A REPORT OF ITS FINDINGS AND
23 RECOMMENDATIONS BASED ON THE DATA COLLECTION REQUIREMENTS
24 IDENTIFIED UNDER PARAGRAPH (2) TO THE CHAIRMAN AND MINORITY
25 CHAIRMAN OF THE EDUCATION COMMITTEE OF THE SENATE AND THE
26 CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE
27 HOUSE OF REPRESENTATIVES AND POST THE REPORT ON THE DEPARTMENT'S
28 PUBLICLY ACCESSIBLE INTERNET WEBSITE.

29 (B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, BY THE
30 CONCLUSION OF THE SCHOOL YEAR FOLLOWING THE ISSUANCE OF THE

1 REPORT REQUIRED UNDER SUBSECTION (A) (3), THE DEPARTMENT SHALL
2 TERMINATE ALL DATA COLLECTION REQUIREMENTS IMPOSED ON PUBLIC
3 SCHOOL ENTITIES IDENTIFIED UNDER SUBSECTION (A) (2) THAT ARE NOT
4 REQUIRED BY STATUTE OR REGULATION.

5 (2) ONCE A DATA COLLECTION REQUIREMENT HAS BEEN TERMINATED
6 UNDER THIS SECTION, THE DEPARTMENT MAY NOT RESUME THE COLLECTION
7 OF ANY DATA SUBJECT TO THE TERMINATED DATA COLLECTION
8 REQUIREMENT.

9 (C) (1) WITHIN THIRTY (30) DAYS OF THE EFFECTIVE DATE OF
10 THIS SECTION, THE STATE BOARD SHALL ESTABLISH AN ADVISORY
11 COMMITTEE CONSISTING OF:

12 (I) THE SECRETARY OF EDUCATION OR A DESIGNEE.

13 (II) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION
14 COMMITTEE OF THE SENATE OR THEIR DESIGNEES.

15 (III) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION
16 COMMITTEE OF THE HOUSE OF REPRESENTATIVES OR THEIR DESIGNEES.

17 (IV) THE FOLLOWING MEMBERS, TO BE APPOINTED BY THE STATE
18 BOARD IN CONSULTATION WITH EDUCATION ASSOCIATIONS REPRESENTING
19 SCHOOL DISTRICTS, INTERMEDIATE UNITS, PUBLIC SCHOOL EMPLOYEES,
20 CHARTER SCHOOL ENTITIES AND AREA VOCATIONAL-TECHNICAL SCHOOLS:

21 (A) TWO SCHOOL DISTRICT BUSINESS MANAGERS.

22 (B) TWO INTERMEDIATE UNIT BUSINESS MANAGERS.

23 (C) TWO CHARTER SCHOOL ENTITY BUSINESS MANAGERS.

24 (D) TWO AREA VOCATIONAL-TECHNICAL SCHOOL BUSINESS MANAGERS.

25 (E) ONE REPRESENTATIVE FROM A SCHOOL DISTRICT BOARD OF
26 SCHOOL DIRECTORS.

27 (F) ONE REPRESENTATIVE FROM AN INTERMEDIATE UNIT BOARD OF
28 DIRECTORS.

29 (G) ONE REPRESENTATIVE FROM A CHARTER SCHOOL ENTITY BOARD OF
30 TRUSTEES.

1 (H) ONE REPRESENTATIVE FROM AN AREA VOCATIONAL-TECHNICAL
2 SCHOOL JOINT OPERATING COMMITTEE.

3 (I) ONE MEMBER OF A STATEWIDE ASSOCIATION REPRESENTING
4 PUBLIC SCHOOL ENTITY EMPLOYEES THAT HAS A MEMBERSHIP ON THE
5 EFFECTIVE DATE OF THIS SECTION OF GREATER THAN 140,000 PUBLIC
6 SCHOOL ENTITY EMPLOYEES.

7 (2) THE ADVISORY COMMITTEE SHALL HOLD ITS FIRST MEETING
8 WITHIN FORTY-FIVE (45) DAYS OF THE EFFECTIVE DATE OF THIS
9 SECTION.

10 (3) THE STATE BOARD SHALL PROVIDE ADMINISTRATIVE SUPPORT,
11 MEETING SPACE AND ANY OTHER ASSISTANCE REQUIRED BY THE ADVISORY
12 COMMITTEE TO CARRY OUT ITS DUTIES UNDER THIS SECTION.

13 (D) FOR ALL NEW PUBLIC SCHOOL ENTITY DATA COLLECTION
14 REQUIREMENTS INSTITUTED AFTER THE EFFECTIVE DATE OF THIS SECTION
15 THAT ARE NOT THE RESULT OF LEGISLATION ENACTED BY THE GENERAL
16 ASSEMBLY, THE DEPARTMENT SHALL PROVIDE THE FOLLOWING INFORMATION
17 TO ALL PUBLIC SCHOOL ENTITIES AND TO THE GENERAL ASSEMBLY SIXTY
18 (60) DAYS PRIOR TO THE FIRST DEADLINE FOR ANY NEW DATA
19 COLLECTION REQUIREMENT:

20 (1) A JUSTIFICATION FOR THE DATA COLLECTION, INCLUDING A
21 STATEMENT INDICATING WHY THE DATA COLLECTION IS NECESSARY FOR
22 THE PROPER PERFORMANCE OF THE DEPARTMENT'S FUNCTIONS;

23 (2) AN EXPLANATION OF HOW THE DEPARTMENT WILL USE THE DATA
24 COLLECTED;

25 (3) AN EXPLANATION OF HOW THE DEPARTMENT WILL SHARE THE DATA
26 WITH PUBLIC SCHOOL ENTITIES;

27 (4) A STATEMENT AFFIRMING THAT THE DATA COLLECTION WILL NOT
28 IMPOSE ANY UNJUSTIFIED COSTS ON PUBLIC SCHOOL ENTITIES OR
29 REQUIRE DUPLICATION OF EXISTING DATA COLLECTION REQUIREMENTS;
30 AND

1 (E) ANY DATA COLLECTION REQUIREMENT IMPOSED BY THE FEDERAL
2 GOVERNMENT SHALL NOT BE SUBJECT TO THIS SECTION.

3 (F) FOR PURPOSES OF THIS SECTION:

4 (1) "ADVISORY COMMITTEE" SHALL MEAN THE ADVISORY COMMITTEE
5 ESTABLISHED UNDER SUBSECTION (C).

6 (2) "CHARTER SCHOOL ENTITY" SHALL MEAN A CHARTER SCHOOL,
7 REGIONAL CHARTER SCHOOL OR CYBER CHARTER SCHOOL AS DEFINED IN
8 SECTION 1703-A.

9 (3) "DEPARTMENT" SHALL MEAN THE DEPARTMENT OF EDUCATION OF
10 THE COMMONWEALTH.

11 (4) "PUBLIC SCHOOL ENTITY" SHALL MEAN ANY OF THE FOLLOWING:

12 (I) AN AREA VOCATIONAL-TECHNICAL SCHOOL.

13 (II) A SCHOOL DISTRICT.

14 (III) A CHARTER SCHOOL ENTITY.

15 (IV) AN INTERMEDIATE UNIT.

16 (5) "STATE BOARD" SHALL MEAN THE STATE BOARD OF EDUCATION.

17 SECTION 510.2. PUBLICATION OF RULES, REGULATIONS AND
18 POLICIES.--THE BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT
19 SHALL POST ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE THE
20 FOLLOWING RULES, REGULATIONS AND POLICIES TO THE EXTENT THAT
21 THEY ARE REQUIRED TO BE ADOPTED BY THE SCHOOL DISTRICT UNDER
22 FEDERAL OR STATE LAW:

23 (1) THE FOLLOWING RELATING TO STUDENTS:

24 (I) ADMISSION OF BEGINNERS.

25 (II) ATTENDANCE, EXCUSALS AND TRUANCY.

26 (III) WITHDRAWAL FROM SCHOOL.

27 (IV) STUDENT DISCIPLINE.

28 (V) SUSPENSION AND EXPULSION OF STUDENTS.

29 (VI) SEARCHES.

30 (VII) AUDIO INTERCEPTION ON SCHOOL BUSES OR SCHOOL VEHICLES

1 FOR DISCIPLINARY OR SECURITY PERSONS.
2 (VIII) RETENTION, MAINTENANCE AND ACCESS TO STUDENT RECORDS.
3 (IX) USE OF PERSONAL ELECTRONIC DEVICES.
4 (X) DRESS AND GROOMING.
5 (XI) STUDENT COMPLAINT PROCESS.
6 (XII) PARENT APPEAL OF A SCHOOL DISTRICT'S PLACEMENT OF
7 TWINS OR MULTIPLE BIRTH SIBLINGS.
8 (XIII) PARTICIPATION BY HOME SCHOOL STUDENTS IN SCHOOL
9 DISTRICT EXTRACURRICULAR ACTIVITIES.
10 (2) THE FOLLOWING RELATING TO EDUCATIONAL PROGRAMS:
11 (I) CURRICULUM REVIEW BY PARENTS AND STUDENTS.
12 (II) PROMOTION AND RETENTION.
13 (III) GRADUATION REQUIREMENTS.
14 (3) THE FOLLOWING RELATING TO STUDENT HEALTH:
15 (I) COMMUNICABLE DISEASES AND IMMUNIZATION.
16 (II) HEALTH EXAMINATIONS AND SCREENINGS.
17 (III) STUDENT USE OF MEDICATIONS.
18 (IV) THE SCHOOL DISTRICT'S WELLNESS POLICY.
19 (4) THE FOLLOWING RELATING TO SCHOOL PROPERTY:
20 (I) USE OF SCHOOL PROPERTY AND FACILITIES.
21 (II) SCHOOL VISITATION POLICIES.
22 (III) INTEGRATED PEST MANAGEMENT PLAN.
23 (5) THE FOLLOWING RELATING TO COMMUNITY:
24 (I) PUBLIC PARTICIPATION IN SCHOOL BOARD MEETINGS.
25 (II) PUBLIC ATTENDANCE AT SCHOOL EVENTS.
26 (III) PARENTAL INVOLVEMENT POLICY FOR PARENTS AND GUARDIANS
27 OF STUDENTS PARTICIPATING PURSUANT TO SECTION 1118 OF THE
28 ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (PUBLIC LAW 89-
29 10, 20 U.S.C § 6318).
30 (IV) PUBLIC ACCESS TO AND USE OF SCHOOL DISTRICT BUILDINGS,

1 FACILITIES AND GROUNDS.

2 (V) PUBLIC COMPLAINT PROCESS.

3 SECTION 689. PAYROLL TAX.--(A) A SCHOOL DISTRICT WITHIN
4 WHICH A FINANCIALLY DISTRESSED MUNICIPALITY IS LOCATED MAY LEVY
5 A PAYROLL TAX IN ACCORDANCE WITH SECTION 303 OF THE ACT OF
6 DECEMBER 31, 1965 (P.L.1257, NO.511), KNOWN AS "THE LOCAL TAX
7 ENABLING ACT," IF THE FOLLOWING APPLY:

8 (1) EACH FINANCIALLY DISTRESSED MUNICIPALITY WITHIN THE
9 SCHOOL DISTRICT LEVIES A PAYROLL TAX PURSUANT TO SECTION 123(C)
10 AND (D) OF THE ACT OF JULY 10, 1987 (P.L.246, NO.47), KNOWN AS
11 THE "MUNICIPALITIES FINANCIAL RECOVERY ACT."

12 (2) THE SCHOOL DISTRICT LEVIED A MERCANTILE OR BUSINESS
13 PRIVILEGE TAX ON A FLAT RATE OR MILLAGE BASIS IN THE YEAR THAT
14 THE FINANCIALLY DISTRESSED MUNICIPALITY FILED A PETITION TO LEVY
15 A PAYROLL TAX PURSUANT TO SECTION 123(C) OF THE "MUNICIPALITIES
16 FINANCIAL RECOVERY ACT."

17 (B) THE FOLLOWING SHALL APPLY:

18 (1) THE TAX AUTHORIZED UNDER SUBSECTION (A) MAY BE IMPOSED
19 AT A RATE NOT TO EXCEED A RATE SUFFICIENT TO PRODUCE REVENUES
20 EQUAL TO REVENUES COLLECTED FROM THE LEVY OF A MERCANTILE OR
21 BUSINESS PRIVILEGE TAX BY THE SCHOOL DISTRICT UNDER CHAPTER 3 OF
22 "THE LOCAL TAX ENABLING ACT" IN THE PRECEDING FISCAL YEAR.
23 EXCEPT AS PROVIDED UNDER CLAUSE (2), A SCHOOL DISTRICT MAY LEVY
24 A PAYROLL TAX IN ANY SUBSEQUENT YEAR AT A RATE NOT TO EXCEED THE
25 RATE INITIALLY AUTHORIZED UNDER THIS CLAUSE.

26 (2) IN THE EVENT THAT THE RATE IMPOSED UNDER CLAUSE (1)
27 FAILS TO PRODUCE THE REVENUES PROJECTED IN THE FIRST FULL YEAR
28 AFTER THE IMPOSITION OF A PAYROLL TAX, A SCHOOL DISTRICT MAY
29 AMEND THE RATE IMPOSED NOT TO EXCEED A RATE THAT IS SUFFICIENT
30 TO PRODUCE REVENUES EQUAL TO THE REVENUES COLLECTED AS A RESULT

1 OF THE MERCANTILE OR BUSINESS PRIVILEGE TAX IN THE FINAL YEAR IT
2 WAS LEVIED. A SCHOOL DISTRICT MAY LEVY THE PAYROLL TAX IN ANY
3 SUBSEQUENT YEAR AT A RATE NOT TO EXCEED THE ADJUSTED RATE
4 AUTHORIZED UNDER THIS CLAUSE.

5 (C) AFTER IMPOSING A PAYROLL TAX UNDER THIS SECTION, THE
6 AUTHORITY OF A SCHOOL DISTRICT TO CONTINUE TO LEVY THE PAYROLL
7 TAX IS NOT CONTINGENT ON THE DISTRESSED STATUS OF, OR DECISION
8 TO LEVY A PAYROLL TAX BY, A MUNICIPALITY WITHIN THE SCHOOL
9 DISTRICT.

10 (D) A SCHOOL DISTRICT WHICH LEVIES A PAYROLL TAX UNDER THIS
11 SECTION MAY NOT THEREAFTER LEVY A MERCANTILE OR BUSINESS
12 PRIVILEGE TAX.

13 (E) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES
14 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION UNLESS
15 THE CONTEXT CLEARLY INDICATES OTHERWISE:

16 "FINANCIALLY DISTRESSED MUNICIPALITY." A FINANCIALLY
17 DISTRESSED MUNICIPALITY UNDER THE "MUNICIPALITIES FINANCIAL
18 RECOVERY ACT."

19 "SCHOOL DISTRICT." A SCHOOL DISTRICT COTERMINOUS WITH A HOME
20 RULE MUNICIPALITY THAT IS A CITY OF THE SECOND CLASS A.
21 SECTION 694-A. ADDITIONAL CRITERIA.

22 THE SECRETARY SHALL NOTIFY EACH SCHOOL DISTRICT THAT RECEIVES
23 EDUCATIONAL ACCESS PROGRAM FUNDING THAT IS EQUAL TO OR GREATER
24 THAN \$2,000,000 IN ANY ONE FISCAL YEAR THAT THE SCHOOL DISTRICT
25 HAS BEEN IDENTIFIED FOR FINANCIAL WATCH STATUS. A SCHOOL
26 DISTRICT IDENTIFIED FOR FINANCIAL WATCH STATUS UNDER THIS
27 SUBSECTION SHALL RECEIVE TECHNICAL ASSISTANCE AS A FINANCIAL
28 WATCH DISTRICT FROM THE DEPARTMENT AS PROVIDED FOR IN SECTION
29 611-A(B) AND SHALL DEVELOP A PLAN TO IMPROVE THE SCHOOL
30 DISTRICT'S FINANCES BASED ON THE TECHNICAL ASSISTANCE PROVIDED

1 BY THE DEPARTMENT FOR APPROVAL BY THE SECRETARY. THE PLAN SHALL
2 BE SUBMITTED TO THE SECRETARY NO LATER THAN 180 DAYS AFTER THE
3 SCHOOL DISTRICT HAS BEEN IDENTIFIED FOR FINANCIAL WATCH STATUS
4 UNDER THIS SUBSECTION. EACH YEAR AFTER THE INITIAL SUBMISSION OF
5 THE PLAN, UNTIL THE SECRETARY DETERMINES OTHERWISE, A SCHOOL
6 DISTRICT SUBJECT TO THIS SUBSECTION SHALL SUBMIT A REPORT TO THE
7 SECRETARY OUTLINING THE STATUS OF THE SCHOOL DISTRICT'S PLAN,
8 MEET WITH THE SECRETARY OR A DESIGNEE OF THE SECRETARY TO REVIEW
9 THE REPORT AND THE STATUS OF THE SCHOOL DISTRICT'S FINANCES AND
10 HOLD AN ANNUAL PUBLIC HEARING REGARDING THE PLAN. A COPY OF THE
11 SCHOOL DISTRICT'S APPROVED PLAN AND ANY SUBSEQUENT ANNUAL
12 REPORTS TO THE SECRETARY SHALL BE POSTED ON THE PUBLICLY
13 ACCESSIBLE INTERNET WEBSITE OF THE SCHOOL DISTRICT AND
14 TRANSMITTED TO THE CHAIR AND MINORITY CHAIR OF THE
15 APPROPRIATIONS COMMITTEE OF THE SENATE, THE CHAIR AND MINORITY
16 CHAIR OF THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF
17 REPRESENTATIVES, THE CHAIR AND MINORITY CHAIR OF THE EDUCATION
18 COMMITTEE OF THE SENATE AND THE CHAIR AND MINORITY CHAIR OF THE
19 EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

20 SECTION 2. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ:

21 ARTICLE VI-B

22 SCHOOL WATCH

23 Section 601-B. Scope.

24 This article relates to Public School Web Accountability and
25 Transparency (SchoolWATCH).

26 Section 602-B. Definitions.

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

30 "Administrative staff." Employees of a public school entity

1 that include, but are not limited to, superintendents, assistant
2 superintendents, deputy superintendents, principals, assistant
3 principals, supervisors, managers, directors and coordinators.

4 "Area vocational-technical school." As defined in section
5 1841.

6 "Average daily membership." As defined in section 2501.

7 "Charter school." As defined in section 1703-A.

8 "Charter school entity." A charter school, cyber charter
9 school or regional charter school as defined in section 1703-A.

10 "Cyber charter school." As defined in section 1703-A.

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

13 "Expenditures." As defined in section 602-A.

14 "Facilities acquisition and construction expenditures."
15 Expenditures related to the purchase or improvement of land,
16 buildings, service systems and built-in equipment.

17 "General fund balance." The balance in a public school
18 entity's general fund, which shall not include nonspendable and
19 restricted fund balances.

20 "Instructional expenditures." Expenditures related to all
21 those activities dealing directly with the interaction between
22 teachers and students and related costs, which can be directly
23 attributed to a program of instruction.

24 "Market value/personal income aid ratio." A school
25 district's combined market value and personal income wealth per
26 pupil relative to the State average.

27 (1) For an area vocational-technical school, this amount
28 shall be calculated based on the sum of market value and
29 personal income wealth data for each of the area vocational-
30 technical school's component school districts.

1 (2) For a charter school or regional charter school,
2 this amount shall be calculated based on the sum of market
3 value and personal income wealth data for each school
4 district that granted a charter to the charter school or
5 regional charter school under section 1717-A or 1718-A.

6 (3) For a cyber charter school, this amount shall be
7 calculated based on the sum of market value and personal
8 income wealth data for the school district in which the cyber
9 charter school's administrative offices are located.

10 "Noninstructional expenditures." Expenditures related to
11 activities concerned with providing noninstructional services to
12 students, staff or the community.

13 "Other financing uses." Current debt service expenditures
14 and other expenses such as the refunding of debt and transfers
15 of money from one fund to another.

16 "Public school entity." Any of the following:

17 (1) An area vocational-technical school.

18 (2) A school district.

19 (3) A charter school entity.

20 "Regional charter school." As defined in section 1703-A.

21 "School district." As defined in section 102.

22 "School performance profile." A comprehensive overview of
23 student academic performance in a public school entity compiled
24 annually by the department.

25 "Support services expenditures." Expenditures related to
26 those services that provide administrative support, technical
27 support, including, but not limited to, guidance and health, and
28 logistical support to facilitate and enhance instruction.

29 Section 603-B. Financial information to be posted.

30 (a) Information.--Within 90 days of the effective date of

1 this section and by May 31 of each year thereafter, the
2 department shall post all of the following for each public
3 school entity on its publicly accessible Internet website, to
4 the extent the information is available to the department:

5 (1) The following financial information for the public
6 school entity for the most recent fiscal year for which the
7 public school entity reported such information to the
8 department:

9 (i) Total expenditures in the following categories:

10 (A) Instructional.

11 (B) Support services.

12 (C) Noninstructional.

13 (D) Facilities acquisition and construction.

14 (E) Other financing uses.

15 (ii) The public school entity's per-student
16 expenditures, on each of the following bases:

17 (A) Based on the public school entity's
18 instructional expenditures.

19 (B) Based on the public school entity's total
20 expenditures.

21 (iii) The public school entity's per-student charter
22 school tuition rates in each of the following categories:

23 (A) For regular education students.

24 (B) For special education students.

25 (iv) The public school entity's average daily
26 membership.

27 (v) The public school entity's market value/personal
28 income aid ratio.

29 (vi) The average teacher salary in the public school
30 entity.

1 (vii) Total revenues from the following sources:

2 (A) Federal.

3 (B) State.

4 (C) Local.

5 (D) Other.

6 (viii) The public school entity's general fund
7 balance.

8 (2) A link to the most recent of each of the following
9 reports filed by the public school entity with the
10 department:

11 (i) Summaries of financial report data.

12 (ii) Nonadministrative staff compensation report.

13 (iii) Administrative staff compensation report.

14 (3) A link to the public school entity's publicly
15 accessible Internet website, where available.

16 (4) A statement instructing the public to contact the
17 public school entity for access to any union contract.

18 (b) Posting.--In posting financial information as required
19 under this section, the department shall:

20 (1) Post and compile annually all information as a "View
21 Fiscal Information" icon located on a School Performance
22 Profile for each public school entity.

23 (2) Post all information in a location and manner that
24 is easily accessible to the public.

25 (3) Include all definitions and other explanatory
26 references that may be necessary to assist Internet website
27 users in understanding the posted information.

28 (4) Use existing databases and electronic reporting
29 systems to the extent possible.

30 (5) Provide for an electronic feature that will allow

1 the public to compare financial information for a minimum of
2 four public school entities.

3 (6) Beginning with information pertaining to the 2012-
4 2013 fiscal year, post the information required under
5 subsection (a)(1) for at least the most recent three fiscal
6 years for which such information is available to the
7 department, including a trend graph displaying the change in
8 the amount reported each year from the amount reported in the
9 previous year.

10 (c) Limitation.--The department's posting of financial
11 information under this section shall not be construed to:

12 (1) Require a public school entity to provide the
13 department with any additional information, data or reports
14 that the public school entity is not already required to
15 provide to the department as of the effective date of this
16 act.

17 (2) Require any public school entity to provide the
18 department with additional information beyond the information
19 required to be provided to the department by any other public
20 school entity.

21 ~~Section 2. This act shall take effect immediately.~~ <--

22 SECTION 2.1. SECTION 1154(C) OF THE ACT, AMENDED DECEMBER <--
23 22, 1965 (P.L.1180, NO.467), IS AMENDED TO READ:

24 SECTION 1154. PAYMENT OF SALARIES IN CASES OF SICKNESS,
25 INJURY OR DEATH.--* * *

26 (C) WHENEVER A PROFESSIONAL OR TEMPORARY PROFESSIONAL
27 EMPLOYE IS ABSENT BECAUSE OF THE DEATH OF A NEAR RELATIVE, THERE
28 SHALL BE NO DEDUCTION IN THE SALARY OF SAID EMPLOYE FOR ABSENCE
29 ON THE DAY OF THE FUNERAL. THE BOARD OF SCHOOL DIRECTORS MAY
30 EXTEND THE PERIOD OF ABSENCE WITH PAY IN ITS DISCRETION AS THE

1 EXIGENCIES OF THE CASE MAY WARRANT. A NEAR RELATIVE SHALL BE
2 DEFINED AS A FIRST COUSIN, GRANDFATHER, GRANDMOTHER, GRANDCHILD,
3 AUNT, UNCLE, NIECE, NEPHEW, SON-IN-LAW, DAUGHTER-IN-LAW,
4 BROTHER-IN-LAW OR SISTER-IN-LAW.

5 * * *

6 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

7 SECTION 1201.1. SUBSTITUTE TEACHING PERMIT FOR PROSPECTIVE
8 TEACHERS.-- (A) AN INDIVIDUAL WHO DOES NOT HOLD A CERTIFICATE
9 UNDER SECTION 1201 SHALL BE ELIGIBLE TO TEACH AS A SUBSTITUTE IN
10 A SCHOOL DISTRICT, AN AREA VOCATIONAL-TECHNICAL SCHOOL OR AN
11 INTERMEDIATE UNIT PROVIDED THAT:

12 (1) THE UNCERTIFIED INDIVIDUAL SHALL MEET ALL OF THE
13 FOLLOWING REQUIREMENTS:

14 (I) IS CURRENTLY ENROLLED IN A TEACHER PREPARATION PROGRAM
15 IN A COLLEGE OR UNIVERSITY LOCATED IN THIS COMMONWEALTH AND
16 ACCREDITED BY A REGIONAL ACCREDITING AGENCY RECOGNIZED BY THE
17 UNITED STATES DEPARTMENT OF EDUCATION.

18 (II) HAS COMPLETED AT LEAST SIXTY (60) SEMESTER HOURS OR THE
19 EQUIVALENT OF COURSES AT A COLLEGE OR UNIVERSITY LOCATED IN THIS
20 COMMONWEALTH AND ACCREDITED BY A REGIONAL ACCREDITING AGENCY.

21 (III) HAS MET THE REQUIREMENTS SET FORTH IN SECTIONS 111,
22 111.1 AND 1109(A) AND 23 PA.C.S. CH. 63 SUBCH. C (RELATING TO
23 POWERS AND DUTIES OF DEPARTMENT).

24 (2) THE CHIEF SCHOOL ADMINISTRATOR OF A SCHOOL DISTRICT, AN
25 AREA VOCATIONAL-TECHNICAL SCHOOL OR AN INTERMEDIATE UNIT MAY
26 ISSUE A SUBSTITUTE TEACHING PERMIT FOR PROSPECTIVE TEACHERS TO
27 AN UNCERTIFIED INDIVIDUAL MEETING THE REQUIREMENTS OF CLAUSE (1)
28 WHO PROVIDES VERIFICATION OF THE INDIVIDUAL'S ENROLLMENT STATUS
29 UNDER PARAGRAPH (1) (I) AND COMPLETED HOURS UNDER PARAGRAPH (1)
30 (II).

1 (3) AN INDIVIDUAL RECEIVING A SUBSTITUTE TEACHING PERMIT FOR
2 PROSPECTIVE TEACHERS MAY SERVE AS A SUBSTITUTE TEACHER FOR NO
3 MORE THAN TEN (10) DAYS PER SCHOOL YEAR FOR A SINGLE
4 PROFESSIONAL EMPLOYE OR TEMPORARY PROFESSIONAL EMPLOYE, PROVIDED
5 THAT THE INDIVIDUAL MAY SERVE AS A SUBSTITUTE FOR MULTIPLE
6 PROFESSIONAL EMPLOYEES OR TEMPORARY PROFESSIONAL EMPLOYEES FOR NO
7 MORE THAN TWENTY (20) DAYS PER SCHOOL YEAR.

8 (4) A SUBSTITUTE TEACHING PERMIT FOR PROSPECTIVE TEACHERS
9 SHALL BE VALID FOR ONE (1) YEAR AND MAY BE RENEWED FOR ONE (1)
10 ADDITIONAL YEAR BY THE CHIEF SCHOOL ADMINISTRATOR, PROVIDED THAT
11 THE UNCERTIFIED INDIVIDUAL:

12 (I) PROVIDES DOCUMENTATION OF THE COMPLETION OF AN
13 ADDITIONAL FIFTEEN (15) CREDIT HOURS OR EQUIVALENT FROM A
14 COLLEGE OR UNIVERSITY LOCATED IN THIS COMMONWEALTH AND
15 ACCREDITED BY A REGIONAL ACCREDITING AGENCY; AND

16 (II) REMAINS ENROLLED IN A COLLEGE OR UNIVERSITY LOCATED IN
17 THIS COMMONWEALTH AND ACCREDITED BY A REGIONAL ACCREDITING
18 AGENCY.

19 (5) THE INDIVIDUAL SHALL RECEIVE A SALARY FIXED BY THE
20 GOVERNING BODY OF THE SCHOOL DISTRICT, AREA VOCATIONAL-TECHNICAL
21 SCHOOL OR INTERMEDIATE UNIT.

22 (6) THE INDIVIDUAL SHALL NOT HAVE THE RIGHT TO ELECT
23 MEMBERSHIP IN THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM,
24 NOR SHALL SERVICE AS A SUBSTITUTE UNDER THIS SECTION BE ELIGIBLE
25 FOR CREDIT IN THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM.

26 (7) THE DEPARTMENT OF EDUCATION SHALL PROVIDE AN ANNUAL
27 REPORT ON THE USE OF THE PERMITS UNDER THIS SECTION TO THE
28 CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION COMMITTEE OF THE
29 SENATE AND THE CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION
30 COMMITTEE OF THE HOUSE OF REPRESENTATIVES. TO COMPLETE THE

1 REPORT, THE DEPARTMENT SHALL ANNUALLY SURVEY SCHOOL DISTRICTS,
2 VOCATIONAL-TECHNICAL SCHOOLS AND INTERMEDIATE UNITS.

3 (B) THIS SECTION SHALL EXPIRE ON JUNE 30, 2021.

4 SECTION 3.1. SECTION 1204 OF THE ACT, AMENDED OCTOBER 21,
5 1965 (P.L.601, NO.312), IS AMENDED TO READ:

6 SECTION 1204. GRANTING PROVISIONAL COLLEGE CERTIFICATES.--
7 THE [SUPERINTENDENT OF PUBLIC INSTRUCTION] SECRETARY OF
8 EDUCATION MAY GRANT A PROVISIONAL COLLEGE CERTIFICATE TO EVERY
9 PERSON WHO PRESENTS TO [HIM] THE DEPARTMENT OF EDUCATION
10 SATISFACTORY EVIDENCE OF GOOD MORAL CHARACTER, AND OF BEING A
11 GRADUATE OF AN APPROVED COLLEGE OR UNIVERSITY, WHO HAS COMPLETED
12 SUCH WORK IN EDUCATION AS MAY BE REQUIRED BY THE STANDARDS OF
13 THE STATE BOARD OF EDUCATION, AND TO EVERY PERSON WHO PRESENTS
14 TO [HIM] THE DEPARTMENT OF EDUCATION SATISFACTORY EVIDENCE OF
15 GOOD MORAL CHARACTER, AND OF BEING A GRADUATE OF MUSIC, WITH THE
16 DEGREE OF BACHELOR OF MUSIC OF AN APPROVED COLLEGE OR
17 UNIVERSITY, WHO HAS DURING SUCH MUSICAL COURSE COMPLETED THE
18 PRESCRIBED NUMBER OF HOURS OF PROFESSIONAL STUDIES, WHICH
19 CERTIFICATE SHALL ENTITLE [HIM] THE INDIVIDUAL TO TEACH FOR
20 THREE ANNUAL SCHOOL TERMS, AND MAY BE RENEWED FOR ONE ADDITIONAL
21 THREE-YEAR PERIOD IN ACCORDANCE WITH STANDARDS TO BE ESTABLISHED
22 BY THE STATE BOARD OF EDUCATION.

23 SECTION 3.2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

24 SECTION 1204.2. PROVISIONAL VOCATIONAL EDUCATION
25 CERTIFICATE.--THE SECRETARY OF EDUCATION MAY GRANT A PROVISIONAL
26 VOCATIONAL EDUCATION CERTIFICATE TO EVERY PERSON WHO PRESENTS TO
27 THE DEPARTMENT OF EDUCATION SATISFACTORY EVIDENCE OF GOOD MORAL
28 CHARACTER, AND WHO HAS COMPLETED SUCH WORK IN VOCATIONAL
29 EDUCATION AS MAY BE REQUIRED BY THE STANDARDS OF THE STATE BOARD
30 OF EDUCATION, WHICH CERTIFICATE SHALL ENTITLE THE INDIVIDUAL TO

1 TEACH FOR EIGHT ANNUAL SCHOOL TERMS.

2 SECTION 4. SECTION 1205.2(A) OF THE ACT, AMENDED JULY 5,
3 2012 (P.L.965, NO.105), IS AMENDED AND THE SECTION IS AMENDED BY
4 ADDING A SUBSECTION TO READ:

5 SECTION 1205.2. PROGRAM OF CONTINUING PROFESSIONAL
6 EDUCATION.--(A) A CONTINUING PROFESSIONAL EDUCATION PROGRAM IS
7 HEREBY ESTABLISHED FOR PROFESSIONAL EDUCATORS, THE SATISFACTORY
8 COMPLETION OF WHICH IS REQUIRED TO MAINTAIN ACTIVE
9 CERTIFICATION. EXCEPT AS PROVIDED IN [SUBSECTION (N.1)]
10 SUBSECTIONS (N.1) AND (N.2), THE CONTINUING PROFESSIONAL
11 EDUCATION PROGRAM SHALL REQUIRE THE SATISFACTORY COMPLETION OF
12 CONTINUING PROFESSIONAL EDUCATION EVERY FIVE (5) YEARS, WHICH
13 SHALL INCLUDE:

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

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

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

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

24 * * *

25 (N.2) IF, DURING A PROFESSIONAL EDUCATOR'S FIVE-YEAR
26 COMPLIANCE PERIOD UNDER THIS SECTION, A PROFESSIONAL EDUCATOR
27 SATISFACTORILY COMPLETES CONTINUING PROFESSIONAL EDUCATION
28 CREDITS OR HOURS IN EXCESS OF THE NUMBER OF CREDITS OR HOURS
29 REQUIRED UNDER SUBSECTION (A), ANY EXCESS CONTINUING
30 PROFESSIONAL EDUCATION CREDITS OR HOURS SATISFYING THE

1 REQUIREMENTS OF THIS SECTION THAT ARE COMPLETED DURING THE FINAL
2 TWO YEARS OF A PROFESSIONAL EDUCATOR'S FIVE-YEAR COMPLIANCE
3 PERIOD UP TO A MAXIMUM OF FIFTY (50) HOURS OF CONTINUING
4 PROFESSIONAL EDUCATION PROGRAMS, ACTIVITIES OR LEARNING
5 EXPERIENCES, OR ANY COMBINATION OF COLLEGIATE STUDIES,
6 CONTINUING PROFESSIONAL EDUCATION COURSES OR OTHER PROGRAMS,
7 ACTIVITIES OR LEARNING EXPERIENCES EQUIVALENT TO A MAXIMUM OF
8 FIFTY (50) HOURS, SHALL BE CREDITED TO THE PROFESSIONAL
9 EDUCATOR'S CONTINUING PROFESSIONAL EDUCATION RECORD FOR THE NEXT
10 SUCCEEDING COMPLIANCE PERIOD.

11 * * *

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

13 SECTION 1313.1. ASSIGNMENT OF STUDENTS TO SCHOOL DISTRICTS
14 OF THE FIRST CLASS A.--(A) A SCHOOL DISTRICT OF THE FIRST CLASS
15 A MAY ENTER INTO AN AGREEMENT WITH AN ADJACENT SCHOOL DISTRICT
16 FOR THE ASSIGNMENT OF ELEMENTARY AND SECONDARY STUDENTS TO THE
17 SCHOOL DISTRICT OF THE FIRST CLASS A FROM THE ADJACENT SCHOOL
18 DISTRICT UNDER THE FOLLOWING CIRCUMSTANCES:

19 (1) THE ADJACENT SCHOOL DISTRICT HAS EXPERIENCED A DECLINE
20 IN ENROLLMENT WHICH MAKES THE PROVISION OF SUCH EDUCATION
21 IMPRACTICAL AND WOULD RESULT IN EDUCATIONAL PROGRAMMING WHICH
22 DOES NOT MEET THE STANDARDS NECESSARY TO INCREASE STUDENT
23 ACHIEVEMENT.

24 (2) THE ADJACENT SCHOOL DISTRICT HAS EXPERIENCED A DECLINE
25 IN REVENUE DUE TO A SUBSTANTIAL DECLINE IN THE ASSESSED
26 VALUATION OF TAXABLE REAL ESTATE WITHIN THE ADJACENT SCHOOL
27 DISTRICT.

28 (B) EXCEPT FOR PURPOSES OF ARTICLE XXV, STUDENTS WHO ARE
29 ASSIGNED TO A SCHOOL DISTRICT OF THE FIRST CLASS A UNDER THIS
30 SECTION SHALL BE CONSIDERED FOR ALL OTHER PURPOSES STUDENTS

1 RESIDING IN THE SCHOOL DISTRICT OF THE FIRST CLASS A, INCLUDING,
2 BUT NOT LIMITED TO:
3 (1) ENFORCEMENT OF COMPULSORY SCHOOL ATTENDANCE;
4 (2) THE PROVISION OF THE PROGRAM FOR EXCEPTIONAL STUDENTS;
5 (3) DISRUPTIVE STUDENT PROGRAMS UNDER ARTICLE XIX-C;
6 (4) UTILIZATION OF PRIVATE ALTERNATIVE EDUCATION
7 INSTITUTIONS FOR DISRUPTIVE STUDENTS UNDER ARTICLE XIX-E; AND
8 (5) CAREER AND TECHNICAL EDUCATION.

9 (C) IF AN ADJACENT SCHOOL DISTRICT FAILS TO MAKE PAYMENTS TO
10 A SCHOOL DISTRICT OF THE FIRST CLASS A PROVIDING EDUCATIONAL
11 SERVICES TO STUDENTS ASSIGNED UNDER THIS SECTION, THE SECRETARY
12 OF EDUCATION SHALL DEDUCT AND PAY THE AMOUNTS DUE AS DOCUMENTED
13 BY THE SCHOOL DISTRICT OF THE FIRST CLASS A FROM ANY AND ALL
14 STATE PAYMENTS MADE TO THE ADJACENT SCHOOL DISTRICT AFTER
15 RECEIPT OF DOCUMENTATION FROM THE SCHOOL DISTRICT OF THE FIRST
16 CLASS A.

17 SECTION 5.1. SECTION 1372(8) OF THE ACT, ADDED MAY 10, 2000
18 (P.L.44, NO.16), IS AMENDED TO READ:

19 SECTION 1372. EXCEPTIONAL CHILDREN; EDUCATION AND
20 TRAINING.--* * *

21 (8) REPORTING OF EXPENDITURES RELATING TO EXCEPTIONAL
22 STUDENTS.

23 (I) BY DECEMBER 31, 2000, AND EACH YEAR THEREAFTER, EACH
24 SCHOOL DISTRICT SHALL COMPILE INFORMATION LISTING THE NUMBER OF
25 STUDENTS WITH DISABILITIES FOR WHICH EXPENDITURES ARE BETWEEN
26 TWENTY-FIVE THOUSAND DOLLARS (\$25,000) AND FIFTY THOUSAND
27 DOLLARS (\$50,000), WHICH SHALL BE KNOWN AS CATEGORY 2; BETWEEN
28 FIFTY THOUSAND DOLLARS (\$50,000) AND SEVENTY-FIVE THOUSAND
29 DOLLARS (\$75,000), WHICH SHALL BE KNOWN AS CATEGORY 3A; AND OVER
30 SEVENTY-FIVE THOUSAND DOLLARS (\$75,000), WHICH SHALL BE KNOWN AS

1 CATEGORY 3B, FOR THE PRIOR SCHOOL YEAR. THE INFORMATION SHALL BE
2 SUBMITTED TO THE DEPARTMENT IN A FORM PRESCRIBED BY THE
3 DEPARTMENT. BY FEBRUARY 1, 2001, AND EACH YEAR THEREAFTER, THE
4 DEPARTMENT SHALL SUBMIT TO THE CHAIRMAN AND MINORITY CHAIRMAN OF
5 THE EDUCATION AND APPROPRIATIONS COMMITTEES OF THE SENATE AND
6 THE CHAIRMAN AND MINORITY CHAIRMAN OF THE EDUCATION AND
7 APPROPRIATIONS COMMITTEES OF THE HOUSE OF REPRESENTATIVES A
8 REPORT LISTING THIS INFORMATION BY SCHOOL DISTRICT.

