

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 794 Session of 2015

INTRODUCED BY FOLMER, EICHELBERGER, GORDNER, RAFFERTY, WHITE, STEFANO, VULAKOVICH, AUMENT, WOZNIAK AND YUDICHAK, MAY 1, 2015

REFERRED TO EDUCATION, MAY 1, 2015

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," repealing provisions relating to
 6 report of racial and ethnic groupings, to study of public
 7 schools that provide Internet instruction, to corporate seal,
 8 to submission of plans, to approval of plans, to disapproval
 9 of plans, to Department of Public Instruction to prepare
 10 plans, to establishment of reorganized school districts, to
 11 advance establishment, to special school watchmen-school
 12 districts in townships of the second class, to copies of
 13 school laws, to educational broadcasting, to residences for
 14 teachers and janitors, to heating stoves to be shielded, to
 15 ventilation and thermometer, to fireproof construction, to
 16 doors to open outward and fire escapes, etc., to water-
 17 closets and out-houses, to completion of abandoned WPA
 18 projects, districts of the third and fourth class, to
 19 condition of grounds and shade trees, to summer schools,
 20 etc., to possession of telephone pagers prohibited, to
 21 nonprofit school food program, to antitruancy programs, to
 22 medical care for children under six with defective hearing,
 23 to report, to care and treatment of pupils and to local
 24 wellness policy; further providing for fire and emergency
 25 evacuation drills; repealing provisions relating to foreign
 26 language academies, to monthly reports to school directors in
 27 districts second, third and fourth class, to alcohol,
 28 chemical and tobacco abuse program, to read to succeed, to
 29 reporting, to department duties and powers; further providing
 30 for duties of State Board for Vocational Education and
 31 reports; repealing provisions related to schools or classes,
 32 supervisors, principals, instructors and etc., to estimate of
 33 expenses and reimbursements and appropriations and to

1 teachers of evening schools; further providing for powers and
2 duties of the board of trustees; repealing provisions related
3 to annual report, to duties of public institutions of higher
4 education, to medical education loan assistance, to special
5 study on the revenue impact of out-of-State tax credits, and
6 to powers and duties of the board and to reports and
7 recommendations.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Sections 112, 113, 212, 292, 293, 294, 295, 296,
11 297, 510.1, 519, 523(a), 705, 736, 737, 738, 739, 740, 760, 772,
12 1208, 1317.1, 1337(f), 1338.2, 1378, 1308-A, 1414 and 1422.1 of
13 the act of March 10, 1949 (P.L.30, No.14), known as the Public
14 School Code of 1949, are repealed:

15 [Section 112. Report of Racial and Ethnic Groupings.--The
16 Department of Education shall conduct a thorough review of the
17 1991-1992 PennData report "Statistical Summary for 1991-1992"
18 and identify those school districts that have special education
19 enrollments whose gender and ethnic representation exceeds by
20 five percent (5%) the gender and ethnic makeup of the student
21 population for the 1991-1992 school year. The Department of
22 Education shall report to the Committee on Education in the
23 Senate and the Committee on Education in the House of
24 Representatives by October 1993 the findings of the review by
25 the Department of Education, an outline of what further
26 investigative steps should be taken, recommendations for
27 appropriate actions to be taken by the Department of Education
28 and any technical assistance services to be provided by the
29 Department of Education to school districts.

30 Section 113. Study of Public Schools that Provide Internet
31 Instruction.--(a) The Department of Education shall conduct a
32 study of public schools that provide instruction primarily
33 through the Internet. The study shall include:

- 1 (1) a review of academic accountability methods and systems;
- 2 (2) a summary of governance structures, approval processes
- 3 and oversight mechanisms of each public school that provides
- 4 instruction primarily through the Internet;
- 5 (3) an analysis and verification of the actual and
- 6 reasonable instructional cost per student for each public school
- 7 that provides instruction primarily through the Internet; and
- 8 (4) recommendations regarding funding alternatives.

9 (b) The Department of Education shall prepare a report that
10 includes its findings and recommendations from the study and
11 shall provide the report to the chairman and the minority
12 chairman of the Education Committee of the Senate and the
13 chairman and minority chairman of the Education Committee of the
14 House of Representatives by October 30, 2001.