9 (II) BY DECEMBER 31, 2016, AND EACH YEAR THEREAFTER, EACH
10 SCHOOL DISTRICT SHALL COMPILE INFORMATION LISTING THE NUMBER OF
11 STUDENTS WITH DISABILITIES FOR WHICH EXPENDITURES ARE UNDER
12 TWENTY-FIVE THOUSAND DOLLARS (\$25,000), WHICH SHALL BE KNOWN AS
13 CATEGORY 1. THE INFORMATION SHALL BE SUBMITTED TO THE DEPARTMENT
14 IN A FORM PRESCRIBED BY THE DEPARTMENT.

15 (III) BEGINNING WITH THE 2016-2017 SCHOOL YEAR, THE
16 DEPARTMENT SHALL ANNUALLY ADJUST THE DOLLAR RANGES FOR WHICH THE
17 INFORMATION IS COLLECTED UNDER THIS SECTION BY THE PERCENT
18 CHANGE IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR
19 THE PENNSYLVANIA, NEW JERSEY, DELAWARE AND MARYLAND AREA
20 REPORTED BY THE BUREAU OF LABOR STATISTICS FOR THE TWELVE (12)
21 MONTH PERIOD ENDING IN DECEMBER OF THE SCHOOL YEAR FOR WHICH THE
22 DATA IS BEING COLLECTED.

23 SECTION 6. SECTION 1376 OF THE ACT IS AMENDED BY ADDING A
24 SUBSECTION TO READ:

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

27 (C.9) BEGINNING WITH AUDITED DATA FOR THE 2016-2017 SCHOOL
28 YEAR, THE TOTAL OF THE AMOUNTS REMITTED TO THE COMMONWEALTH
29 UNDER SUBSECTION (C.2) (5) (II) SHALL BE DISTRIBUTED TO EACH
30 APPROVED PRIVATE SCHOOL WITH REPORTABLE COSTS THAT EXCEED THE

1 AMOUNT OF REVENUE RECEIVED AS FOLLOWS:

2 (1) SUBTRACT THE AMOUNT OF REVENUE RECEIVED UNDER SUBSECTION
3 (A.2) FROM THE REPORTABLE COSTS IN THE AUDIT SUBMITTED TO THE
4 DEPARTMENT OF EDUCATION UNDER SUBSECTION (C.2) (4).

5 (2) MULTIPLY THE AMOUNT IN PARAGRAPH (1) BY THE LESSER OF
6 THE TOTAL OF THE AMOUNTS REMITTED TO THE COMMONWEALTH UNDER
7 SUBSECTION (C.2) (5) (II) OR THE TOTAL OF THE AMOUNTS IN PARAGRAPH
8 (1).

9 (3) DIVIDE THE AMOUNT IN PARAGRAPH (2) BY THE TOTAL OF THE
10 AMOUNTS IN PARAGRAPH (1).

11 (4) FUNDS DISTRIBUTED UNDER THIS SUBSECTION SHALL BE PAID IN
12 MAY OF THE FOLLOWING SCHOOL YEAR.

13 (5) FUNDS DISTRIBUTED UNDER THIS SUBSECTION SHALL NOT BE
14 INCLUDED IN DETERMINING THE PAYMENT AMOUNT UNDER SUBSECTION
15 (A.2).

16 * * *

17 SECTION 6.1. SECTION 1401 OF THE ACT IS AMENDED BY ADDING
18 CLAUSES TO READ:

19 SECTION 1401. DEFINITIONS.--AS USED IN THIS ARTICLE--

20 * * *

21 (13) "DIABETES MEDICAL MANAGEMENT PLAN" MEANS A DOCUMENT
22 DESCRIBING THE MEDICAL ORDERS OR DIABETES REGIMEN DEVELOPED AND
23 SIGNED BY THE STUDENT'S HEALTH CARE PRACTITIONER AND PARENT OR
24 GUARDIAN.

25 (14) "SERVICE AGREEMENT" MEANS A STUDENT'S SECTION 504
26 SERVICE AGREEMENT PURSUANT TO SECTION 504 OF THE REHABILITATION
27 ACT OF 1973 (PUBLIC LAW 93-112, 29 U.S.C. § 794) AND 22 PA. CODE
28 CH. 15 (RELATING TO PROTECTED HANDICAPPED STUDENTS).

29 (15) "HEALTH CARE PRACTITIONER" MEANS THE TERM AS DEFINED
30 UNDER SECTION 103 OF THE ACT OF JULY 19, 1979 (P.L.130, NO.48),

1 KNOWN AS THE HEALTH CARE FACILITIES ACT.

2 (16) "IEP" MEANS A WRITTEN STATEMENT FOR EACH CHILD WITH A
3 DISABILITY THAT IS DEVELOPED, REVIEWED OR REVISED IN A MEETING
4 IN ACCORDANCE WITH THE INDIVIDUALS WITH DISABILITIES EDUCATION
5 ACT (PUBLIC LAW 91-230, 20 U.S.C. § 1400 ET SEQ.) AND 22 PA.
6 CODE CH. 14 (RELATING TO SPECIAL EDUCATION SERVICES AND
7 PROGRAMS).

8 SECTION 6.2. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

9 SECTION 1414.3. EDUCATION OF SCHOOL EMPLOYES IN DIABETES
10 CARE AND MANAGEMENT.--(A) WITHIN ONE HUNDRED TWENTY (120) DAYS
11 OF THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT OF HEALTH,
12 IN COORDINATION WITH THE DEPARTMENT OF EDUCATION, SHALL
13 ESTABLISH EDUCATIONAL MODULES AND GUIDELINES FOR THE INSTRUCTION
14 OF SCHOOL EMPLOYES IN DIABETES CARE AND TREATMENT AND MAKE THE
15 MODULES AND GUIDELINES AVAILABLE ON ITS PUBLICLY ACCESSIBLE
16 INTERNET WEBSITE. THE EDUCATIONAL MODULES SHALL INCLUDE
17 INSTRUCTION IN A SCHOOL ENTITY'S OBLIGATIONS UNDER 22 PA. CODE §
18 12.41 (RELATING TO STUDENT SERVICES) AND ITS RESPONSIBILITIES TO
19 COMPLY WITH SECTION 504 OF THE REHABILITATION ACT OF 1973
20 (PUBLIC LAW 93-112, 29 U.S.C. § 794), 22 PA. CODE CHS. 14
21 (RELATING TO SPECIAL EDUCATION SERVICES AND PROGRAMS) AND 15
22 (RELATING TO PROTECTED HANDICAPPED STUDENTS) AND THE INDIVIDUALS
23 WITH DISABILITIES EDUCATION ACT (PUBLIC LAW 91-230, 20 U.S.C. §
24 1400 ET SEQ.). AT A MINIMUM, THE EDUCATIONAL MODULES SHALL
25 INCLUDE REVIEW OF THE RESPONSIBILITIES AND INSTRUCTION IN:

26 (1) AN OVERVIEW OF ALL TYPES OF DIABETES.

27 (2) MEANS OF MONITORING BLOOD GLUCOSE.

28 (3) THE SYMPTOMS AND TREATMENT FOR BLOOD GLUCOSE LEVELS
29 OUTSIDE OF TARGET RANGES AS WELL AS SYMPTOMS AND TREATMENT FOR
30 HYPOGLYCEMIA, HYPERGLYCEMIA AND OTHER POTENTIAL EMERGENCIES.

1 (4) TECHNIQUES ON ADMINISTERING GLUCAGON AND INSULIN.
2 (B) THE SCHOOL NURSE, IN CONSULTATION WITH THE CHIEF SCHOOL
3 ADMINISTRATOR OR A DESIGNEE, MAY IDENTIFY AT LEAST ONE SCHOOL
4 EMPLOYE WHO IS NOT THE SCHOOL NURSE AND WHO DOES NOT NEED TO BE
5 A LICENSED HEALTH CARE PRACTITIONER IN EACH SCHOOL BUILDING
6 ATTENDED BY A STUDENT WITH DIABETES. IF THE SCHOOL BUILDING
7 ATTENDED BY A STUDENT WITH DIABETES DOES NOT HAVE A FULL-TIME
8 SCHOOL NURSE, THE CHIEF SCHOOL ADMINISTRATOR MAY, BUT IS NOT
9 REQUIRED TO, CONSULT WITH THE SCHOOL NURSE ASSIGNED TO THAT
10 SCHOOL BUILDING TO IDENTIFY AT LEAST ONE SCHOOL EMPLOYE IN THE
11 SCHOOL BUILDING. AN IDENTIFIED EMPLOYE SHALL COMPLETE THE ANNUAL
12 EDUCATIONAL MODULES OUTLINED IN SUBSECTION (A) OR ANNUAL
13 EDUCATION OFFERED BY A LICENSED HEALTH CARE PRACTITIONER WITH
14 EXPERTISE IN THE CARE AND TREATMENT OF DIABETES THAT INCLUDES
15 SUBSTANTIALLY THE SAME INFORMATION AS OUTLINED IN SUBSECTION
16 (A). AN EMPLOYE RESPONSIBLE FOR A CHILD WITH DIABETES IN THE
17 ABSENCE OF THE SCHOOL NURSE SHALL HAVE THE RIGHT TO DECLINE THE
18 RESPONSIBILITY AND RELATED DIRECTIVES.

19 (C) A SCHOOL EMPLOYE WHO IS NOT A LICENSED HEALTH CARE
20 PRACTITIONER AND WHO HAS SUCCESSFULLY COMPLETED THE EDUCATION
21 MODULES UNDER SUBSECTION (A) OR ANNUAL EDUCATION OFFERED BY A
22 LICENSED HEALTH CARE PRACTITIONER WITH EXPERTISE IN THE CARE AND
23 TREATMENT OF DIABETES THAT INCLUDES SUBSTANTIALLY THE SAME
24 INFORMATION AS OUTLINED IN SUBSECTION (A) MAY BE DESIGNATED IN A
25 STUDENT'S SERVICE AGREEMENT OR IEP TO ADMINISTER DIABETES
26 MEDICATIONS, USE MONITORING EQUIPMENT AND PROVIDE OTHER DIABETES
27 CARE. A SCHOOL ENTITY MAY REQUIRE THE DESIGNATED EMPLOYE WHO HAS
28 NOT DECLINED THE ASSIGNMENT, TO COMPLETE THE ANNUAL EDUCATIONAL
29 MODULES OR ANNUAL EDUCATION FROM A LICENSED HEALTH CARE
30 PRACTITIONER, OR BOTH, IN THE ADMINISTRATION OF DIABETES

1 MEDICATIONS, USE OF MONITORING EQUIPMENT AND PROVISION OF OTHER
2 DIABETES CARE. EDUCATION PROVIDED TO SCHOOL EMPLOYEES SHALL BE
3 COORDINATED BY THE CHIEF SCHOOL ADMINISTRATOR OR A DESIGNEE.
4 SCHOOL ENTITIES MAY INCLUDE THE EDUCATION IN THE PROFESSIONAL
5 EDUCATION PLAN SUBMITTED BY THE SCHOOL ENTITY TO THE DEPARTMENT
6 OF EDUCATION UNDER SECTION 1205.1.

7 (D) NOTWITHSTANDING ANY OTHER STATUTE OR REGULATION
8 RESTRICTING THE FUNCTIONS THAT MAY BE PERFORMED BY PERSONS OTHER
9 THAN LICENSED HEALTH CARE PRACTITIONERS, SCHOOL EMPLOYEES WHO
10 HAVE COMPLETED THE EDUCATION REQUIREMENTS UNDER THIS SECTION MAY
11 PERFORM DIABETES CARE AND TREATMENT FOR STUDENTS. SCHOOL
12 EMPLOYEES WHO ARE NOT LICENSED HEALTH CARE PRACTITIONERS SHALL
13 ONLY BE AUTHORIZED TO ADMINISTER DIABETES MEDICATIONS VIA
14 INJECTION OR INFUSION FOLLOWING ANNUAL EDUCATION BY A LICENSED
15 HEALTH CARE PRACTITIONER WITH EXPERTISE IN THE CARE AND
16 TREATMENT OF DIABETES, AND FOLLOWING THE SCHOOL ENTITY'S RECEIPT
17 OF WRITTEN AUTHORIZATION FROM BOTH THE STUDENT'S HEALTH CARE
18 PRACTITIONER AND PARENT OR GUARDIAN THAT AN EDUCATED SCHOOL
19 EMPLOYEE, WHO IS NOT A LICENSED HEALTH CARE PRACTITIONER, MAY
20 ADMINISTER SPECIFIED MEDICATIONS.

21 (E) FOR PURPOSES OF THIS SECTION, "SCHOOL ENTITY" MEANS A
22 SCHOOL DISTRICT, INTERMEDIATE UNIT, AREA VOCATIONAL-TECHNICAL
23 SCHOOL, CHARTER SCHOOL OR CYBER CHARTER SCHOOL.

24 SECTION 1414.4. DIABETES CARE IN SCHOOLS.--(A) A PARENT OR
25 GUARDIAN OF A STUDENT WITH DIABETES WHO DESIRES THAT THE STUDENT
26 RECEIVE DIABETES-RELATED CARE AND TREATMENT IN A SCHOOL SETTING
27 SHALL PROVIDE THE SCHOOL ENTITY WITH WRITTEN AUTHORIZATION FOR
28 THE CARE AND INSTRUCTIONS FROM THE STUDENT'S HEALTH CARE
29 PRACTITIONER, CONSISTENT WITH THE SCHOOL ENTITY'S POLICIES
30 REGARDING THE PROVISION OF SCHOOL HEALTH SERVICES. THE REQUIRED

1 AUTHORIZATIONS MAY BE SUBMITTED AS PART OF A DIABETES MEDICAL
2 MANAGEMENT PLAN.

3 (B) ALL DIABETES-RELATED CARE PROVIDED TO STUDENTS SHALL BE
4 CONSISTENT WITH THE SCHOOL HEALTH PROGRAM ESTABLISHED BY THE
5 GOVERNING BODY OF THE SCHOOL ENTITY AND ANY ACCOMMODATIONS
6 OUTLINED IN A STUDENT'S SERVICE AGREEMENT.

7 (C) A STUDENT'S SERVICE AGREEMENT MAY REQUIRE A SCHOOL
8 ENTITY TO PROVIDE THE DRIVER OF A SCHOOL BUS OR SCHOOL VEHICLE,
9 WHO PROVIDES TRANSPORTATION TO A STUDENT WITH DIABETES, WITH AN
10 INFORMATION SHEET THAT:

11 (1) IDENTIFIES THE STUDENT WITH DIABETES.

12 (2) IDENTIFIES POTENTIAL EMERGENCIES THAT MAY OCCUR AS A
13 RESULT OF THE STUDENT'S DIABETES AND THE APPROPRIATE RESPONSES
14 TO SUCH EMERGENCIES.

15 (3) PROVIDES THE TELEPHONE NUMBER OF A CONTACT PERSON IN
16 CASE OF AN EMERGENCY INVOLVING THE STUDENT WITH DIABETES.

17 (D) FOR PURPOSES OF THIS SECTION:

18 "SCHOOL BUS" MEANS A SCHOOL BUS AS DEFINED IN 75 PA.C.S. §
19 102 (RELATING TO DEFINITIONS).

20 "SCHOOL ENTITY" MEANS A SCHOOL DISTRICT, INTERMEDIATE UNIT,
21 AREA VOCATIONAL-TECHNICAL SCHOOL, CHARTER SCHOOL OR CYBER
22 CHARTER SCHOOL.

23 "SCHOOL VEHICLE" MEANS A SCHOOL VEHICLE AS DEFINED IN 75
24 PA.C.S. § 102.

25 SECTION 1414.5. POSSESSION AND USE OF DIABETES MEDICATION
26 AND MONITORING EQUIPMENT.-- (A) A SCHOOL ENTITY SHALL REQUIRE
27 THE PARENT OR GUARDIAN OF A STUDENT WITH DIABETES WHO REQUESTS
28 THAT THE STUDENT POSSESS AND SELF-ADMINISTER DIABETES MEDICATION
29 AND OPERATE MONITORING EQUIPMENT IN A SCHOOL SETTING TO PROVIDE
30 THE FOLLOWING:

1 (1) A WRITTEN STATEMENT FROM THE STUDENT'S HEALTH CARE
2 PRACTITIONER THAT PROVIDES THE NAME OF THE DRUG, THE DOSE, THE
3 TIMES WHEN THE MEDICATION IS TO BE TAKEN OR THE MONITORING
4 EQUIPMENT TO BE USED, THE SPECIFIED TIME PERIOD FOR WHICH THE
5 MEDICATION OR MONITORING EQUIPMENT IS AUTHORIZED TO BE USED AND
6 THE DIAGNOSIS OR REASON THE MEDICINE OR MONITORING EQUIPMENT IS
7 NEEDED. THE STUDENT'S HEALTH CARE PRACTITIONER SHALL INDICATE
8 THE POTENTIAL OF ANY SERIOUS REACTION TO THE MEDICATION THAT MAY
9 OCCUR, AS WELL AS ANY NECESSARY EMERGENCY RESPONSE. THE
10 STUDENT'S HEALTH CARE PRACTITIONER SHALL STATE WHETHER THE
11 STUDENT IS COMPETENT TO SELF-ADMINISTER THE MEDICATION OR
12 MONITORING EQUIPMENT AND WHETHER THE STUDENT IS ABLE TO PRACTICE
13 PROPER SAFETY PRECAUTIONS FOR THE HANDLING AND DISPOSAL OF THE
14 MEDICATION AND MONITORING EQUIPMENT.

15 (2) A WRITTEN REQUEST FROM THE PARENT OR GUARDIAN THAT THE
16 SCHOOL ENTITY COMPLY WITH THE INSTRUCTIONS OF THE STUDENT'S
17 HEALTH CARE PRACTITIONER. THE PARENT'S REQUEST SHALL INCLUDE A
18 STATEMENT RELIEVING THE SCHOOL ENTITY OR ANY SCHOOL EMPLOYEE OF
19 ANY RESPONSIBILITY FOR THE PRESCRIBED MEDICATION OR MONITORING
20 EQUIPMENT AND ACKNOWLEDGING THAT THE SCHOOL ENTITY BEARS NO
21 RESPONSIBILITY FOR ENSURING THAT THE MEDICATION IS TAKEN BY THE
22 STUDENT AND THE MONITORING EQUIPMENT IS USED.

23 (3) A WRITTEN ACKNOWLEDGMENT BY THE SCHOOL NURSE THAT THE
24 STUDENT HAS DEMONSTRATED THAT THE STUDENT IS CAPABLE OF SELF-
25 ADMINISTRATION OF THE MEDICATION AND USE OF THE MONITORING
26 EQUIPMENT.

27 (4) A WRITTEN ACKNOWLEDGMENT BY THE STUDENT THAT THE STUDENT
28 HAS RECEIVED INSTRUCTION FROM THE STUDENT'S HEALTH CARE
29 PRACTITIONER ON PROPER SAFETY PRECAUTIONS FOR THE HANDLING AND
30 DISPOSAL OF THE MEDICATIONS AND MONITORING EQUIPMENT. THE

1 WRITTEN ACKNOWLEDGMENT SHALL ALSO CONTAIN A PROVISION STATING
2 THAT THE STUDENT WILL NOT ALLOW OTHER STUDENTS TO HAVE ACCESS TO
3 THE MEDICATION AND MONITORING EQUIPMENT AND THAT THE STUDENT
4 UNDERSTANDS APPROPRIATE SAFEGUARDS.

5 (B) A SCHOOL ENTITY MAY REVOKE OR RESTRICT A STUDENT'S
6 PRIVILEGES TO POSSESS AND SELF-ADMINISTER DIABETES MEDICATION
7 AND OPERATE MONITORING EQUIPMENT DUE TO NONCOMPLIANCE WITH
8 SCHOOL RULES AND PROVISIONS OF A STUDENT'S SERVICE AGREEMENT,
9 IEP OR DUE TO DEMONSTRATED UNWILLINGNESS OR INABILITY OF THE
10 STUDENT TO SAFEGUARD THE MEDICATION AND MONITORING EQUIPMENT
11 FROM ACCESS BY OTHER STUDENTS.

12 (C) A SCHOOL ENTITY THAT PROHIBITS A STUDENT FROM POSSESSING
13 AND SELF-ADMINISTERING DIABETES MEDICATION AND OPERATING
14 MONITORING EQUIPMENT UNDER SUBSECTION (B) SHALL ENSURE THAT THE
15 DIABETES MEDICATION OR MONITORING EQUIPMENT IS APPROPRIATELY
16 STORED IN A READILY ACCESSIBLE PLACE IN THE SCHOOL BUILDING
17 ATTENDED BY THE STUDENT. THE SCHOOL ENTITY SHALL NOTIFY THE
18 SCHOOL NURSE AND OTHER IDENTIFIED SCHOOL EMPLOYEES REGARDING THE
19 LOCATION OF THE DIABETES MEDICATION AND MONITORING EQUIPMENT AND
20 MEANS TO ACCESS THEM.

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

23 "SCHOOL ENTITY" MEANS A SCHOOL DISTRICT, INTERMEDIATE UNIT,
24 AREA VOCATIONAL-TECHNICAL SCHOOL, CHARTER SCHOOL OR CYBER
25 CHARTER SCHOOL.

26 "DIABETES MEDICATION" MEANS GLUCAGON AND INSULIN.

27 SECTION 1414.6. LIABILITY.--NOTHING IN SECTIONS 1414.3,
28 1414.4 OR 1414.5 SHALL BE CONSTRUED TO CREATE, ESTABLISH OR
29 EXPAND ANY CIVIL LIABILITY ON THE PART OF ANY SCHOOL ENTITY OR
30 SCHOOL EMPLOYEE.

1 SECTION 1414.7. COORDINATING, SUPERVISING OR EDUCATING NOT
2 CONSIDERED DELEGATION.--(A) NOTWITHSTANDING ANY OTHER LAW TO
3 THE CONTRARY, COORDINATING OR SUPERVISING THE PROVISION OF
4 DIABETES CARE BY SCHOOL EMPLOYEES AUTHORIZED IN SECTIONS 1414.3
5 AND 1414.4 AND PROVIDING EDUCATION IN ACCORDANCE WITH SECTION
6 1414.3 SHALL NOT BE CONSTRUED AS A DELEGATION BY A LICENSED
7 HEALTH CARE PRACTITIONER.

8 (B) A LICENSED HEALTH CARE PRACTITIONER WHO, ACTING IN
9 COMPLIANCE WITH SECTIONS 1414.3 AND 1414.4, COORDINATES OR
10 SUPERVISES CARE FOR A STUDENT OR PROVIDES EDUCATION TO A SCHOOL
11 EMPLOYEE SHALL NOT BE SUBJECT TO ANY CRIMINAL OR CIVIL LIABILITY
12 OR ANY PROFESSIONAL DISCIPLINARY ACTION FOR THE SAME.

13 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A SCHOOL
14 EMPLOYEE WHO IS DESIGNATED TO PROVIDE DIABETES MEDICATIONS TO A
15 STUDENT SHALL NOT BE CONSIDERED TO BE ENGAGING IN HEALTH-RELATED
16 ACTIVITIES WHICH ARE RESERVED EXCLUSIVELY FOR LICENSED
17 PROFESSIONALS.

18 SECTION 1414.8. DIABETES CARE IN NONPUBLIC SCHOOLS.--(A) A
19 NONPUBLIC SCHOOL MAY COMPLY WITH THE EDUCATION OF SCHOOL
20 EMPLOYEES AND PROVISION OF DIABETES-RELATED CARE TO A STUDENT
21 WITH DIABETES REQUIRED UNDER SECTIONS 1414.3, 1414.4 AND 1414.5.
22 A WRITTEN EDUCATION PLAN THAT OUTLINES THE AIDS AND RELATED
23 SERVICES REQUIRED TO MEET THE ACADEMIC NEEDS OF THE STUDENT WITH
24 DIABETES MAY TAKE THE PLACE OF A SERVICE AGREEMENT FOR A STUDENT
25 WITH DIABETES ATTENDING A NONPUBLIC SCHOOL UNLESS A SERVICE
26 AGREEMENT IS OTHERWISE REQUIRED UNDER LAW OR REGULATION.

27 (B) NOTHING IN SECTION 1414.3, 1414.4, 1414.5, 1414.6 OR
28 THIS SECTION SHALL BE CONSTRUED TO DO ANY OF THE FOLLOWING:

29 (1) CREATE, ESTABLISH OR EXPAND ANY OBLIGATIONS ON THE PART
30 OF ANY NONPUBLIC SCHOOL TO COMPLY WITH SECTION 504 OF THE

1 REHABILITATION ACT OF 1973 (PUBLIC LAW 93-112, 29 U.S.C. § 794).

2 (2) CREATE, ESTABLISH, RESULT IN OR EXPAND ANY CONTRACTUAL
3 OBLIGATIONS ON THE PART OF ANY NONPUBLIC SCHOOL.

4 (C) NO NONPUBLIC SCHOOL EMPLOYE OR NONPUBLIC SCHOOL SHALL BE
5 LIABLE FOR CIVIL DAMAGES AS A RESULT OF THE ACTIVITIES
6 AUTHORIZED BY SECTIONS 1414.3, 1414.4 AND 1414.5, EXCEPT THAT AN
7 EMPLOYE MAY BE LIABLE FOR WILLFUL MISCONDUCT.

8 SECTION 7. THE ACT IS AMENDED BY ADDING ARTICLES TO READ:

9 ARTICLE XIV-A

10 DRUG AND ALCOHOL RECOVERY

11 HIGH SCHOOL PILOT PROGRAM

12 SECTION 1401-A. DEFINITIONS.

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

16 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
17 COMMONWEALTH.

18 "INDIVIDUALIZED EDUCATIONAL PROGRAM" OR "IEP." AN
19 INDIVIDUALIZED EDUCATION PROGRAM ESTABLISHED UNDER 22 PA. CODE
20 CH. 14 (RELATING TO SPECIAL EDUCATION SERVICES AND PROGRAMS).

21 "PRIVATE ACADEMIC SCHOOL." A PRIVATE ACADEMIC SCHOOL AS
22 DEFINED IN SECTION 2 OF THE ACT OF JANUARY 28, 1988 (P.L.24,
23 NO.11), KNOWN AS THE PRIVATE ACADEMIC SCHOOLS ACT, WHICH IS
24 LICENSED UNDER THE REQUIREMENTS OF THE PRIVATE ACADEMIC SCHOOLS
25 ACT.

26 "PROGRAM." THE DRUG AND ALCOHOL RECOVERY HIGH SCHOOL PILOT
27 PROGRAM ESTABLISHED UNDER SECTION 1402-A.

28 "RECOVERY HIGH SCHOOL." THE SCHOOL DESIGNATED TO SERVE AS
29 THE DRUG AND ALCOHOL RECOVERY HIGH SCHOOL FOR PURPOSES OF THE
30 PROGRAM UNDER SECTION 1402-A(B).

1 "RESIDENT SCHOOL DISTRICT." THE SCHOOL DISTRICT IN WHICH THE
2 PARENT OF A STUDENT ENROLLED IN THE RECOVERY HIGH SCHOOL UNDER
3 THE PROGRAM RESIDES.

4 SECTION 1402-A. ESTABLISHMENT OF DRUG AND ALCOHOL RECOVERY HIGH
5 SCHOOL PILOT PROGRAM.

6 (A) PILOT PROGRAM ESTABLISHED.--THE DRUG AND ALCOHOL
7 RECOVERY HIGH SCHOOL PILOT PROGRAM IS ESTABLISHED TO PROVIDE A
8 PROGRAM OF INSTRUCTION IN GRADES 9 THROUGH 12 MEETING STATE
9 ACADEMIC STANDARDS FOR STUDENTS WHO ARE IN RECOVERY FROM DRUG OR
10 ALCOHOL ABUSE OR ADDICTION.

11 (B) DESIGNATION.--WITHIN 60 DAYS OF THE EFFECTIVE DATE OF
12 THIS SECTION, THE SECRETARY OF EDUCATION, IN CONSULTATION WITH
13 THE DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS, SHALL:

14 (1) DESIGNATE, THROUGH A REQUEST FOR PROPOSAL PROCESS, A
15 FACILITY THAT SATISFIES ALL OF THE FOLLOWING TO SERVE AS THE
16 RECOVERY HIGH SCHOOL FOR PURPOSES OF THE PROGRAM:

17 (I) IS LICENSED AS A PRIVATE ACADEMIC SCHOOL UNDER
18 THE ACT OF JANUARY 28, 1988 (P.L.24, NO.11), KNOWN AS THE
19 PRIVATE ACADEMIC SCHOOLS ACT.

20 (II) IS LOCATED IN A SCHOOL DISTRICT OF THE FIRST
21 CLASS.

22 (III) HAS EXPERIENCE PROVIDING DRUG AND ALCOHOL
23 RECOVERY SERVICES.

24 (IV) HAS ADOPTED AND FOLLOWS ACCREDITATION STANDARDS
25 AND BEST PRACTICES SET FORTH BY THE ASSOCIATION OF
26 RECOVERY SCHOOLS.

27 (2) POST NOTICE OF THE DESIGNATION ON THE DEPARTMENT'S
28 PUBLICLY ACCESSIBLE INTERNET WEBSITE.

29 SECTION 1403-A. SCOPE OF PROGRAM AND SELECTION OF STUDENTS.

30 (A) MAXIMUM PARTICIPATION.--BEGINNING IN THE 2016-2017

1 SCHOOL YEAR, A MAXIMUM OF 20 STUDENTS IN GRADES 9 THROUGH 12 MAY
2 BE ENROLLED IN THE RECOVERY HIGH SCHOOL UNDER THE PROGRAM AT ANY
3 ONE TIME.

4 (B) VACANCIES.--IF A STUDENT ENROLLED IN THE RECOVERY HIGH
5 SCHOOL UNDER THE PROGRAM WITHDRAWS OR GRADUATES FROM THE
6 RECOVERY HIGH SCHOOL, THE VACANCY MAY BE FILLED BY ANOTHER
7 STUDENT.

8 (C) STUDENT REQUIREMENTS.--A STUDENT MAY ENROLL IN THE
9 RECOVERY HIGH SCHOOL UNDER THE PROGRAM IF THE FOLLOWING APPLY:

10 (1) (I) SUBJECT TO SUBPARAGRAPH (II), THE STUDENT
11 RESIDES IN A SCHOOL DISTRICT OF THE FIRST CLASS, WHICH
12 HAS APPROVED THE STUDENT'S ENROLLMENT IN THE RECOVERY
13 HIGH SCHOOL UNDER THE PROGRAM AND, WITH THE WRITTEN
14 CONSENT OF THE STUDENT'S PARENT OR GUARDIAN, HAS APPLIED
15 FOR ENROLLMENT IN THE RECOVERY HIGH SCHOOL ON THE
16 STUDENT'S BEHALF.

17 (II) IF FEWER THAN 20 STUDENTS RESIDING IN A SCHOOL
18 DISTRICT OF THE FIRST CLASS ENROLL IN THE RECOVERY HIGH
19 SCHOOL UNDER THE PROGRAM AT ANY TIME UNDER SUBPARAGRAPH
20 (I), A STUDENT WHO RESIDES IN A SCHOOL DISTRICT OTHER
21 THAN A SCHOOL DISTRICT OF THE FIRST CLASS MAY ENROLL IN
22 THE RECOVERY HIGH SCHOOL UNDER THE PROGRAM IF THE
23 STUDENT'S RESIDENT SCHOOL DISTRICT HAS APPROVED THE
24 STUDENT'S ENROLLMENT IN THE RECOVERY HIGH SCHOOL UNDER
25 THE PROGRAM AND, WITH THE WRITTEN CONSENT OF THE
26 STUDENT'S PARENT OR GUARDIAN, HAS APPLIED FOR ENROLLMENT
27 IN THE RECOVERY HIGH SCHOOL ON THE STUDENT'S BEHALF.

28 (2) THE STUDENT HAS AT LEAST 30 DAYS OF SOBRIETY AT THE
29 TIME OF APPLICATION FOR ENROLLMENT.

30 (3) THE STUDENT COMMITS TO PARTICIPATE IN A RECOVERY

1 PLAN, INCLUDING, BUT NOT LIMITED TO, SCHOOL-BASED DRUG
2 TESTING, AS DESIGNED BY THE RECOVERY HIGH SCHOOL AND APPROVED
3 BY THE DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS.

4 (4) THE RECOVERY HIGH SCHOOL APPROVES THE STUDENT'S
5 ENROLLMENT IN THE RECOVERY HIGH SCHOOL. A DETERMINATION BY
6 THE RECOVERY HIGH SCHOOL NOT TO APPROVE A STUDENT'S
7 ENROLLMENT IN THE RECOVERY HIGH SCHOOL MAY NOT BE APPEALED TO
8 THE DEPARTMENT.

9 (D) APPROVAL OR DISAPPROVAL BY RESIDENT SCHOOL DISTRICT.--
10 WITHIN 30 DAYS AFTER A STUDENT'S PARENT OR GUARDIAN SUBMITS A
11 WRITTEN REQUEST TO THE RESIDENT SCHOOL DISTRICT SEEKING THE
12 STUDENT'S ENROLLMENT IN THE RECOVERY HIGH SCHOOL UNDER THE
13 PROGRAM, THE RESIDENT SCHOOL DISTRICT SHALL ISSUE WRITTEN NOTICE
14 TO THE PARENT OR GUARDIAN APPROVING OR DISAPPROVING THE REQUEST.

15 (E) HEARING.--IF A PARENT OR GUARDIAN DISAGREES WITH A
16 RESIDENT SCHOOL DISTRICT'S DISAPPROVAL OF THE STUDENT'S
17 ENROLLMENT IN THE RECOVERY HIGH SCHOOL UNDER THE PROGRAM, THE
18 FOLLOWING SHALL APPLY:

19 (1) FOR A STUDENT WITH AN IEP, THE DUE PROCESS HEARING
20 REQUIREMENTS OF 22 PA. CODE CH. 14 (RELATING TO SPECIAL
21 EDUCATION SERVICES AND PROGRAMS) SHALL APPLY.

22 (2) FOR A STUDENT WITHOUT AN IEP, THE RESIDENT SCHOOL
23 DISTRICT SHALL FOLLOW A NOTICE AND HEARING PROCESS THAT THE
24 DEPARTMENT SHALL DEVELOP AND POST ON ITS PUBLICLY ACCESSIBLE
25 INTERNET WEBSITE.

26 (3) IF A STUDENT'S ENROLLMENT IN THE RECOVERY HIGH
27 SCHOOL UNDER THE PROGRAM IS NOT APPROVED BY THE STUDENT'S
28 RESIDENT SCHOOL DISTRICT OR IF THE STUDENT'S PARENT OR
29 GUARDIAN CHOOSES NOT TO PARTICIPATE IN THE PROGRAM
30 ESTABLISHED UNDER SECTION 1402-A, THE STUDENT'S PARENT OR

1 GUARDIAN MAY PAY THE STUDENT'S TUITION TO ENROLL IN THE
2 RECOVERY HIGH SCHOOL, PROVIDED THAT THE RECOVERY HIGH SCHOOL
3 HAS APPROVED THE STUDENT'S ENROLLMENT IN THE RECOVERY HIGH
4 SCHOOL.

5 SECTION 1404-A. ACADEMIC PROGRAMS.

6 (A) ASSESSMENTS.--THE RECOVERY HIGH SCHOOL SHALL ADMINISTER
7 TO ALL STUDENTS ENROLLED IN THE RECOVERY HIGH SCHOOL UNDER THE
8 PROGRAM ANY ASSESSMENTS THAT ARE REQUIRED UNDER 22 PA. CODE CH.
9 4 (RELATING TO ACADEMIC STANDARDS AND ASSESSMENT). STUDENT
10 SCORES ON ANY REQUIRED ASSESSMENTS SHALL BE ATTRIBUTED TO THE
11 STUDENT'S RESIDENT SCHOOL DISTRICT FOR PURPOSES OF COMPLIANCE
12 WITH THE EVERY STUDENT SUCCEEDS ACT (PUBLIC LAW 114-95, 129
13 STAT. 1802).

14 (B) CERTIFICATION.--AT LEAST 75% OF THE PROFESSIONAL STAFF
15 MEMBERS OF THE RECOVERY HIGH SCHOOL SHALL HOLD APPROPRIATE STATE
16 CERTIFICATION, PROVIDED THAT ALL PROFESSIONAL STAFF MEMBERS OF
17 THE RECOVERY HIGH SCHOOL WHO ARE RESPONSIBLE FOR PROVIDING
18 SPECIAL EDUCATION SERVICES TO STUDENTS ENROLLED IN THE RECOVERY
19 HIGH SCHOOL UNDER THE PROGRAM SHALL HOLD APPROPRIATE STATE
20 CERTIFICATION IN SPECIAL EDUCATION.

21 (C) LICENSURE.--IF A STUDENT ENROLLED IN THE RECOVERY HIGH
22 SCHOOL IS SUBJECT TO AN IEP, THE RECOVERY HIGH SCHOOL MUST BE
23 LICENSED TO PROVIDE ANY SERVICES REQUIRED TO BE PROVIDED UNDER
24 THE STUDENT'S IEP.

25 SECTION 1405-A. ESTABLISHMENT AND PAYMENT OF TUITION.

26 (A) TUITION RATE.--NO LATER THAN JUNE 30 OF EACH YEAR, THE
27 DEPARTMENT SHALL ESTABLISH A PER-STUDENT REGULAR EDUCATION
28 TUITION RATE FOR EACH STUDENT ENROLLED IN THE RECOVERY HIGH
29 SCHOOL UNDER THE PROGRAM, PROVIDED THAT THE RECOVERY HIGH SCHOOL
30 MAY NOT SET A PER-STUDENT REGULAR EDUCATION TUITION RATE FOR

1 STUDENTS ENROLLED IN THE RECOVERY HIGH SCHOOL WHO ARE NOT
2 PARTICIPANTS IN THE PROGRAM THAT IS LOWER THAN THE PER-STUDENT
3 REGULAR EDUCATION TUITION RATE ESTABLISHED FOR STUDENTS ENROLLED
4 IN THE RECOVERY HIGH SCHOOL UNDER THE PROGRAM. THE PER-STUDENT
5 REGULAR EDUCATION TUITION RATE FOR STUDENTS ENROLLED IN THE
6 RECOVERY HIGH SCHOOL UNDER THE PROGRAM SHALL BE DETERMINED AS
7 FOLLOWS:

8 (1) FOR THE 2016-2017 SCHOOL YEAR, THE PER-STUDENT
9 REGULAR EDUCATION TUITION RATE FOR EACH STUDENT ENROLLED IN
10 THE RECOVERY HIGH SCHOOL UNDER THE PROGRAM SHALL BE \$20,000.

11 (2) BEGINNING IN THE 2017-2018 SCHOOL YEAR, AND IN EACH
12 SCHOOL YEAR THEREAFTER, ANNUAL ADJUSTMENTS TO THE AMOUNT SET
13 FORTH IN PARAGRAPH (1) SHALL BE MADE AS FOLLOWS:

14 (I) THE DEPARTMENT OF LABOR AND INDUSTRY SHALL
15 DETERMINE THE PERCENTAGE CHANGE IN THE CONSUMER PRICE
16 INDEX FOR ALL URBAN CONSUMERS: ALL ITEMS (CPI-U) FOR THE
17 UNITED STATES CITY AVERAGE AS PUBLISHED BY THE UNITED
18 STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS,
19 FOR THE 12-MONTH PERIOD ENDING SEPTEMBER 30, 2016, AND
20 FOR EACH SUCCESSIVE 12-MONTH PERIOD THEREAFTER.

21 (II) IF THE DEPARTMENT OF LABOR AND INDUSTRY
22 DETERMINES THAT THERE IS NO POSITIVE PERCENTAGE CHANGE,
23 THEN NO ADJUSTMENT TO THE AMOUNT SET FORTH IN PARAGRAPH
24 (1) SHALL OCCUR FOR THE RELEVANT TIME PERIOD.

25 (III) (A) IF THE DEPARTMENT OF LABOR AND INDUSTRY
26 DETERMINES THAT THERE IS A POSITIVE PERCENTAGE CHANGE
27 IN THE FIRST YEAR THAT THE DETERMINATION IS MADE
28 UNDER SUBPARAGRAPH (I), THE POSITIVE PERCENTAGE
29 CHANGE SHALL BE MULTIPLIED BY THE AMOUNT SET FORTH IN
30 PARAGRAPH (1), AND THE PRODUCT SHALL BE ADDED TO THE

1 AMOUNT SET FORTH IN PARAGRAPH (1), AND THE SUM SHALL
2 BE THE PRELIMINARY ADJUSTED PER-STUDENT TUITION RATE.

3 (B) THE PRELIMINARY ADJUSTED PER-STUDENT TUITION
4 RATE SHALL BE ROUNDED TO THE NEAREST \$100 TO
5 DETERMINE THE FINAL ADJUSTED PER-STUDENT TUITION
6 RATE.