15 (c) In the event that the report required under subsection
16 (b) is not provided by October 30, 2001, no school district
17 shall pay to any public school that provides instruction
18 primarily through the Internet an amount to exceed two thousand
19 dollars (\$2,000) per resident student enrolled.

20 Section 212. Corporate Seal.--Each school district in this
21 Commonwealth may, by a majority vote of the members of the board
22 of school directors of such district, adopt a corporate seal for
23 the use of said district. The seal shall have engraved thereon
24 the following: "School District of,
25 Pennsylvania," and such other inscription or design as the board
26 of school directors may direct.

27 Section 292. Submission of Plans.--Each county board of
28 school directors, on or before July 1, 1964, shall prepare a
29 plan of organization of administrative units for the county,
30 conforming to the standards for approval of administrative units

1 adopted by the State Board of Education. The plan shall be
2 submitted to the Department of Public Instruction not less than
3 thirty (30) days nor more than sixty (60) days after it is
4 prepared. Any school district which considers itself aggrieved
5 by the plan may set forth its specific objections in a petition
6 which shall be served by registered or certified mail on the
7 secretary of the county board of school directors. All such
8 petitions filed shall be appended to the plan prior to
9 submission to the Department of Public Instruction. No plan of
10 organization of administrative units shall be submitted which
11 violates any written agreement entered into by several school
12 districts for the establishment of a joint school or department,
13 unless the agreement is amended to provide that it shall be
14 discontinued at the time the proposed administrative unit is
15 deemed established as a school district. A plan of organization
16 of administrative units shall be deemed to violate a written
17 agreement entered into by several school districts for the
18 establishment of a joint school or department only when it
19 formulates an administrative unit, which in whole or in part
20 comprises less than all of the school districts joined by such
21 agreement. In preparing its plans, a county board of school
22 directors shall confer with school directors and administrators
23 of all school districts of the county, and may confer with the
24 staff of the Department of Public Instruction and upon written
25 request shall confer with other interested persons. Each plan
26 shall assure the continuity of special education and area
27 technical school programs by providing special education and
28 area technical school attendance areas established in accordance
29 with standards approved by the State Board of Education.

30 Each county board of school directors which prepared and

1 submitted to the Department of Public Instruction prior to
2 January 1, 1963, a plan of organization of administrative units
3 for the county, shall, in compliance with the provisions hereof,
4 reconsider such plan and submit the same or a revised plan on or
5 before July 1, 1964, irrespective of the action taken on the
6 prior plan. In those cases where the prior plan was approved by
7 the State Council of Education, the plan submitted when approved
8 by the Council of Basic Education shall supersede the prior
9 approved plan as the plan of organization of administrative
10 units for the county.

11 Section 293. Approval of Plans.--(a) When any plan of
12 organization of administrative units for a county is found to
13 conform to the standards for approval of administrative units
14 adopted by the State Board of Education, the Department of
15 Public Instruction shall cause such plan to be placed upon the
16 agenda of the Council of Basic Education. The Council of Basic
17 Education shall review all plans placed upon its agenda, and
18 approve such plans as it deems wise in the best interests of the
19 educational system of the Commonwealth. Except as hereinafter
20 provided, no plan of organization of administrative units shall
21 be approved in which any proposed school district contains a
22 pupil population of less than four thousand (4,000), unless when
23 factors of topography, pupil population, community
24 characteristics, transportation of pupils, use of existing
25 school buildings, existing administrative units, potential
26 population changes and the capability of providing a
27 comprehensive program of education are considered by the Council
28 of Basic Education as requiring the approval of a plan of
29 organization of administrative units in which one or more
30 proposed school districts contains a pupil population of less

1 than four thousand (4,000). (b) A plan of organization of
2 administrative units for a county shall be approved by the
3 Council of Basic Education, if the plan contains (i) no unit
4 with a pupil population less than that of the unit with the
5 smallest pupil population in the last previous county-wide plan
6 submitted to and approved by the State Council of Education
7 prior to September 12, 1961, and (ii) no more units than were in
8 the aforesaid county-wide plan plus an additional unit for each
9 second class district which was not required to be a part of
10 such county-wide plan and which was not included in an
11 administrative unit thereof. (c) Pupil population as used in
12 this section shall mean the average daily membership for the
13 school year 1961-1962 including kindergarten or grade one
14 through grade twelve.

15 Section 294. Disapproval of Plans.--When any plan of
16 organization of administrative units for a county is disapproved
17 by the Council of Basic Education, it shall be returned to the
18 county board of school directors which submitted the plan for
19 reconsideration, amendment and resubmission in accordance with
20 the recommendations of the Council of Basic Education.

21 Section 295. Department of Public Instruction to Prepare
22 Plans.--In the event that no plan of organization of
23 administrative units is approved by the Council of Basic
24 Education for a county prior to January 1, 1965, the Department
25 of Public Instruction shall prepare and place upon the agenda of
26 the Council of Basic Education a plan of organization of
27 administrative units for the county. When approved by the
28 Council of Basic Education, such plan shall be deemed the
29 approved plan of organization of administrative units for the
30 county.

1 Any school district which considers itself aggrieved by a
2 plan of organization of administrative units approved by the
3 Council of Basic Education may appeal to the State Board of
4 Education by filing a petition, within thirty (30) days after
5 approval of the plan, setting forth the grounds for such appeal.
6 A copy of such petition shall be served by registered or
7 certified mail on the secretary of the county board of school
8 directors. The State Board of Education, or its representative,
9 shall fix a day and time for hearing, shall give written notice
10 to all parties interested, and may hear and consider such
11 testimony as it may deem advisable to enable it to make a
12 decision. After reaching its decision, the State Board of
13 Education shall enter such order as appears to it just and
14 proper, either directing the Council of Basic Education to
15 approve the plan in an amended form or confirming the plan in
16 the form previously approved by the Council of Basic Education.
17 The decision of the State Board of Education shall be final,
18 unless an appeal is taken as now provided under the provisions
19 of the "Administrative Agency Law."

20 Section 296. Establishment of Reorganized School
21 Districts.--On July 1, 1966, or on the date of advance
22 establishment, all administrative units contained in plans of
23 organization of administrative units approved by the Council of
24 Basic Education shall constitute and be deemed established as
25 school districts, and shall belong to the class to which they
26 are entitled as provided by law: Provided, however, if any
27 approved administrative unit includes any district or districts
28 of the second, third, or fourth class with any district of the
29 first class A, such district or districts of the second, third,
30 or fourth class shall be merged into and become part of said

1 district of the first class A, and said district of the first
2 class A as thus enlarged shall be the reorganized district and
3 shall be considered as having had continued existence.

4 Section 297. Advance Establishment.--(a) Any administrative
5 unit contained in a plan of organization of administrative units
6 approved by the Council of Basic Education may constitute and be
7 deemed established as a school district on July 1, 1964, or on
8 July 1, 1965, when the following conditions have been satisfied:

9 (1) All appeals to the State Board of Education from the
10 action of the Council of Basic Education approving the plan of
11 organization of administrative units have been finally
12 determined;

13 (2) At a regular meeting or at a special meeting called for
14 such purpose, the board of school directors of each school
15 district composing the administrative unit has approved by
16 majority vote the establishment in advance of July 1, 1966, of
17 the proposed school district contained in the plan of
18 organization of administrative units approved by the Council of
19 Basic Education;

20 (3) A copy of the resolution of each school district is
21 filed with the Department of Public Instruction; and

22 (4) The Superintendent of Public Instruction certifies to
23 the Council of Basic Education that all school districts
24 composing the administrative unit have filed resolutions with
25 the Department of Public Instruction approving the establishment
26 of the school district in advance of July 1, 1966. The
27 certification shall state the date when the school district
28 shall be deemed established.

29 (b) Any school district established in advance of July 1,
30 1966, shall be entitled to all the benefits of this act and

1 shall be subject to all of the provisions of this act as if the
2 school district were constituted and deemed established on July
3 1, 1966: Provided, however, That in the case of school districts
4 established on July 1, 1964, the provisions of section 303.1 of
5 this act relating to election of school directors shall be
6 advanced two years: And provided further, That in the case of
7 school districts established on July 1, 1965, the provisions of
8 section 303.1 of this act shall not be advanced.

9 Section 510.1. Special School Watchmen-School Districts in
10 Townships of the Second Class.--The board of school directors of
11 school districts in townships of the second class may, by
12 resolution, appoint and fix the salary of special school
13 watchmen, who shall have the duty of patrolling school grounds
14 and protecting school property.