7 (IV) IN EACH SUCCESSIVE YEAR IN WHICH THERE IS A
8 POSITIVE PERCENTAGE CHANGE IN THE CPI-U FOR THE UNITED
9 STATES CITY AVERAGE, THE POSITIVE PERCENTAGE CHANGE SHALL
10 BE MULTIPLIED BY THE MOST RECENT PRELIMINARY PER-STUDENT
11 TUITION RATE, AND THE PRODUCT SHALL BE ADDED TO THE
12 PRELIMINARY ADJUSTED PER-STUDENT TUITION RATE OF THE
13 PRIOR YEAR TO CALCULATE THE PRELIMINARY ADJUSTED PER-
14 STUDENT TUITION RATE FOR THE CURRENT YEAR. THE SUM
15 THEREOF SHALL BE ROUNDED TO THE NEAREST \$100 TO DETERMINE
16 THE NEW FINAL ADJUSTED PER-STUDENT TUITION RATE.

17 (V) THE DETERMINATIONS AND ADJUSTMENTS REQUIRED
18 UNDER THIS SUBPARAGRAPH SHALL BE MADE IN THE PERIOD
19 BETWEEN APRIL 1, 2017, AND APRIL 30, 2017, AND ANNUALLY
20 BETWEEN APRIL 1 AND APRIL 30 OF EACH YEAR THEREAFTER.

21 (VI) THE FINAL ADJUSTED PER-STUDENT TUITION RATES
22 OBTAINED UNDER SUBPARAGRAPHS (III) AND (IV) SHALL BECOME
23 EFFECTIVE JULY 1 FOR THE SCHOOL YEAR FOLLOWING THE YEAR
24 IN WHICH THE DETERMINATION REQUIRED UNDER THIS PARAGRAPH
25 IS MADE.

26 (VII) THE DEPARTMENT SHALL PUBLISH NOTICE IN THE
27 PENNSYLVANIA BULLETIN PRIOR TO JULY 1 OF EACH YEAR OF THE
28 ANNUAL PERCENTAGE CHANGE DETERMINED UNDER SUBPARAGRAPH
29 (I) AND THE UNADJUSTED OR FINAL ADJUSTED PER-STUDENT
30 TUITION RATE DETERMINED UNDER SUBPARAGRAPHS (III) AND

1 (IV) FOR THE SCHOOL YEAR FOLLOWING THE YEAR IN WHICH THE
2 PER-STUDENT TUITION RATE IS DETERMINED. THE NOTICE SHALL
3 INCLUDE A WRITTEN AND ILLUSTRATIVE EXPLANATION OF THE
4 CALCULATIONS PERFORMED BY THE DEPARTMENT IN ESTABLISHING
5 THE UNADJUSTED OR FINAL ADJUSTED PER-STUDENT TUITION RATE
6 UNDER THIS SECTION FOR THE ENSUING CALENDAR YEAR.

7 (VIII) THE ANNUAL INCREASE IN THE PRELIMINARY
8 ADJUSTED PER-STUDENT TUITION RATE DETERMINED UNDER
9 SUBPARAGRAPHS (III) AND (IV) SHALL NOT EXCEED 3%.

10 (B) PAYMENT OF REGULAR EDUCATION TUITION RATE.--

11 (1) THE DEPARTMENT SHALL PAY 60% OF THE PER-STUDENT
12 REGULAR EDUCATION TUITION RATE ESTABLISHED UNDER SUBSECTION
13 (A) FOR EACH STUDENT ENROLLED IN THE RECOVERY HIGH SCHOOL
14 UNDER THE PROGRAM.

15 (2) THE RESIDENT SCHOOL DISTRICT OF EACH STUDENT
16 ENROLLED IN THE RECOVERY HIGH SCHOOL UNDER THE PROGRAM SHALL
17 PAY THE AMOUNT OF THE PER-STUDENT TUITION RATE ESTABLISHED
18 UNDER SUBSECTION (A) THAT REMAINS FOLLOWING PAYMENT BY THE
19 DEPARTMENT UNDER PARAGRAPH (1).

20 (C) SPECIAL EDUCATION.--FOR EACH STUDENT ENROLLED IN THE
21 RECOVERY HIGH SCHOOL UNDER THE PROGRAM WHO IS SUBJECT TO AN IEP,
22 THE STUDENT'S RESIDENT SCHOOL DISTRICT SHALL, IN ADDITION TO THE
23 REGULAR EDUCATION TUITION PAYMENT MADE ON BEHALF OF THE STUDENT:

24 (1) PROVIDE THE STUDENT WITH SPECIAL EDUCATION SERVICES
25 REQUIRED UNDER THE STUDENT'S IEP, AT THE RESIDENT SCHOOL
26 DISTRICT'S COST; OR

27 (2) MAKE PAYMENT TO THE RECOVERY HIGH SCHOOL FOR SPECIAL
28 EDUCATION SERVICES PROVIDED TO THE STUDENT BY THE RECOVERY
29 HIGH SCHOOL.

30 (D) TREATMENT OF SCHOOL DISTRICT SUBSIDIES.--A STUDENT

1 ENROLLED IN A RECOVERY HIGH SCHOOL UNDER THE PROGRAM SHALL BE
2 INCLUDED IN THE AVERAGE DAILY MEMBERSHIP OF THE STUDENT'S
3 DISTRICT OF RESIDENCE FOR THE PURPOSE OF PROVIDING BASIC
4 EDUCATION FUNDING PAYMENTS AND SPECIAL EDUCATION FUNDING UNDER
5 ARTICLE XXV.

6 SECTION 1406-A. TERM OF DRUG AND ALCOHOL RECOVERY HIGH SCHOOL
7 PILOT PROGRAM.

8 (A) ENROLLMENT OF NEW STUDENTS.--UNLESS THE PROGRAM IS
9 PERMANENTLY ESTABLISHED BY ACTION OF THE GENERAL ASSEMBLY, THE
10 RECOVERY HIGH SCHOOL SHALL NOT ENROLL NEW STUDENTS UNDER THE
11 PROGRAM AFTER JUNE 30, 2020.

12 (B) CONTINUED ENROLLMENT.--IF THE PROGRAM IS NOT PERMANENTLY
13 ESTABLISHED BY ACTION OF THE GENERAL ASSEMBLY ON OR BEFORE JUNE
14 30, 2020, A STUDENT ENROLLED IN THE RECOVERY HIGH SCHOOL UNDER
15 THE PROGRAM AS OF JUNE 30, 2020, MAY REMAIN ENROLLED IN THE
16 RECOVERY HIGH SCHOOL UNDER THE PROGRAM UNTIL THE EARLIER OF THE
17 FOLLOWING:

18 (1) THE STUDENT'S GRADUATION FROM THE RECOVERY HIGH
19 SCHOOL.

20 (2) THE STUDENT'S WITHDRAWAL FROM THE RECOVERY HIGH
21 SCHOOL.

22 (3) THE STUDENT'S COMPLETION OF FOUR YEARS OF ENROLLMENT
23 IN THE RECOVERY HIGH SCHOOL UNDER THE PROGRAM.

24 SECTION 1407-A. REPORTING.

25 (A) REPORT BY RECOVERY HIGH SCHOOL.--BY AUGUST 31, 2018, AND
26 BY AUGUST 31 OF EACH YEAR THEREAFTER, THE RECOVERY HIGH SCHOOL
27 SHALL SUBMIT ANNUALLY TO THE SECRETARY OF EDUCATION, THE
28 SECRETARY OF DRUG AND ALCOHOL PROGRAMS, THE CHAIRPERSON AND
29 MINORITY CHAIRPERSON OF THE EDUCATION COMMITTEE OF THE SENATE,
30 THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE EDUCATION

1 COMMITTEE OF THE HOUSE OF REPRESENTATIVES, THE CHAIRPERSON AND
2 MINORITY CHAIRPERSON OF THE PUBLIC HEALTH AND WELFARE COMMITTEE
3 OF THE SENATE AND THE CHAIRPERSON AND MINORITY CHAIRPERSON OF
4 THE HEALTH COMMITTEE OF THE HOUSE OF REPRESENTATIVES A WRITTEN
5 REPORT CONCERNING THE PROGRAM. THE REPORT SHALL INCLUDE, BUT NOT
6 BE LIMITED TO, ALL OF THE FOLLOWING, SUBJECT TO THE REQUIREMENTS
7 OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (PUBLIC
8 LAW 90-247, 20 U.S.C. § 1232G) AND TO THE EXTENT SUCH REPORTING
9 DOES NOT REVEAL IDENTIFYING INFORMATION CONCERNING ANY
10 INDIVIDUAL STUDENT:

11 (1) THE NUMBER OF STUDENTS WHO:

12 (I) ENROLLED IN THE RECOVERY HIGH SCHOOL UNDER THE
13 PROGRAM FOR THE PRECEDING REPORTING PERIOD.

14 (II) REQUESTED ENROLLMENT IN THE RECOVERY HIGH
15 SCHOOL UNDER THE PROGRAM BUT WERE DENIED PARTICIPATION IN
16 THE PROGRAM FOR THE PRECEDING REPORTING PERIOD.

17 (III) ENROLLED IN THE RECOVERY HIGH SCHOOL BUT WHO
18 WERE NOT PARTICIPANTS IN THE PROGRAM FOR THE PRECEDING
19 REPORTING PERIOD.

20 (2) THE NUMBER AND PERCENTAGE OF STUDENTS ENROLLED IN
21 THE RECOVERY HIGH SCHOOL DURING THE PREVIOUS REPORTING PERIOD
22 TO WHOM EACH OF THE FOLLOWING APPLY, REPORTED SEPARATELY
23 BASED ON WHETHER OR NOT THE STUDENTS WERE PARTICIPANTS IN THE
24 PROGRAM:

25 (I) EARNED A HIGH SCHOOL DIPLOMA FROM THE RECOVERY
26 HIGH SCHOOL.

27 (II) WITHDREW FROM THE RECOVERY HIGH SCHOOL AND
28 REQUESTED TRANSFER OF EDUCATIONAL RECORDS TO ANOTHER
29 SCHOOL.

30 (III) WITHDREW FROM THE RECOVERY HIGH SCHOOL WITHOUT

1 REQUESTING TRANSFER OF EDUCATIONAL RECORDS TO ANOTHER
2 SCHOOL.

3 (IV) MAINTAINED ENROLLMENT IN THE RECOVERY HIGH
4 SCHOOL IN GOOD STANDING.

5 (3) A NARRATIVE DESCRIPTION OF THE ACADEMIC OUTCOMES FOR
6 STUDENTS ENROLLED IN THE RECOVERY HIGH SCHOOL, INCLUDING
7 AGGREGATE ASSESSMENT RESULTS, REPORTED SEPARATELY BASED ON
8 WHETHER OR NOT THE STUDENTS WERE PARTICIPANTS IN THE PROGRAM.

9 (4) A NARRATIVE DESCRIPTION OF STUDENT SUCCESS IN
10 MANAGING ISSUES CONCERNING DRUG OR ALCOHOL ABUSE OR
11 ADDICTION, REPORTED SEPARATELY BASED ON WHETHER OR NOT THE
12 STUDENTS WERE PARTICIPANTS IN THE PROGRAM.

13 (5) RECOMMENDATIONS FOR IMPROVEMENTS TO THE PROGRAM.

14 (6) ANY INFORMATION REGARDING THE PROGRAM THAT THE
15 RECOVERY HIGH SCHOOL DETERMINES WOULD BE USEFUL TO THE
16 GENERAL ASSEMBLY, THE DEPARTMENT OF EDUCATION AND THE
17 DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS IN DETERMINING
18 WHETHER CHANGES TO THE PROGRAM ARE NECESSARY AND WHETHER THE
19 PROGRAM SHOULD BE CONTINUED.

20 (B) REPORT BY DEPARTMENT OF EDUCATION AND DEPARTMENT OF DRUG
21 AND ALCOHOL PROGRAMS.--BY DECEMBER 31, 2019, THE DEPARTMENT OF
22 EDUCATION AND THE DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS,
23 JOINTLY, SHALL SUBMIT TO THE CHAIRPERSON AND MINORITY
24 CHAIRPERSON OF THE EDUCATION COMMITTEE OF THE SENATE, THE
25 CHAIRPERSON AND MINORITY CHAIRPERSON OF THE EDUCATION COMMITTEE
26 OF THE HOUSE OF REPRESENTATIVES, THE CHAIRPERSON AND MINORITY
27 CHAIRPERSON OF THE PUBLIC HEALTH AND WELFARE COMMITTEE OF THE
28 SENATE AND THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
29 HEALTH COMMITTEE OF THE HOUSE OF REPRESENTATIVES A WRITTEN
30 REPORT ASSESSING THE SUCCESS OF THE PROGRAM AND MAKING

1 RECOMMENDATIONS REGARDING THE POSSIBLE EXTENSION AND EXPANSION
2 OF THE PROGRAM, INCLUDING A PROPOSED TIMELINE FOR ANY POTENTIAL
3 EXPANSION.

4 SECTION 1408-A. AUDIT REQUIRED.

5 THE RECOVERY HIGH SCHOOL SHALL SUBMIT ANNUALLY TO THE
6 SECRETARY OF EDUCATION, THE SECRETARY OF DRUG AND ALCOHOL
7 PROGRAMS, THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
8 EDUCATION COMMITTEE OF THE SENATE, THE CHAIRPERSON AND MINORITY
9 CHAIRPERSON OF THE EDUCATION COMMITTEE OF THE HOUSE OF
10 REPRESENTATIVES, THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE
11 PUBLIC HEALTH AND WELFARE COMMITTEE OF THE SENATE AND THE
12 CHAIRPERSON AND MINORITY CHAIRPERSON OF THE HEALTH COMMITTEE OF
13 THE HOUSE OF REPRESENTATIVES A COMPLETE CERTIFIED AUDIT OF THE
14 RECOVERY HIGH SCHOOL'S PARTICIPATION IN THE PROGRAM. THE AUDIT
15 SHALL BE CONDUCTED BY A QUALIFIED INDEPENDENT CERTIFIED PUBLIC
16 ACCOUNTANT UNDER GENERALLY ACCEPTED AUDIT STANDARDS OF THE
17 GOVERNMENTAL ACCOUNTING STANDARDS BOARD.

18 ARTICLE XV-H

19 ADMINISTRATIVE PARTNERSHIPS

20 BETWEEN SCHOOL ENTITIES

21 SUBARTICLE A

22 PRELIMINARY PROVISIONS

23 SECTION 1501-H. LEGISLATIVE INTENT.

24 IT IS THE INTENT OF THE GENERAL ASSEMBLY TO HELP SCHOOL
25 ENTITIES SAVE MONEY AND OPERATE MORE EFFICIENTLY BY ENCOURAGING
26 PARTNERSHIPS OF ROUTINE ADMINISTRATIVE FUNCTIONS BETWEEN SCHOOL
27 ENTITIES. IT IS ALSO THE INTENT OF THE GENERAL ASSEMBLY TO
28 PROVIDE FOR ADDITIONAL OPPORTUNITIES BETWEEN SCHOOL ENTITIES TO
29 COOPERATIVELY DEVELOP JOINT OR SHARED EDUCATIONAL PROGRAMS FOR
30 STUDENTS AND EDUCATORS.

1 SECTION 1502-H. DEFINITIONS.

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

5 "DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE
6 COMMONWEALTH.

7 "GRANT PROGRAM." THE ADMINISTRATIVE PARTNERSHIP GRANT PILOT
8 PROGRAM ESTABLISHED UNDER THIS ARTICLE.

9 "SCHOOL ENTITY." A SCHOOL DISTRICT OR AN INTERMEDIATE UNIT.

10 "SECRETARY." THE SECRETARY OF EDUCATION OF THE COMMONWEALTH.

11 SUBARTICLE B

12 ADMINISTRATIVE PROVISIONS

13 SECTION 1511-H. AUTHORIZATION OF ADMINISTRATIVE PARTNERSHIPS.

14 CONSISTENT WITH THE PROVISIONS OF 53 PA.C.S. CH. 23 (RELATING
15 TO INTERGOVERNMENTAL COOPERATION), TWO OR MORE SCHOOL ENTITIES
16 MAY ENTER INTO AN AGREEMENT TO SHARE THE FOLLOWING BETWEEN THE
17 SCHOOL ENTITIES:

18 (1) A SUPERINTENDENT OR ASSISTANT SUPERINTENDENT, DULY
19 ELECTED IN ACCORDANCE WITH LAW, FOR THE GENERAL SUPERVISION
20 AND DIRECTION OF ALL OPERATIONS OF EACH DISTRICT AND TO
21 PERFORM FOR EACH DISTRICT THOSE DUTIES IMPOSED UPON A
22 SUPERINTENDENT OR ASSISTANT SUPERINTENDENT UNDER THIS ACT.

23 (2) SUPERINTENDENT OFFICE PERSONNEL TO PERFORM FOR EACH
24 DISTRICT THOSE DUTIES IMPOSED ON SUPERINTENDENT OFFICE
25 PERSONNEL UNDER THIS ACT.

26 (3) A BUSINESS ADMINISTRATOR, BUSINESS MANAGER OR OTHER
27 BUSINESS OFFICE PERSONNEL WHO PERFORM THE BUSINESS MANAGEMENT
28 RESPONSIBILITIES UNDER SECTION 433 AND OTHER DUTIES AS
29 IMPOSED BY THE BOARD OF SCHOOL DIRECTORS OR THE GOVERNING
30 BODY OF THE INTERMEDIATE UNIT, INCLUDING, BUT NOT LIMITED TO,

1 FINANCIAL AND BUDGETING SERVICES, RECEIVING AND DISBURSING
2 FUNDS, PAYROLL SERVICES, FINANCIAL ACCOUNTING, INTERNAL
3 AUDITING AND PROPERTY ACCOUNTING SERVICES FOR EACH DISTRICT.

4 (4) THE MANAGEMENT OF SCHOOL FACILITIES, INCLUDING
5 DIRECTING AND SUPERVISING OF THE OPERATION AND MAINTENANCE OF
6 SCHOOL BUILDINGS AND GROUNDS.

7 (5) THE MANAGEMENT OF PURCHASING SERVICES, INCLUDING
8 PURCHASING SUPPLIES, FURNITURE, EQUIPMENT AND MATERIALS USED
9 IN THE OPERATION OF A SCHOOL ENTITY.

10 (6) THE MANAGEMENT AND SHARING OF TECHNOLOGY RESOURCES,
11 INCLUDING INFORMATION TECHNOLOGIES, NETWORKS, HARDWARE OR
12 PERSONNEL.

13 (7) OTHER MANAGERIAL FUNCTIONS AS DEEMED APPROPRIATE BY
14 TWO OR MORE SCHOOL ENTITIES TO SHARE AS APPROVED BY THE
15 SECRETARY.

16 SUBARTICLE C

17 ADMINISTRATIVE PARTNERSHIP

18 GRANT PILOT PROGRAM

19 SECTION 1521-H. ESTABLISHMENT.

20 THE ADMINISTRATIVE PARTNERSHIP GRANT PILOT PROGRAM IS
21 ESTABLISHED IN THE DEPARTMENT TO PROVIDE FINANCIAL ASSISTANCE TO
22 FACILITATE THE SHARING OF ADMINISTRATIVE FUNCTIONS BETWEEN
23 SCHOOL ENTITIES AS AUTHORIZED UNDER SUBARTICLE B.

24 SECTION 1522-H. APPLICATION.

25 THE DEPARTMENT SHALL DEVELOP A PROCEDURE FOR AWARDING GRANTS
26 UNDER THE PROGRAM. TWO OR MORE SCHOOL ENTITIES MAY APPLY FOR A
27 GRANT UNDER THE PROGRAM AS PRESCRIBED BY THE DEPARTMENT. THE
28 APPLICATION AT A MINIMUM SHALL CONTAIN THE FOLLOWING:

29 (1) A DETAILED DESCRIPTION OF THE ADMINISTRATIVE
30 FUNCTIONS THE SCHOOL ENTITIES INTEND TO SHARE UNDER

1 SUBARTICLE B.

2 (2) THE AMOUNT OF GRANT FUNDING BEING REQUESTED.

3 (3) AN ESTIMATE OF THE COST SAVINGS OR OTHER
4 EFFICIENCIES THAT THE PARTNERSHIP WILL ACHIEVE.

5 (4) ANY ADDITIONAL BENEFITS TO STUDENTS AND EDUCATORS.

6 (5) ADOPTION OF A RESOLUTION BY THE GOVERNING BODIES OF
7 THE SCHOOL ENTITIES APPROVING THE PARTNERSHIP DESCRIBED IN
8 PARAGRAPH (1).

9 SECTION 1523-H. GRANT AWARDS.

10 (A) GENERAL RULE.--THE SECRETARY SHALL MAKE NO MORE THAN
11 FOUR GRANT AWARDS EACH FISCAL YEAR IN AN AMOUNT NOT TO EXCEED
12 \$250,000 PER GRANT AWARD.

13 (B) GRANT PRIORITIZATION.--THE SECRETARY SHALL GIVE PRIORITY
14 TO AN APPLICATION FOR GRANT FUNDING UNDER THIS SUBARTICLE TO
15 THOSE SCHOOL DISTRICTS WHO HAVE APPLIED AND DEMONSTRATED AN
16 EXISTING PARTNERSHIP CONSISTENT WITH THIS ARTICLE.

17 (C) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE
18 CONSTRUED TO PROHIBIT THE SECRETARY FROM MAKING A GRANT AWARD TO
19 THE SAME APPLICANTS IN SUBSEQUENT YEARS, PROVIDED, HOWEVER, THAT
20 NO SCHOOL ENTITY MAY BE ELIGIBLE TO RECEIVE MORE THAN THREE
21 GRANT AWARDS.

22 SECTION 1524-H. FUNDS.

23 THE DEPARTMENT MAY USE THE FOLLOWING TO AWARD GRANTS UNDER
24 THE PROGRAM:

25 (1) APPROPRIATIONS MADE BY THE GENERAL ASSEMBLY FOR THE
26 PROGRAM.

27 (2) FUNDING APPROPRIATED TO THE DEPARTMENT FOR GENERAL
28 GOVERNMENT OPERATIONS.

29 (3) UP TO \$250,000 ANNUALLY OF UNDISTRIBUTED FUNDS NOT
30 EXPENDED, ENCUMBERED OR COMMITTED FROM APPROPRIATIONS FOR

1 GRANTS AND SUBSIDIES MADE TO THE DEPARTMENT TO AWARD GRANTS.
2 THE FUNDS SHALL BE TRANSFERRED BY THE SECRETARY OF THE BUDGET
3 TO A RESTRICTED ACCOUNT AS NECESSARY TO AWARD GRANTS AND,
4 WHEN TRANSFERRED, ARE HEREBY APPROPRIATED TO CARRY OUT THE
5 PROVISIONS OF THIS SUBARTICLE.

6 SECTION 1525-H. TECHNICAL ASSISTANCE.

7 THE DEPARTMENT SHALL PROVIDE TECHNICAL ASSISTANCE TO SCHOOL
8 ENTITIES APPLYING TO SHARE ADMINISTRATIVE FUNCTIONS UNDER THIS
9 ARTICLE.

10 SECTION 1526-H. REPORTS BY SCHOOL ENTITIES.

11 SCHOOL ENTITIES THAT ARE AWARDED A GRANT UNDER THIS
12 SUBARTICLE SHALL MAKE A PRELIMINARY REPORT TO THE DEPARTMENT
13 DETAILING THE PROGRESS MADE TOWARD ACHIEVING THE SHARED SERVICES
14 OUTLINED IN ITS GRANT APPLICATION 180 DAYS FOLLOWING A GRANT
15 AWARD AND MAKE A FINAL REPORT NO LATER THAN 60 DAYS AFTER THE
16 COMPLETION OF THE ADMINISTRATIVE PARTNERSHIP OUTLINED IN THE
17 GRANT APPLICATION. THE REPORTS REQUIRED UNDER THIS SECTION SHALL
18 INCLUDE, AT A MINIMUM, THE FOLLOWING:

19 (1) ACTUAL COST SAVINGS, EITHER DIRECTLY OR THROUGH
20 AVOIDED COSTS, ACHIEVED BY THE SHARING OF SERVICES AUTHORIZED
21 UNDER THIS ARTICLE.

22 (2) A DESCRIPTION OF HOW OPERATIONAL EFFICIENCIES WERE
23 IMPROVED AS A RESULT OF THE SHARING OF SERVICES AUTHORIZED
24 UNDER THIS ARTICLE.

25 (3) INFORMATION RELATING TO ANY IMPEDIMENTS THE
26 DISTRICTS EXPERIENCED IN SUCCESSFULLY IMPLEMENTING THE
27 SHARING OF SERVICES UNDER THIS ARTICLE.

28 (4) INFORMATION RELATING TO ANY ENHANCEMENTS OR
29 ADDITIONS TO EDUCATIONAL PROGRAMMING OR IMPROVEMENTS IN
30 STUDENT ACHIEVEMENT AS A RESULT OF THE SHARING OF SERVICES

1 AUTHORIZED UNDER THIS ARTICLE.

2 (5) ANY OTHER INFORMATION A SCHOOL ENTITY MAY DEEM
3 NECESSARY.

4 SECTION 1527-H. REPORTS BY DEPARTMENT.

5 THE DEPARTMENT SHALL COMPILE THE REPORTS IT RECEIVES UNDER
6 SECTION 1526-H AND TRANSMIT THEM TO THE CHAIRPERSON OF THE
7 APPROPRIATIONS COMMITTEE OF THE SENATE, THE CHAIRPERSON OF THE
8 EDUCATION COMMITTEE OF THE SENATE, THE CHAIRPERSON OF THE
9 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
10 CHAIRPERSON OF THE EDUCATION COMMITTEE OF THE HOUSE OF
11 REPRESENTATIVES ANNUALLY BEGINNING NO LATER THAN JUNE 30, 2017.

12 ARTICLE XV-I

13 E-CHIEVEMENT PROGRAM

14 SECTION 1501-I. SCOPE OF ARTICLE.

15 THIS ARTICLE RELATES TO THE E-CHIEVEMENT PROGRAM.

16 SECTION 1502-I. DEFINITIONS.

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

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

22 "HYBRID LEARNING." AN INSTRUCTIONAL STRATEGY THAT BLENDS
23 DIGITAL RESOURCES WITH CLASSROOM TEACHING. THE TERM SHALL NOT
24 INCLUDE INSTRUCTION THROUGH A DISTANCE EDUCATION PROGRAM.

25 "NONPUBLIC SCHOOL." A NONPROFIT SCHOOL IN WHICH A RESIDENT
26 OF THIS COMMONWEALTH MAY LEGALLY FULFILL THE COMPULSORY SCHOOL
27 ATTENDANCE REQUIREMENTS OF THIS ACT AND WHICH MEETS THE
28 REQUIREMENTS OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (PUBLIC
29 LAW 88-352, 78 STAT. 241). THE TERM SHALL NOT INCLUDE A PUBLIC
30 SCHOOL LOCATED WITHIN THIS COMMONWEALTH.

1 "PROGRAM." THE E-CHIEVEMENT PROGRAM ESTABLISHED UNDER THIS
2 ARTICLE.

3 "SCHOOL ENTITY." ANY OF THE FOLLOWING:

4 (1) A SCHOOL DISTRICT.

5 (2) AN INTERMEDIATE UNIT.

6 (3) AN AREA VOCATIONAL-TECHNICAL SCHOOL.

7 (4) A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL, AS
8 DEFINED IN SECTION 1703-A.

9 "STATE ASSESSMENT." ANY OF THE FOLLOWING:

10 (1) THE PENNSYLVANIA SYSTEM OF SCHOOL ASSESSMENT.

11 (2) THE KEYSTONE EXAMS.

12 (3) A TEST, EXCEPT A TEST LISTED UNDER PARAGRAPH (1) OR
13 (2), ESTABLISHED OR APPROVED BY THE STATE BOARD OF EDUCATION
14 OR GENERAL ASSEMBLY TO MEET THE REQUIREMENTS OF SECTION 2603-
15 B(D)(10)(I), AND REQUIRED UNDER THE EVERY STUDENT SUCCEEDS
16 ACT (PUBLIC LAW 114-95, 129 STAT. 1802) OR ITS SUCCESSOR
17 STATUTE.

18 (4) A TEST REQUIRED TO ACHIEVE OTHER STANDARDS
19 ESTABLISHED BY THE DEPARTMENT OF EDUCATION FOR A PUBLIC
20 SCHOOL OR SCHOOL DISTRICT UNDER 22 PA. CODE § 403.3 (RELATING
21 TO SINGLE ACCOUNTABILITY SYSTEM).

22 SECTION 1503-I. E-CHIEVEMENT PROGRAM.

23 (A) ESTABLISHMENT.--THE E-CHIEVEMENT PROGRAM IS ESTABLISHED
24 IN THE DEPARTMENT TO AWARD GRANTS ON A COMPETITIVE BASIS TO
25 ELIGIBLE SCHOOL ENTITIES TO THE EXTENT THAT FUNDS ARE
26 APPROPRIATED FOR THIS PURPOSE.

27 (B) ELIGIBILITY.--

28 (1) A SCHOOL ENTITY MAY APPLY TO THE DEPARTMENT FOR A
29 PLANNING GRANT OR IMPLEMENTATION GRANT UNDER THE PROGRAM.
30 SCHOOL ENTITIES MAY SUBMIT A JOINT APPLICATION.

1 (2) A NONPUBLIC SCHOOL MAY PARTICIPATE IN THE GRANT
2 PROCESS THROUGH A PARTNERSHIP WITH A SCHOOL ENTITY FOR THE
3 PLANNING OR IMPLEMENTATION OF HYBRID LEARNING.

4 (3) THE DEPARTMENT SHALL ESTABLISH CRITERIA TO DETERMINE
5 WHETHER A SCHOOL ENTITY IS ELIGIBLE TO RECEIVE A GRANT UNDER
6 THIS ARTICLE AND SHALL GIVE PRIORITY TO SCHOOL ENTITIES THAT
7 SUBMIT A JOINT APPLICATION.

8 (C) APPLICATIONS.--A SCHOOL ENTITY SHALL SUBMIT AN
9 APPLICATION, IN A FORM DEEMED ACCEPTABLE BY THE DEPARTMENT, TO
10 THE DEPARTMENT IN ORDER TO BE AWARDED A PLANNING GRANT OR
11 IMPLEMENTATION GRANT FROM THE DEPARTMENT UNDER THIS ARTICLE. THE
12 GRANT APPLICATION MUST DESCRIBE THE MANNER IN WHICH THE
13 APPLICANT WILL USE HYBRID LEARNING TO IMPROVE STUDENT
14 ACHIEVEMENT.

15 (D) GRANT AGREEMENT.--AN ELIGIBLE SCHOOL ENTITY THAT IS
16 AWARDED A PLANNING GRANT OR IMPLEMENTATION GRANT UNDER THIS
17 ARTICLE SHALL EXECUTE A GRANT AGREEMENT WITH THE DEPARTMENT THAT
18 PROVIDES FOR THE FOLLOWING:

19 (1) THE SCHOOL ENTITY WILL PROVIDE A CASH OR IN-KIND
20 LOCAL MATCH OF MONEY IN SUPPORT OF HYBRID LEARNING WITHIN THE
21 SCHOOL ENTITY OF AT LEAST 25% OF THE TOTAL PROJECT COST.

22 (2) THE SCHOOL ENTITY WILL WORK COLLABORATIVELY TO SHARE
23 LESSONS AND BEST PRACTICES WITH OTHER SCHOOL ENTITIES.

24 (3) THE SCHOOL ENTITY WILL REPORT TO THE DEPARTMENT AND
25 THE GENERAL ASSEMBLY, AS REQUESTED, HYBRID LEARNING OUTCOMES,
26 WHICH SHALL INCLUDE THE FOLLOWING:

27 (I) STUDENT PERFORMANCE AND ACADEMIC GROWTH ON STATE
28 AND LOCAL ASSESSMENTS.

29 (II) SCHOOL DISCIPLINE REPORTS.

30 (III) SURVEY RESPONSES REGARDING THE IMPACT OF

1 HYBRID LEARNING ON STUDENT ENGAGEMENT, TECHNOLOGY SKILLS
2 ACQUISITION AND COMPETENCY, TEACHER EFFECTIVENESS AND
3 SCHOOL PRODUCTIVITY.

4 (E) USE OF GRANTS.--

5 (1) A GRANT ISSUED BY THE DEPARTMENT UNDER THIS ARTICLE
6 SHALL BE USED FOR COMPONENTS OF HYBRID LEARNING, INCLUDING,
7 BUT NOT LIMITED TO, DIGITAL INSTRUCTIONAL CONTENT, CLASSROOM
8 MANAGEMENT TOOLS, OPERATIONS SUPPORT, TECHNOLOGY AND
9 EQUIPMENT, PROFESSIONAL DEVELOPMENT, INSTRUCTIONAL COACHING,
10 CONSULTING SERVICES AND PLANNING ASSISTANCE.

11 (2) A GRANT ISSUED BY THE DEPARTMENT UNDER THIS ARTICLE
12 MAY NOT BE USED FOR:

13 (I) STAFF COMPENSATION, EXCEPT TO THE EXTENT
14 NECESSARY FOR SUBSTITUTE TEACHERS OR THE COST OF
15 PROFESSIONAL DEVELOPMENT ACTIVITIES RELATED TO HYBRID
16 LEARNING AS DEFINED IN THE APPLICATION.

17 (II) THE PURCHASE OF COMPUTER HARDWARE AND
18 TECHNOLOGY EQUIPMENT, EXCEPT THAT A SCHOOL ENTITY AWARDED
19 AN IMPLEMENTATION GRANT MAY USE UP TO 25% OF THE GRANT
20 AWARD FOR THE PURCHASE OF COMPUTER HARDWARE AND
21 TECHNOLOGY EQUIPMENT.

22 SECTION 1504-I. PLANNING GRANTS.

23 (A) GENERAL RULE.--A PLANNING GRANT FROM THE PROGRAM MAY BE
24 ISSUED TO ELIGIBLE SCHOOL ENTITIES THAT ARE INTERESTED IN HYBRID
25 LEARNING, BUT DO NOT HAVE COMPREHENSIVE PLANS TO DELIVER HYBRID
26 LEARNING.

27 (B) LIMITATION ON AMOUNT.--A PLANNING GRANT UNDER THIS
28 ARTICLE MAY NOT EXCEED \$50,000 FOR A SCHOOL ENTITY OR \$50,000
29 FOR EACH SCHOOL ENTITY THAT SUBMITS A JOINT APPLICATION. A
30 SCHOOL ENTITY MAY NOT RECEIVE MORE THAN ONE PLANNING GRANT

1 WITHIN A FIVE-YEAR PERIOD.

2 (C) FOR EACH NEW AWARD YEAR, THE DEPARTMENT SHALL ANNUALLY
3 ADJUST THE AWARD AMOUNTS UNDER SUBSECTION (B) TO REFLECT ANY
4 UPWARD CHANGES IN THE CONSUMER PRICE INDEX FOR ALL URBAN
5 CONSUMERS FOR THE PENNSYLVANIA, NEW JERSEY, DELAWARE AND
6 MARYLAND AREA.

7 (D) REQUIRED INFORMATION FOR APPLICATION.--A SCHOOL ENTITY
8 THAT APPLIES FOR A PLANNING GRANT SHALL SUBMIT THE FOLLOWING
9 INFORMATION IN THE GRANT APPLICATION:

10 (1) A STATEMENT OF OBJECTIVES, WHICH SHALL INCLUDE
11 STRATEGIES TO IMPROVE ACADEMIC ACHIEVEMENT AND INCREASE
12 STUDENT ENGAGEMENT THROUGH THE FOLLOWING:

13 (I) DELIVERY OF LESSONS IN SMALL GROUPS.

14 (II) USE OF DATA TO DIFFERENTIATE INSTRUCTION.

15 (III) ENCOURAGEMENT OF INDIVIDUALLY PACED LEARNING.

16 (IV) APPLICATION OF MULTIPLE EDUCATIONAL
17 METHODOLOGIES.

18 (2) AN OVERVIEW OF THE PLANNING PROCESS.

19 (3) THE PROPOSED PLANNING BUDGET, INCLUDING THE LOCAL
20 MATCH.

21 (4) A DESCRIPTION OF THE PROFESSIONAL DEVELOPMENT THAT
22 WILL OCCUR DURING THE PLANNING PERIOD.

23 (5) A DESCRIPTION OF HOW THE SCHOOL ENTITY WILL BE ABLE
24 TO CONTINUE TO PROVIDE HYBRID LEARNING WITHOUT FUNDING FROM
25 THE COMMONWEALTH.

26 SECTION 1505-I. IMPLEMENTATION GRANTS.

27 (A) GENERAL RULE.--AN IMPLEMENTATION GRANT FROM THE PROGRAM
28 MAY BE ISSUED TO ELIGIBLE SCHOOL ENTITIES THAT AT THE TIME OF
29 APPLICATION:

30 (1) HAVE A COMPREHENSIVE PLAN FOR HYBRID LEARNING

1 DESIGNS AND ARE READY TO IMPLEMENT HYBRID LEARNING WITHIN THE
2 SCHOOL YEAR IN WHICH THE SCHOOL ENTITY RECEIVES THE
3 IMPLEMENTATION GRANT; OR

4 (2) DELIVER HYBRID LEARNING AND INTEND TO EXPAND HYBRID
5 LEARNING.

6 (B) LIMITATION ON AMOUNT.--AN IMPLEMENTATION GRANT UNDER
7 THIS ARTICLE MAY NOT EXCEED \$250,000 ANNUALLY FOR A SCHOOL
8 ENTITY OR \$250,000 ANNUALLY FOR EACH SCHOOL ENTITY THAT SUBMITS
9 A JOINT APPLICATION. A SCHOOL ENTITY MAY NOT RECEIVE MORE THAN
10 ONE IMPLEMENTATION GRANT PER YEAR AND MAY NOT RECEIVE MORE THAN
11 A TOTAL OF THREE IMPLEMENTATION GRANTS WITHIN A FIVE-YEAR
12 PERIOD. A SCHOOL ENTITY SHALL SUBMIT A NEW GRANT APPLICATION, AS
13 REQUIRED UNDER SECTION 1503-I(C), IN ORDER TO RENEW AN
14 IMPLEMENTATION GRANT.

15 (C) FOR EACH NEW AWARD YEAR, THE DEPARTMENT SHALL ANNUALLY
16 ADJUST THE AWARD AMOUNTS UNDER SUBSECTION (B) TO REFLECT ANY
17 UPWARD CHANGES IN THE CONSUMER PRICE INDEX FOR ALL URBAN
18 CONSUMERS FOR THE PENNSYLVANIA, NEW JERSEY, DELAWARE AND
19 MARYLAND AREA.

20 (D) REQUIRED INFORMATION FOR APPLICATION.--A SCHOOL ENTITY
21 THAT APPLIES FOR AN IMPLEMENTATION GRANT SHALL SUBMIT THE
22 FOLLOWING INFORMATION IN THE GRANT APPLICATION:

23 (1) A STATEMENT OF OBJECTIVES, WHICH SHALL INCLUDE
24 STRATEGIES TO IMPROVE ACADEMIC ACHIEVEMENT AND INCREASE
25 STUDENT ENGAGEMENT THROUGH THE FOLLOWING:

26 (I) DELIVERY OF LESSONS IN SMALL GROUPS.

27 (II) USE OF DATA TO DIFFERENTIATE INSTRUCTION.

28 (III) ENCOURAGEMENT OF INDIVIDUALLY PACED LEARNING.

29 (IV) APPLICATION OF MULTIPLE EDUCATIONAL
30 METHODOLOGIES.

1 (2) A DETAILED HYBRID LEARNING DESIGN.

2 (3) AN OVERVIEW OF THE IMPLEMENTATION OR EXPANSION PLAN
3 FOR HYBRID LEARNING.

4 (4) THE PROPOSED HYBRID LEARNING BUDGET, INCLUDING THE
5 LOCAL MATCH.

6 (5) A SUMMARY OF THE PROFESSIONAL DEVELOPMENT PROGRAM
7 THAT WILL OCCUR DURING THE IMPLEMENTATION PERIOD.

8 (6) A DESCRIPTION OF HOW THE SCHOOL ENTITY WILL DEFINE
9 SUCCESS, MONITOR PROGRESS AND MAKE PROGRAM IMPROVEMENTS.

10 (7) WHERE APPLICABLE, A PROPOSAL FOR EXPANDING HYBRID
11 LEARNING, WHICH SHALL INCLUDE A PLAN FOR EACH STAGE OF THE
12 EXPANSION.

13 (8) A DESCRIPTION OF HOW THE SCHOOL ENTITY WILL BE ABLE
14 TO CONTINUE TO PROVIDE HYBRID LEARNING WITHOUT FUNDING FROM
15 THE COMMONWEALTH.

16 SECTION 1506-I. REQUIREMENTS FOR HYBRID LEARNING.

17 THE FOLLOWING SHALL APPLY:

18 (1) SCHOOL ENTITIES OFFERING HYBRID LEARNING SHALL
19 DEVELOP POLICIES RELATED TO THE FOLLOWING AND POST SUCH
20 POLICIES ON THE SCHOOL ENTITY'S PUBLICLY ACCESSIBLE INTERNET
21 WEBSITE:

22 (I) GRADING RUBRICS.