15 Section 519. Copies of School Laws.--The Superintendent of
16 Public Instruction shall send to each member of every board of
17 school directors in the State, a bound copy of each new edition
18 of the School Laws, as soon as possible after the same shall
19 have been published.

20 Section 523. Educational Broadcasting.--

21 (a) The State Board of Education shall adopt and amend, when
22 necessary, a State Plan for Educational Broadcasting. The State
23 plan shall provide for the development of educational
24 broadcasting facilities in the Commonwealth and shall define
25 educational broadcasting service areas which shall be served by
26 specified broadcasting centers. The Department of Education
27 shall promulgate regulations to implement the State plan. Prior
28 to adoption or amendment of the State plan, the board shall
29 submit the plan to the Pennsylvania Public Television Network
30 Commission and receive its comments thereon.

1 * * *

2 Section 705. Residences for Teachers and Janitors.--The
3 board of directors of any school district of the fourth class,
4 when they consider it necessary, may purchase or build a
5 residence or residences for the use of the principal or teacher
6 or janitor, or any of them, as shall be deemed advisable, in the
7 same manner and upon the same procedure as other school
8 buildings are purchased or erected. Such school districts, with
9 the approval of the Department of Public Instruction, are
10 authorized to expend the funds of the school district and to
11 borrow money for the purchase or erection of such residences in
12 the same manner as for other school buildings. Any such district
13 may fix and charge a rental for the use of such building, which
14 rental shall be paid into the school treasury. All property
15 acquired under this section shall be held by the school district
16 the same as other school property.

17 Section 736. Heating Stoves to be Shielded.--No board of
18 school directors in this Commonwealth shall use a common heating
19 stove for the purpose of heating any school room, unless such
20 stove is in part enclosed within a shield or jacket made of
21 galvanized iron, or other suitable material, and of sufficient
22 height, and so placed, as to protect all pupils while seated at
23 their desks from direct rays of heat.

24 Section 737. Ventilation; Thermometer.--No school room or
25 recitation room shall be used in any public school which is not
26 provided with ample means of ventilation, and whose windows,
27 when they are the only means of ventilation, shall not admit of
28 ready adjustment both at the top and bottom, and which does not
29 have some device to protect pupils from currents of cold air.
30 Every school room or recitation room shall be furnished with a

1 thermometer.

2 Section 738. Fireproof Construction.--All school buildings,
3 two or more stories high, hereafter erected or leased in any
4 school district of the first class in this Commonwealth shall be
5 of fireproof construction; and in any school district of the
6 second, third, or fourth class, every building more than two
7 stories high, hereafter built or leased for school purposes,
8 shall be of fireproof construction.

9 Section 739. Doors to Open Outward; Fire Escapes; etc.--All
10 doors of entrance into any building used for public school
11 purposes shall open outward.

12 In all school buildings erected after the first day of May,
13 one thousand nine hundred twenty-five, or buildings leased or
14 used for school purposes, all entrance and exit doors, as well
15 as all doors leading to or from all regular, special, or general
16 rooms, shall open outward.

17 Every school building shall be provided with necessary fire-
18 escapes and safety-appliances as required by law.

19 On and after January 1, 1973, each new school building and
20 every addition to an existing school building equipped with
21 windows and with no emergency fire rescue door to the outside,
22 shall be equipped with escape windows of such type and at such
23 locations as may be approved by the Department of Labor and
24 Industry.

25 Section 740. Water-closets or Out-houses.--The board of
26 school directors in every district shall, with every building
27 used for school purposes, provide and maintain in a proper
28 manner, a suitable number of water-closets or out-houses, not
29 less than two for each building, where both sexes are in
30 attendance. Such water-closets or out-houses shall be suitably

1 constructed for, and used separately by, the sexes. When any
2 water-closets or out-houses are outside and detached from the
3 school building, the entrances thereto shall be properly
4 screened, and they shall, unless constructed at a remote
5 distance from each other, have separate means of access thereto,
6 and, if possible, for not less than twenty-five (25) feet from
7 such water-closets or out-houses, such means of access or walks
8 leading thereto shall be separated by a closed partition, wall,
9 or fence, not less than seven (7) feet high.

10 The board of school directors shall keep all water-closets or
11 out-houses, used in connection with any school building, in a
12 clean and sanitary condition, and shall, not less than ten (10)
13 days prior to the opening of any term of school, and oftener if
14 necessary, have them properly cleaned and disinfected by the use
15 of fresh-dry-slacked lime, or other proper disinfecting
16 materials.