23 (II) COURSE CREDIT.

24 (III) STUDENT PROMOTION AND GRADUATION.

25 (IV) ELIGIBILITY REQUIREMENTS FOR STUDENT
26 PARTICIPATION IN HYBRID LEARNING.

27 (2) A SCHOOL ENTITY OFFERING HYBRID LEARNING SHALL
28 ENSURE THAT EACH STUDENT ENROLLED IN THE SCHOOL ENTITY AND
29 PARTICIPATING IN HYBRID LEARNING IS OFFERED AT LEAST THE
30 MINIMUM HOURS OF INSTRUCTION REQUIRED UNDER 22 PA. CODE §

1 11.3 (RELATING TO MINIMUM REQUIRED HOURS).

2 SECTION 1507-I. ANNUAL REPORT.

3 BY NOVEMBER 30, 2017, AND BY NOVEMBER 30 OF EACH YEAR

4 THEREAFTER, THE DEPARTMENT SHALL PREPARE AND SUBMIT AN

5 ELECTRONIC REPORT TO THE GOVERNOR, THE APPROPRIATIONS COMMITTEE

6 OF THE SENATE, THE EDUCATION COMMITTEE OF THE SENATE, THE

7 APPROPRIATIONS COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE

8 EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES REGARDING

9 THE EFFECTIVENESS AND ADMINISTRATION OF THE PROGRAM. THE REPORT

10 SHALL, AT A MINIMUM, INCLUDE THE FOLLOWING:

11 (1) WHETHER THE PROGRAM IS MEETING THE GOAL OF

12 ENCOURAGING INDIVIDUALLY PACED LEARNING TO INCREASE STUDENT

13 ENGAGEMENT AND IMPROVE ACADEMIC PERFORMANCE.

14 (2) THE PROGRAM MEASURES DEVELOPED BY THE DEPARTMENT TO

15 MEASURE OUTCOMES OF THE PROGRAM, INCLUDING STUDENT ACADEMIC

16 PERFORMANCE.

17 (3) INDIVIDUAL SCHOOL ENTITY RESULTS FROM PARTICIPATION

18 IN THE PROGRAM CONSISTENT WITH THE REQUIREMENTS OF THE

19 FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (PUBLIC LAW

20 90-247, 20 U.S.C. § 1232G) OR A SUCCESSOR STATUTE.

21 (4) RECOMMENDATIONS FOR IMPROVEMENTS TO THE

22 ADMINISTRATION OF THE PROGRAM.

23 SECTION 1508-I. COLLECTIVE BARGAINING.

24 NOTHING CONTAINED IN THIS ARTICLE SHALL BE CONSTRUED TO

25 SUPERSEDE OR PREEMPT THE RIGHTS, REMEDIES AND PROCEDURES

26 AFFORDED TO SCHOOL EMPLOYEES OR LABOR ORGANIZATIONS UNDER

27 FEDERAL OR STATE LAW, INCLUDING THE ACT OF JULY 23, 1970

28 (P.L.563, NO.195), KNOWN AS THE PUBLIC EMPLOYE RELATIONS ACT, OR

29 ANY PROVISION OF A COLLECTIVE BARGAINING AGREEMENT NEGOTIATED

30 BETWEEN A SCHOOL ENTITY AND AN EXCLUSIVE REPRESENTATIVE OF THE

1 EMPLOYEES IN ACCORDANCE WITH THAT ACT.

2 SECTION 1509-I. GRANT AWARDS RECEIVED BY SCHOOL DISTRICTS.

3 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A GRANT AWARD
4 RECEIVED BY A SCHOOL DISTRICT UNDER THIS ARTICLE SHALL NOT BE
5 INCLUDED IN THE SCHOOL DISTRICT'S BUDGETED TOTAL EXPENDITURE PER
6 AVERAGE DAILY MEMBERSHIP USED TO CALCULATE THE AMOUNT TO BE PAID
7 TO A CHARTER SCHOOL OR TO A REGIONAL CHARTER SCHOOL UNDER
8 SECTION 1725-A(A) (2) AND (3).

9 SECTION 1510-I. DISTRIBUTION OF FUNDING.

10 THE DEPARTMENT SHALL ENSURE THAT NOT LESS THAN 15% OF MONEY
11 APPROPRIATED OR MADE AVAILABLE TO THE DEPARTMENT FOR GRANTS
12 UNDER THIS ARTICLE ARE ALLOCATED TO SCHOOL ENTITIES THAT RANK IN
13 THE LOWEST 5% OF SCHOOL ENTITIES BASED ON COMBINED MATHEMATICS
14 AND READING SCORES FROM ANNUAL STATE ASSESSMENTS ADMINISTERED IN
15 THE PREVIOUS SCHOOL YEAR AND, TO THE GREATEST EXTENT POSSIBLE,
16 THE DEPARTMENT SHALL ENSURE THAT ALL MONEY APPROPRIATED OR MADE
17 AVAILABLE TO THE DEPARTMENT FOR GRANTS UNDER THIS ARTICLE IS
18 DISTRIBUTED GEOGRAPHICALLY THROUGHOUT THIS COMMONWEALTH.

19 SECTION 8. SECTION 1605 OF THE ACT IS AMENDED BY ADDING A
20 SUBSECTION TO READ:

21 SECTION 1605. COURSES OF STUDY.--* * *

22 (C) (1) BEGINNING WITH THOSE STUDENTS GRADUATING FROM A
23 PUBLIC HIGH SCHOOL AT THE END OF THE 2016-2017 SCHOOL YEAR, AND
24 CONTINUING IN EACH SCHOOL YEAR THEREAFTER, A STUDENT WHO
25 SUCCESSFULLY COMPLETES A COURSE IN COMPUTER SCIENCE OR
26 INFORMATION TECHNOLOGY DURING GRADES NINE THROUGH TWELVE SHALL
27 BE PERMITTED TO APPLY UP TO ONE CREDIT EARNED FOR SUCCESSFUL
28 COMPLETION OF SUCH COURSE TO SATISFY THE STUDENT'S MATHEMATICS
29 OR SCIENCE CREDIT REQUIREMENT FOR GRADUATION, PROVIDED, THAT THE
30 GOVERNING BODY OF THE STUDENT'S PUBLIC HIGH SCHOOL SHALL HAVE

1 DISCRETION TO DETERMINE THE GRADUATION CREDIT REQUIREMENT TO
2 WHICH THE CREDIT EARNED BY THE STUDENT SHALL BE APPLIED.

3 (2) AS USED IN THIS SUBSECTION, "PUBLIC HIGH SCHOOL" SHALL
4 MEAN A PUBLIC SCHOOL, INCLUDING A SCHOOL WITHIN A SCHOOL
5 DISTRICT, A CHARTER SCHOOL, A CYBER CHARTER SCHOOL, A REGIONAL
6 CHARTER SCHOOL OR AN AREA VOCATIONAL-TECHNICAL SCHOOL, THAT
7 OFFERS TWELFTH GRADE.

8 * * *

9 SECTION 8.1. SECTION 1703-A OF THE ACT IS AMENDED BY ADDING
10 A DEFINITION TO READ:

11 SECTION 1703-A. DEFINITIONS.--AS USED IN THIS ARTICLE,
12 "AID RATIO" AND "MARKET VALUE/INCOME AID RATIO" SHALL BE:

13 (1) THE AID RATIO AND MARKET VALUE/INCOME AID RATIO FOR THE
14 SCHOOL DISTRICT THAT GRANTED A CHARTER TO THE CHARTER SCHOOL;

15 (2) FOR A REGIONAL CHARTER SCHOOL, THE AID RATIO AND MARKET
16 VALUE/INCOME AID RATIO SHALL BE A COMPOSITE, AS DETERMINED BY
17 THE DEPARTMENT, BASED ON THE SCHOOL DISTRICTS THAT GRANTED THE
18 CHARTER; OR

19 (3) FOR A CYBER CHARTER SCHOOL, THE AID RATIO AND MARKET
20 VALUE/INCOME AID RATIO SHALL BE THAT OF THE SCHOOL DISTRICT IN
21 WHICH THE ADMINISTRATIVE OFFICES OF THE CYBER CHARTER SCHOOL ARE
22 LOCATED.

23 * * *

24 SECTION 8.2. SECTION 1724-A(C) OF THE ACT, AMENDED JUNE 30,
25 2011 (P.L.112, NO.24), IS AMENDED TO READ:

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

27 (C) ALL EMPLOYEES OF A CHARTER SCHOOL SHALL BE ENROLLED IN
28 THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM IN THE SAME
29 MANNER AS SET FORTH IN 24 PA.C.S. § 8301(A) (RELATING TO
30 MANDATORY AND OPTIONAL MEMBERSHIP) UNLESS AT THE TIME OF THE

1 APPLICATION FOR THE CHARTER SCHOOL THE SPONSORING DISTRICT OR
2 THE BOARD OF TRUSTEES OF THE CHARTER SCHOOL HAS A RETIREMENT
3 PROGRAM WHICH COVERS THE EMPLOYES OR THE EMPLOYEE IS CURRENTLY
4 ENROLLED IN ANOTHER RETIREMENT PROGRAM. [THE COMMONWEALTH SHALL
5 MAKE CONTRIBUTIONS ON BEHALF OF CHARTER SCHOOL EMPLOYES ENROLLED
6 IN THE PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM.] THE CHARTER
7 SCHOOL SHALL BE CONSIDERED A PUBLIC SCHOOL [DISTRICT] AS DEFINED
8 IN 24 PA.C.S. § 8102 (RELATING TO DEFINITIONS) AND SHALL MAKE
9 QUARTERLY PAYMENTS BY EMPLOYERS TO THE PUBLIC SCHOOL EMPLOYEES'
10 RETIREMENT SYSTEM AND MONTHLY PAYMENTS ON ACCOUNT OF SOCIAL
11 SECURITY AS ESTABLISHED UNDER 24 PA.C.S. PT. IV (RELATING TO
12 RETIREMENT FOR SCHOOL EMPLOYEES). [THE MARKET VALUE/INCOME AID
13 RATIO USED IN CALCULATING PAYMENTS AS PRESCRIBED IN THIS
14 SUBSECTION SHALL BE THE MARKET VALUE/INCOME AID RATIO FOR THE
15 SCHOOL DISTRICT IN WHICH THE CHARTER SCHOOL IS LOCATED OR, IN
16 THE CASE OF A REGIONAL CHARTER SCHOOL, SHALL BE A COMPOSITE
17 MARKET VALUE/INCOME AID RATIO FOR THE PARTICIPATING SCHOOL
18 DISTRICTS AS DETERMINED BY THE DEPARTMENT.] EXCEPT AS OTHERWISE
19 PROVIDED, EMPLOYES OF A CHARTER SCHOOL SHALL MAKE REGULAR MEMBER
20 CONTRIBUTIONS AS REQUIRED FOR ACTIVE MEMBERS UNDER 24 PA.C.S.
21 PT. IV. IF THE EMPLOYES OF THE CHARTER SCHOOL PARTICIPATE IN
22 ANOTHER RETIREMENT PLAN, THEN THOSE EMPLOYES SHALL HAVE NO
23 CONCURRENT CLAIM ON THE BENEFITS PROVIDED TO PUBLIC SCHOOL
24 EMPLOYES UNDER 24 PA.C.S. PT. IV. [FOR PURPOSES OF THIS
25 SUBSECTION, A CHARTER SCHOOL SHALL BE DEEMED TO BE A "PUBLIC
26 SCHOOL" AS DEFINED IN 24 PA.C.S. § 8102 (RELATING TO
27 DEFINITIONS).] NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
28 CONTRARY, NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO REQUIRE
29 THE COMMONWEALTH TO MAKE PAYMENTS TO CHARTER SCHOOLS OR
30 CONTRIBUTIONS ON BEHALF OF CHARTER SCHOOL EMPLOYES FROM

1 APPROPRIATED FUNDS, AS PROVIDED IN 24 PA.C.S. §§ 8326 (RELATING
2 TO CONTRIBUTIONS BY THE COMMONWEALTH) AND 8535 (RELATING TO
3 PAYMENTS TO SCHOOL ENTITIES BY COMMONWEALTH) ON ACCOUNT OF
4 CHARTER SCHOOL EMPLOYEES ENROLLED IN THE PUBLIC SCHOOL EMPLOYEES'
5 RETIREMENT SYSTEM AND 24 PA.C.S. § 8329(A) (RELATING TO PAYMENTS
6 ON ACCOUNT OF SOCIAL SECURITY DEDUCTIONS FROM APPROPRIATIONS) ON
7 ACCOUNT OF SOCIAL SECURITY PAYMENTS MADE BY A CHARTER SCHOOL.

8 * * *

9 SECTION 8.3. SECTION 1725-A(A) (5) OF THE ACT, AMENDED OR
10 ADDED JUNE 19, 1997 (P.L.225, NO.22), JUNE 22, 2001 (P.L.530,
11 NO.35) AND JUNE 29, 2002 (P.L.524, NO.88), IS AMENDED TO READ:

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

14 * * *

15 (5) PAYMENTS SHALL BE MADE TO THE CHARTER SCHOOL IN TWELVE
16 (12) EQUAL MONTHLY PAYMENTS, BY THE FIFTH DAY OF EACH MONTH,
17 WITHIN THE OPERATING SCHOOL YEAR. A STUDENT ENROLLED IN A
18 CHARTER SCHOOL SHALL BE INCLUDED IN THE AVERAGE DAILY MEMBERSHIP
19 OF THE STUDENT'S DISTRICT OF RESIDENCE FOR THE PURPOSE OF
20 PROVIDING BASIC EDUCATION FUNDING PAYMENTS AND SPECIAL EDUCATION
21 FUNDING PURSUANT TO ARTICLE XXV. IF A SCHOOL DISTRICT FAILS TO
22 MAKE A PAYMENT TO A CHARTER SCHOOL AS PRESCRIBED IN THIS CLAUSE,
23 THE SECRETARY SHALL DEDUCT THE ESTIMATED AMOUNT, AS DOCUMENTED
24 BY THE CHARTER SCHOOL, FROM ANY AND ALL STATE PAYMENTS MADE TO
25 THE DISTRICT AFTER RECEIPT OF DOCUMENTATION FROM THE CHARTER
26 SCHOOL. NO LATER THAN OCTOBER 1 OF EACH YEAR, A CHARTER SCHOOL
27 SHALL SUBMIT TO THE SCHOOL DISTRICT OF RESIDENCE OF EACH STUDENT
28 FINAL DOCUMENTATION OF PAYMENT TO BE MADE BASED ON THE AVERAGE
29 DAILY MEMBERSHIP FOR THE STUDENTS ENROLLED IN THE CHARTER SCHOOL
30 FROM THE SCHOOL DISTRICT FOR THE PREVIOUS SCHOOL YEAR. IF A

1 SCHOOL DISTRICT FAILS TO MAKE PAYMENT TO THE CHARTER SCHOOL, THE
2 SECRETARY SHALL DEDUCT AND PAY THE AMOUNT AS DOCUMENTED BY THE
3 CHARTER SCHOOL FROM ANY AND ALL STATE PAYMENTS MADE TO THE
4 DISTRICT AFTER RECEIPT OF DOCUMENTATION FROM THE CHARTER SCHOOL
5 FROM THE APPROPRIATIONS FOR THE FISCAL YEAR IN WHICH THE FINAL
6 DOCUMENTATION OF PAYMENT WAS SUBMITTED TO THE SCHOOL DISTRICT OF
7 RESIDENCE.

8 SECTION 9. SECTION 1855 OF THE ACT, AMENDED JUNE 22, 2001
9 (P.L.530, NO.35), IS AMENDED TO READ:

10 SECTION 1855. [VOCATIONAL] CAREER AND TECHNICAL EDUCATION
11 EQUIPMENT GRANTS.--(A) FOR THE 2000-2001 FISCAL YEAR AND THE
12 2001-2002 FISCAL YEAR, THE DEPARTMENT OF EDUCATION SHALL
13 ESTABLISH A GRANT PROGRAM TO ASSIST AREA VOCATIONAL-TECHNICAL
14 SCHOOLS, SCHOOL DISTRICTS OFFERING APPROVED VOCATIONAL-TECHNICAL
15 PROGRAMS AND THE THADDEUS STEVENS STATE COLLEGE OF TECHNOLOGY IN
16 PURCHASING EQUIPMENT THAT MEETS INDUSTRY STANDARDS FOR THE
17 PURPOSE OF PROVIDING TRAINING TO STUDENTS. GRANTS SHALL BE
18 LIMITED TO THE PURCHASE OF EQUIPMENT IN THE FOLLOWING PROGRAM
19 AREAS: AUTOMOTIVE TECHNOLOGY, AUTO BODY, DIESEL TECHNOLOGY,
20 PRECISION MACHINE TECHNOLOGY, HEATING VENTILATION AND AIR
21 CONDITIONING, PRINTING, DENTAL ASSISTING, ELECTRONICS, BUILDING
22 TRADES AND OTHER PROGRAM AREAS APPROVED BY THE SECRETARY OF
23 EDUCATION. GRANTS SHALL BE AWARDED BY THE DEPARTMENT OF
24 EDUCATION ON A MATCHING BASIS, TWO STATE DOLLARS (\$2) FOR EVERY
25 LOCAL DOLLAR (\$1), AND SHALL BE LIMITED TO FUNDS APPROPRIATED
26 FOR THAT PURPOSE.

27 (B) FOR THE 2016-2017 SCHOOL YEAR AND FOR EACH SCHOOL YEAR
28 THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL ESTABLISH A GRANT
29 PROGRAM TO ASSIST EACH AREA VOCATIONAL-TECHNICAL SCHOOL AND
30 SCHOOL DISTRICT WITH AN APPROVED VOCATIONAL PROGRAM THAT APPLIES

1 FOR AND IS APPROVED FOR FUNDING BY THE DEPARTMENT OF EDUCATION
2 TO PURCHASE EQUIPMENT THAT MEETS INDUSTRY STANDARDS. GRANTS
3 SHALL BE DISTRIBUTED IN AN AMOUNT TO BE CALCULATED AS FOLLOWS:

4 (1) A BASE AMOUNT OF THREE THOUSAND DOLLARS (\$3,000).

5 (2) A PER-STUDENT AMOUNT CALCULATED AS FOLLOWS:

6 (I) MULTIPLY THE AVERAGE DAILY MEMBERSHIP IN APPROVED
7 VOCATIONAL EDUCATION PROGRAMS FOR THE MOST RECENT YEAR AVAILABLE
8 FOR EACH AREA VOCATIONAL-TECHNICAL SCHOOL OR SCHOOL DISTRICT
9 THAT HAS BEEN APPROVED FOR FUNDING BY THE DEPARTMENT OF
10 EDUCATION BY THE DIFFERENCE BETWEEN THE AMOUNT APPROPRIATED FOR
11 CAREER AND TECHNICAL EDUCATION EQUIPMENT GRANTS AND THE SUM OF
12 THE FUNDING DISTRIBUTED UNDER PARAGRAPH (1) TO ALL AREA
13 VOCATIONAL-TECHNICAL SCHOOLS AND SCHOOL DISTRICTS.

14 (II) DIVIDE THE PRODUCT FROM SUBPARAGRAPH (I) BY THE SUM OF
15 THE AVERAGE DAILY MEMBERSHIP IN APPROVED VOCATIONAL EDUCATION
16 PROGRAMS FOR THE MOST RECENT YEAR AVAILABLE FOR ALL AREA
17 VOCATIONAL-TECHNICAL SCHOOLS AND SCHOOL DISTRICTS THAT HAVE BEEN
18 APPROVED FOR FUNDING BY THE DEPARTMENT OF EDUCATION.

19 (C) THE APPLICATION TO APPLY FOR FUNDING UNDER SUBSECTION
20 (B) SHALL BE DEVELOPED BY THE DEPARTMENT OF EDUCATION WITHIN
21 THIRTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION AND ONLY
22 REQUIRE THE FOLLOWING, WHICH MAY BE COLLECTED ELECTRONICALLY:

23 (1) NAME, ADDRESS, E-MAIL ADDRESS AND TELEPHONE NUMBER OF
24 THE AREA VOCATIONAL-TECHNICAL SCHOOL OR SCHOOL DISTRICT.

25 (2) NAME, E-MAIL ADDRESS AND TELEPHONE NUMBER OF AN EMPLOYE
26 OF THE AREA VOCATIONAL-TECHNICAL SCHOOL OR SCHOOL DISTRICT WHO
27 WILL BE AVAILABLE TO ANSWER QUESTIONS REGARDING THE FUNDING
28 APPLICATION.

29 (3) DESCRIPTION OF THE EQUIPMENT FOR WHICH THE REQUESTED
30 FUNDING WILL BE USED, THE CAREER AND TECHNICAL EDUCATION PROGRAM

1 IN WHICH THE EQUIPMENT WILL BE USED, THE DATE ON WHICH THE
2 OCCUPATIONAL ADVISORY COMMITTEE RECOMMENDED THE PURCHASE OF THE
3 EQUIPMENT AND VERIFICATION THAT THE EQUIPMENT WILL BE USED FOR
4 TECHNICAL CLASSROOM INSTRUCTION.

5 (D) THE DEPARTMENT OF EDUCATION MAY NOT REQUEST OR CONSIDER
6 ANY INFORMATION OTHER THAN THE INFORMATION PROVIDED IN THE
7 FUNDING APPLICATION.

8 (E) EACH AREA VOCATIONAL-TECHNICAL SCHOOL OR SCHOOL DISTRICT
9 WITH AN APPROVED VOCATIONAL PROGRAM THAT SUBMITS A COMPLETED
10 FUNDING APPLICATION SHALL RECEIVE FUNDING IN THE AMOUNT
11 DETERMINED UNDER SUBSECTION (B).

12 (F) IF INSUFFICIENT FUNDS ARE APPROPRIATED TO MAKE PAYMENTS
13 UNDER SUBSECTION (B), PAYMENTS SHALL BE MADE ON A PRO RATA
14 BASIS.

15 (G) FOR PURPOSES OF THIS SECTION, "OCCUPATIONAL ADVISORY
16 COMMITTEE" SHALL MEAN AN OCCUPATIONAL ADVISORY COMMITTEE
17 ESTABLISHED UNDER 22 PA. CODE CH. 339 (RELATING TO VOCATIONAL
18 EDUCATION).

19 SECTION 9.1. SECTION 1904-A(D) OF THE ACT, ADDED JULY 4,
20 2004 (P.L.536, NO.70), IS AMENDED TO READ:

21 SECTION 1904-A. ELECTION OR APPOINTMENT; TERM AND
22 ORGANIZATION OF BOARD OF TRUSTEES.--* * *

23 (D) NOTWITHSTANDING THE PROVISIONS OF SUBSECTIONS (A) AND
24 (B), THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE MAY APPOINT A
25 TRUSTEE FROM EACH COUNTY WHERE A CAMPUS OR SATELLITE CLASSROOM
26 IS LOCATED FOR WHICH NO LOCAL SPONSOR EXISTS[.] AND, FOR A
27 COMMUNITY COLLEGE THAT IS LOCATED IN A COUNTY OF THE THIRD CLASS
28 WITH A POPULATION BETWEEN 290,000 AND 310,000 AS OF THE 2010
29 CENSUS, MAY APPOINT UP TO TWO TRUSTEES FROM A COUNTY WHERE A
30 CAMPUS IS LOCATED FOR WHICH NO LOCAL SPONSOR EXISTS. THE TRUSTEE

1 SHALL BE SELECTED BY THE BOARD OF TRUSTEES OF THE COMMUNITY
2 COLLEGE. TRUSTEES APPOINTED UNDER THE PROVISIONS OF THIS
3 SUBSECTION SHALL BE APPOINTED FOR TERMS OF TWO YEARS.

4 SECTION 10. SECTION 1913-A(B) (1.6) (V) AND (1.7) (II) OF THE
5 ACT, AMENDED JULY 9, 2008 (P.L.846, NO.61) AND JULY 9, 2013
6 (P.L.408, NO.59), ARE AMENDED AND PARAGRAPH (1.6) IS AMENDED BY
7 ADDING A SUBPARAGRAPH TO READ:

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

10 (B) * * *

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

14 * * *

15 (V) SUBCLAUSES (I), (II), (III) AND (IV) SHALL NOT APPLY TO
16 THE 2011-2012, 2012-2013 AND 2013-2014 FISCAL YEARS, AND EACH
17 FISCAL YEAR THEREAFTER.

18 * * *

19 (IX) FOR THE 2016-2017 FISCAL YEAR, EACH COMMUNITY COLLEGE
20 SHALL RECEIVE AN AMOUNT EQUAL TO THE FOLLOWING:

21 (A) AN AMOUNT EQUAL TO THE REIMBURSEMENT FOR OPERATING COSTS
22 RECEIVED IN FISCAL YEAR 2013-2014 UNDER SUBCLAUSE (VIII) (A) PLUS
23 THE INCREASE RECEIVED IN FISCAL YEAR 2014-2015 UNDER SECTION
24 1722-J(17) OF "THE FISCAL CODE" AND THE INCREASE RECEIVED IN
25 FISCAL YEAR 2015-2016 UNDER SECTION 1722-L(18.1) OF "THE FISCAL
26 CODE."

27 (B) AN AMOUNT EQUAL TO THE ECONOMIC DEVELOPMENT STIPEND
28 RECEIVED IN FISCAL YEAR 2013-2014 UNDER SUBCLAUSE (VIII) (B).

29 (C) AN ADDITIONAL AMOUNT FOR OPERATING COSTS DETERMINED FOR
30 EACH COMMUNITY COLLEGE AS FOLLOWS:

1 (I) MULTIPLY THE AUDITED FULL-TIME EQUIVALENT ENROLLMENT AS
2 VERIFIED UNDER SUBSECTION (K.1) FOR THE MOST RECENT YEAR
3 AVAILABLE FOR THE COMMUNITY COLLEGE BY THE DIFFERENCE BETWEEN
4 THE APPROPRIATION FOR PAYMENT OF APPROVED OPERATING EXPENSES OF
5 COMMUNITY COLLEGES IN THE 2016-2017 FISCAL YEAR AND THE SUM OF
6 THE AMOUNTS IN UNITS (A) AND (B).

7 (II) DIVIDE THE PRODUCT IN SUBUNIT (I) BY THE SUM OF THE
8 AUDITED FULL-TIME EQUIVALENT ENROLLMENT AS VERIFIED UNDER
9 SUBSECTION (K.1) FOR THE MOST RECENT YEAR AVAILABLE FOR ALL
10 COMMUNITY COLLEGES.

11 (1.7) THE PAYMENT FOR A COMMUNITY COLLEGE SHALL INCLUDE AN
12 ECONOMIC DEVELOPMENT STIPEND WHICH SHALL CONSIST OF THE
13 FOLLOWING:

14 * * *

15 (II) FOR THE 2006-2007 THROUGH 2008-2009 FISCAL [YEAR AND
16 EACH FISCAL YEAR THEREAFTER] YEARS, EACH COMMUNITY COLLEGE SHALL
17 RECEIVE, SUBJECT TO THE PROVISIONS OF SUBCLAUSE (III), AN AMOUNT
18 DETERMINED BY:

19 (A) ADDING THE FOLLOWING:

20 (I) THE NUMBER OF FULL-TIME EQUIVALENT STUDENTS ENROLLED IN
21 HIGH-PRIORITY AND HIGH-INSTRUCTIONAL-COST OCCUPATION PROGRAMS AT
22 THE COMMUNITY COLLEGE MULTIPLIED BY 1.50;

23 (II) THE NUMBER OF FULL-TIME EQUIVALENT STUDENTS ENROLLED IN
24 HIGH-PRIORITY OCCUPATION PROGRAMS AT THE COMMUNITY COLLEGE
25 MULTIPLIED BY 1.25; AND

26 (III) THE NUMBER OF FULL-TIME EQUIVALENT STUDENTS ENROLLED
27 IN NONCREDIT WORKFORCE DEVELOPMENT COURSES AT THE COMMUNITY
28 COLLEGE.

29 (B) DIVIDING THE TOTAL FROM PARAGRAPH (A) BY THE SUM OF THE
30 TOTALS FROM PARAGRAPH (A) FOR ALL COMMUNITY COLLEGES.

1 (C) MULTIPLYING THE AMOUNT FROM PARAGRAPH (B) BY THE AMOUNT
2 ALLOCATED FOR THE ECONOMIC DEVELOPMENT STIPEND PURSUANT TO
3 CLAUSE (1.6) (II) .

4 (D) APPLYING THE FOLLOWING:

5 (I) FOR THE 2006-2007 FISCAL YEAR, FOR THE FIRST, SECOND AND
6 THIRD QUARTER PAYMENTS MADE IN THE 2007-2008 FISCAL YEAR, AND
7 FOR THE FIRST AND SECOND QUARTER PAYMENTS MADE IN THE 2008-2009
8 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, THE NUMBER OF FULL-
9 TIME EQUIVALENT STUDENTS SHALL BE DETERMINED BASED UPON THE
10 FINAL MIDYEAR REBUDGET SUBMITTED BY A COMMUNITY COLLEGE FOR THE
11 PRIOR FISCAL YEAR. SUCH REBUDGET SHALL BE SUBMITTED, AS REQUIRED
12 BY THE DEPARTMENT OF EDUCATION, NO LATER THAN MAY 31, 2006, AND
13 MAY 31 OF EACH YEAR THEREAFTER.

14 (II) FOR THE 2007-2008 FISCAL YEAR, THE DEPARTMENT OF
15 EDUCATION SHALL PROVIDE THE FOURTH QUARTER PAYMENT TO EACH
16 COMMUNITY COLLEGE UNDER THIS SUBCLAUSE BASED UPON THE NUMBER OF
17 FULL-TIME EQUIVALENT STUDENTS ENROLLED IN HIGH-PRIORITY AND
18 HIGH-INSTRUCTIONAL-COST OCCUPATION PROGRAMS, HIGH-PRIORITY
19 OCCUPATION PROGRAMS AND NONCREDIT WORKFORCE DEVELOPMENT COURSES
20 FOR THE 2006-2007 FISCAL YEAR, AS VERIFIED IN THE AUDITED
21 FINANCIAL STATEMENT REQUIRED UNDER SUBSECTION (K.1) .

22 (III) FOR THE 2008-2009 FISCAL YEAR [AND EACH FISCAL YEAR
23 THEREAFTER], THE DEPARTMENT OF EDUCATION SHALL PROVIDE THE THIRD
24 AND FOURTH QUARTER PAYMENTS TO EACH COMMUNITY COLLEGE UNDER THIS
25 SUBCLAUSE BASED UPON THE NUMBER OF FULL-TIME EQUIVALENT STUDENTS
26 ENROLLED IN HIGH-PRIORITY AND HIGH-INSTRUCTIONAL-COST OCCUPATION
27 PROGRAMS, HIGH-PRIORITY OCCUPATION PROGRAMS AND NONCREDIT
28 WORKFORCE DEVELOPMENT COURSES FOR THE IMMEDIATELY PRECEDING
29 FISCAL YEAR, AS VERIFIED IN THE AUDITED FINANCIAL STATEMENT
30 REQUIRED UNDER SUBSECTION (K.1) .

1 * * *

2 SECTION 11. SECTION 1902-C INTRODUCTORY PARAGRAPH OF THE
3 ACT, ADDED JUNE 25, 1997 (P.L.297, NO.30), IS AMENDED AND THE
4 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

5 SECTION 1902-C. APPLICATIONS.--(A) APPLICANTS SHALL SUBMIT
6 APPLICATIONS AT THE TIME, IN THE MANNER AND CONTAINING OR
7 ACCOMPANIED BY SUCH INFORMATION AS THE DEPARTMENT MAY PRESCRIBE
8 BUT, IN ANY CASE, SHALL DOCUMENT THE FOLLOWING:

9 * * *

10 (B) A SCHOOL DISTRICT, COMBINATION OF SCHOOL DISTRICTS OR
11 CHARTER SCHOOL THAT MAKES AN APPLICATION TO ESTABLISH AN
12 ALTERNATIVE EDUCATION PROGRAM SHALL SUBMIT INITIAL AND RENEWAL
13 APPLICATIONS ALONG WITH A FEE OF FOUR HUNDRED DOLLARS (\$400) AS
14 PRESCRIBED BY THE DEPARTMENT. THE MONEY COLLECTED SHALL BE
15 DEPOSITED INTO A RESTRICTED ACCOUNT IN THE GENERAL FUND TO BE
16 KNOWN AS THE ALTERNATIVE EDUCATION PROGRAM ACCOUNT. THE MONEY IN
17 THE RESTRICTED ACCOUNT IS HEREBY APPROPRIATED ON A CONTINUING
18 BASIS TO THE DEPARTMENT.

19 SECTION 12. SECTION 1902-E OF THE ACT IS AMENDED BY ADDING A
20 PARAGRAPH TO READ:

21 SECTION 1902-E. CONTRACTS WITH PRIVATE ALTERNATIVE EDUCATION
22 INSTITUTIONS.--

23 * * *

24 (5) A PRIVATE ALTERNATIVE EDUCATION INSTITUTION THAT MAKES
25 AN APPLICATION FOR APPROVAL TO OPERATE SHALL SUBMIT INITIAL AND
26 RENEWAL APPLICATIONS ALONG WITH A FEE OF ONE THOUSAND DOLLARS
27 (\$1,000) AS PRESCRIBED BY THE DEPARTMENT OF EDUCATION. THE FUNDS
28 COLLECTED SHALL BE DEPOSITED INTO THE ALTERNATIVE EDUCATION
29 PROGRAM ACCOUNT ESTABLISHED IN SECTION 1902-C(B).

30 SECTION 13. THE ACT IS AMENDED BY ADDING ARTICLES TO READ:

1 ARTICLE XIX-G

2 RURAL REGIONAL COLLEGE FOR UNDERSERVED COUNTIES

3 SECTION 1901-G. (RESERVED).

4 SECTION 1901.1-G. LEGISLATIVE INTENT.

5 IT IS THE INTENT OF THE GENERAL ASSEMBLY TO PROVIDE FOR THE
6 CONTINUED EXISTENCE, OPERATION AND ADMINISTRATION OF THE RURAL
7 REGIONAL COLLEGE ESTABLISHED UNDER FORMER ARTICLE XVII-E.1 OF
8 THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL
9 CODE.

10 SECTION 1901.2-G. APPROPRIATIONS.

11 APPROPRIATIONS FOR THE OPERATION OF THE RURAL REGIONAL
12 COLLEGE SHALL HAVE PREFERRED STATUS AND BE CONSIDERED ORDINARY
13 EXPENSES OF STATE GOVERNMENT.

14 SECTION 1902-G. SCOPE OF ARTICLE.

15 THIS ARTICLE PROVIDES FOR THE ESTABLISHMENT OF A RURAL
16 REGIONAL COLLEGE IN A MULTICOUNTY RURAL AREA THAT IS UNDERSERVED
17 BY COMPREHENSIVE COMMUNITY COLLEGE EDUCATION AND WORK FORCE
18 DEVELOPMENT.

19 SECTION 1903-G. DEFINITIONS.

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

23 "ANNUAL." A 12-MONTH PERIOD COTERMINOUS WITH THE
24 COMMONWEALTH'S FISCAL YEAR BEGINNING JULY 1 AND ENDING JUNE 30.

25 "BOARD OF TRUSTEES." THE BOARD OF TRUSTEES OF A RURAL
26 REGIONAL COLLEGE ESTABLISHED UNDER THIS ARTICLE.

27 "CERTIFIED PUBLIC ACCOUNTANT." A MEMBER OF THE AMERICAN
28 INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS WHO HAS A MINIMUM OF
29 FIVE YEARS' VERIFIABLE EXPERIENCE IN PERFORMING AUDITS OF
30 GOVERNMENT FUNDS FOR NONPROFIT ORGANIZATIONS WITH A COMPARABLE

1 OR LARGER ANNUAL BUDGET.

2 "COUNTY." ANY COUNTY IN THIS COMMONWEALTH.

3 "MIDDLE STATES." THE MIDDLE STATES ASSOCIATION OF COLLEGES
4 AND SCHOOLS.

5 "PARTNER INSTITUTION." ONE OR MORE MIDDLE STATES-ACCREDITED
6 INSTITUTIONS OF HIGHER EDUCATION.

7 "RURAL REGIONAL COLLEGE." A PUBLIC INSTITUTION OF HIGHER
8 EDUCATION WHICH IS ESTABLISHED IN A RURAL AREA AND OPERATED IN
9 ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE AS A COLLEGE
10 WHICH PROVIDES UP TO A TWO-YEAR, POSTSECONDARY EDUCATION NOT TO
11 EXCEED THE LEVEL OF AN ASSOCIATE OF ARTS OR SCIENCES DEGREE AND
12 WHICH IS ACTIVE IN WORK FORCE DEVELOPMENT.

13 "RURAL REGIONAL COLLEGE PLAN" OR "PLAN." A PLAN FOR THE
14 ESTABLISHMENT AND OPERATION OF A RURAL REGIONAL COLLEGE UNDER
15 THIS ARTICLE.

16 "SECRETARY." THE SECRETARY OF EDUCATION OF THE COMMONWEALTH
17 OR SUCH PERSON AS THE SECRETARY MAY DESIGNATE TO ACT ON BEHALF
18 OF THE SECRETARY WITH REGARD TO ANY OF THE DUTIES AND
19 PREROGATIVES IMPOSED BY THIS ARTICLE.

20 "STATE BOARD." THE STATE BOARD OF EDUCATION.
21 SECTION 1904-G. DESIGNATIONS BY SECRETARY.

22 (A) DUTIES OF SECRETARY.--

23 (1) THE SECRETARY SHALL DESIGNATE AN ESTABLISHED
24 NONPROFIT ORGANIZATION AS DEFINED UNDER SECTION 501(C)(3) OF
25 THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26
26 U.S.C. § 501(C)(3)), WHICH REPRESENTS A RURAL MULTICOUNTY
27 REGION UNDERSERVED BY A COMPREHENSIVE COMMUNITY COLLEGE
28 PROGRAM, INCLUDING WORK FORCE DEVELOPMENT, TO ASSIST THE
29 SECRETARY WITH THE DESIGNATION UNDER PARAGRAPH (2).

30 (2) WITHIN 30 DAYS OF THE DESIGNATION UNDER PARAGRAPH

1 (1), THE SECRETARY SHALL, IN CONSULTATION WITH THE NONPROFIT
2 ORGANIZATION, DESIGNATE CONTIGUOUS COUNTIES OR PARTS OF
3 CONTIGUOUS COUNTIES TO BE SERVED BY ESTABLISHMENT OF A RURAL
4 REGIONAL COLLEGE.

5 (B) CHANGES.--NO SOONER THAN JULY 10, 2018, THE SECRETARY,
6 WITH APPROVAL OF THE BOARD OF TRUSTEES, MAY ADD COUNTIES OR
7 PARTS OF COUNTIES TO BE SERVED BY THE RURAL REGIONAL COLLEGE.
8 SECTION 1905-G. DESIGNATION AND BOARD OF TRUSTEES.

9 WITHIN 60 DAYS OF THE SECRETARY'S DESIGNATION UNDER SECTION
10 1904-G(A) (2), A BOARD OF TRUSTEES SHALL BE APPOINTED TO
11 ESTABLISH A RURAL REGIONAL COLLEGE. THE BOARD OF TRUSTEES SHALL
12 CONSIST OF NOT FEWER THAN SEVEN MEMBERS NOR MORE THAN 15 MEMBERS
13 APPOINTED BY THE SECRETARY IN CONSULTATION AND JOINTLY WITH THE
14 NONPROFIT ORGANIZATION DESIGNATED UNDER SECTION 1904-G(A) (1).
15 THE FOLLOWING SHALL APPLY TO THE BOARD OF TRUSTEES ESTABLISHED
16 UNDER THIS SECTION:

17 (1) MEMBERS OF THE BOARD OF TRUSTEES SHALL BE
18 REPRESENTATIVE OF THE AREA DESIGNATED UNDER SECTION 1904-G(A)
19 (2) AND MAY INCLUDE SCHOOL ADMINISTRATORS, COMMUNITY
20 EDUCATION COUNCIL OFFICIALS, BUSINESS LEADERS AND GOVERNMENT
21 OFFICIALS.

22 (2) MEMBERS OF THE BOARD OF TRUSTEES SHALL BE APPOINTED
23 FOR TERMS OF THREE YEARS EACH, EXCEPT THAT THOSE PERSONS
24 INITIALLY APPOINTED SHALL DRAW LOTS TO DETERMINE WHICH
25 TRUSTEES SHALL SERVE FOR A TERM OF THREE YEARS, WHICH
26 TRUSTEES SHALL SERVE FOR A TERM OF TWO YEARS AND WHICH
27 TRUSTEES SHALL SERVE FOR A TERM OF ONE YEAR. TO THE EXTENT
28 PRACTICABLE, FROM THOSE TRUSTEES INITIALLY APPOINTED, AN
29 EQUAL NUMBER SHALL DRAW LOTS TO SERVE FOR A TERM OF THREE
30 YEARS, FOR A TERM OF TWO YEARS AND FOR A TERM OF ONE YEAR.

1 THEREAFTER, ALL MEMBERS SHALL BE APPOINTED FOR TERMS OF THREE
2 YEARS EACH.

3 (3) VACANCIES ON THE BOARD SHALL BE FILLED BY THE
4 EXISTING BOARD. A TRUSTEE MAY SUCCEED HIMSELF, PROVIDED THAT
5 NO MEMBER SHALL SERVE FOR LONGER THAN 10 YEARS.

6 (4) THE SECRETARY SHALL CONVENE AN INITIAL MEETING OF
7 THE BOARD OF TRUSTEES WITHIN 30 DAYS OF THE SECRETARY'S
8 APPOINTMENT OF A BOARD OF TRUSTEES UNDER THIS SECTION. AFTER
9 THE INITIAL MEETING, THE BOARD OF TRUSTEES SHALL MEET AT SUCH
10 TIMES EACH YEAR AS THE BOARD OF TRUSTEES DETERMINES TO BE
11 NECESSARY TO SATISFY THE REQUIREMENTS OF THIS ARTICLE.

12 (5) THE BOARD OF TRUSTEES SHALL ADOPT STANDING OPERATING
13 RULES AND PROCEDURES, BYLAWS AND ARTICLES OF INCORPORATION.

14 (6) THE BOARD OF TRUSTEES SHALL ESTABLISH AN ADVISORY
15 COUNCIL OF PRESIDENTS, OR THEIR DESIGNEES, FROM INSTITUTIONS
16 WITH POSTSECONDARY EDUCATION PROGRAMS WITHIN THE REGION
17 DESIGNATED UNDER SECTION 1904-G(A) (2). THE ADVISORY COUNCIL
18 SHALL MEET QUARTERLY TO DISCUSS EMPLOYER AND WORK FORCE
19 NEEDS, NEW EDUCATIONAL OFFERINGS AND GENERAL COORDINATION OF
20 SERVICE AND FACILITIES. ONE ADVISORY COUNCIL MEMBER
21 REPRESENTING A COMMUNITY COLLEGE AND ONE ADVISORY COUNCIL
22 MEMBER THAT IS A PRESIDENT OF A COLLEGE OR UNIVERSITY SHALL
23 SERVE AS COCHAIRMEN.

24 (7) THE BOARD OF TRUSTEES SHALL CHOOSE FROM AMONG ITS
25 MEMBERS A CHAIRMAN, VICE CHAIRMAN AND SECRETARY.

26 (8) A MAJORITY OF THE MEMBERS OF THE BOARD OF TRUSTEES
27 SHALL CONSTITUTE A QUORUM.

28 (9) TRUSTEES SHALL SERVE WITHOUT COMPENSATION, EXCEPT
29 THAT THEY SHALL BE REIMBURSED BY THE RURAL REGIONAL COLLEGE
30 FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE

1 PERFORMANCE OF THEIR DUTIES.

2 SECTION 1906-G. ESTABLISHMENT.

3 (A) GENERAL RULE.--NO LATER THAN DECEMBER 31, 2016, THE
4 BOARD OF TRUSTEES APPOINTED UNDER SECTION 1905-G SHALL SUBMIT TO
5 THE SECRETARY A PROPOSED RURAL REGIONAL COLLEGE PLAN IN SUCH
6 FORM AND CONTAINING SUCH INFORMATION AS THE SECRETARY MAY
7 REQUIRE. IN ADDITION TO OTHER INFORMATION WHICH MAY BE REQUIRED
8 BY THE SECRETARY, THE PLAN SHALL INCLUDE THE FOLLOWING:

9 (1) A DESIGNATION OF THE NAME OF THE PROPOSED RURAL
10 REGIONAL COLLEGE WHICH SHALL BE THE "RURAL REGIONAL COLLEGE
11 OF " OR " RURAL REGIONAL
12 COLLEGE."

13 (2) A SURVEY OF THE EDUCATIONAL, VOCATIONAL AND
14 OCCUPATIONAL NEEDS OF THE AREA AND THE MEANS BY WHICH THE
15 PROPOSED RURAL REGIONAL COLLEGE WILL MEET THOSE NEEDS,
16 REENGAGE HIGH SCHOOL DROPOUTS TO EARN THEIR SECONDARY
17 CREDENTIALS AND POSTSECONDARY CREDENTIALS OR INDUSTRY
18 CERTIFICATION, REDUCE UNEMPLOYMENT AND IMPROVE THE EMPLOYABLE
19 SKILLS OF RESIDENTS OF THE AREA TO BE SERVED BY THE RURAL
20 REGIONAL COLLEGE.

21 (3) AN OPERATING AND FINANCIAL PLAN FOR THE PROPOSED
22 RURAL REGIONAL COLLEGE, INCLUDING A PLAN FOR THE CAPITAL
23 NEEDS AND EXPENSES OF THE PROPOSED RURAL REGIONAL COLLEGE.

24 (4) A PLAN BY WHICH THE RURAL REGIONAL COLLEGE SHALL
25 SEEK ACCREDITATION BY AN ACCREDITING ASSOCIATION WHICH IS
26 RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION.

27 (B) SUBMISSION OF PLAN.--WITHIN 60 DAYS OF THE SUBMISSION OF
28 THE RURAL REGIONAL COLLEGE PLAN TO THE SECRETARY, THE SECRETARY
29 SHALL ISSUE AN APPROVAL OR REJECTION OF THE PLAN. A REJECTION OF
30 THE PLAN SHALL BE ACCOMPANIED BY A WRITTEN STATEMENT OF THE

1 REASONS FOR THE REJECTION OF THE PLAN. IF THE PLAN IS REJECTED,
2 THE BOARD OF TRUSTEES SHALL SUBMIT A REVISED PLAN TO THE
3 SECRETARY WITHIN 60 DAYS OF THE PLAN'S REJECTION.

4 (C) PLAN APPROVAL.--UPON THE APPROVAL OF THE PLAN BY THE
5 SECRETARY, THE RURAL REGIONAL COLLEGE SHALL BE CONSIDERED
6 ESTABLISHED.

7 SECTION 1907-G. POWERS AND DUTIES OF BOARD OF TRUSTEES.

8 (A) GENERAL RULE.--THE BOARD OF TRUSTEES APPOINTED UNDER
9 SECTION 1905-G SHALL ADMINISTER AND SUPERVISE THE AFFAIRS OF THE
10 RURAL REGIONAL COLLEGE ESTABLISHED UNDER THIS ARTICLE. SUBJECT
11 TO ANY OTHER LAW AND TO ANY REGULATIONS PROMULGATED BY THE STATE
12 BOARD PERTAINING TO RURAL REGIONAL COLLEGES, THE BOARD OF
13 TRUSTEES SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

14 (1) TO ADVANCE THE MISSION OF THE RURAL REGIONAL COLLEGE
15 IN SERVICE TO RESIDENTS OF THE REGION DESIGNATED UNDER
16 SECTION 1904-G(A) (2).

17 (2) TO APPOINT AND FIX THE SALARY OF A PRESIDENT OF THE
18 RURAL REGIONAL COLLEGE.

19 (3) TO APPOINT AND FIX THE SALARY OF A CHIEF FINANCIAL
20 OFFICER OF THE RURAL REGIONAL COLLEGE.

21 (4) TO HOLD, RENT, LEASE, SELL, PURCHASE AND IMPROVE
22 LAND, BUILDINGS, FURNISHINGS, EQUIPMENT, MATERIALS, BOOKS AND
23 SUPPLIES.

24 (5) TO ENTER INTO CONTRACTS FOR SERVICES WITH COMMUNITY
25 EDUCATION COUNCILS, SCHOOLS, COLLEGES OR UNIVERSITIES, OR
26 WITH SCHOOL DISTRICTS OR MUNICIPALITIES, AND OTHER APPLICABLE
27 OR APPROPRIATE AGENCIES AND ORGANIZATIONS TO EFFECTUATE THE
28 PURPOSES OF THIS ARTICLE.

29 (6) TO ACCEPT AND RECEIVE GIFTS OF REAL AND PERSONAL
30 PROPERTY AND FEDERAL, STATE AND LOCAL MONEY, LOANS AND GRANTS

1 AND TO EXPEND THE SAME.

2 (7) TO MAKE POLICIES PROVIDING FOR THE ADMISSION AND
3 EXPULSION OF STUDENTS, THE COURSES OF INSTRUCTION, THE
4 TUITION AND FEES TO BE CHARGED AND FOR ALL MATTERS RELATED TO
5 THE GOVERNMENT AND ADMINISTRATION OF THE RURAL REGIONAL
6 COLLEGE, PROVIDED THAT POLICIES RELATED TO ADMISSION, TUITION
7 AND FEES GIVE PREFERENCE TO RESIDENTS OF THE AREA DESIGNATED
8 BY THE SECRETARY UNDER SECTION 1904-G(A)(2).

9 (8) TO SUBMIT TO THE SECRETARY FOR APPROVAL PROPOSED
10 AMENDMENTS TO THE RURAL REGIONAL COLLEGE PLAN.

11 (9) TO ENTER INTO CONTRACTS FOR SERVICES TO HIGH SCHOOLS
12 LOCATED IN THE AREA DESIGNATED BY THE SECRETARY UNDER SECTION
13 1904-G TO PROVIDE SERVICES, INCLUDING AREA VOCATIONAL-
14 TECHNICAL EDUCATION SERVICES.

15 (10) TO APPROVE AN ANNUAL BUDGET TO BE SUBMITTED TO THE
16 SECRETARY FOR FUNDING.

17 (11) TO WORK WITH THE PRESIDENT IN THE APPOINTMENT OF
18 ALL FACULTY AND STAFF NECESSARY FOR THE RURAL REGIONAL
19 COLLEGE'S OPERATION, TO AFFIX THEIR COMPENSATION AND BENEFITS
20 AND TO MANAGE ALL PERSONNEL MATTERS.

21 (12) TO APPOINT LEGAL COUNSEL.

22 (13) TO EXERCISE SUCH OTHER POWERS AND PERFORM SUCH
23 OTHER DUTIES AS ARE NECESSARY TO EFFECTUATE THE PURPOSES OF
24 THIS ARTICLE.

25 (B) DUTIES OF BOARD.--THE BOARD OF TRUSTEES SHALL ENTER INTO
26 CONTRACTS, HOLD PROPERTY AND TAKE OTHER ACTIONS IN THE NAME OF
27 THE RURAL REGIONAL COLLEGE.

28 (C) INITIAL PARTNERSHIP.--

29 (1) THE BOARD OF TRUSTEES SHALL SELECT INITIALLY A
30 PARTNER INSTITUTION TO DEVELOP AND OFFER ACCREDITED COURSES

1 AND PROGRAMS OF STUDY AT THE APPROVED SITES OF OPERATION.

2 (2) THE PARTNER INSTITUTION SHALL SELECT PROGRAMS ONLY
3 WITH APPROVAL OF THE BOARD OF TRUSTEES AND CONSISTENT WITH
4 THE PARTNER INSTITUTION'S ACCREDITATION AND SHALL BE
5 RESPONSIBLE FOR STAFFING AND EVALUATION AND PROVISION OF
6 OTHER SUPPORT SERVICES AS MAY BE REQUIRED FOR STUDENTS.

7 (3) THE BOARD OF TRUSTEES MAY CONTRACT WITH OTHER
8 COLLEGES TO PROVIDE CURRICULA NOT AVAILABLE THROUGH THE
9 PARTNER INSTITUTION.

10 (4) AS THE RURAL REGIONAL COLLEGE IS ABLE TO OPERATE ON
11 ITS OWN, A TRANSITION PLAN AND BUDGET SHALL BE INCLUDED IN
12 THE CONTRACT BETWEEN THE RURAL REGIONAL COLLEGE AND THE
13 PARTNER INSTITUTION TO EFFICIENTLY EXPEDITE THE TRANSITION.

14 (5) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO
15 PRECLUDE THE BOARD OF TRUSTEES FROM CONTRACTING FOR SPECIFIC
16 SERVICES OR PROGRAMS FOLLOWING THE TRANSITION FROM THE
17 INITIAL PARTNER INSTITUTION.

18 SECTION 1908-G. OFFICERS OF RURAL REGIONAL COLLEGE.

19 (A) PRESIDENT.--THE PRESIDENT SHALL BE THE CHIEF EXECUTIVE
20 AND ADMINISTRATIVE OFFICER OF THE RURAL REGIONAL COLLEGE AND
21 SHALL PERFORM ALL DUTIES WHICH THE BOARD OF TRUSTEES MAY
22 PRESCRIBE. THE PRESIDENT SHALL HAVE THE RIGHT TO ATTEND MEETINGS
23 OF THE BOARD OF TRUSTEES AND TO BE HEARD ON ALL MATTERS BEFORE
24 IT BUT SHALL HAVE NO RIGHT TO VOTE ON ANY MATTER.

25 (B) CHIEF FINANCIAL OFFICER.--THE CHIEF FINANCIAL OFFICER OF
26 THE RURAL REGIONAL COLLEGE SHALL GIVE A PROPER BOND IN SUCH
27 AMOUNT AND WITH SUCH CORPORATE SURETY AS IS APPROVED BY THE
28 BOARD OF TRUSTEES. THE CHIEF FINANCIAL OFFICER SHALL FILE THE
29 BOND WITH THE BOARD OF TRUSTEES. THE ACCOUNT OF THE CHIEF
30 FINANCIAL OFFICER SHALL BE AUDITED ANNUALLY BY A CERTIFIED

1 PUBLIC ACCOUNTANT OR OTHER QUALIFIED PUBLIC ACCOUNTANT SELECTED
2 BY THE BOARD OF TRUSTEES.

3 SECTION 1909-G. STUDENTS.

4 ANY INDIVIDUAL MAY APPLY FOR ADMISSION TO THE RURAL REGIONAL
5 COLLEGE ESTABLISHED UNDER THIS ARTICLE, PROVIDED THAT PREFERENCE
6 IN ADMISSIONS, TUITION AND FEES MAY BE GIVEN TO RESIDENTS OF THE
7 MULTICOUNTY AREA DESIGNATED BY THE SECRETARY UNDER SECTION 1904-
8 G(A) (2). IN CONSIDERING APPLICANTS FOR ADMISSION, THE RURAL
9 REGIONAL COLLEGE SHALL NOT DISCRIMINATE ON THE BASIS OF RACE,
10 COLOR, GENDER, MARITAL STATUS, ETHNIC GROUP OR RELIGION.

11 SECTION 1910-G. TUITION.

12 THE TUITION AND FEES CHARGED BY THE RURAL REGIONAL COLLEGE
13 SHALL BE AN AMOUNT DETERMINED BY THE BOARD OF TRUSTEES, IN
14 ACCORDANCE WITH THE BUDGET SUBMITTED TO THE SECRETARY. THE BOARD
15 OF TRUSTEES SHALL ANNUALLY ESTABLISH A SEPARATE SCHEDULE OF
16 TUITION AND FEES FOR STUDENTS THAT RESIDE INSIDE THE REGION
17 DESIGNATED UNDER SECTION 1904-G(A) (2) AND STUDENTS THAT RESIDE
18 OUTSIDE THE REGION.

19 SECTION 1911-G. DISSOLUTION AND TRANSITION OF RURAL REGIONAL
20 COLLEGE.

21 THE RURAL REGIONAL COLLEGE ESTABLISHED UNDER THIS ARTICLE MAY
22 NOT BE DISSOLVED WITHOUT THE APPROVAL OF THE SECRETARY. UPON
23 DISSOLUTION OF THE RURAL REGIONAL COLLEGE, THE COMMONWEALTH
24 SHALL ASSUME ALL ASSETS AND LIABILITIES OF THE RURAL REGIONAL
25 COLLEGE, EXCEPT THAT SUCH ASSETS THAT ARE THE PROPERTY OF ANY
26 PARTNER INSTITUTION THAT MAY BE OPERATING FOR AND WITHIN THE
27 RURAL REGIONAL COLLEGE SHALL REMAIN THE PROPERTY OF THE PARTNER
28 INSTITUTION.

29 SECTION 1912-G. DEGREES.

30 THE RURAL REGIONAL COLLEGE ESTABLISHED UNDER THIS ARTICLE MAY

1 AWARD ANY TYPE OF DIPLOMA, TECHNICAL OR CAREER TRAINING
2 CERTIFICATE OR ASSOCIATE DEGREES IN THE ARTS, SCIENCES,
3 TECHNOLOGIES OR GENERAL EDUCATION UPON SUCCESSFUL COMPLETION OF
4 PROGRAMS AUTHORIZED BY THE BOARD OF TRUSTEES. AS LONG AS THE
5 PARTNER INSTITUTION PROVIDES THE ACCREDITED CURRICULA AND
6 COURSES UNDER CONTRACT TO THE RURAL REGIONAL COLLEGE, THE
7 REQUIREMENTS OF THE ACCREDITING AGENCY SHALL PERTAIN TO THE
8 GRANTING OF SUCH AWARDS.

9 SECTION 1913-G. FUNDING.

10 THE RURAL REGIONAL COLLEGE ESTABLISHED UNDER THIS ARTICLE
11 SHALL BE FUNDED BY TUITION AND FEES ESTABLISHED BY THE BOARD OF
12 TRUSTEES AND MAY ACCEPT APPROPRIATIONS FROM THE GENERAL
13 ASSEMBLY, GRANTS FROM THE FEDERAL GOVERNMENT, GRANTS FROM THE
14 COMMONWEALTH, GRANTS FROM PRIVATE FOUNDATIONS, DONATIONS FROM
15 PERSONS OR ANY COMBINATION THEREOF.

16 SECTION 1914-G. FINANCIAL AID.

17 (A) INITIAL PARTNERSHIP PERIOD.--DURING THE RURAL REGIONAL
18 COLLEGE'S INITIAL PARTNERSHIP WITH A PARTNER INSTITUTION, A
19 STUDENT ENROLLED IN THE RURAL REGIONAL COLLEGE SHALL BE ELIGIBLE
20 FOR CONSIDERATION FOR A PENNSYLVANIA STATE GRANT AND OTHER
21 COMMONWEALTH-FUNDED FINANCIAL AID ADMINISTERED BY THE
22 PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY, PROVIDED THAT
23 THE PARTNER INSTITUTION IS AN INSTITUTION OF HIGHER EDUCATION AS
24 APPROVED BY AND IN ACCORDANCE WITH RULES AND REGULATIONS OF THE
25 PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY.

26 (B) POSTTRANSITION PERIOD.--UPON THE RURAL REGIONAL COLLEGE
27 OPERATING ON ITS OWN WITHOUT A PARTNER INSTITUTION, A STUDENT
28 SHALL ONLY BE ELIGIBLE FOR CONSIDERATION FOR A PENNSYLVANIA
29 STATE GRANT AND ANY OTHER COMMONWEALTH-FUNDED FINANCIAL AID IF
30 THE RURAL REGIONAL COLLEGE IS APPROVED BY THE DEPARTMENT OF

1 EDUCATION, IS ACCREDITED OR A RECOGNIZED CANDIDATE FOR
2 ACCREDITATION WITH AN ACCREDITING BODY RECOGNIZED UNDER RULES
3 AND REGULATIONS OF THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE
4 AGENCY AND SATISFIES ANY OTHER INSTITUTIONAL AND ADMINISTRATIVE
5 PROGRAM REQUIREMENTS AS THE PENNSYLVANIA HIGHER EDUCATION
6 ASSISTANCE AGENCY MAY REQUIRE.
7 SECTION 1915-G. REGULATIONS.

8 THE STATE BOARD MAY PROMULGATE REGULATIONS UNDER THE ACT OF
9 JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE REGULATORY REVIEW
10 ACT, AS NECESSARY TO IMPLEMENT THIS ARTICLE.

11 SECTION 1916-G. REPORTS.

12 THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL PREPARE
13 AND SUBMIT TO THE GENERAL ASSEMBLY WRITTEN INTERIM AND FINAL
14 REPORTS EVALUATING THE OPERATION OF THIS ARTICLE. THE INTERIM
15 REPORT SHALL BE SUBMITTED BY JUNE 30, 2018, AND THE FINAL REPORT
16 SHALL BE SUBMITTED BY JUNE 30, 2022. EACH REPORT SHALL INCLUDE,
17 BUT MAY NOT BE LIMITED TO, THE FOLLOWING:

18 (1) A REVIEW OF THE SUCCESS OF THE RURAL REGIONAL
19 COLLEGE ESTABLISHED UNDER THIS ARTICLE IN SATISFYING THE
20 GOALS SET FORTH IN THE RURAL REGIONAL COLLEGE PLAN APPROVED
21 BY THE SECRETARY AND IN SATISFYING THE NEEDS OF THE
22 MULTICOUNTY AREA THE RURAL REGIONAL COLLEGE WAS ESTABLISHED
23 TO SERVE.

24 (2) DEMOGRAPHIC AND PROGRAM DATA, INCLUDING THE
25 FOLLOWING:

26 (I) NUMBERS OF FULL-TIME AND PART-TIME FACULTY AND
27 STUDENT ENROLLMENTS, IN TOTAL AND WITHIN CURRICULAR
28 AREAS.

29 (II) DUAL ENROLLMENT PARTICIPATION.

30 (III) CREDIT HOURS TAUGHT BY FACULTY.

1 (IV) DISTANCE LEARNING COURSES OFFERED.

2 (V) ARTICULATION AGREEMENTS WITH HIGHER EDUCATION
3 INSTITUTIONS.

4 (VI) LISTS OF COURSES WITH FEWER THAN 20 STUDENTS.

5 (VII) LISTS OF COURSES WITH MORE THAN 50 STUDENTS.

6 WHERE AVAILABLE, STUDENT DATA SHALL BE DISAGGREGATED BY
7 CATEGORIES, INCLUDING GENDER, RACE AND AGE.

8 (3) STUDENT PROGRESS AND ACHIEVEMENT MEASURES, INCLUDING
9 THE FOLLOWING:

10 (I) RETENTION RATES RELATED TO STUDENT GOALS.

11 (II) GRADUATION AND COMPLETION RATES AFTER TWO,
12 THREE AND FOUR YEARS.

13 (III) PASSING RATES ON CERTIFICATION AND LICENSURE
14 EXAMINATIONS.

15 (IV) NUMBER OF STUDENTS EMPLOYED WITHIN ONE YEAR OF
16 PROGRAM COMPLETION.

17 (V) PLACEMENT INTO ADDITIONAL EDUCATION OR
18 EMPLOYMENT IN THE STUDENT'S FIELD OF STUDY.

19 WHERE AVAILABLE, DATA SHALL BE DISAGGREGATED BY CATEGORIES,
20 INCLUDING GENDER, RACE AND AGE.

21 (4) ECONOMIC AND WORK FORCE DEVELOPMENT MEASURES,
22 INCLUDING:

23 (I) EMPLOYER SATISFACTION.

24 (II) CUSTOMIZED JOB TRAINING OFFERINGS.

25 (III) EMPLOYMENT STATUS.

26 (IV) NUMBERS OF BUSINESSES AND ORGANIZATIONS SERVED.

27 (5) RECOMMENDATIONS FOR FUTURE LEGISLATION.

28 SECTION 1917-G. TRANSFERS OF CREDITS.

29 FOR PURPOSES OF FACILITATING THE TRANSFER OF CREDITS ATTAINED
30 BY STUDENTS OF THE RURAL REGIONAL COLLEGE, THE RURAL REGIONAL

1 COLLEGE SHALL BE CONSIDERED A PUBLIC INSTITUTION OF HIGHER
2 EDUCATION AS DEFINED IN SECTION 2001-C AND, UPON THE RURAL
3 REGIONAL COLLEGE BEING ABLE TO OPERATE ON ITS OWN, SHALL BE
4 REQUIRED TO FULFILL ALL THE DUTIES AND OBTAIN FOR ITS STUDENTS
5 ALL THE BENEFITS OF ARTICLE XX-C WITHIN TWO YEARS OF OPERATION
6 OF THE ESTABLISHED RURAL REGIONAL COLLEGE.

7 ARTICLE XX-B

8 EDUCATIONAL TAX CREDITS

9 SECTION 2001-B. SCOPE OF ARTICLE.

10 THIS ARTICLE ESTABLISHES THE EDUCATIONAL IMPROVEMENT AND
11 OPPORTUNITY SCHOLARSHIP TAX CREDITS.

12 SECTION 2002-B. DEFINITIONS.

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

16 "APPLICABLE TAXES." ANY OF THE TAXES DUE UNDER ARTICLE III,
17 IV, VI, VII, VIII, IX, XV OR XX OF THE TAX REFORM CODE OF 1971
18 OR A TAX UNDER ARTICLE XVI OF THE ACT OF MAY 17, 1921 (P.L.682,
19 NO.284), KNOWN AS THE INSURANCE COMPANY LAW OF 1921.

20 "APPLICANT." AN ELIGIBLE STUDENT WHO APPLIES FOR A
21 SCHOLARSHIP.

22 "ASSESSMENT." THE PENNSYLVANIA SYSTEM OF SCHOOL ASSESSMENT
23 TEST, THE KEYSTONE EXAM, AN EQUIVALENT LOCAL ASSESSMENT OR
24 ANOTHER TEST ESTABLISHED OR APPROVED BY THE STATE BOARD OF
25 EDUCATION OR THE GENERAL ASSEMBLY TO MEET THE REQUIREMENTS OF
26 SECTION 2603-B(D)(10)(I), OR REQUIRED UNDER THE EVERY STUDENT
27 SUCCEEDS ACT (PUBLIC LAW 114-95, 129 STAT. 1802) OR ITS
28 SUCCESSOR STATUTE OR ANOTHER TEST REQUIRED TO ACHIEVE OTHER
29 STANDARDS ESTABLISHED BY THE DEPARTMENT OF EDUCATION FOR THE
30 PUBLIC SCHOOL OR SCHOOL DISTRICT UNDER 22 PA. CODE § 403.3

1 (RELATING TO SINGLE ACCOUNTABILITY SYSTEM).

2 "ATTENDANCE BOUNDARY." A GEOGRAPHIC AREA OF RESIDENCE USED
3 BY A SCHOOL DISTRICT TO ASSIGN A STUDENT TO A PUBLIC SCHOOL.

4 "AVERAGE DAILY MEMBERSHIP." AS DEFINED IN SECTION 2501(3).

5 "BUSINESS FIRM." AN ENTITY AUTHORIZED TO DO BUSINESS IN THIS
6 COMMONWEALTH AND SUBJECT TO TAXES IMPOSED UNDER ARTICLE III, IV,
7 VI, VII, VIII, IX, XV OR XX OF THE TAX REFORM CODE OF 1971 OR A
8 TAX UNDER ARTICLE XVI OF THE INSURANCE COMPANY LAW OF 1921. THE
9 TERM INCLUDES A PASS-THROUGH ENTITY, INCLUDING A PASS-THROUGH
10 ENTITY, THE PURPOSE OF WHICH IS THE MAKING OF CONTRIBUTIONS
11 UNDER THIS ARTICLE AND WHOSE SHAREHOLDERS, PARTNERS OR MEMBERS
12 ARE COMPOSED OF OWNERS OR EMPLOYEES OF OTHER BUSINESS FIRMS.

13 "CAREER AND TECHNICAL SCHOOL." A PUBLIC SECONDARY SCHOOL
14 ESTABLISHED UNDER THE PROVISIONS OF ARTICLE XVIII.

15 "CONTRIBUTION." A DONATION OF CASH, PERSONAL PROPERTY OR
16 SERVICES, THE VALUE OF WHICH IS THE NET COST OF THE DONATION TO
17 THE DONOR OR THE PRO RATA HOURLY WAGE, INCLUDING BENEFITS, OF
18 THE INDIVIDUAL PERFORMING THE SERVICES.

19 "DEPARTMENT." THE DEPARTMENT OF COMMUNITY AND ECONOMIC
20 DEVELOPMENT OF THE COMMONWEALTH.

21 "EDUCATIONAL IMPROVEMENT ORGANIZATION." A NONPROFIT ENTITY
22 WHICH:

23 (1) IS EXEMPT FROM FEDERAL TAXATION UNDER SECTION 501(C)
24 (3) OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514,
25 26 U.S.C. § 1 ET SEQ.); AND

26 (2) CONTRIBUTES AT LEAST 80% OF ITS ANNUAL RECEIPTS AS
27 GRANTS TO A PUBLIC SCHOOL, A CHARTERED SCHOOL AS DEFINED IN
28 SECTION 1376.1, OR A PRIVATE SCHOOL APPROVED UNDER SECTION
29 1376, FOR INNOVATIVE EDUCATIONAL PROGRAMS.

30 FOR PURPOSES OF THIS DEFINITION, A NONPROFIT ENTITY

1 "CONTRIBUTES" ITS ANNUAL CASH RECEIPTS WHEN IT EXPENDS OR
2 OTHERWISE IRREVOCABLY ENCUMBERS THOSE FUNDS FOR EXPENDITURE
3 DURING THE THEN CURRENT FISCAL YEAR OF THE NONPROFIT ENTITY OR
4 DURING THE NEXT SUCCEEDING FISCAL YEAR OF THE NONPROFIT ENTITY.
5 A NONPROFIT ENTITY SHALL INCLUDE A SCHOOL DISTRICT FOUNDATION,
6 PUBLIC SCHOOL FOUNDATION, CHARTER SCHOOL FOUNDATION OR CYBER
7 CHARTER SCHOOL FOUNDATION.

8 "ELEMENTARY SCHOOL." A SCHOOL WHICH IS NOT A SECONDARY
9 SCHOOL.

10 "ELIGIBLE PRE-KINDERGARTEN STUDENT." A STUDENT, INCLUDING AN
11 ELIGIBLE STUDENT WITH A DISABILITY, WHO IS ENROLLED IN A PRE-
12 KINDERGARTEN PROGRAM AND IS A MEMBER OF A HOUSEHOLD WITH A
13 MAXIMUM ANNUAL HOUSEHOLD INCOME AS INCREASED BY THE APPLICABLE
14 INCOME ALLOWANCE.

15 "ELIGIBLE STUDENT." A SCHOOL-AGE STUDENT, INCLUDING AN
16 ELIGIBLE STUDENT WITH A DISABILITY, WHO IS ENROLLED IN A SCHOOL
17 AND IS A MEMBER OF A HOUSEHOLD WITH A MAXIMUM ANNUAL HOUSEHOLD
18 INCOME AS INCREASED BY THE APPLICABLE INCOME ALLOWANCE.

19 "ELIGIBLE STUDENT WITH A DISABILITY." A PRE-KINDERGARTEN
20 STUDENT OR A SCHOOL-AGE STUDENT WHO MEETS ALL OF THE FOLLOWING:

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

26 (2) NEEDS SPECIAL EDUCATION AND RELATED SERVICES.

27 (3) IS ENROLLED IN A PRE-KINDERGARTEN PROGRAM OR IN A
28 SCHOOL.

29 (4) IS A MEMBER OF A HOUSEHOLD WITH A HOUSEHOLD INCOME
30 OF NOT MORE THAN THE MAXIMUM ANNUAL HOUSEHOLD INCOME.

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

7 "HOUSEHOLD INCOME." ALL MONEY OR PROPERTY RECEIVED OF
8 WHATEVER NATURE AND FROM WHATEVER SOURCE DERIVED. THE TERM DOES
9 NOT INCLUDE THE FOLLOWING:

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

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

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

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

22 (5) PAYMENTS TO REIMBURSE ACTUAL EXPENSES.

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

27 (7) COMPENSATION RECEIVED BY UNITED STATES SERVICEMEN
28 SERVING IN A COMBAT ZONE.

29 "INCOME ALLOWANCE." THE BASE AMOUNT OF \$15,000 FOR EACH
30 ELIGIBLE STUDENT, ELIGIBLE PRE-KINDERGARTEN STUDENT AND

1 DEPENDENT MEMBER OF THE HOUSEHOLD. BEGINNING JULY 1, 2014, THE
2 DEPARTMENT SHALL ANNUALLY ADJUST THE BASE AMOUNT TO REFLECT
3 UPWARD CHANGES IN THE CONSUMER PRICE INDEX FOR ALL URBAN
4 CONSUMERS FOR THE PENNSYLVANIA, NEW JERSEY, DELAWARE AND
5 MARYLAND AREA FOR THE PRECEDING 12 MONTHS. THE DEPARTMENT SHALL
6 IMMEDIATELY SUBMIT THE ADJUSTED AMOUNTS TO THE LEGISLATIVE
7 REFERENCE BUREAU FOR PUBLICATION AS A NOTICE IN THE PENNSYLVANIA
8 BULLETIN.

9 "INNOVATIVE EDUCATIONAL PROGRAM." AN ADVANCED ACADEMIC OR
10 SIMILAR PROGRAM THAT IS NOT PART OF THE REGULAR ACADEMIC PROGRAM
11 OF A PUBLIC SCHOOL BUT THAT ENHANCES THE CURRICULUM OR ACADEMIC
12 PROGRAM OF THE PUBLIC SCHOOL, CHARTERED SCHOOL OR PRIVATE SCHOOL
13 OR PROVIDES PRE-KINDERGARTEN PROGRAMS TO PUBLIC SCHOOL STUDENTS,
14 STUDENTS OF A CHARTERED SCHOOL OR STUDENTS OF A PRIVATE SCHOOL.
15 FOR THE PURPOSES OF THIS DEFINITION, A CHARTERED SCHOOL SHALL
16 MEAN A CHARTERED SCHOOL AS DEFINED IN SECTION 1376.1, AND A
17 PRIVATE SCHOOL SHALL MEAN A PRIVATE SCHOOL APPROVED UNDER
18 SECTION 1376.

19 "KINDERGARTEN." A ONE-YEAR FORMAL EDUCATIONAL PROGRAM THAT
20 OCCURS DURING THE SCHOOL YEAR IMMEDIATELY PRIOR TO FIRST GRADE.
21 THE TERM INCLUDES A PART-TIME AND A FULL-TIME PROGRAM.

22 "LOW-ACHIEVING SCHOOL." A PUBLIC SCHOOL THAT RANKED IN THE
23 LOWEST 15% OF THE SCHOOL'S DESIGNATION AS AN ELEMENTARY SCHOOL
24 OR A SECONDARY SCHOOL BASED ON COMBINED MATHEMATICS AND READING
25 SCORES FROM THE ANNUAL ASSESSMENT ADMINISTERED IN THE PREVIOUS
26 SCHOOL YEAR AND FOR WHICH THE DEPARTMENT OF EDUCATION HAS POSTED
27 RESULTS ON THE DEPARTMENT OF EDUCATION'S PUBLICLY ACCESSIBLE
28 INTERNET WEBSITE. THE TERM DOES NOT INCLUDE A CHARTER SCHOOL,
29 CYBER CHARTER SCHOOL OR AREA VOCATIONAL-TECHNICAL SCHOOL.

30 "MAXIMUM ANNUAL HOUSEHOLD INCOME."

1 (1) SUBJECT TO ADJUSTMENT UNDER PARAGRAPHS (2) AND (3),
2 THE AMOUNT OF \$75,000, PLUS THE APPLICABLE INCOME ALLOWANCE.

3 (2) WITH RESPECT TO AN ELIGIBLE STUDENT WITH A
4 DISABILITY, AS CALCULATED BY MULTIPLYING:

5 (I) THE APPLICABLE AMOUNT UNDER PARAGRAPH (1); BY

6 (II) THE APPLICABLE SUPPORT LEVEL FACTOR ACCORDING
7 TO THE FOLLOWING TABLE:

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

8
9
10
11 (3) BEGINNING JULY 1, 2014, THE DEPARTMENT SHALL
12 ANNUALLY ADJUST THE INCOME AMOUNTS UNDER PARAGRAPHS (1) AND
13 (2) TO REFLECT ANY UPWARD CHANGES IN THE CONSUMER PRICE INDEX
14 FOR ALL URBAN CONSUMERS FOR THE PENNSYLVANIA, NEW JERSEY,
15 DELAWARE AND MARYLAND AREA IN THE PRECEDING 12 MONTHS AND
16 SHALL IMMEDIATELY SUBMIT THE ADJUSTED AMOUNTS TO THE
17 LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION AS A NOTICE IN
18 THE PENNSYLVANIA BULLETIN.

19 "NONPUBLIC SCHOOL." A SCHOOL WHICH IS A NONPROFIT
20 ORGANIZATION AND WHICH IS LOCATED IN THIS COMMONWEALTH. THE TERM
21 DOES NOT INCLUDE A PUBLIC SCHOOL.

22 "OPPORTUNITY SCHOLARSHIP." AN AWARD GIVEN TO AN APPLICANT TO
23 PAY TUITION AND SCHOOL-RELATED FEES NECESSARY TO ATTEND A
24 PARTICIPATING NONPUBLIC SCHOOL OR A PARTICIPATING PUBLIC SCHOOL
25 LOCATED IN A SCHOOL DISTRICT WHICH IS NOT THE RECIPIENT'S SCHOOL
26 DISTRICT OF RESIDENCE.

27 "OPPORTUNITY SCHOLARSHIP ORGANIZATION." A NONPROFIT ENTITY
28 WHICH:

29 (1) IS EXEMPT FROM FEDERAL TAXATION UNDER SECTION 501(C)
30 (3) OF THE INTERNAL REVENUE CODE OF 1986 (PUBLIC LAW 99-514,

1 26 U.S.C. § 1 ET SEQ.); AND

2 (2) CONTRIBUTES AT LEAST 80% OF THE ENTITY'S ANNUAL CASH
3 RECEIPTS TO AN OPPORTUNITY SCHOLARSHIP PROGRAM.

4 FOR THE PURPOSES OF THIS DEFINITION, A NONPROFIT ENTITY
5 CONTRIBUTES THE ENTITY'S CASH RECEIPTS TO AN OPPORTUNITY
6 SCHOLARSHIP PROGRAM WHEN THE ENTITY EXPENDS OR OTHERWISE
7 IRREVOCABLY ENCUMBERS THOSE FUNDS FOR DISTRIBUTION DURING THE
8 THEN-CURRENT FISCAL YEAR OF THE NONPROFIT ENTITY OR DURING THE
9 NEXT SUCCEEDING FISCAL YEAR OF THE NONPROFIT ENTITY.

10 "OPPORTUNITY SCHOLARSHIP PROGRAM." A PROGRAM TO PROVIDE
11 OPPORTUNITY SCHOLARSHIPS TO ELIGIBLE STUDENTS WHO RESIDE WITHIN
12 THE ATTENDANCE AREA OF A LOW-ACHIEVING SCHOOL.

13 "PARENT." AN INDIVIDUAL WHO:

14 (1) IS A RESIDENT OF THIS COMMONWEALTH; AND

15 (2) EITHER:

16 (I) HAS LEGAL CUSTODY OR GUARDIANSHIP OF A STUDENT;

17 OR

18 (II) KEEPS IN THE INDIVIDUAL'S HOME A STUDENT AND
19 SUPPORTS THE STUDENT GRATIS AS IF THE STUDENT WERE A
20 LINEAL DESCENDANT OF THE INDIVIDUAL.

21 "PARTICIPATING NONPUBLIC SCHOOL." A NONPUBLIC SCHOOL WHICH
22 NOTIFIES THE DEPARTMENT OF EDUCATION UNDER SECTION 2011-B THAT
23 THE SCHOOL WISHES TO ACCEPT OPPORTUNITY SCHOLARSHIP RECIPIENTS.

24 "PARTICIPATING PUBLIC SCHOOL." A PUBLIC SCHOOL IN A SCHOOL
25 DISTRICT WHICH NOTIFIES THE DEPARTMENT OF EDUCATION UNDER
26 SECTION 2011-B THAT THE SCHOOL WISHES TO ACCEPT OPPORTUNITY
27 SCHOLARSHIP RECIPIENTS. THE TERM DOES NOT INCLUDE A LOW-
28 ACHIEVING SCHOOL.

29 "PASS-THROUGH ENTITY." A PARTNERSHIP AS DEFINED IN SECTION
30 301(N.0) OF ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX

1 REFORM CODE OF 1971, A SINGLE-MEMBER LIMITED LIABILITY COMPANY
2 TREATED AS A DISREGARDED ENTITY FOR FEDERAL INCOME TAX PURPOSES
3 OR A PENNSYLVANIA S CORPORATION AS DEFINED IN SECTION 301(N.1)
4 OF THE TAX REFORM CODE. THE TERM INCLUDES A PASS-THROUGH ENTITY
5 THAT OWNS AN INTEREST IN A PASS-THROUGH ENTITY.

6 "PRE-KINDERGARTEN PROGRAM." A PROGRAM OF INSTRUCTION FOR
7 THREE-YEAR-OLD, FOUR-YEAR-OLD, FIVE-YEAR-OLD OR SIX-YEAR-OLD
8 STUDENTS, OTHER THAN A KINDERGARTEN, THAT UTILIZES A CURRICULUM
9 ALIGNED WITH THE CURRICULUM OF THE SCHOOL WITH WHICH IT IS
10 AFFILIATED AND WHICH PROVIDES ONE OF THE FOLLOWING:

11 (1) A MINIMUM OF TWO HOURS OF INSTRUCTIONAL AND
12 DEVELOPMENTAL ACTIVITIES PER DAY AT LEAST 60 DAYS PER SCHOOL
13 YEAR.

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

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

19 (1) IS EXEMPT FROM FEDERAL TAXATION UNDER SECTION 501(C)
20 (3) OF THE INTERNAL REVENUE CODE OF 1986 OR IS OPERATED AS A
21 SEPARATE SEGREGATED FUND BY A SCHOLARSHIP ORGANIZATION THAT
22 HAS BEEN QUALIFIED UNDER SECTION 2003-B; AND

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

29 "PRE-KINDERGARTEN SCHOLARSHIP PROGRAM." A PROGRAM TO PROVIDE
30 TUITION TO ELIGIBLE PRE-KINDERGARTEN STUDENTS TO ATTEND A PRE-

1 KINDERGARTEN PROGRAM OPERATED BY OR IN CONJUNCTION WITH A SCHOOL
2 LOCATED IN THIS COMMONWEALTH AND THAT INCLUDES AN APPLICATION
3 AND REVIEW PROCESS FOR THE PURPOSE OF MAKING AWARDS TO ELIGIBLE
4 PRE-KINDERGARTEN STUDENTS AND AWARDS SCHOLARSHIPS TO ELIGIBLE
5 PRE-KINDERGARTEN STUDENTS WITHOUT LIMITING AVAILABILITY TO ONLY
6 STUDENTS OF ONE SCHOOL OR ONE BUILDING WITHIN A SCHOOL DISTRICT
7 OR NONPUBLIC SCHOOL ENTITY.

8 "PUBLIC SCHOOL." A PUBLIC PRE-KINDERGARTEN WHERE COMPULSORY
9 ATTENDANCE REQUIREMENTS DO NOT APPLY OR A PUBLIC KINDERGARTEN,
10 ELEMENTARY SCHOOL, SECONDARY SCHOOL OR CAREER AND TECHNICAL
11 SCHOOL AT WHICH THE COMPULSORY ATTENDANCE REQUIREMENTS OF THIS
12 COMMONWEALTH MAY BE MET AND WHICH MEETS THE APPLICABLE
13 REQUIREMENTS OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (PUBLIC
14 LAW 88-352, 78 STAT. 241).

15 "RECIPIENT." AN APPLICANT WHO RECEIVES A SCHOLARSHIP.

16 "SCHOLARSHIP." AN AWARD UNDER A SCHOLARSHIP PROGRAM TO PAY
17 TUITION AND SCHOOL-RELATED FEES TO ATTEND A SCHOOL.

18 "SCHOLARSHIP ORGANIZATION." A NONPROFIT ENTITY WHICH:

19 (1) IS EXEMPT FROM FEDERAL TAXATION UNDER SECTION 501(C)

20 (3) OF THE INTERNAL REVENUE CODE OF 1986; AND

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

23 FOR PURPOSES OF THIS DEFINITION, A NONPROFIT ENTITY

24 "CONTRIBUTES" ITS ANNUAL CASH RECEIPTS TO A SCHOLARSHIP PROGRAM

25 WHEN IT EXPENDS OR OTHERWISE IRREVOCABLY ENCUMBERS THOSE FUNDS

26 FOR DISTRIBUTION DURING THE THEN CURRENT FISCAL YEAR OF THE

27 NONPROFIT ENTITY OR DURING THE NEXT SUCCEEDING FISCAL YEAR OF

28 THE NONPROFIT ENTITY.

29 "SCHOLARSHIP PROGRAM." A PROGRAM TO PROVIDE TUITION AND

30 SCHOOL-RELATED FEES TO ELIGIBLE STUDENTS TO ATTEND A SCHOOL

1 LOCATED IN THIS COMMONWEALTH. A SCHOLARSHIP PROGRAM MUST INCLUDE
2 AN APPLICATION AND REVIEW PROCESS FOR THE PURPOSE OF MAKING
3 AWARDS TO ELIGIBLE STUDENTS. THE AWARD OF SCHOLARSHIPS TO
4 ELIGIBLE STUDENTS SHALL BE MADE WITHOUT LIMITING AVAILABILITY TO
5 ONLY STUDENTS OF ONE SCHOOL OR ONE BUILDING WITHIN A SCHOOL
6 DISTRICT OR NONPUBLIC SCHOOL ENTITY.

7 "SCHOOL." A PUBLIC OR NONPUBLIC PRE-KINDERGARTEN,
8 KINDERGARTEN, ELEMENTARY SCHOOL OR SECONDARY SCHOOL AT WHICH THE
9 COMPULSORY ATTENDANCE REQUIREMENTS OF THE COMMONWEALTH MAY BE
10 MET AND WHICH MEETS THE APPLICABLE REQUIREMENTS OF TITLE VI OF
11 THE CIVIL RIGHTS ACT OF 1964.

12 "SCHOOL AGE." CHILDREN FROM THE EARLIEST ADMISSION AGE TO A
13 SCHOOL'S PRE-KINDERGARTEN OR KINDERGARTEN PROGRAM OR, WHEN NO
14 PRE-KINDERGARTEN OR KINDERGARTEN PROGRAM IS PROVIDED, THE
15 SCHOOL'S EARLIEST ADMISSION AGE FOR BEGINNERS, UNTIL THE END OF
16 THE SCHOOL YEAR THE STUDENT ATTAINS 21 YEARS OF AGE OR
17 GRADUATION FROM HIGH SCHOOL, WHICHEVER OCCURS FIRST.

18 "SCHOOL DISTRICT OF RESIDENCE." THE SCHOOL DISTRICT IN WHICH
19 THE STUDENT'S PRIMARY DOMICILE IS LOCATED.

20 "SCHOOL-RELATED FEES." FEES CHARGED BY A SCHOOL TO ALL
21 STUDENTS FOR BOOKS, INSTRUCTIONAL MATERIALS, TECHNOLOGY
22 EQUIPMENT AND SERVICES, UNIFORMS AND ACTIVITIES.

23 "SECONDARY SCHOOL." A SCHOOL WITH AN ELEVENTH GRADE.

24 "SPECIAL EDUCATION SCHOOL." A SCHOOL OR PROGRAM WITHIN A
25 SCHOOL THAT IS DESIGNATED SPECIFICALLY AND EXCLUSIVELY FOR
26 STUDENTS WITH ANY OF THE DISABILITIES LISTED IN 34 CFR § 300.8
27 AND MEETS ONE OF THE FOLLOWING:

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

30 (2) IS ACCREDITED BY AN ACCREDITING ASSOCIATION APPROVED

1 BY THE STATE BOARD OF EDUCATION.

2 (3) IS A SCHOOL FOR THE BLIND OR DEAF RECEIVING
3 COMMONWEALTH APPROPRIATIONS.

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

7 "STUDENT." AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING:

8 (1) IS SCHOOL AGE.

9 (2) IS A RESIDENT OF THIS COMMONWEALTH.

10 (3) ATTENDS OR IS ABOUT TO ATTEND A SCHOOL.

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

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

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

17 "TAX REFORM CODE OF 1971." THE ACT OF MARCH 4, 1971 (P.L.6,
18 NO.2), KNOWN AS THE TAX REFORM CODE OF 1971.

19 SECTION 2003-B. QUALIFICATION AND APPLICATION BY ORGANIZATIONS.

20 (A) ESTABLISHMENT.--IN ACCORDANCE WITH SECTION 14 OF ARTICLE
21 III OF THE CONSTITUTION OF PENNSYLVANIA, THE EDUCATIONAL
22 IMPROVEMENT AND OPPORTUNITY SCHOLARSHIP TAX CREDIT PROGRAMS ARE
23 HEREBY ESTABLISHED TO ENHANCE THE EDUCATIONAL OPPORTUNITIES
24 AVAILABLE TO ALL STUDENTS IN THIS COMMONWEALTH.

25 (B) INFORMATION.--IN ORDER TO QUALIFY UNDER THIS ARTICLE, AN
26 EDUCATIONAL IMPROVEMENT ORGANIZATION, A SCHOLARSHIP
27 ORGANIZATION, A PRE-KINDERGARTEN SCHOLARSHIP ORGANIZATION OR AN
28 OPPORTUNITY SCHOLARSHIP ORGANIZATION MUST SUBMIT INFORMATION TO
29 THE DEPARTMENT THAT ENABLES THE DEPARTMENT TO CONFIRM THAT THE
30 ORGANIZATION IS EXEMPT FROM TAXATION UNDER SECTION 501(C)(3) OF

1 THE INTERNAL REVENUE CODE OF 1986.

2 (C) SCHOLARSHIP ORGANIZATIONS AND PRE-KINDERGARTEN
3 SCHOLARSHIP ORGANIZATIONS.--A SCHOLARSHIP ORGANIZATION OR PRE-
4 KINDERGARTEN SCHOLARSHIP ORGANIZATION MUST CERTIFY TO THE
5 DEPARTMENT THAT THE ORGANIZATION IS ELIGIBLE TO PARTICIPATE IN
6 THE EDUCATIONAL IMPROVEMENT TAX CREDIT PROGRAM ESTABLISHED UNDER
7 THIS ARTICLE AND MUST AGREE TO ANNUALLY REPORT THE FOLLOWING
8 INFORMATION TO THE DEPARTMENT BY SEPTEMBER 1 OF EACH YEAR:

9 (1) (I) THE NUMBER OF SCHOLARSHIPS AWARDED DURING THE
10 IMMEDIATELY PRECEDING SCHOOL YEAR TO ELIGIBLE PRE-
11 KINDERGARTEN STUDENTS.

12 (II) THE TOTAL AND AVERAGE AMOUNTS OF THE
13 SCHOLARSHIPS AWARDED DURING THE IMMEDIATELY PRECEDING
14 SCHOOL YEAR TO ELIGIBLE PRE-KINDERGARTEN STUDENTS.

15 (III) THE NUMBER OF SCHOLARSHIPS AWARDED DURING THE
16 IMMEDIATELY PRECEDING SCHOOL YEAR TO ELIGIBLE STUDENTS IN
17 GRADES KINDERGARTEN THROUGH EIGHT.

18 (IV) THE TOTAL AND AVERAGE AMOUNTS OF THE
19 SCHOLARSHIPS AWARDED DURING THE IMMEDIATELY PRECEDING
20 SCHOOL YEAR TO ELIGIBLE STUDENTS IN GRADES KINDERGARTEN
21 THROUGH EIGHT.

22 (V) THE NUMBER OF SCHOLARSHIPS AWARDED DURING THE
23 IMMEDIATELY PRECEDING SCHOOL YEAR TO ELIGIBLE STUDENTS IN
24 GRADES NINE THROUGH 12.

25 (VI) THE TOTAL AND AVERAGE AMOUNTS OF THE
26 SCHOLARSHIPS AWARDED DURING THE IMMEDIATELY PRECEDING
27 SCHOOL YEAR TO ELIGIBLE STUDENTS IN GRADES NINE THROUGH
28 12.

29 (VII) WHERE THE SCHOLARSHIP ORGANIZATION OR PRE-
30 KINDERGARTEN SCHOLARSHIP ORGANIZATION COLLECTS

1 INFORMATION ON A COUNTY-BY-COUNTY BASIS, THE TOTAL NUMBER
2 AND THE TOTAL AMOUNT OF SCHOLARSHIPS AWARDED DURING THE
3 IMMEDIATELY PRECEDING SCHOOL YEAR TO RESIDENTS OF EACH
4 COUNTY IN WHICH THE SCHOLARSHIP ORGANIZATION OR PRE-
5 KINDERGARTEN SCHOLARSHIP ORGANIZATION AWARDED
6 SCHOLARSHIPS.

7 (VIII) THE TOTAL NUMBER OF SCHOLARSHIP APPLICATIONS
8 PROCESSED AND THE AMOUNTS OF ANY APPLICATION FEES
9 CHARGED, EITHER PER SCHOLARSHIP APPLICATION OR IN THE
10 AGGREGATE THROUGH A THIRD-PARTY PROCESSOR.

11 (IX) THE ORGANIZATION'S FEDERAL FORM 990 OR OTHER
12 FEDERAL FORM INDICATING THE TAX STATUS OF THE
13 ORGANIZATION FOR FEDERAL TAX PURPOSES, IF ANY, AND A COPY
14 OF A COMPILATION, REVIEW OR AUDIT OF THE ORGANIZATION'S
15 FINANCIAL STATEMENTS CONDUCTED BY A CERTIFIED PUBLIC
16 ACCOUNTING FIRM.

17 (2) THE INFORMATION REQUIRED UNDER PARAGRAPH (1) SHALL
18 BE SUBMITTED ON A FORM PROVIDED BY THE DEPARTMENT. NO LATER
19 THAN MAY 1 OF EACH YEAR, THE DEPARTMENT SHALL ANNUALLY
20 DISTRIBUTE SUCH SAMPLE FORMS, TOGETHER WITH THE FORMS ON
21 WHICH THE REPORTS ARE REQUIRED TO BE MADE, TO EACH LISTED
22 SCHOLARSHIP ORGANIZATION AND PRE-KINDERGARTEN SCHOLARSHIP
23 ORGANIZATION.

24 (3) THE DEPARTMENT MAY NOT REQUIRE ANY OTHER INFORMATION
25 TO BE PROVIDED BY SCHOLARSHIP ORGANIZATIONS OR PRE-
26 KINDERGARTEN SCHOLARSHIP ORGANIZATIONS, EXCEPT AS EXPRESSLY
27 AUTHORIZED IN THIS ARTICLE.

28 (D) EDUCATIONAL IMPROVEMENT ORGANIZATION.--

29 (1) AN APPLICATION SUBMITTED BY AN EDUCATIONAL
30 IMPROVEMENT ORGANIZATION MUST DESCRIBE ITS PROPOSED

1 INNOVATIVE EDUCATIONAL PROGRAM OR PROGRAMS IN A FORM
2 PRESCRIBED BY THE DEPARTMENT. THE DEPARTMENT SHALL CONSULT
3 WITH THE DEPARTMENT OF EDUCATION AS NECESSARY. THE DEPARTMENT
4 SHALL REVIEW AND APPROVE OR DISAPPROVE THE APPLICATION. IN
5 ORDER TO BE ELIGIBLE TO PARTICIPATE IN THE EDUCATIONAL
6 IMPROVEMENT TAX CREDIT PROGRAM ESTABLISHED UNDER THIS
7 ARTICLE, AN EDUCATIONAL IMPROVEMENT ORGANIZATION MUST AGREE
8 TO ANNUALLY REPORT THE FOLLOWING INFORMATION TO THE
9 DEPARTMENT BY SEPTEMBER 1 OF EACH YEAR:

10 (I) THE NAME OF THE INNOVATIVE EDUCATIONAL PROGRAM
11 OR PROGRAMS AND THE TOTAL AMOUNT OF THE GRANT OR GRANTS
12 MADE TO THOSE PROGRAMS DURING THE IMMEDIATELY PRECEDING
13 SCHOOL YEAR.

14 (II) A DESCRIPTION OF HOW EACH GRANT WAS UTILIZED
15 DURING THE IMMEDIATELY PRECEDING SCHOOL YEAR AND A
16 DESCRIPTION OF ANY DEMONSTRATED OR EXPECTED INNOVATIVE
17 EDUCATIONAL IMPROVEMENTS.

18 (III) THE NAMES OF THE PUBLIC SCHOOLS AND SCHOOL
19 DISTRICTS WHERE INNOVATIVE EDUCATIONAL PROGRAMS THAT
20 RECEIVED GRANTS DURING THE IMMEDIATELY PRECEDING SCHOOL
21 YEAR WERE IMPLEMENTED.

22 (IV) WHERE THE EDUCATIONAL IMPROVEMENT ORGANIZATION
23 COLLECTS INFORMATION ON A COUNTY-BY-COUNTY BASIS, THE
24 TOTAL NUMBER AND THE TOTAL AMOUNT OF GRANTS MADE DURING
25 THE IMMEDIATELY PRECEDING SCHOOL YEAR FOR PROGRAMS AT
26 PUBLIC SCHOOLS IN EACH COUNTY IN WHICH THE EDUCATIONAL
27 IMPROVEMENT ORGANIZATION MADE GRANTS.

28 (V) THE ORGANIZATION'S FEDERAL FORM 990 OR OTHER
29 FEDERAL FORM INDICATING THE TAX STATUS OF THE
30 ORGANIZATION FOR FEDERAL TAX PURPOSES, IF ANY, AND A COPY

1 OF A COMPILATION, REVIEW OR AUDIT OF THE ORGANIZATION'S
2 FINANCIAL STATEMENTS CONDUCTED BY A CERTIFIED PUBLIC
3 ACCOUNTING FIRM.

4 (2) THE INFORMATION REQUIRED UNDER PARAGRAPH (1) SHALL
5 BE SUBMITTED ON A FORM PROVIDED BY THE DEPARTMENT. NO LATER
6 THAN MAY 1 OF EACH YEAR, THE DEPARTMENT SHALL ANNUALLY
7 DISTRIBUTE SUCH SAMPLE FORMS, TOGETHER WITH THE FORMS ON
8 WHICH THE REPORTS ARE REQUIRED TO BE MADE, TO EACH LISTED
9 EDUCATIONAL IMPROVEMENT ORGANIZATION.

10 (3) THE DEPARTMENT MAY NOT REQUIRE ANY OTHER INFORMATION
11 TO BE PROVIDED BY EDUCATIONAL IMPROVEMENT ORGANIZATIONS,
12 EXCEPT AS EXPRESSLY AUTHORIZED IN THIS ARTICLE.

13 (D.1) OPPORTUNITY SCHOLARSHIP ORGANIZATIONS.--

14 (1) AN OPPORTUNITY SCHOLARSHIP ORGANIZATION MUST ENHANCE
15 THE EDUCATIONAL OPPORTUNITIES AVAILABLE TO STUDENTS IN THIS
16 COMMONWEALTH BY PROVIDING OPPORTUNITY SCHOLARSHIPS TO
17 ELIGIBLE STUDENTS WHO RESIDE WITHIN THE ATTENDANCE BOUNDARY
18 OF LOW-ACHIEVING SCHOOLS TO ATTEND SCHOOLS WHICH ARE NOT LOW-
19 ACHIEVING SCHOOLS AND WHICH ARE NOT PUBLIC SCHOOLS WITHIN THE
20 ELIGIBLE STUDENT'S SCHOOL DISTRICT OF RESIDENCE. BY FEBRUARY
21 15 OF EACH YEAR, AN OPPORTUNITY SCHOLARSHIP ORGANIZATION MUST
22 CERTIFY TO THE DEPARTMENT THAT THE ORGANIZATION IS ELIGIBLE
23 TO PARTICIPATE IN THE OPPORTUNITY SCHOLARSHIP TAX CREDIT
24 PROGRAM.

25 (2) AN OPPORTUNITY SCHOLARSHIP ORGANIZATION MUST AGREE
26 TO REPORT THE FOLLOWING INFORMATION ON A FORM PROVIDED BY THE
27 DEPARTMENT BY SEPTEMBER 1 OF EACH YEAR:

28 (I) THE TOTAL NUMBER OF APPLICATIONS FOR OPPORTUNITY
29 SCHOLARSHIPS RECEIVED DURING THE IMMEDIATELY PRECEDING
30 SCHOOL YEAR FROM ELIGIBLE STUDENTS IN GRADES KINDERGARTEN

1 THROUGH EIGHT.

2 (II) THE NUMBER OF OPPORTUNITY SCHOLARSHIPS AWARDED
3 DURING THE IMMEDIATELY PRECEDING SCHOOL YEAR TO ELIGIBLE
4 STUDENTS IN GRADES KINDERGARTEN THROUGH EIGHT.

5 (III) THE TOTAL AND AVERAGE AMOUNTS OF THE
6 OPPORTUNITY SCHOLARSHIPS AWARDED DURING THE IMMEDIATELY
7 PRECEDING SCHOOL YEAR TO ELIGIBLE STUDENTS IN GRADES
8 KINDERGARTEN THROUGH EIGHT.

9 (IV) THE TOTAL NUMBER OF APPLICATIONS FOR
10 OPPORTUNITY SCHOLARSHIPS RECEIVED DURING THE IMMEDIATELY
11 PRECEDING SCHOOL YEAR FROM ELIGIBLE STUDENTS IN GRADES
12 NINE THROUGH 12.

13 (V) THE NUMBER OF OPPORTUNITY SCHOLARSHIPS AWARDED
14 DURING THE IMMEDIATELY PRECEDING SCHOOL YEAR TO ELIGIBLE
15 STUDENTS IN GRADES NINE THROUGH 12.

16 (VI) THE TOTAL AND AVERAGE AMOUNTS OF THE
17 OPPORTUNITY SCHOLARSHIPS AWARDED DURING THE IMMEDIATELY
18 PRECEDING SCHOOL YEAR TO ELIGIBLE STUDENTS IN GRADES NINE
19 THROUGH 12.

20 (VII) WHERE THE OPPORTUNITY SCHOLARSHIP ORGANIZATION
21 COLLECTS INFORMATION ON A COUNTY-BY-COUNTY BASIS, THE
22 TOTAL NUMBER AND THE TOTAL AMOUNT OF OPPORTUNITY
23 SCHOLARSHIPS AWARDED DURING THE IMMEDIATELY PRECEDING
24 SCHOOL YEAR TO RESIDENTS OF EACH COUNTY IN WHICH THE
25 OPPORTUNITY SCHOLARSHIP ORGANIZATION AWARDED OPPORTUNITY
26 SCHOLARSHIPS.

27 (VIII) THE NUMBER OF OPPORTUNITY SCHOLARSHIPS
28 AWARDED DURING THE IMMEDIATELY PRECEDING SCHOOL YEAR TO
29 APPLICANTS WITH A HOUSEHOLD INCOME THAT DOES NOT EXCEED
30 185% OF THE FEDERAL POVERTY LEVEL.

1 (IX) THE TOTAL AND AVERAGE AMOUNTS OF OPPORTUNITY
2 SCHOLARSHIPS AWARDED DURING THE IMMEDIATELY PRECEDING
3 SCHOOL YEAR TO APPLICANTS WITH A HOUSEHOLD INCOME THAT
4 DOES NOT EXCEED 185% OF THE FEDERAL POVERTY LEVEL.

5 (X) THE NUMBER OF OPPORTUNITY SCHOLARSHIPS AWARDED
6 DURING THE IMMEDIATELY PRECEDING SCHOOL YEAR TO
7 APPLICANTS WITH A HOUSEHOLD INCOME THAT DOES NOT EXCEED
8 185% OF THE FEDERAL POVERTY LEVEL AND WHO RESIDE WITHIN A
9 FIRST CLASS SCHOOL DISTRICT.

10 (XI) THE TOTAL AND AVERAGE AMOUNTS OF OPPORTUNITY
11 SCHOLARSHIPS AWARDED DURING THE IMMEDIATELY PRECEDING
12 SCHOOL YEAR TO APPLICANTS WITH A HOUSEHOLD INCOME THAT
13 DOES NOT EXCEED 185% OF THE FEDERAL POVERTY LEVEL AND WHO
14 RESIDE WITHIN A FIRST CLASS SCHOOL DISTRICT.

15 (XII) THE NUMBER OF OPPORTUNITY SCHOLARSHIPS AWARDED
16 DURING THE IMMEDIATELY PRECEDING SCHOOL YEAR TO
17 APPLICANTS WITH A HOUSEHOLD INCOME THAT DOES NOT EXCEED
18 185% OF THE FEDERAL POVERTY LEVEL AND WHO RESIDE WITHIN A
19 SCHOOL DISTRICT THAT WAS DESIGNATED AS A FINANCIAL
20 RECOVERY SCHOOL DISTRICT UNDER ARTICLE VI-A AT THE TIME
21 OF THE AWARD.

22 (XIII) THE TOTAL AND AVERAGE AMOUNTS OF OPPORTUNITY
23 SCHOLARSHIPS AWARDED DURING THE IMMEDIATELY PRECEDING
24 SCHOOL YEAR TO APPLICANTS WITH A HOUSEHOLD INCOME THAT
25 DOES NOT EXCEED 185% OF THE FEDERAL POVERTY LEVEL AND WHO
26 RESIDE WITHIN A SCHOOL DISTRICT THAT WAS DESIGNATED AS A
27 FINANCIAL RECOVERY SCHOOL DISTRICT UNDER ARTICLE VI-A AT
28 THE TIME OF THE AWARD.

29 (XIV) THE TOTAL NUMBER OF OPPORTUNITY SCHOLARSHIP
30 APPLICATIONS PROCESSED AND THE AMOUNTS OF ANY APPLICATION

1 FEES CHARGED EITHER PER OPPORTUNITY SCHOLARSHIP
2 APPLICATION OR IN THE AGGREGATE THROUGH A THIRD-PARTY
3 PROCESSOR.

4 (XV) THE OPPORTUNITY SCHOLARSHIP ORGANIZATION'S
5 FEDERAL FORM 990 OR OTHER FEDERAL FORM INDICATING THE TAX
6 STATUS OF THE OPPORTUNITY SCHOLARSHIP ORGANIZATION FOR
7 FEDERAL TAX PURPOSES, IF ANY, AND A COPY OF A
8 COMPILATION, REVIEW OR AUDIT OF THE OPPORTUNITY
9 SCHOLARSHIP ORGANIZATION'S FINANCIAL STATEMENTS CONDUCTED
10 BY A CERTIFIED PUBLIC ACCOUNTING FIRM.

11 (3) NO LATER THAN MAY 1 OF EACH YEAR, THE DEPARTMENT
12 SHALL ANNUALLY DISTRIBUTE SUCH SAMPLE FORMS, TOGETHER WITH
13 THE FORMS ON WHICH THE REPORTS ARE REQUIRED TO BE MADE, TO
14 EACH LISTED OPPORTUNITY SCHOLARSHIP ORGANIZATION.

15 (4) THE DEPARTMENT MAY NOT REQUIRE OTHER INFORMATION TO
16 BE PROVIDED BY OPPORTUNITY SCHOLARSHIP ORGANIZATIONS, EXCEPT
17 AS EXPRESSLY AUTHORIZED IN THIS ARTICLE.

18 (E) NOTIFICATION.--THE DEPARTMENT SHALL NOTIFY THE
19 SCHOLARSHIP ORGANIZATION, PRE-KINDERGARTEN SCHOLARSHIP
20 ORGANIZATION, EDUCATIONAL IMPROVEMENT ORGANIZATION OR
21 OPPORTUNITY SCHOLARSHIP ORGANIZATION THAT THE ORGANIZATION MEETS
22 THE REQUIREMENTS OF AND IS QUALIFIED UNDER THIS ARTICLE FOR THAT
23 FISCAL YEAR NO LATER THAN 60 DAYS AFTER THE ORGANIZATION HAS
24 SUBMITTED THE INFORMATION REQUIRED UNDER THIS SECTION.

25 (F) PUBLICATION.--THE DEPARTMENT SHALL ANNUALLY PUBLISH A
26 LIST OF EACH SCHOLARSHIP ORGANIZATION, PRE-KINDERGARTEN
27 SCHOLARSHIP ORGANIZATION, EDUCATIONAL IMPROVEMENT ORGANIZATION
28 AND OPPORTUNITY SCHOLARSHIP ORGANIZATION QUALIFIED UNDER THIS
29 SECTION IN THE PENNSYLVANIA BULLETIN. THE LIST SHALL ALSO BE
30 POSTED AND UPDATED AS NECESSARY ON THE PUBLICLY ACCESSIBLE

1 INTERNET WEBSITE OF THE DEPARTMENT.

2 SECTION 2004-B. APPLICATION BY BUSINESS FIRMS.

3 (A) SCHOLARSHIP ORGANIZATION, PRE-KINDERGARTEN SCHOLARSHIP

4 ORGANIZATION OR OPPORTUNITY SCHOLARSHIP ORGANIZATION.--A

5 BUSINESS FIRM SHALL APPLY TO THE DEPARTMENT FOR A TAX CREDIT FOR

6 CONTRIBUTIONS TO A SCHOLARSHIP ORGANIZATION, PRE-KINDERGARTEN

7 SCHOLARSHIP ORGANIZATION OR OPPORTUNITY SCHOLARSHIP ORGANIZATION

8 UNDER SECTION 2005-B. A BUSINESS FIRM SHALL RECEIVE A TAX CREDIT

9 UNDER THIS ARTICLE IF THE SCHOLARSHIP ORGANIZATION, PRE-

10 KINDERGARTEN SCHOLARSHIP ORGANIZATION OR OPPORTUNITY SCHOLARSHIP

11 ORGANIZATION THAT RECEIVES THE CONTRIBUTION APPEARS ON THE LIST

12 ESTABLISHED UNDER SECTION 2003-B(F), SUBJECT TO THE LIMITATIONS

13 IN SECTIONS 2005-B AND 2006-B.

14 (B) EDUCATIONAL IMPROVEMENT ORGANIZATION.--A BUSINESS FIRM

15 MUST APPLY TO THE DEPARTMENT FOR A CREDIT FOR A CONTRIBUTION TO

16 AN EDUCATIONAL IMPROVEMENT ORGANIZATION UNDER SECTION 2005-B. A

17 BUSINESS FIRM SHALL RECEIVE A TAX CREDIT UNDER THIS ARTICLE IF

18 THE DEPARTMENT HAS APPROVED THE PROGRAM PROVIDED BY THE

19 EDUCATIONAL IMPROVEMENT ORGANIZATION THAT RECEIVES THE

20 CONTRIBUTION, SUBJECT TO THE LIMITATIONS IN SECTIONS 2005-B AND

21 2006-B.

22 (C) AVAILABILITY OF TAX CREDITS.--TAX CREDITS UNDER THIS

23 ARTICLE SHALL BE MADE AVAILABLE BY THE DEPARTMENT ON A FIRST-

24 COME, FIRST-SERVED BASIS WITHIN THE LIMITATION ESTABLISHED UNDER

25 SECTION 2006-B(A).

26 (D) CONTRIBUTIONS.--A CONTRIBUTION BY A BUSINESS FIRM TO A

27 SCHOLARSHIP ORGANIZATION, PRE-KINDERGARTEN SCHOLARSHIP

28 ORGANIZATION, OPPORTUNITY SCHOLARSHIP ORGANIZATION OR

29 EDUCATIONAL IMPROVEMENT ORGANIZATION SHALL BE MADE NO LATER THAN

30 60 DAYS FOLLOWING THE APPROVAL OF AN APPLICATION UNDER

1 SUBSECTION (A) OR (B).

2 (E) APPLICATION IN THE ALTERNATIVE.--AT THE TIME OF
3 APPLICATION FOR AN EDUCATIONAL IMPROVEMENT OR OPPORTUNITY
4 SCHOLARSHIP TAX CREDIT, THE DEPARTMENT SHALL ADVISE A BUSINESS
5 FIRM THAT THE FIRM MAY ELECT THAT ITS APPLICATION FOR A
6 PARTICULAR CREDIT WILL, IN THE ALTERNATIVE, BE DEEMED AN
7 APPLICATION RECEIVED BY THE DEPARTMENT ON THE SAME DATE AS THE
8 PREFERRED APPLICATION, BUT FOR A DIFFERENT TAX CREDIT AUTHORIZED
9 UNDER THIS SECTION IF THE BUSINESS FIRM'S PREFERRED CHOICE OF
10 TAX CREDIT IS NOT AVAILABLE. WHEN A BUSINESS FIRM DOES NOT
11 RECEIVE ITS PREFERRED CHOICE OF TAX CREDIT, THE DEPARTMENT SHALL
12 PROMPTLY CONSIDER THE BUSINESS FIRM'S APPLICATION IN THE
13 ALTERNATIVE FOR A DIFFERENT TAX CREDIT AUTHORIZED UNDER THIS
14 SECTION.

15 SECTION 2005-B. TAX CREDITS.

16 (A) SCHOLARSHIP OR EDUCATIONAL IMPROVEMENT ORGANIZATIONS.--
17 IN ACCORDANCE WITH SECTION 2006-B, THE DEPARTMENT OF REVENUE
18 SHALL GRANT A TAX CREDIT AGAINST ANY APPLICABLE TAX TO A
19 BUSINESS FIRM PROVIDING PROOF OF A CONTRIBUTION TO A SCHOLARSHIP
20 ORGANIZATION OR EDUCATIONAL IMPROVEMENT ORGANIZATION IN THE
21 TAXABLE YEAR IN WHICH THE CONTRIBUTION IS MADE IN ACCORDANCE
22 WITH THE FOLLOWING:

23 (1) THE TAX CREDIT SHALL NOT EXCEED 75% OF THE TOTAL
24 AMOUNT CONTRIBUTED DURING THE TAXABLE YEAR BY THE BUSINESS
25 FIRM.

26 (2) FOR FISCAL YEAR 2014-2015, AND EACH FISCAL YEAR
27 THEREAFTER, THE TAX CREDIT SHALL NOT EXCEED \$750,000 ANNUALLY
28 PER BUSINESS FIRM FOR CONTRIBUTIONS MADE TO SCHOLARSHIP
29 ORGANIZATIONS OR EDUCATIONAL IMPROVEMENT ORGANIZATIONS EXCEPT
30 AS PROVIDED UNDER SUBSECTION (I).

1 (A.1) OPPORTUNITY SCHOLARSHIP ORGANIZATIONS.--IN ACCORDANCE
2 WITH SECTION 2006-B, THE DEPARTMENT OF REVENUE SHALL GRANT A TAX
3 CREDIT AGAINST ANY APPLICABLE TAX TO A BUSINESS FIRM PROVIDING
4 PROOF OF A CONTRIBUTION TO AN OPPORTUNITY SCHOLARSHIP
5 ORGANIZATION IN THE TAXABLE YEAR IN WHICH THE CONTRIBUTION IS
6 MADE IN ACCORDANCE WITH THE FOLLOWING:

7 (1) THE TAX CREDIT SHALL NOT EXCEED 75% OF THE TOTAL
8 AMOUNT CONTRIBUTED DURING THE TAXABLE YEAR BY THE BUSINESS
9 FIRM.

10 (2) FOR FISCAL YEAR 2014-2015, AND EACH FISCAL YEAR
11 THEREAFTER, THE TAX CREDIT SHALL NOT EXCEED \$750,000 ANNUALLY
12 PER BUSINESS FIRM FOR CONTRIBUTIONS MADE TO OPPORTUNITY
13 SCHOLARSHIP ORGANIZATIONS, EXCEPT AS PROVIDED IN SUBSECTION
14 (I).

15 (B) ADDITIONAL AMOUNT.--IN ACCORDANCE WITH SECTION 2006-B,
16 THE DEPARTMENT OF REVENUE SHALL GRANT A TAX CREDIT OF UP TO 90%
17 OF THE TOTAL AMOUNT CONTRIBUTED DURING THE TAXABLE YEAR IF THE
18 BUSINESS FIRM PROVIDES A WRITTEN COMMITMENT TO PROVIDE THE
19 SCHOLARSHIP ORGANIZATION, EDUCATIONAL IMPROVEMENT ORGANIZATION
20 OR OPPORTUNITY SCHOLARSHIP ORGANIZATION WITH THE SAME AMOUNT OF
21 CONTRIBUTION FOR TWO CONSECUTIVE TAX YEARS. THE BUSINESS FIRM
22 MUST PROVIDE THE WRITTEN COMMITMENT UNDER THIS SUBSECTION TO THE
23 DEPARTMENT AT THE TIME OF APPLICATION.

24 (C) PRE-KINDERGARTEN SCHOLARSHIP ORGANIZATIONS.--IN
25 ACCORDANCE WITH SECTION 2006-B, THE DEPARTMENT OF REVENUE SHALL
26 GRANT A TAX CREDIT AGAINST ANY APPLICABLE TAX TO A BUSINESS FIRM
27 PROVIDING PROOF OF A CONTRIBUTION TO A PRE-KINDERGARTEN
28 SCHOLARSHIP ORGANIZATION IN THE TAXABLE YEAR IN WHICH THE
29 CONTRIBUTION IS MADE IN ACCORDANCE WITH THE FOLLOWING:

30 (1) THE TAX CREDIT SHALL BE EQUAL TO 100% OF THE FIRST

1 \$10,000 CONTRIBUTED DURING THE TAXABLE YEAR BY THE BUSINESS
2 FIRM AND SHALL NOT EXCEED 90% OF THE REMAINING AMOUNT
3 CONTRIBUTED DURING THE TAXABLE YEAR BY THE BUSINESS FIRM. AT
4 THE TIME OF APPLICATION, A BUSINESS FIRM MAY PROVIDE A
5 WRITTEN COMMITMENT TO THE DEPARTMENT TO PROVIDE THE PRE-
6 KINDERGARTEN SCHOLARSHIP ORGANIZATION WITH AT LEAST THE SAME
7 AMOUNT OF CONTRIBUTION FOR TWO CONSECUTIVE YEARS.

8 (2) THE TAX CREDIT SHALL NOT EXCEED \$200,000 ANNUALLY
9 PER BUSINESS FIRM FOR CONTRIBUTIONS MADE TO PRE-KINDERGARTEN
10 SCHOLARSHIP ORGANIZATIONS, EXCEPT AS PROVIDED IN SUBSECTION
11 (I).

12 (D) COMBINATION OF TAX CREDITS.--IN ACCORDANCE WITH SECTION
13 2006-B, A BUSINESS FIRM MAY RECEIVE TAX CREDITS FROM THE
14 DEPARTMENT OF REVENUE IN ANY TAX YEAR FOR ANY COMBINATION OF
15 CONTRIBUTIONS UNDER SUBSECTION (A), (A.1), (B) OR (C). EXCEPT AS
16 PROVIDED IN SUBSECTION (I), IN NO CASE MAY A BUSINESS FIRM
17 RECEIVE TAX CREDITS IN ANY TAX YEAR IN EXCESS OF THE FOLLOWING:

18 (1) \$750,000 FOR COMBINED CONTRIBUTIONS TO SCHOLARSHIP
19 AND EDUCATIONAL IMPROVEMENT ORGANIZATIONS UNDER SUBSECTIONS
20 (A) AND (B).

21 (2) \$750,000 FOR CONTRIBUTIONS TO OPPORTUNITY
22 SCHOLARSHIP ORGANIZATIONS UNDER SUBSECTIONS (A.1) AND (B).

23 (3) \$200,000 FOR CONTRIBUTIONS TO PRE-KINDERGARTEN
24 SCHOLARSHIP ORGANIZATIONS UNDER SUBSECTION (C).

25 (E) PASS-THROUGH ENTITY.--

26 (1) IF A PASS-THROUGH ENTITY DOES NOT INTEND TO USE ALL
27 APPROVED TAX CREDITS UNDER THIS SECTION, IT MAY ELECT IN
28 WRITING TO DISTRIBUTE FOR NO CONSIDERATION ALL OR A PORTION
29 OF THE CREDIT TO SHAREHOLDERS, MEMBERS OR PARTNERS IN
30 PROPORTION TO THE PERCENTAGE INTEREST OF THE SHAREHOLDER,

1 MEMBER OR PARTNER IN DISTRIBUTIONS FROM THE PASS-THROUGH
2 ENTITY, WHICH CREDITS MAY BE USED BY THE SHAREHOLDERS,
3 MEMBERS OR PARTNERS IN THE TAXABLE YEAR IN WHICH THE
4 CONTRIBUTION IS MADE OR IN THE TAXABLE YEAR IMMEDIATELY
5 FOLLOWING THE YEAR IN WHICH THE CONTRIBUTION IS MADE. THE
6 ELECTION SHALL DESIGNATE THE YEAR IN WHICH THE DISTRIBUTED
7 CREDITS ARE TO BE USED AND SHALL BE MADE ACCORDING TO
8 PROCEDURES ESTABLISHED BY THE DEPARTMENT OF REVENUE. A PASS-
9 THROUGH ENTITY THAT RECEIVED A DISTRIBUTION FROM A PASS-
10 THROUGH ENTITY UNDER THIS PARAGRAPH MAY MAKE A DISTRIBUTION
11 UNDER THIS PARAGRAPH.

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

15 (3) THE SHAREHOLDER, MEMBER OR PARTNER MAY NOT CARRY
16 FORWARD, CARRY BACK, OBTAIN A REFUND OF OR SELL OR ASSIGN THE
17 CREDIT.

18 (4) AN INDIVIDUAL SHAREHOLDER, PARTNER OR MEMBER MAY
19 APPLY A CREDIT DISTRIBUTED UNDER THIS SECTION TO INCOME
20 TAXABLE UNDER ARTICLE III OF THE TAX REFORM CODE OF 1971 TO
21 THE SHAREHOLDER, PARTNER OR MEMBER, TO THE SPOUSE OF THE
22 SHAREHOLDER, PARTNER OR MEMBER OR TO BOTH, IF BOTH THE
23 SHAREHOLDER, PARTNER OR MEMBER AND THE SPOUSE REPORT INCOME
24 ON A JOINT PERSONAL INCOME TAX RETURN.

25 (F) RESTRICTION ON APPLICABILITY OF CREDITS.--NO CREDITS
26 GRANTED UNDER THIS SECTION SHALL BE APPLIED AGAINST ANY TAX
27 WITHHELD BY AN EMPLOYER FROM AN EMPLOYEE UNDER ARTICLE III OF
28 THE TAX REFORM CODE OF 1971.

29 (G) TIME OF APPLICATION FOR CREDITS.--

30 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THE DEPARTMENT

1 MAY ACCEPT APPLICATIONS FOR TAX CREDITS AVAILABLE DURING A
2 FISCAL YEAR NO EARLIER THAN JULY 1 OF EACH FISCAL YEAR.

3 (2) THE APPLICATION OF ANY BUSINESS FIRM FOR TAX CREDITS
4 AVAILABLE DURING A FISCAL YEAR AS PART OF THE SECOND YEAR OF
5 A TWO-YEAR COMMITMENT OR AS A RENEWAL OF A TWO-YEAR
6 COMMITMENT WHICH WAS FULFILLED IN THE PREVIOUS FISCAL YEAR
7 MAY BE ACCEPTED NO EARLIER THAN MAY 15 PRECEDING THE FISCAL
8 YEAR.

9 (G.1) APPROVAL OF TAX CREDITS.--UNLESS OTHERWISE REQUESTED
10 BY THE BUSINESS FIRM AND AGREED TO BY BOTH THE BUSINESS FIRM AND
11 THE DEPARTMENT, AND UNLESS ALL AUTHORIZED CREDITS HAVE ALREADY
12 BEEN AWARDED:

13 (1) FOR FISCAL YEAR 2016-2017, AND EACH FISCAL YEAR
14 THEREAFTER, THE DEPARTMENT SHALL GIVE WRITTEN NOTICE OF ITS
15 APPROVAL TO EACH BUSINESS FIRM THAT SUBMITTED A COMPLETED
16 APPLICATION UNDER SUBSECTION (G) BY AUGUST 15, OR 30 DAYS
17 FOLLOWING RECEIPT OF THE COMPLETED APPLICATION, WHICHEVER IS
18 LATER.

19 (2) FOR FISCAL YEAR 2016-2017, AND EACH FISCAL YEAR
20 THEREAFTER, THE DEPARTMENT SHALL GIVE WRITTEN NOTICE OF ITS
21 APPROVAL TO EACH BUSINESS FIRM THAT SUBMITTED A COMPLETED
22 APPLICATION UNDER SUBSECTION (J) (2) WITHIN 30 DAYS FOLLOWING
23 RECEIPT OF THE COMPLETED APPLICATION.

24 (H) WAITING LIST.--THE DEPARTMENT SHALL MAINTAIN A WAITING
25 LIST CONSISTING OF EACH BUSINESS FIRM WHICH CHOOSES TO BE
26 INCLUDED ON THE LIST AND WHOSE APPLICATION HAS NOT BEEN APPROVED
27 BECAUSE ALL AVAILABLE TAX CREDITS HAVE BEEN AWARDED. A BUSINESS
28 FIRM THAT WAS NOT AWARDED A TAX CREDIT DUE TO A LACK OF
29 AVAILABLE TAX CREDITS SHALL BE NOTIFIED OF AND OFFERED A PLACE
30 ON THE WAITING LIST. WHEN TAX CREDITS BECOME AVAILABLE, THE

1 DEPARTMENT SHALL AWARD THE TAX CREDITS TO THE BUSINESS FIRMS IN
2 THE ORDER IN WHICH THE BUSINESS FIRMS WERE PLACED ON THE WAITING
3 LIST.

4 (I) TEMPORARY INCREASE IN MAXIMUM TAX CREDITS AVAILABLE.--

5 (1) IF ALL TAX CREDITS AUTHORIZED UNDER THIS ARTICLE FOR
6 CONTRIBUTIONS TO THE CATEGORY OF SCHOLARSHIP ORGANIZATIONS,
7 OPPORTUNITY SCHOLARSHIP ORGANIZATIONS OR PRE-KINDERGARTEN
8 SCHOLARSHIP ORGANIZATIONS HAVE NOT BEEN AWARDED AS OF OCTOBER
9 1 OF ANY FISCAL YEAR, THEN FOR APPLICATIONS ACCEPTED BY THE
10 DEPARTMENT FROM OCTOBER 1 THROUGH NOVEMBER 30 OF SUCH FISCAL
11 YEAR, THE LIMITATIONS SET FORTH IN SUBSECTIONS (A), (A.1),
12 (C) AND (D) RELATING TO THE MAXIMUM AMOUNT OF TAX CREDITS A
13 BUSINESS FIRM CAN RECEIVE DURING A FISCAL YEAR FOR
14 CONTRIBUTIONS TO EACH SUCH CATEGORY OF ORGANIZATIONS SHALL
15 NOT APPLY. UNDER THIS PARAGRAPH, THE DEPARTMENT MAY ACCEPT
16 APPLICATIONS UNDER SECTION 2004-B FROM OCTOBER 1 THROUGH
17 NOVEMBER 30 AS FOLLOWS:

18 (I) A BUSINESS FIRM, INCLUDING A BUSINESS FIRM THAT
19 ALREADY APPLIED FOR THE MAXIMUM TAX CREDITS AVAILABLE
20 PURSUANT TO SUBSECTIONS (A) AND (D), MAY APPLY UNDER
21 SECTION 2004-B(A) FOR UP TO THE TOTAL AMOUNT OF TAX
22 CREDITS REMAINING AVAILABLE FOR CONTRIBUTIONS TO
23 SCHOLARSHIP ORGANIZATIONS FOR THE FISCAL YEAR AS SET
24 FORTH IN SECTION 2006-B(A)(1).

25 (II) A BUSINESS FIRM, INCLUDING A BUSINESS FIRM THAT
26 ALREADY APPLIED FOR THE MAXIMUM TAX CREDITS AVAILABLE
27 PURSUANT TO SUBSECTIONS (A.1) AND (D), MAY APPLY UNDER
28 SECTION 2004-B(A) FOR UP TO THE TOTAL AMOUNT OF TAX
29 CREDITS REMAINING AVAILABLE FOR CONTRIBUTIONS TO
30 OPPORTUNITY SCHOLARSHIP ORGANIZATIONS FOR THE FISCAL YEAR

1 AS SET FORTH IN SECTION 2006-B(A) (3).

2 (III) A BUSINESS FIRM, INCLUDING A BUSINESS FIRM
3 THAT ALREADY APPLIED FOR THE MAXIMUM TAX CREDITS
4 AVAILABLE PURSUANT TO SUBSECTIONS (C) AND (D), MAY APPLY
5 UNDER SECTION 2004-B(A) FOR UP TO THE TOTAL AMOUNT OF TAX
6 CREDITS REMAINING AVAILABLE FOR CONTRIBUTIONS TO PRE-
7 KINDERGARTEN SCHOLARSHIP ORGANIZATIONS FOR THE FISCAL
8 YEAR AS SET FORTH IN SECTION 2006-B(A) (2).

9 (2) THE PROVISIONS OF SUBSECTION (B) SHALL NOT APPLY TO
10 APPLICATIONS FOR TAX CREDITS MADE UNDER THIS SUBSECTION. TAX
11 CREDITS AWARDED UNDER THIS SUBSECTION SHALL NOT EXCEED 75% OF
12 THE TOTAL AMOUNT CONTRIBUTED DURING THE TAXABLE YEAR BY A
13 BUSINESS FIRM PURSUANT TO AN APPLICATION FILED UNDER THIS
14 SUBSECTION.

15 (3) PRIOR TO THE AWARD OF TAX CREDITS APPLIED FOR UNDER
16 THIS SUBSECTION, THE DEPARTMENT SHALL FIRST AWARD TAX CREDITS
17 APPLIED FOR BY A BUSINESS FIRM DURING THE PERIOD OCTOBER 1
18 THROUGH NOVEMBER 30 IN AN AMOUNT NO GREATER THAN THE MAXIMUM
19 AMOUNT OF TAX CREDITS FOR WHICH A BUSINESS FIRM IS ELIGIBLE
20 UNDER SUBSECTIONS (A), (A.1), (C) AND (D). THE TAX CREDITS
21 SHALL BE AWARDED ON A FIRST-COME, FIRST-SERVED BASIS AS SET
22 FORTH IN SECTION 2004-B(C).

23 (4) AFTER THE DEPARTMENT HAS AWARDED TAX CREDITS UNDER
24 PARAGRAPH (3), ANY TAX CREDITS REMAINING AVAILABLE WITHIN THE
25 CATEGORY OF SCHOLARSHIP ORGANIZATIONS, OPPORTUNITY
26 SCHOLARSHIP ORGANIZATIONS AND PRE-KINDERGARTEN SCHOLARSHIP
27 ORGANIZATIONS SHALL BE AWARDED BASED ON THE TOTAL AMOUNT OF
28 TAX CREDITS WITHIN EACH CATEGORY OF ORGANIZATION FOR WHICH
29 APPLICATIONS ARE RECEIVED UNDER THIS SUBSECTION FROM OCTOBER
30 1 THROUGH NOVEMBER 30 OF THE FISCAL YEAR AS FOLLOWS:

1 (I) IF THE TOTAL AMOUNT OF TAX CREDITS APPLIED FOR
2 BY ALL BUSINESS FIRMS UNDER THIS SUBSECTION DOES NOT
3 EXCEED THE TOTAL AMOUNT OF TAX CREDITS THAT REMAINED
4 AVAILABLE FOR AWARD WITHIN A CATEGORY AS OF OCTOBER 1,
5 LESS THOSE TAX CREDITS AWARDED UNDER PARAGRAPH (3), THEN
6 EACH BUSINESS FIRM MAY BE AWARDED THE FULL AMOUNT OF TAX
7 CREDITS APPLIED FOR.

8 (II) IF THE TOTAL AMOUNT OF TAX CREDITS APPLIED FOR
9 BY ALL BUSINESS FIRMS UNDER THIS SUBSECTION EXCEEDS THE
10 TOTAL AMOUNT OF TAX CREDITS THAT REMAINED AVAILABLE FOR
11 AWARD WITHIN A CATEGORY AS OF OCTOBER 1, LESS THOSE TAX
12 CREDITS AWARDED UNDER PARAGRAPH (3), THEN EACH BUSINESS
13 FIRM MAY BE AWARDED AN AMOUNT OF TAX CREDITS DETERMINED
14 BY MULTIPLYING THE AMOUNT OF TAX CREDITS APPLIED FOR BY
15 THE BUSINESS FIRM BY A RATIO, THE NUMERATOR OF WHICH IS
16 THE TOTAL AMOUNT OF TAX CREDITS THAT REMAINED AVAILABLE
17 FOR AWARD WITHIN THE CATEGORY AS OF OCTOBER 1, LESS THOSE
18 AWARDED AS SET FORTH IN PARAGRAPH (3), AND THE
19 DENOMINATOR OF WHICH IS THE TOTAL AMOUNT OF TAX CREDITS
20 APPLIED FOR BY ALL BUSINESS FIRMS UNDER THIS SUBSECTION.

21 (5) NOTWITHSTANDING A TEMPORARY INCREASE IN MAXIMUM TAX
22 CREDITS AVAILABLE UNDER THIS SUBSECTION, THE LIMITATIONS SET
23 FORTH IN SUBSECTIONS (A), (A.1), (C) AND (D) RELATING TO THE
24 MAXIMUM AMOUNT OF TAX CREDITS A BUSINESS FIRM CAN RECEIVE
25 DURING A YEAR FOR CONTRIBUTIONS TO A CATEGORY OF SCHOLARSHIP
26 ORGANIZATIONS, OPPORTUNITY SCHOLARSHIP ORGANIZATIONS OR PRE-
27 KINDERGARTEN SCHOLARSHIP ORGANIZATIONS SHALL BE REINSTATED
28 FOR ALL APPLICATIONS ACCEPTED BY THE DEPARTMENT ON OR AFTER
29 DECEMBER 1 OF THE FISCAL YEAR.

30 (J) REALLOCATION OF TAX CREDITS.--

1 (1) BEGINNING ON JANUARY 1 OF ANY FISCAL YEAR, IF ANY
2 TAX CREDITS AUTHORIZED UNDER THIS ARTICLE FOR CONTRIBUTIONS
3 TO ANY OF THE CATEGORIES OF SCHOLARSHIP ORGANIZATIONS,
4 OPPORTUNITY SCHOLARSHIP ORGANIZATIONS OR PRE-KINDERGARTEN
5 SCHOLARSHIP ORGANIZATIONS REMAIN UNAWARDED, SUCH UNAWARDED
6 TAX CREDITS MAY BE REALLOCATED TO ANY OF THE CATEGORIES OF
7 SCHOLARSHIP ORGANIZATIONS, OPPORTUNITY SCHOLARSHIP
8 ORGANIZATIONS OR PRE-KINDERGARTEN SCHOLARSHIP ORGANIZATIONS
9 FOR WHICH ALL AVAILABLE TAX CREDITS HAVE BEEN AWARDED. THE
10 DEPARTMENT SHALL, WITHIN 10 BUSINESS DAYS, INFORM EACH
11 BUSINESS FIRM ON THE WAITING LIST MAINTAINED BY THE
12 DEPARTMENT UNDER SUBSECTION (H) THAT TAX CREDITS REMAIN
13 AVAILABLE UNDER ANOTHER CATEGORY FOR WHICH THE BUSINESS FIRM
14 HAS NOT YET APPLIED. IF A BUSINESS FIRM NOTIFIED UNDER THIS
15 PARAGRAPH ELECTS, THE DEPARTMENT SHALL REALLOCATE AVAILABLE
16 TAX CREDITS FOR AWARD TO THE BUSINESS FIRM IN THE BUSINESS
17 FIRM'S PREFERRED TAX CREDIT CATEGORY, NOTWITHSTANDING THE
18 LIMITATIONS CONTAINED IN SECTION 2006-B(A). THE AMOUNT OF TAX
19 CREDITS TO BE AWARDED TO A BUSINESS FIRM UNDER THIS PARAGRAPH
20 SHALL NOT EXCEED THE AMOUNT OF TAX CREDITS AVAILABLE FOR
21 REALLOCATION OR THE MAXIMUM AMOUNT OF TAX CREDITS FOR WHICH A
22 BUSINESS FIRM IS ELIGIBLE UNDER SUBSECTIONS (A), (A.1), (C)
23 AND (D). EACH BUSINESS FIRM SHALL HAVE 10 BUSINESS DAYS FROM
24 THE DATE OF THE DEPARTMENT'S NOTICE TO ELECT A REALLOCATION
25 OF TAX CREDITS UNDER THIS PARAGRAPH. THE DEPARTMENT SHALL
26 AWARD TAX CREDITS ON A FIRST-COME, FIRST-SERVED BASIS.

27 (2) AFTER THE DEPARTMENT HAS AWARDED TAX CREDITS UNDER
28 PARAGRAPH (1), THE DEPARTMENT SHALL ACCEPT NEW APPLICATIONS
29 FOR REALLOCATION OF TAX CREDITS FROM ANY OF THE CATEGORIES OF
30 SCHOLARSHIP ORGANIZATIONS, OPPORTUNITY SCHOLARSHIP

1 ORGANIZATIONS OR PRE-KINDERGARTEN SCHOLARSHIP ORGANIZATIONS
2 FOR WHICH TAX CREDITS REMAIN AVAILABLE TO THE APPLICANT'S
3 PREFERRED CATEGORY OF SCHOLARSHIP ORGANIZATIONS, OPPORTUNITY
4 SCHOLARSHIP ORGANIZATIONS OR PRE-KINDERGARTEN SCHOLARSHIP
5 ORGANIZATIONS FOR WHICH ALL AVAILABLE TAX CREDITS HAVE BEEN
6 AWARDED, NOTWITHSTANDING ANY LIMITATIONS CONTAINED IN SECTION
7 2006-B(A). THE AMOUNT OF TAX CREDITS TO BE AWARDED TO A
8 BUSINESS FIRM UNDER THIS PARAGRAPH SHALL NOT EXCEED THE
9 AMOUNT OF TAX CREDITS AVAILABLE FOR REALLOCATION OR THE
10 MAXIMUM AMOUNT OF TAX CREDITS FOR WHICH A BUSINESS FIRM IS
11 ELIGIBLE UNDER SUBSECTIONS (A), (A.1), (C) AND (D). THE
12 DEPARTMENT SHALL AWARD TAX CREDITS ON A FIRST-COME, FIRST-
13 SERVED BASIS.

14 (2.1) IN ANY FISCAL YEAR, THE FIRST \$10,000,000 IN TAX
15 CREDITS AVAILABLE FOR REALLOCATION UNDER PARAGRAPHS (1) AND
16 (2) SHALL BE SET ASIDE FOR CONTRIBUTIONS TO PRE-KINDERGARTEN
17 SCHOLARSHIP ORGANIZATIONS. IF \$10,000,000 IN TAX CREDITS HAVE
18 NOT BEEN AWARDED TO PRE-KINDERGARTEN SCHOLARSHIP
19 ORGANIZATIONS UNDER PARAGRAPHS (1) AND (2) PRIOR TO MARCH 1
20 OF ANY FISCAL YEAR, THE REMAINING TAX CREDITS AVAILABLE FOR
21 REALLOCATION UNDER PARAGRAPHS (1) AND (2) SHALL BE MADE
22 AVAILABLE FOR CONTRIBUTIONS TO ANY OF THE CATEGORIES OF
23 SCHOLARSHIP ORGANIZATIONS, OPPORTUNITY SCHOLARSHIP
24 ORGANIZATIONS OR PRE-KINDERGARTEN SCHOLARSHIP ORGANIZATIONS.

25 (3) NO TAX CREDITS SHALL BE AWARDED UNDER THIS
26 SUBSECTION UNTIL THE DEPARTMENT HAS COMPLETED THE AWARD OF
27 TAX CREDITS FOR APPLICATIONS MADE UNDER SUBSECTION (I).

28 (4) THE DEPARTMENT SHALL NOT REALLOCATE TAX CREDITS FROM
29 ANY OF THE CATEGORIES OF SCHOLARSHIP ORGANIZATIONS,
30 OPPORTUNITY SCHOLARSHIP ORGANIZATIONS OR PRE-KINDERGARTEN

1 SCHOLARSHIP ORGANIZATIONS TO THE CATEGORY OF EDUCATIONAL
2 IMPROVEMENT ORGANIZATIONS.

3 (5) SUBSECTIONS (B) AND (G) SHALL NOT APPLY TO AN
4 APPLICATION FOR REALLOCATION OF TAX CREDITS UNDER THIS
5 SUBSECTION.

6 SECTION 2006-B. LIMITATIONS.

7 (A) AMOUNT.--

8 (1) THE TOTAL AGGREGATE AMOUNT OF ALL TAX CREDITS
9 APPROVED FOR CONTRIBUTIONS FROM BUSINESS FIRMS TO SCHOLARSHIP
10 ORGANIZATIONS, EDUCATIONAL IMPROVEMENT ORGANIZATIONS AND PRE-
11 KINDERGARTEN SCHOLARSHIP ORGANIZATIONS SHALL NOT EXCEED
12 \$125,000,000 IN A FISCAL YEAR.

13 (I) NO LESS THAN \$75,000,000 OF THE TOTAL AGGREGATE
14 AMOUNT SHALL BE USED TO PROVIDE TAX CREDITS FOR
15 CONTRIBUTIONS FROM BUSINESS FIRMS TO SCHOLARSHIP
16 ORGANIZATIONS.

17 (II) NO LESS THAN \$37,500,000 OF THE TOTAL AGGREGATE
18 AMOUNT SHALL BE USED TO PROVIDE TAX CREDITS FOR
19 CONTRIBUTIONS FROM BUSINESS FIRMS TO EDUCATIONAL
20 IMPROVEMENT ORGANIZATIONS.

21 (III) THE TOTAL AGGREGATE AMOUNT OF ALL TAX CREDITS
22 APPROVED FOR CONTRIBUTIONS FROM BUSINESS FIRMS TO PRE-
23 KINDERGARTEN SCHOLARSHIP ORGANIZATIONS SHALL NOT EXCEED
24 \$12,500,000 IN A FISCAL YEAR.

25 (2) THE TOTAL AGGREGATE AMOUNT OF ALL TAX CREDITS
26 APPROVED FOR CONTRIBUTIONS FROM BUSINESS FIRMS TO OPPORTUNITY
27 SCHOLARSHIP ORGANIZATIONS SHALL NOT EXCEED \$50,000,000 IN A
28 FISCAL YEAR.

29 (B) ACTIVITIES.--NO TAX CREDIT SHALL BE APPROVED FOR
30 ACTIVITIES THAT ARE A PART OF A BUSINESS FIRM'S NORMAL COURSE OF

1 BUSINESS.

2 (C) TAX LIABILITY.--

3 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), A TAX CREDIT
4 GRANTED FOR ANY ONE TAXABLE YEAR MAY NOT EXCEED THE TAX
5 LIABILITY OF A BUSINESS FIRM.

6 (2) IN THE CASE OF A CREDIT GRANTED TO A PASS-THROUGH
7 ENTITY WHICH ELECTS TO DISTRIBUTE THE CREDIT ACCORDING TO
8 SECTION 2005-B(E), A TAX CREDIT GRANTED FOR ANY ONE TAXABLE
9 YEAR AND DISTRIBUTED TO A SHAREHOLDER, MEMBER OR PARTNER MAY
10 NOT EXCEED THE TAX LIABILITY OF THE SHAREHOLDER, MEMBER OR
11 PARTNER.

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

17 (E) NONTAXABLE INCOME.--A SCHOLARSHIP FROM ANY CATEGORY OF
18 ORGANIZATION RECEIVED BY AN ELIGIBLE STUDENT OR ELIGIBLE PRE-
19 KINDERGARTEN STUDENT SHALL NOT BE CONSIDERED TO BE TAXABLE
20 INCOME FOR THE PURPOSES OF ARTICLE III OF THE TAX REFORM CODE OF
21 1971.

22 (F) FINANCIAL ASSISTANCE.--A SCHOLARSHIP FROM ANY CATEGORY
23 OF ORGANIZATION RECEIVED BY AN ELIGIBLE STUDENT OR ELIGIBLE PRE-
24 KINDERGARTEN STUDENT SHALL NOT CONSTITUTE AN APPROPRIATION OR
25 FINANCIAL ASSISTANCE TO THE SCHOOL ATTENDED BY THE RECIPIENT.
26 SECTION 2007-B. LISTS.

27 THE DEPARTMENT OF REVENUE SHALL PROVIDE A LIST OF ALL
28 SCHOLARSHIP ORGANIZATIONS, PRE-KINDERGARTEN SCHOLARSHIP
29 ORGANIZATIONS, EDUCATIONAL IMPROVEMENT ORGANIZATIONS AND
30 OPPORTUNITY SCHOLARSHIP ORGANIZATIONS RECEIVING CONTRIBUTIONS

1 FROM BUSINESS FIRMS GRANTED A TAX CREDIT UNDER THIS ARTICLE TO
2 THE GENERAL ASSEMBLY BY JUNE 30TH OF EACH YEAR.

3 SECTION 2008-B. GUIDELINES.

4 THE DEPARTMENT IN CONSULTATION WITH THE DEPARTMENT OF
5 EDUCATION SHALL DEVELOP GUIDELINES TO DETERMINE THE ELIGIBILITY
6 OF AN INNOVATIVE EDUCATIONAL PROGRAM.

7 SECTION 2009-B. OPPORTUNITY SCHOLARSHIPS.

8 (A) NOTICE.--BY FEBRUARY 1 OF EACH YEAR, THE DEPARTMENT
9 SHALL PROVIDE ALL OPPORTUNITY SCHOLARSHIP ORGANIZATIONS WITH A
10 LIST OF THE LOW-ACHIEVING SCHOOLS LOCATED WITHIN EACH SCHOOL
11 DISTRICT.

12 (B) AWARD.--AN OPPORTUNITY SCHOLARSHIP ORGANIZATION MAY
13 AWARD AN OPPORTUNITY SCHOLARSHIP TO AN APPLICANT WHO RESIDES
14 WITHIN THE ATTENDANCE BOUNDARY OF A LOW-ACHIEVING SCHOOL TO
15 ATTEND A PARTICIPATING PUBLIC SCHOOL OR A PARTICIPATING
16 NONPUBLIC SCHOOL SELECTED BY THE PARENT OF THE APPLICANT. IF AN
17 APPLICANT WHO RECEIVED AN OPPORTUNITY SCHOLARSHIP FOR THE PRIOR
18 SCHOOL YEAR RESIDES WITHIN THE ATTENDANCE BOUNDARY OF A SCHOOL
19 THAT WAS REMOVED FROM THE LIST OF LOW-ACHIEVING SCHOOLS PROVIDED
20 BY THE DEPARTMENT UNDER SUBSECTION (A), THE APPLICANT MAY
21 RECEIVE AN OPPORTUNITY SCHOLARSHIP. THE OPPORTUNITY SCHOLARSHIP
22 MAY BE FOR EACH YEAR OF ENROLLMENT IN A PARTICIPATING PUBLIC
23 SCHOOL OR PARTICIPATING NONPUBLIC SCHOOL FOR UP TO THE LESSER OF
24 FIVE YEARS OR UNTIL COMPLETION OF GRADE 12, PROVIDED THE
25 APPLICANT OTHERWISE REMAINS ELIGIBLE. IN AWARDING SCHOLARSHIPS,
26 AN OPPORTUNITY SCHOLARSHIP ORGANIZATION SHALL GIVE PREFERENCE TO
27 ANY OF THE FOLLOWING:

28 (1) AN APPLICANT WHO RECEIVED AN OPPORTUNITY SCHOLARSHIP
29 FOR THE PRIOR SCHOOL YEAR.

30 (2) AN APPLICANT OF A HOUSEHOLD WITH A HOUSEHOLD INCOME

1 THAT DOES NOT EXCEED 185% OF THE FEDERAL POVERTY LEVEL FOR
2 THE SCHOOL YEAR PRECEDING THE SCHOOL YEAR FOR WHICH THE
3 APPLICATION IS BEING MADE.

4 (3) AN APPLICANT OF A HOUSEHOLD WITH A HOUSEHOLD INCOME
5 THAT DOES NOT EXCEED 185% OF THE FEDERAL POVERTY LEVEL FOR
6 THE SCHOOL YEAR PRECEDING THE SCHOOL YEAR FOR WHICH THE
7 APPLICATION IS BEING MADE AND WHO RESIDES WITHIN ANY OF THE
8 FOLLOWING:

9 (I) A FIRST CLASS SCHOOL DISTRICT.

10 (II) A SCHOOL DISTRICT DESIGNATED AS A FINANCIAL
11 RECOVERY SCHOOL DISTRICT UNDER ARTICLE VI-A FOR THE YEAR
12 FOR WHICH THE AWARD IS MADE.

13 (C) HOME SCHOOLING.--AN OPPORTUNITY SCHOLARSHIP ORGANIZATION
14 SHALL NOT AWARD AN OPPORTUNITY SCHOLARSHIP TO AN APPLICANT FOR
15 ENROLLMENT IN A HOME EDUCATION PROGRAM UNDER SECTION 1327.1.

16 (D) FUNDING.--THE AGGREGATE AMOUNT OF OPPORTUNITY
17 SCHOLARSHIPS SHALL NOT EXCEED THE AGGREGATE AMOUNT OF
18 CONTRIBUTIONS MADE BY BUSINESS FIRMS TO THE OPPORTUNITY
19 SCHOLARSHIP ORGANIZATION.

20 (E) AMOUNT.--

21 (1) THE MAXIMUM AMOUNT OF AN OPPORTUNITY SCHOLARSHIP
22 AWARDED TO AN APPLICANT WITHOUT A DISABILITY SHALL BE \$8,500.

23 (2) THE MAXIMUM AMOUNT OF AN OPPORTUNITY SCHOLARSHIP
24 AWARDED TO AN APPLICANT WITH A DISABILITY SHALL BE \$15,000.

25 (3) IN NO CASE SHALL THE COMBINED AMOUNT OF THE
26 OPPORTUNITY SCHOLARSHIP AWARDED TO A RECIPIENT AND ANY
27 ADDITIONAL FINANCIAL ASSISTANCE PROVIDED TO THE RECIPIENT
28 EXCEED THE TUITION RATE AND SCHOOL-RELATED FEES FOR THE
29 PARTICIPATING PUBLIC SCHOOL OR PARTICIPATING NONPUBLIC SCHOOL
30 THAT THE RECIPIENT WILL ATTEND.

1 SECTION 2010-B. LOW-ACHIEVING SCHOOLS.

2 (A) LIST OF LOW-ACHIEVING SCHOOLS.--BY FEBRUARY 1 OF EACH
3 YEAR, THE DEPARTMENT OF EDUCATION SHALL PUBLISH ON THE
4 DEPARTMENT OF EDUCATION'S PUBLICLY ACCESSIBLE INTERNET WEBSITE
5 AND IN THE PENNSYLVANIA BULLETIN A LIST OF THE LOW-ACHIEVING
6 SCHOOLS FOR THE FOLLOWING SCHOOL YEAR.

7 (B) NOTICE.--BY FEBRUARY 1 OF EACH YEAR, THE DEPARTMENT OF
8 EDUCATION SHALL NOTIFY EVERY SCHOOL DISTRICT IDENTIFIED AS
9 HAVING AT LEAST ONE LOW-ACHIEVING SCHOOL OF SUCH IDENTIFICATION
10 AND SHALL FURNISH THE SCHOOL DISTRICT WITH A LIST OF THE LOW-
11 ACHIEVING SCHOOLS LOCATED WITHIN THE SCHOOL DISTRICT.

12 (C) PUBLICATION.--WITHIN 15 DAYS OF RECEIPT OF A
13 NOTIFICATION UNDER SUBSECTION (B), A SCHOOL DISTRICT SHALL POST
14 ON THE DISTRICT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE NOTICE OF
15 ALL OF THE FOLLOWING:

16 (1) A DESCRIPTION OF THE OPPORTUNITY SCHOLARSHIP
17 PROGRAM.

18 (2) INSTRUCTIONS FOR APPLYING FOR AN OPPORTUNITY
19 SCHOLARSHIP.

20 (3) A LIST OF SCHOOLS IN THE SCHOOL DISTRICT THAT HAVE
21 BEEN DESIGNATED BY THE DEPARTMENT OF EDUCATION AS LOW-
22 ACHIEVING SCHOOLS.

23 (4) NOTICE THAT A PARENT MUST DIRECTLY CONTACT A SCHOOL
24 DISTRICT OF A PARTICIPATING PUBLIC SCHOOL OR A PARTICIPATING
25 NONPUBLIC SCHOOL IF THE PARENT SEEKS TO ENROLL THE STUDENT IN
26 THE OPPORTUNITY SCHOLARSHIP PROGRAM.

27 (D) NOTIFICATION TO PARENTS.--

28 (1) WITHIN 15 DAYS OF RECEIPT OF A NOTIFICATION UNDER
29 SUBSECTION (B), A SCHOOL DISTRICT SHALL NOTIFY THE PARENTS OF
30 EACH STUDENT WHO IS CURRENTLY ATTENDING OR RESIDING WITHIN

1 THE ATTENDANCE BOUNDARY OF A LOW-ACHIEVING SCHOOL DURING THE
2 SCHOOL YEAR OF THE SCHOOL'S DESIGNATION.

3 (2) UPON REGISTRATION OF A KINDERGARTEN STUDENT, A
4 SCHOOL DISTRICT SHALL NOTIFY THE PARENTS OF THE KINDERGARTEN
5 STUDENT THAT THE STUDENT WILL BE ASSIGNED TO A LOW-ACHIEVING
6 SCHOOL DURING THE SCHOOL YEAR OF THE SCHOOL'S DESIGNATION.

7 (3) THE NOTICE SHALL BE IN A FORM PROVIDED BY THE
8 DEPARTMENT OF EDUCATION AND SHALL PROVIDE THE FOLLOWING
9 INFORMATION REGARDING THE OPPORTUNITY SCHOLARSHIP PROGRAM:

10 (I) A DESCRIPTION OF THE OPPORTUNITY SCHOLARSHIP
11 PROGRAM.

12 (II) INSTRUCTIONS FOR OBTAINING INFORMATION ABOUT
13 APPLYING FOR AN OPPORTUNITY SCHOLARSHIP UNDER THE
14 OPPORTUNITY SCHOLARSHIP PROGRAM.

15 (III) NOTICE OF THE PARENT'S RESPONSIBILITIES WITH
16 REGARD TO APPLYING TO A SCHOOL DISTRICT OF A
17 PARTICIPATING PUBLIC SCHOOL OR A PARTICIPATING NONPUBLIC
18 SCHOOL IF THE PARENT SEEKS TO ENROLL THE STUDENT IN THE
19 OPPORTUNITY SCHOLARSHIP PROGRAM.

20 (E) AVERAGE DAILY MEMBERSHIP.--

21 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
22 CONTRARY, A RECIPIENT WHO WAS ENROLLED IN THE RECIPIENT'S
23 RESIDENT SCHOOL DISTRICT OR IN A CHARTER SCHOOL, REGIONAL
24 CHARTER SCHOOL OR CYBER CHARTER SCHOOL WHEN THE RECIPIENT
25 FIRST RECEIVED AN OPPORTUNITY SCHOLARSHIP SHALL CONTINUE TO
26 BE COUNTED IN THE AVERAGE DAILY MEMBERSHIP OF THE SCHOOL
27 DISTRICT FOR A PERIOD OF ONE YEAR AFTER ENROLLING IN A
28 PARTICIPATING PUBLIC SCHOOL OR A PARTICIPATING NONPUBLIC
29 SCHOOL.

30 (2) DURING THE YEAR REFERENCED IN PARAGRAPH (1) AND EACH

1 SCHOOL YEAR THEREAFTER, A SCHOOL DISTRICT OF A PARTICIPATING
2 PUBLIC SCHOOL IN WHICH THE RECIPIENT IS ENROLLED SHALL NOT
3 INCLUDE THE RECIPIENT IN THE SCHOOL DISTRICT'S AVERAGE DAILY
4 MEMBERSHIP.

5 SECTION 2011-B. SCHOOL PARTICIPATION IN PROGRAM.

6 (A) ELECTION.--

7 (1) BY FEBRUARY 15 OF EACH YEAR, A NONPUBLIC SCHOOL MAY
8 ELECT TO PARTICIPATE IN THE OPPORTUNITY SCHOLARSHIP PROGRAM
9 FOR THE FOLLOWING SCHOOL YEAR.

10 (2) BY FEBRUARY 15 OF EACH YEAR, A SCHOOL DISTRICT MAY
11 ELECT TO PARTICIPATE IN THE OPPORTUNITY SCHOLARSHIP PROGRAM
12 FOR THE FOLLOWING SCHOOL YEAR.

13 (B) NOTICE.--

14 (1) A SCHOOL DISTRICT OR NONPUBLIC SCHOOL THAT ELECTS TO
15 PARTICIPATE UNDER SUBSECTION (A) MUST NOTIFY THE DEPARTMENT
16 OF EDUCATION OF THE DISTRICT'S OR NONPUBLIC SCHOOL'S INTENT
17 TO PARTICIPATE.

18 (2) FOR A SCHOOL DISTRICT, THE NOTICE UNDER PARAGRAPH
19 (1) MUST BE SUBMITTED ON A FORM DEVELOPED BY THE DEPARTMENT
20 OF EDUCATION AND SHALL SPECIFY ALL OF THE FOLLOWING:

21 (I) EACH SCHOOL WITHIN THE SCHOOL DISTRICT WHICH THE
22 SCHOOL DISTRICT INTENDS TO MAKE A PARTICIPATING PUBLIC
23 SCHOOL.

24 (II) THE AMOUNT OF TUITION AND SCHOOL-RELATED FEES
25 ATTRIBUTABLE TO EACH AVAILABLE SEAT. THE AMOUNT UNDER
26 THIS SUBPARAGRAPH SHALL NOT EXCEED THE AMOUNT CALCULATED
27 UNDER SECTION 2561.

28 (3) FOR A NONPUBLIC SCHOOL, THE NOTICE UNDER PARAGRAPH
29 (1) MUST BE SUBMITTED ON A FORM DEVELOPED BY THE DEPARTMENT
30 OF EDUCATION AND SHALL SPECIFY THE AMOUNT OF TUITION AND

1 SCHOOL-RELATED FEES ATTRIBUTABLE TO AN AVAILABLE SEAT.

2 (C) TUITION RATES.--

3 (1) NO SCHOOL DISTRICT OF A PARTICIPATING PUBLIC SCHOOL
4 OR PARTICIPATING NONPUBLIC SCHOOL MAY CHARGE A RECIPIENT A
5 HIGHER TUITION RATE OR SCHOOL-RELATED FEE THAN THE SCHOOL
6 DISTRICT OF THE PARTICIPATING PUBLIC SCHOOL OR PARTICIPATING
7 NONPUBLIC SCHOOL WOULD HAVE CHARGED TO A SIMILARLY SITUATED
8 STUDENT WHO IS NOT RECEIVING AN OPPORTUNITY SCHOLARSHIP.

9 (2) NOTWITHSTANDING THE PROVISIONS OF SECTION 2561, A
10 SCHOOL DISTRICT OF A PARTICIPATING PUBLIC SCHOOL MAY CHARGE A
11 RECIPIENT A TUITION RATE THAT IS LOWER THAN THAT CHARGED TO
12 STUDENTS WHO ARE NOT RECIPIENTS OF OPPORTUNITY SCHOLARSHIPS.

13 (D) PARTICIPATING PUBLIC SCHOOL CRITERIA.--THE FOLLOWING
14 CRITERIA APPLY TO A PARTICIPATING PUBLIC SCHOOL:

15 (1) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A
16 SCHOOL DISTRICT SHALL ENROLL STUDENTS IN A PARTICIPATING
17 PUBLIC SCHOOL ON A LOTTERY BASIS FROM A POOL OF RECIPIENTS
18 WHO MEET THE APPLICATION DEADLINE SET BY THE DEPARTMENT OF
19 EDUCATION UNTIL THE PARTICIPATING PUBLIC SCHOOL FILLS THE
20 SCHOOL'S AVAILABLE SEATS. THE POOL MAY NOT INCLUDE A
21 RECIPIENT WHO:

22 (I) HAS BEEN EXPELLED OR IS IN THE PROCESS OF BEING
23 EXPELLED UNDER SECTION 1317.2 OR 1318 AND APPLICABLE
24 REGULATIONS OF THE STATE BOARD OF EDUCATION.

25 (II) HAS BEEN RECRUITED BY THE SCHOOL DISTRICT OR
26 ITS REPRESENTATIVES FOR ATHLETIC PURPOSES.

27 (2) THE ENROLLMENT OF RECIPIENTS MAY NOT PLACE THE
28 SCHOOL DISTRICT IN VIOLATION OF A VALID AND BINDING
29 DESEGREGATION ORDER.

30 (3) PRIORITY SHALL BE GIVEN TO:

1 (I) AN EXISTING RECIPIENT.

2 (II) A RECIPIENT WHO IS A SIBLING OF A STUDENT
3 CURRENTLY ENROLLED IN THE SCHOOL DISTRICT.

4 (E) PARTICIPATING NONPUBLIC SCHOOL CRITERIA.--THE FOLLOWING
5 CRITERIA APPLY TO A PARTICIPATING NONPUBLIC SCHOOL:

6 (1) THE PARTICIPATING NONPUBLIC SCHOOL MAY NOT
7 DISCRIMINATE ON A BASIS WHICH IS ILLEGAL UNDER FEDERAL OR
8 STATE LAWS APPLICABLE TO NONPUBLIC SCHOOLS.

9 (2) THE PARTICIPATING NONPUBLIC SCHOOL SHALL COMPLY WITH
10 SECTION 1521.

11 (3) THE PARTICIPATING NONPUBLIC SCHOOL OR ITS
12 REPRESENTATIVES MAY NOT RECRUIT A STUDENT FOR ATHLETIC
13 PURPOSES.

14 (F) STUDENT RULES, POLICIES AND PROCEDURES.--

15 (1) PRIOR TO ENROLLMENT OF A RECIPIENT, A SCHOOL
16 DISTRICT OF A PARTICIPATING PUBLIC SCHOOL OR A PARTICIPATING
17 NONPUBLIC SCHOOL SHALL INFORM THE PARENT OF A RECIPIENT OF
18 ANY AND ALL RULES, POLICIES AND PROCEDURES OF THE
19 PARTICIPATING PUBLIC SCHOOL OR PARTICIPATING NONPUBLIC
20 SCHOOL, INCLUDING ANY ACADEMIC POLICIES, DISCIPLINARY RULES
21 AND ADMINISTRATIVE PROCEDURES OF THE PARTICIPATING PUBLIC
22 SCHOOL OR PARTICIPATING NONPUBLIC SCHOOL.

23 (2) ENROLLMENT OF A RECIPIENT IN A PARTICIPATING PUBLIC
24 SCHOOL OR PARTICIPATING NONPUBLIC SCHOOL SHALL CONSTITUTE
25 ACCEPTANCE OF ANY RULES, POLICIES AND PROCEDURES OF THE
26 PARTICIPATING PUBLIC SCHOOL OR PARTICIPATING NONPUBLIC
27 SCHOOL.

28 (G) TRANSPORTATION.--

29 (1) TRANSPORTATION OF RECIPIENTS SHALL BE PROVIDED UNDER
30 SECTION 1361.

1 (2) REIMBURSEMENT SHALL BE AS FOLLOWS:

2 (I) TRANSPORTATION OF A RECIPIENT ATTENDING A
3 PARTICIPATING PUBLIC SCHOOL SHALL BE SUBJECT TO
4 REIMBURSEMENT UNDER SECTION 2541.

5 (II) TRANSPORTATION OF A RECIPIENT ATTENDING A
6 PARTICIPATING NONPUBLIC SCHOOL SHALL BE SUBJECT TO
7 REIMBURSEMENT UNDER SECTIONS 2509.3 AND 2541.

8 (H) CONSTRUCTION.--NOTHING IN THIS ARTICLE SHALL BE
9 CONSTRUED TO:

10 (1) PROHIBIT A PARTICIPATING NONPUBLIC SCHOOL FROM
11 LIMITING ADMISSION TO A PARTICULAR GRADE LEVEL, A SINGLE
12 GENDER OR AREAS OF CONCENTRATION OF THE PARTICIPATING
13 NONPUBLIC SCHOOL, INCLUDING MATHEMATICS, SCIENCE AND THE
14 ARTS.

15 (2) AUTHORIZE THE COMMONWEALTH OR ANY OF ITS AGENCIES OR
16 OFFICERS OR POLITICAL SUBDIVISIONS TO IMPOSE ANY ADDITIONAL
17 REQUIREMENTS ON A PARTICIPATING NONPUBLIC SCHOOL WHICH ARE
18 NOT OTHERWISE AUTHORIZED UNDER THE LAWS OF THIS COMMONWEALTH
19 OR TO REQUIRE A PARTICIPATING NONPUBLIC SCHOOL TO ENROLL A
20 RECIPIENT IF THE PARTICIPATING NONPUBLIC SCHOOL DOES NOT
21 OFFER APPROPRIATE PROGRAMS OR IS NOT STRUCTURED OR EQUIPPED
22 WITH THE NECESSARY FACILITIES TO MEET THE SPECIAL NEEDS OF
23 THE RECIPIENT OR DOES NOT OFFER A PARTICULAR PROGRAM
24 REQUESTED.

25 SECTION 2012-B. TUITION GRANTS BY SCHOOL DISTRICTS.

26 (A) GENERAL RULE.--THE BOARD OF SCHOOL DIRECTORS OF A SCHOOL
27 DISTRICT MAY USE FUNDS RECEIVED FROM THE COMMONWEALTH FOR
28 EDUCATIONAL PURPOSES TO ESTABLISH A PROGRAM OF TUITION GRANTS TO
29 PROVIDE FOR THE EDUCATION OF STUDENTS WHO RESIDE WITHIN THE
30 DISTRICT AND ATTEND OR WILL ATTEND A PUBLIC OR NONPUBLIC SCHOOL

1 ON A TUITION-PAYING BASIS.

2 (B) NONPUBLIC SCHOOL GRANT AMOUNT.--FOR STUDENTS WHO ATTEND
3 OR WILL ATTEND A NONPUBLIC SCHOOL, THE GRANT AMOUNT FOR EACH
4 STUDENT SHALL NOT EXCEED THE AMOUNT OF THE PER PUPIL STATE
5 SUBSIDY FOR BASIC EDUCATION OF THE SCHOOL DISTRICT OF RESIDENCE.

6 (C) AVERAGE DAILY MEMBERSHIP.--

7 (1) A STUDENT WHO RECEIVES A TUITION GRANT UNDER THIS
8 SECTION SHALL BE INCLUDED IN THE AVERAGE DAILY MEMBERSHIP FOR
9 PURPOSES OF DETERMINING THE SCHOOL DISTRICT OF RESIDENCE'S
10 BASIC EDUCATION FUNDING.

11 (2) A STUDENT WHO RECEIVES A GRANT UNDER THIS SECTION TO
12 ATTEND A PUBLIC SCHOOL OUTSIDE THE SCHOOL DISTRICT AWARDING
13 THE TUITION GRANT SHALL NOT BE INCLUDED IN THE AVERAGE DAILY
14 MEMBERSHIP OF THE SCHOOL DISTRICT THE STUDENT ATTENDS.

15 (D) GUIDELINES.--

16 (1) THE BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT
17 SHALL PREPARE GUIDELINES ON ALL THE FOLLOWING:

18 (I) ESTABLISHMENT OF AN APPLICATION FORM AND
19 APPROVAL PROCESS.

20 (II) STANDARDS FOR VERIFICATION OF THE ACCURACY OF
21 APPLICATION INFORMATION.

22 (III) CONFIRMATION OF ATTENDANCE BY A STUDENT WHO
23 RECEIVES A TUITION GRANT.

24 (IV) RESTRICTIVE ENDORSEMENT OF GRANT CHECKS BY
25 PARENTS TO THE SCHOOL CHOSEN BY THE PARENTS.

26 (V) PRO RATA REFUNDS OF GRANTS FOR STUDENTS WHO
27 WITHDRAW DURING THE SCHOOL YEAR.

28 (VI) REPAYMENT OF REFUNDED GRANTS TO THE SCHOOL
29 DISTRICT.

30 (VII) REASONABLE DEADLINE DATES FOR SUBMISSION OF

1 GRANT APPLICATIONS.

2 (2) THE BOARD OF SCHOOL DIRECTORS OF A SCHOOL SHALL
3 ANNOUNCE THE AWARD OF GRANTS NO LATER THAN AUGUST 1 OF THE
4 SCHOOL YEAR IN WHICH THE GRANTS WILL BE UTILIZED.

5 (3) UPON RECEIPT OF WRITTEN CONFIRMATION OF ENROLLMENT
6 FROM THE STUDENT'S SCHOOL OF CHOICE, GRANTS SHALL BE PAID TO
7 THE PARENTS OF A STUDENT BY A CHECK THAT MAY ONLY BE ENDORSED
8 TO THE SELECTED SCHOOL.

9 (4) IN THE EVENT A STUDENT IS NO LONGER ENROLLED PRIOR
10 TO THE COMPLETION OF THE SCHOOL TERM, THE SCHOOL SHALL SEND
11 WRITTEN NOTICE TO THE SCHOOL DISTRICT.

12 (E) NONTAXABLE.--GRANTS AWARDED TO STUDENTS UNDER THIS
13 SECTION SHALL NOT:

14 (1) BE CONSIDERED TAXABLE INCOME FOR PURPOSES OF A LOCAL
15 TAXING ORDINANCE OR FOR PURPOSES OF ARTICLE III OF THE TAX
16 REFORM CODE OF 1971.

17 (2) CONSTITUTE FINANCIAL ASSISTANCE OR APPROPRIATIONS TO
18 THE SCHOOL ATTENDED BY THE STUDENT.

19 (F) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE
20 CONSTRUED TO EMPOWER THE COMMONWEALTH OR A SCHOOL DISTRICT OR
21 ANY OF THEIR AGENCIES OR OFFICERS TO DO ANY OF THE FOLLOWING:

22 (1) PRESCRIBE THE COURSE CONTENT OR ADMISSIONS CRITERIA
23 FOR ANY RELIGIOUSLY AFFILIATED SCHOOL.

24 (2) COMPEL ANY PRIVATE SCHOOL TO ACCEPT OR ENROLL A
25 STUDENT.

26 (3) IMPOSE ANY ADDITIONAL REQUIREMENTS ON ANY PRIVATE
27 SCHOOL THAT ARE NOT OTHERWISE AUTHORIZED.

28 (4) REQUIRE ANY SCHOOL TO ACCEPT OR RETAIN A STUDENT IF
29 THE SCHOOL DOES NOT OFFER PROGRAMS OR IS NOT STRUCTURED OR
30 EQUIPPED WITH THE NECESSARY FACILITIES TO MEET THE SPECIAL

1 NEEDS OF THE STUDENT OR DOES NOT OFFER A PARTICULAR PROGRAM
2 REQUESTED.

3 SECTION 2013-B. ORIGINAL JURISDICTION.

4 THE PENNSYLVANIA SUPREME COURT SHALL HAVE EXCLUSIVE AND
5 ORIGINAL JURISDICTION TO HEAR A CHALLENGE OR TO RENDER A
6 DECLARATORY JUDGMENT CONCERNING THE CONSTITUTIONALITY OF THIS
7 ARTICLE. THE PENNSYLVANIA SUPREME COURT MAY TAKE SUCH ACTION AS
8 THE COURT DEEMS APPROPRIATE, CONSISTENT WITH THE PENNSYLVANIA
9 SUPREME COURT'S RETAINING JURISDICTION OVER SUCH A MATTER, TO
10 FIND FACTS OR TO EXPEDITE A FINAL JUDGMENT IN CONNECTION WITH A
11 CHALLENGE OR REQUEST FOR DECLARATORY RELIEF.

12 SECTION 14. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
13 SECTION 2320. STATE AID FOR FISCAL YEAR 2016-2017.

14 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
15 EACH LIBRARY SUBJECT TO 24 PA.C.S. CH. 93 (RELATING TO PUBLIC
16 LIBRARY CODE), SHALL BE ELIGIBLE FOR STATE AID FOR FISCAL YEAR
17 2016-2017, AS FOLLOWS:

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

20 (I) DIVIDE THE AMOUNT OF FUNDING THAT THE LIBRARY
21 RECEIVED IN FISCAL YEAR 2015-2016 UNDER SECTION 1722-
22 L(19) OF THE ACT OF APRIL 9, 1929 (P.L.343, NO.176),
23 KNOWN AS THE FISCAL CODE, BY THE TOTAL STATE-AID SUBSIDY
24 FOR FISCAL YEAR 2015-2016.

25 (II) MULTIPLY THE QUOTIENT UNDER SUBPARAGRAPH (I) BY
26 THE TOTAL STATE-AID SUBSIDY FOR FISCAL YEAR 2016-2017.

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

1 (3) IF FUNDS APPROPRIATED FOR STATE AID TO LIBRARIES IN
2 FISCAL YEAR 2016-2017 ARE LESS THAN FUNDS APPROPRIATED IN
3 FISCAL YEAR 2002-2003, THE STATE LIBRARIAN MAY WAIVE
4 STANDARDS AS PRESCRIBED IN 24 PA.C.S. CH. 93.

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

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

13 (6) 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 (7) IN THE EVENT OF A CHANGE IN DIRECT SERVICE AREA FROM ONE
24 LIBRARY TO ANOTHER, THE STATE LIBRARIAN, UPON AGREEMENT OF THE
25 AFFECTED LIBRARIES, MAY REDISTRIBUTE THE LOCAL LIBRARY SHARE OF
26 AID TO THE LIBRARY CURRENTLY SERVICING THE AREA.

27 SECTION 15. SECTIONS 2509.1 AND 2509.5 OF THE ACT ARE
28 AMENDED BY ADDING SUBSECTIONS TO READ:

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

30 (C.2) (1) FOR THE 2016-2017 SCHOOL YEAR, FIVE AND FIVE-

1 TENTHS PERCENT (5.5%) OF THE STATE SPECIAL EDUCATION
2 APPROPRIATION SHALL BE PAID TO INTERMEDIATE UNITS ON ACCOUNT OF
3 SPECIAL EDUCATION SERVICES.

4 (2) THIRTY-FIVE PERCENT (35%) OF THE AMOUNT UNDER PARAGRAPH
5 (1) SHALL BE DISTRIBUTED EQUALLY AMONG ALL INTERMEDIATE UNITS.

6 (3) SIXTY-FIVE PERCENT (65%) OF THE AMOUNT UNDER PARAGRAPH
7 (1) SHALL BE DISTRIBUTED TO EACH INTERMEDIATE UNIT IN PROPORTION
8 TO THE NUMBER OF AVERAGE DAILY MEMBERSHIP OF THE COMPONENT
9 SCHOOL DISTRICTS OF EACH INTERMEDIATE UNIT AS COMPARED TO THE
10 STATEWIDE TOTAL AVERAGE DAILY MEMBERSHIP.

11 * * *

12 SECTION 2509.5. SPECIAL EDUCATION PAYMENTS TO SCHOOL
13 DISTRICTS.--* * *

14 (BBB) (1) DURING THE 2016-2017 SCHOOL YEAR AND EACH SCHOOL
15 YEAR THEREAFTER, EACH SCHOOL DISTRICT SHALL RECEIVE AN AMOUNT
16 EQUAL TO THE AMOUNT IT RECEIVED FOR THE 2013-2014 SCHOOL YEAR
17 UNDER SUBSECTION (AAA) AND A STUDENT-BASED ALLOCATION. THE TOTAL
18 AMOUNT AVAILABLE TO DISTRIBUTE TO SCHOOL DISTRICTS THROUGH THE
19 STUDENT-BASED ALLOCATION SHALL EQUAL THE DIFFERENCE BETWEEN THE
20 AMOUNT ALLOCATED FOR SPECIAL EDUCATION PAYMENTS FOR SCHOOL
21 DISTRICTS AND THE SUM OF THE AMOUNTS RECEIVED UNDER SUBSECTION
22 (AAA) FOR THE 2013-2014 SCHOOL YEAR TO ALL SCHOOL DISTRICTS. THE
23 STUDENT-BASED ALLOCATION FOR EACH SCHOOL DISTRICT SHALL BE
24 CALCULATED AS FOLLOWS:

25 (I) MULTIPLY THE SUM OF THE SCHOOL DISTRICT'S WEIGHTED
26 SPECIAL EDUCATION STUDENT HEADCOUNT AND ITS SPARSITY/SIZE
27 ADJUSTMENT CALCULATED UNDER PARAGRAPH (2) (V) BY ITS MARKET
28 VALUE/INCOME AID RATIO AND ITS EQUALIZED MILLAGE MULTIPLIER
29 CALCULATED UNDER PARAGRAPH (2) (VI).

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

1 TOTAL AMOUNT AVAILABLE FOR THE STUDENT-BASED ALLOCATION.

2 (III) DIVIDE THE PRODUCT UNDER SUBPARAGRAPH (II) BY THE SUM
3 OF THE PRODUCTS UNDER SUBPARAGRAPH (I) FOR ALL SCHOOL DISTRICTS.

4 (2) FOR THE PURPOSES OF PARAGRAPH (1) (I):

5 (I) THE WEIGHTED SPECIAL EDUCATION STUDENT HEADCOUNT FOR
6 EACH SCHOOL DISTRICT SHALL BE THE SUM OF THE FOLLOWING:

7 (A) THE NUMBER OF SPECIAL EDUCATION STUDENTS WHO RESIDE IN
8 THE SCHOOL DISTRICT FOR WHICH THE ANNUAL EXPENDITURE IS IN
9 CATEGORY 1 MULTIPLIED BY ONE AND FIFTY-ONE HUNDREDTHS (1.51).

10 (B) THE NUMBER OF SPECIAL EDUCATION STUDENTS WHO RESIDE IN
11 THE SCHOOL DISTRICT FOR WHICH THE ANNUAL EXPENDITURE IS IN
12 CATEGORY 2 MULTIPLIED BY THREE AND SEVENTY-SEVEN HUNDREDTHS
13 (3.77).

14 (C) THE NUMBER OF SPECIAL EDUCATION STUDENTS WHO RESIDE IN
15 THE SCHOOL DISTRICT FOR WHICH THE ANNUAL EXPENDITURE IS IN
16 CATEGORY 3 MULTIPLIED BY SEVEN AND FORTY-SIX HUNDREDTHS (7.46).

17 (II) THE SPARSITY RATIO SHALL BE CALCULATED FOR EACH SCHOOL
18 DISTRICT AS FOLLOWS:

19 (A) DIVIDE THE SCHOOL DISTRICT'S AVERAGE DAILY MEMBERSHIP
20 PER SQUARE MILE BY THE COMMONWEALTH'S AVERAGE DAILY MEMBERSHIP
21 PER SQUARE MILE.

22 (B) MULTIPLY THE QUOTIENT UNDER CLAUSE (A) BY ONE-HALF
23 (0.5).

24 (C) SUBTRACT THE PRODUCT UNDER CLAUSE (B) FROM ONE (1).

25 (III) THE SIZE RATIO FOR EACH SCHOOL DISTRICT SHALL BE
26 CALCULATED AS FOLLOWS:

27 (A) DIVIDE THE SCHOOL DISTRICT'S AVERAGE DAILY MEMBERSHIP BY
28 THE AVERAGE OF THE AVERAGE DAILY MEMBERSHIP OF ALL SCHOOL
29 DISTRICTS.

30 (B) MULTIPLY THE QUOTIENT UNDER CLAUSE (A) BY ONE-HALF

1 (0.5).

2 (C) SUBTRACT THE PRODUCT UNDER CLAUSE (B) FROM ONE (1).

3 (IV) THE SPARSITY/SIZE RATIO FOR EACH SCHOOL DISTRICT SHALL
4 BE CALCULATED BY ADDING FORTY PERCENT (40%) OF THE SPARSITY
5 RATIO AND SIXTY PERCENT (60%) OF THE SIZE RATIO.

6 (V) THE SPARSITY/SIZE ADJUSTMENT FOR QUALIFYING SCHOOL
7 DISTRICTS WITH A SPARSITY/SIZE RATIO GREATER THAN THE
8 SPARSITY/SIZE RATIO THAT REPRESENTS THE SEVENTIETH PERCENTILE OF
9 THE SPARSITY/SIZE RATIO FOR ALL SCHOOL DISTRICTS SHALL BE
10 CALCULATED AS FOLLOWS:

11 (A) DIVIDE THE SCHOOL DISTRICT'S SPARSITY/SIZE RATIO BY THE
12 SPARSITY/SIZE RATIO THAT REPRESENTS THE SEVENTIETH PERCENTILE OF
13 THE SPARSITY/SIZE RATIO FOR ALL SCHOOL DISTRICTS.

14 (B) SUBTRACT ONE (1) FROM THE QUOTIENT UNDER CLAUSE (A).

15 (C) MULTIPLY THE REMAINDER UNDER CLAUSE (B) BY ONE-HALF
16 (0.5).

17 (D) MULTIPLY THE PRODUCT UNDER CLAUSE (C) BY THE SCHOOL
18 DISTRICT'S WEIGHTED SPECIAL EDUCATION STUDENT HEADCOUNT.

19 (VI) THE EQUALIZED MILLAGE MULTIPLIER FOR EACH SCHOOL
20 DISTRICT SHALL BE CALCULATED AS FOLLOWS:

21 (A) FOR A SCHOOL DISTRICT WITH AN EQUALIZED MILLAGE RATE
22 GREATER THAN OR EQUAL TO THE EQUALIZED MILLAGE RATE THAT
23 REPRESENTS THE SEVENTIETH PERCENTILE OF THE EQUALIZED MILLAGE
24 RATE OF ALL SCHOOL DISTRICTS, THE SCHOOL DISTRICT'S EQUALIZED
25 MILLAGE MULTIPLIER SHALL BE ONE (1).

26 (B) FOR A SCHOOL DISTRICT WITH AN EQUALIZED MILLAGE RATE
27 LESS THAN THE EQUALIZED MILLAGE RATE THAT REPRESENTS THE
28 SEVENTIETH PERCENTILE OF THE EQUALIZED MILLAGE RATE OF ALL
29 SCHOOL DISTRICTS, THE SCHOOL DISTRICT'S EQUALIZED MILLAGE
30 MULTIPLIER SHALL BE CALCULATED BY DIVIDING THE SCHOOL DISTRICT'S

1 EQUALIZED MILLAGE RATE BY THE EQUALIZED MILLAGE RATE THAT
2 REPRESENTS THE SEVENTIETH PERCENTILE OF THE EQUALIZED MILLAGE
3 RATE OF ALL SCHOOL DISTRICTS.

4 (VII) THE DOLLAR RANGES FOR THE ANNUAL EXPENDITURE AMOUNTS
5 DESIGNATED AS CATEGORY 1, CATEGORY 2 AND CATEGORY 3 UNDER
6 SUBPARAGRAPH (I) SHALL BE BASED ON THE INFORMATION REPORTED TO
7 THE DEPARTMENT UNDER SECTION 1372(8). FOR THE PURPOSES OF
8 SUBPARAGRAPH (I), CATEGORY 3 SHALL BE THE SUM OF THE STUDENTS
9 REPORTED IN CATEGORIES 3A AND 3B UNDER SECTION 1372(8).

10 (VIII) THE DATA USED TO CALCULATE THE WEIGHTED SPECIAL
11 EDUCATION STUDENT HEADCOUNT UNDER SUBPARAGRAPH (I) SHALL BE
12 BASED ON INFORMATION FROM THE MOST RECENT YEAR FOR WHICH DATA IS
13 AVAILABLE AS DETERMINED BY THE DEPARTMENT OF EDUCATION. THE DATA
14 USED TO CALCULATE THE PROVISIONS UNDER SUBPARAGRAPHS (II), (III)
15 AND (VI) SHALL BE AVERAGED FOR THE THREE MOST RECENT YEARS FOR
16 WHICH DATA IS AVAILABLE AS DETERMINED BY THE DEPARTMENT OF
17 EDUCATION.

18 SECTION 16. SECTION 2509.8(E) OF THE ACT, ADDED DECEMBER 23,
19 2003 (P.L.304, NO.48), IS AMENDED AND THE SECTION IS AMENDED BY
20 ADDING A SUBSECTION TO READ:

21 SECTION 2509.8. EXTRAORDINARY SPECIAL EDUCATION PROGRAM
22 EXPENSES.--* * *

23 (E) FOR THE 2003-2004 SCHOOL YEAR [AND EACH SCHOOL YEAR
24 THEREAFTER] THROUGH THE 2013-2014 SCHOOL YEAR, THE DEPARTMENT OF
25 EDUCATION SHALL SET ASIDE ONE PERCENT (1%) OF THE SPECIAL
26 EDUCATION APPROPRIATION FOR EXTRAORDINARY EXPENSES INCURRED IN
27 PROVIDING A SPECIAL EDUCATION PROGRAM OR SERVICE TO ONE OR MORE
28 STUDENTS WITH DISABILITIES AS APPROVED BY THE SECRETARY OF
29 EDUCATION. SUCH SPECIAL EDUCATION PROGRAM OR SERVICE SHALL
30 INCLUDE, BUT NOT BE LIMITED TO, THE TRANSPORTATION OF STUDENTS

1 WITH DISABILITIES; SERVICES RELATED TO OCCUPATIONAL THERAPY,
2 PHYSICAL THERAPY, SPEECH AND LANGUAGE, HEARING IMPAIRMENTS OR
3 VISUAL IMPAIRMENTS; OR TRAINING IN ORIENTATION AND MOBILITY FOR
4 CHILDREN WHO ARE VISUALLY IMPAIRED OR BLIND.

5 (F) (I) FOR THE 2016-2017 SCHOOL YEAR AND EACH SCHOOL YEAR
6 THEREAFTER, AN AMOUNT EQUAL TO ONE PERCENT (1%) OF THE SPECIAL
7 EDUCATION APPROPRIATION SHALL BE DISTRIBUTED TO SCHOOL DISTRICTS
8 AND CHARTER SCHOOLS FOR EXTRAORDINARY EXPENSES INCURRED IN
9 PROVIDING A SPECIAL EDUCATION PROGRAM OR SERVICE TO ONE OR MORE
10 STUDENTS WITH DISABILITIES AS APPROVED BY THE SECRETARY OF
11 EDUCATION. SUCH SPECIAL EDUCATION PROGRAM OR SERVICE SHALL
12 INCLUDE, BUT NOT BE LIMITED TO, THE TRANSPORTATION OF STUDENTS
13 WITH DISABILITIES; SERVICES RELATED TO OCCUPATIONAL THERAPY,
14 PHYSICAL THERAPY, SPEECH AND LANGUAGE, HEARING IMPAIRMENTS OR
15 VISUAL IMPAIRMENTS; OR TRAINING IN ORIENTATION AND MOBILITY FOR
16 CHILDREN WHO ARE VISUALLY IMPAIRED OR BLIND.

17 (II) FUNDS DISTRIBUTED TO A SCHOOL DISTRICT OR CHARTER
18 SCHOOL UNDER THIS SUBSECTION SHALL BE ALLOCATED FOR STUDENTS FOR
19 WHICH EXPENSES ARE INCURRED ON AN ANNUAL BASIS THAT ARE EQUAL TO
20 OR GREATER THAN SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) AS
21 FOLLOWS:

22 (A) FOR A STUDENT FOR WHOM EXPENSES ARE EQUAL TO OR GREATER
23 THAN SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) AND LESS THAN OR
24 EQUAL TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), SUBTRACT THE
25 STATE SUBSIDIES PAID ON BEHALF OF THE STUDENT TO THE SCHOOL
26 DISTRICT OR, FOR A STUDENT ENROLLED IN A CHARTER SCHOOL, THE
27 CHARTER SCHOOL PAYMENT RECEIVED BY THE CHARTER SCHOOL WHERE THE
28 CHILD IS ENROLLED FROM THE EXPENSE INCURRED FOR THE STUDENT AND
29 MULTIPLY THE DIFFERENCE BY THE SCHOOL DISTRICT'S OR CHARTER
30 SCHOOL'S MARKET VALUE/PERSONAL INCOME AID RATIO.

1 (B) FOR A STUDENT FOR WHICH EXPENSES ARE GREATER THAN ONE
2 HUNDRED THOUSAND DOLLARS (\$100,000), SUBTRACT THE STATE
3 SUBSIDIES PAID ON BEHALF OF THE STUDENT TO THE SCHOOL DISTRICT
4 OR, FOR A STUDENT ENROLLED IN A CHARTER SCHOOL, THE CHARTER
5 SCHOOL PAYMENT RECEIVED BY THE CHARTER SCHOOL WHERE THE CHILD IS
6 ENROLLED FROM THE EXPENSE INCURRED FOR THE STUDENT.

7 (III) NO SCHOOL DISTRICT OR CHARTER SCHOOL SHALL IN ANY
8 SCHOOL YEAR RECEIVE AN AMOUNT UNDER SUBCLAUSE (I) WHICH EXCEEDS
9 THE TOTAL AMOUNT OF FUNDING AVAILABLE MULTIPLIED BY THE
10 PERCENTAGE EQUAL TO THE GREATEST PERCENTAGE OF THE STATE'S
11 SPECIAL EDUCATION STUDENTS ENROLLED IN A SCHOOL DISTRICT OR
12 CHARTER SCHOOL.

13 SECTION 17. SECTION 2510.3 OF THE ACT, ADDED JULY 9, 2013
14 (P.L.408, NO.59), IS AMENDED TO READ:

15 SECTION 2510.3. ASSISTANCE TO SCHOOL DISTRICTS DECLARED TO
16 BE IN FINANCIAL RECOVERY STATUS OR IDENTIFIED FOR FINANCIAL
17 WATCH STATUS.-- (A) FOR THE 2013-2014 AND 2016-2017 FISCAL
18 [YEAR] YEARS, THE DEPARTMENT OF EDUCATION MAY UTILIZE UP TO FOUR
19 MILLION FIVE HUNDRED THOUSAND DOLLARS (\$4,500,000) OF
20 UNDISTRIBUTED FUNDS NOT EXPENDED, ENCUMBERED OR COMMITTED FROM
21 APPROPRIATIONS FOR GRANTS AND SUBSIDIES MADE TO THE DEPARTMENT
22 OF EDUCATION TO ASSIST SCHOOL DISTRICTS DECLARED TO BE IN
23 FINANCIAL RECOVERY STATUS UNDER SECTION 621-A OR IDENTIFIED FOR
24 FINANCIAL WATCH STATUS UNDER SECTION 611-A. THE FUNDS SHALL BE
25 TRANSFERRED BY THE SECRETARY OF THE BUDGET TO A RESTRICTED
26 ACCOUNT AS NECESSARY TO MAKE PAYMENTS UNDER THIS SECTION AND,
27 WHEN TRANSFERRED, ARE HEREBY APPROPRIATED TO CARRY OUT THE
28 PROVISIONS OF THIS SECTION.

29 (B) FOR THE 2013-2014 FISCAL YEAR, THE AMOUNT OF SEVEN
30 MILLION FIVE HUNDRED THOUSAND DOLLARS (\$7,500,000) OF

1 UNDISTRIBUTED FUNDS NOT EXPENDED, ENCUMBERED OR COMMITTED FROM
2 APPROPRIATIONS FOR GRANTS AND SUBSIDIES MADE TO THE DEPARTMENT
3 OF EDUCATION SHALL BE TRANSFERRED TO THE FINANCIAL RECOVERY
4 SCHOOL DISTRICT TRANSITIONAL LOAN ACCOUNT TO MAKE LOANS AS
5 PROVIDED UNDER SECTION 681-A.

6 SECTION 18. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

7 SECTION 2599.6. READY-TO-LEARN BLOCK GRANT.--(A) FOR THE
8 2016-2017 SCHOOL YEAR, EACH SCHOOL ENTITY SHALL RECEIVE A READY-
9 TO-LEARN BLOCK GRANT AS FOLLOWS:

10 (1) AN AMOUNT EQUAL TO THE AMOUNT THE SCHOOL ENTITY RECEIVED
11 DURING THE 2013-2014 SCHOOL YEAR UNDER SECTION 2599.2.

12 (2) AN AMOUNT EQUAL TO THE AMOUNT THE SCHOOL ENTITY RECEIVED
13 DURING THE 2014-2015 SCHOOL YEAR UNDER SECTION 1722-J(21) (II) OF
14 THE ACT OF APRIL 9, 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL
15 CODE.

16 (3) AN AMOUNT EQUAL TO THE AMOUNT THE SCHOOL ENTITY RECEIVED
17 DURING THE 2015-2016 SCHOOL YEAR UNDER SECTION 1722-L(21) (I) (C)
18 OF THE FISCAL CODE.

19 (B) FUNDING RECEIVED BY A SCHOOL ENTITY UNDER THIS SECTION
20 SHALL BE USED IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN
21 SECTIONS 2599.2 AND 1722-J(21) (V) OF THE FISCAL CODE AND MAY BE
22 USED FOR INTEGRATED STUDENT SUPPORTS.

23 (C) TO BE ELIGIBLE TO RECEIVE FUNDING UNDER THIS SECTION,
24 EACH SCHOOL ENTITY SHALL SUBMIT A PLAN FOR APPROVAL TO THE
25 DEPARTMENT OUTLINING HOW THE FUNDING WILL BE USED.

26 (D) REVENUES RECEIVED BY A SCHOOL DISTRICT UNDER SUBSECTION
27 (A) (2) SHALL NOT BE INCLUDED IN THE SCHOOL DISTRICT'S BUDGETED
28 TOTAL EXPENDITURE PER AVERAGE DAILY MEMBERSHIP USED TO CALCULATE
29 THE AMOUNT TO BE PAID TO A CHARTER SCHOOL UNDER SECTION 1725-
30 A(A) (2) AND (3).

1 (E) FOR THE PURPOSES OF THIS SECTION, A "SCHOOL ENTITY"
2 SHALL BE A SCHOOL DISTRICT, CHARTER SCHOOL, CYBER CHARTER SCHOOL
3 OR REGIONAL CHARTER SCHOOL.

4 SECTION 2599.7. PAYMENT OF REQUIRED CONTRIBUTION FOR PUBLIC
5 SCHOOL EMPLOYEES' SOCIAL SECURITY.--NOTWITHSTANDING ANY OTHER
6 PROVISION OF LAW TO THE CONTRARY, BEGINNING IN THE 2016-2017
7 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, EACH EMPLOYER SHALL
8 SUBMIT A REPORT TO THE DEPARTMENT OF EDUCATION DOCUMENTING ALL
9 WAGES FOR WHICH PAYMENTS ARE CALCULATED UNDER 24 PA.C.S. § 8329
10 (RELATING TO PAYMENTS ON ACCOUNT OF SOCIAL SECURITY DEDUCTIONS
11 FROM APPROPRIATIONS) FOR EACH QUARTER BY THE TWENTIETH DAY OF
12 THE MONTH FOLLOWING THE END OF THE QUARTER. THE DEPARTMENT SHALL
13 REVIEW THE REPORT AND, IF THE DEPARTMENT AGREES WITH THE AMOUNT
14 REPORTED, SHALL PROCESS AND SUBMIT A PAYMENT REQUISITION TO THE
15 STATE TREASURER FOR THE AMOUNT IN ORDER TO MAKE A PAYMENT TO
16 EACH EMPLOYER THAT SUBMITTED A TIMELY REPORT ON THE LAST
17 THURSDAY OF THE MONTH FOLLOWING THE SUBMISSION OF THE REQUIRED
18 QUARTERLY REPORTS. AN EMPLOYER THAT SUBMITS AN UNTIMELY REPORT
19 SHALL BE PAID FOR THE AMOUNT DUE BY THE DEPARTMENT IN A TIMELY
20 MANNER AFTER THE REQUIRED DOCUMENTATION HAS BEEN SUBMITTED. THE
21 DEPARTMENT SHALL PROVIDE A DATA FILE FOR EACH REPORTING PERIOD
22 DETAILING THE WAGES REPORTED BY EACH EMPLOYER AND THE PAYMENTS
23 MADE TO THE EMPLOYER FROM THE APPROPRIATION AND PROVIDE AN
24 ELECTRONIC COPY TO THE CHAIRMAN OF THE APPROPRIATIONS COMMITTEE
25 OF THE SENATE AND THE CHAIRMAN OF THE APPROPRIATIONS COMMITTEE
26 OF THE HOUSE OF REPRESENTATIVES.

27 SECTION 19. NOTWITHSTANDING THE PROVISIONS OF SECTION 1966
28 OF THE ACT OF JULY 10, 2014 (P.L.3052, NO.1A), KNOWN AS THE
29 GENERAL APPROPRIATION ACT OF 2014, THAT PORTION OF THE
30 APPROPRIATION TO THE DEPARTMENT OF EDUCATION FOR THE PURPOSE OF

1 REGIONAL COMMUNITY COLLEGE SERVICES IN SECTION 213 OF THE
2 GENERAL APPROPRIATION ACT OF 2014, AND ALLOCATED AS PROVIDED IN
3 SECTION 1722-J(5) OF THE ACT OF APRIL 9, 1929 (P.L.343, NO.176),
4 KNOWN AS THE FISCAL CODE, SHALL NOT LAPSE.

5 SECTION 20. OF THE AMOUNT APPROPRIATED TO THE DEPARTMENT OF
6 EDUCATION FOR THE PURPOSE OF REGIONAL COMMUNITY COLLEGE SERVICES
7 IN SECTION 215 OF THE ACT OF DECEMBER 29, 2015 (P.L.621,
8 NO.10A), KNOWN AS THE GENERAL APPROPRIATION ACT OF 2015, 40%
9 SHALL BE DISTRIBUTED TO A NONPROFIT ORGANIZATION AUTHORIZED
10 UNDER ARTICLE XIX-G OF THE ACT.

11 SECTION 21. REPEALS ARE AS FOLLOWS:

12 (1) THE GENERAL ASSEMBLY FINDS THAT THE REPEAL UNDER
13 PARAGRAPH (2) IS NECESSARY FOR THE ADDITION OF ARTICLE XIX-G
14 OF THE ACT.

15 (2) ARTICLE XVII-E.1 OF THE ACT OF APRIL 9, 1929
16 (P.L.343, NO. 176), KNOWN AS THE FISCAL CODE, IS REPEALED.

17 (3) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
18 PARAGRAPH (4) IS NECESSARY TO EFFECTUATE THE ADDITION OF
19 ARTICLE XX-B OF THE ACT.

20 (4) ARTICLE XVII-F OF THE ACT OF MARCH 4, 1971 (P.L.6,
21 NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, IS REPEALED.

22 SECTION 22. THE ADDITION OF ARTICLE XIX-G OF THE ACT IS A
23 CONTINUATION OF FORMER ARTICLE XVII-E.1 OF THE ACT OF APRIL 9,
24 1929 (P.L.343, NO.176), KNOWN AS THE FISCAL CODE. THE FOLLOWING
25 APPLY:

26 (1) EXCEPT AS OTHERWISE PROVIDED IN ARTICLE XIX-G OF THE
27 ACT, ALL ACTIVITIES INITIATED UNDER FORMER ARTICLE XVII-E.1
28 OF THE FISCAL CODE SHALL CONTINUE AND REMAIN IN FULL FORCE
29 AND EFFECT AND MAY BE COMPLETED UNDER ARTICLE XIX-G OF THE
30 ACT. ORDERS, REGULATIONS, RULES AND DECISIONS WHICH WERE MADE

1 UNDER FORMER ARTICLE XVII-E.1 OF THE FISCAL CODE AND WHICH
2 ARE IN EFFECT ON THE EFFECTIVE DATE OF THIS SECTION SHALL
3 REMAIN IN FULL FORCE AND EFFECT UNTIL REVOKED, VACATED OR
4 MODIFIED UNDER ARTICLE XIX-G OF THE ACT. CONTRACTS,
5 OBLIGATIONS AND COLLECTIVE BARGAINING AGREEMENTS ENTERED INTO
6 UNDER FORMER ARTICLE XVII-E.1 OF THE FISCAL CODE ARE NOT
7 AFFECTED NOR IMPAIRED BY THE REPEAL OF FORMER ARTICLE XVII-
8 E.1 OF THE FISCAL CODE.

9 (2) EXCEPT AS SET FORTH IN PARAGRAPH (3), ANY DIFFERENCE
10 IN LANGUAGE BETWEEN ARTICLE XIX-G OF THE ACT AND FORMER
11 ARTICLE XVII-E.1 OF THE FISCAL CODE IS INTENDED ONLY TO
12 CONFORM TO THE STYLE OF THE PUBLIC SCHOOL CODE OF 1949 AND IS
13 NOT INTENDED TO CHANGE OR AFFECT THE LEGISLATIVE INTENT,
14 JUDICIAL CONSTRUCTION OR ADMINISTRATION AND IMPLEMENTATION OF
15 FORMER ARTICLE XVII-E.1 OF THE FISCAL CODE.

16 (3) PARAGRAPH (2) DOES NOT APPLY TO THE ADDITION OF THE
17 FOLLOWING PROVISIONS:

18 (I) SECTIONS 1901.1-G AND 1901.2-G OF THE ACT.

19 (II) THE REFERENCE TO DECEMBER 31, 2016, IN SECTION
20 1906-G(A) OF THE ACT.

21 (III) THE PHRASE "DONATIONS FROM PERSONS" IN SECTION
22 1913-G OF THE ACT.

23 SECTION 23. THE ADDITION OF ARTICLE XX-B OF THE ACT IS A
24 CONTINUATION OF ARTICLE XVII-F OF THE ACT OF MARCH 4, 1971
25 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971. EXCEPT AS
26 OTHERWISE PROVIDED IN ARTICLE XX-B OF THE ACT, ALL ACTIVITIES
27 INITIATED UNDER ARTICLE XVII-F OF THE TAX REFORM CODE OF 1971
28 SHALL CONTINUE AND REMAIN IN FULL FORCE AND EFFECT AND MAY BE
29 COMPLETED UNDER ARTICLE XX-B OF THE ACT. ORDERS, REGULATIONS,
30 RULES AND DECISIONS WHICH WERE MADE UNDER XVII-F OF THE TAX

1 REFORM CODE OF 1971 AND WHICH ARE IN EFFECT ON THE EFFECTIVE
2 DATE OF SECTION 21(4) OF THIS ACT SHALL REMAIN IN FULL FORCE AND
3 EFFECT UNTIL REVOKED, VACATED OR MODIFIED UNDER ARTICLE XX-B OF
4 THE ACT.

5 SECTION 24. THIS ACT SHALL APPLY AS FOLLOWS:

6 (1) SECTION 19 OF THIS ACT SHALL APPLY RETROACTIVELY TO
7 JULY 1, 2014.

8 (2) SECTION 20 OF THIS ACT SHALL APPLY RETROACTIVELY TO
9 JULY 1, 2015.

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

11 (1) THE FOLLOWING SHALL TAKE EFFECT IN 60 DAYS:

12 (I) THE ADDITION OF SECTION 510.2 OF THE ACT.

13 (II) THE ADDITION OF SECTION 1201.1 OF THE ACT.

14 (III) THE AMENDMENT OF SECTION 1605 OF THE ACT.

15 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
16 IMMEDIATELY.