17 Section 760. Completion of Abandoned WPA Projects, Districts
18 Third and Fourth Class.--Whenever any school district of the
19 third or fourth class, pursuant to contract with the Works
20 Projects Administration or any other agency of the United States
21 Government, shall have expended money for the erection of a
22 school building to be erected by such agency, and after the
23 erection of such building has been begun, but before the
24 completion thereof the project is abandoned by the Works
25 Projects Administration or other agency of the United States
26 Government, the board of directors of such school district may,
27 with the approval of the Superintendent of Public Instruction,
28 enter into a contract for the immediate continuation of the work
29 of erecting such school building to an extent necessary to
30 protect the work already completed from loss or damage by the

1 elements. Such contract may be let on competitive bids solicited
2 from at least three responsible bidders and approved by the
3 Superintendent of Public Instruction.

4 Section 772. Condition of Grounds; Shade Trees.--The board
5 of school directors in each school district shall put the
6 grounds about every school building in a neat, proper and
7 sanitary condition and so maintain the same and shall provide
8 and maintain a proper number of shade trees.

9 Section 1208. Summer Schools, etc.--The State Board of
10 Education shall provide for summer schools in State colleges,
11 colleges, universities and other educational institutions, and
12 for extension courses and correspondence courses for all
13 teachers employed in the public school system of the
14 Commonwealth who wish to acquire the minimum qualifications
15 prescribed herein, or such further qualifications as may be
16 desirable.

17 Section 1317.1. Possession of Telephone Pagers Prohibited.--

18 (a) The possession by students of telephone paging devices,
19 commonly referred to as beepers, shall be prohibited on school
20 grounds, at school sponsored activities and on buses or other
21 vehicles provided by the school district.

22 (b) The prohibition contained in subsection (a) shall not
23 apply in the following cases, provided that the school
24 authorities approve of the presence of the beeper in each case:

25 (1) A student who is a member of a volunteer fire company,
26 ambulance or rescue squad.

27 (2) A student who has a need for a beeper due to the medical
28 condition of an immediate family member.

29 Section 1337. Nonprofit School Food Program.

30 * * *

1 (f) Studies, Appraisals and Reports to Governor. The
2 Department of Education is hereby authorized, to the extent that
3 funds are available for that purpose and in cooperation with
4 other appropriate agencies and organizations, to conduct studies
5 of methods of improving and expanding school food programs and
6 promoting nutritional education in the schools, to conduct
7 appraisals of the nutritive benefits of school food programs and
8 to report its findings and recommendations, from time to time,
9 to the Governor.

10 Section 1338.2. Antitruancy Programs.--The Department of
11 Education shall formulate recommendations for the General
12 Assembly concerning the establishment and funding of effective
13 community-based antitruancy pilot programs. In formulating these
14 recommendations, the Department of Education shall seek advice
15 and counsel from educators, parents, students, district
16 attorneys, law enforcement representatives, attendance officers,
17 social service agencies experienced in providing services to
18 truant children, counselors, judges, probation officers and
19 representatives from the Pennsylvania Commission on Crime and
20 Delinquency and the Juvenile Court Judges' Commission.

21 Section 1378. Medical Care for Children Under Six with
22 Defective Hearing.--Whenever the county medical director of the
23 Department of Health reports to the medical examiner of any
24 school district a case of a minor under six (6) years of age,
25 who is totally deaf or whose hearing is impaired, who is not
26 receiving adequate care and treatment, and whose parent or
27 guardian is financially unable to provide the same, such medical
28 examiner shall provide such care and treatment at the expense of
29 the school district or of the Commonwealth, as the case may be
30 charged by law with the providing of medical examinations for

1 the schools of the school district. Such care and treatment may
2 be administered by the medical examiner or by some doctor of
3 medicine selected by him.

4 Section 1308-A. Report.--The Secretary of Education shall
5 survey all school districts and nonpublic schools to determine
6 the extent to which additional costs have been incurred in
7 implementing administrative and reporting requirements
8 established for public and nonpublic schools in section 1317.2
9 and in sections 1304-A through 1307-A. The Secretary of
10 Education shall issue a report to the chairman and the minority
11 chairman of the Appropriations Committee and the Education
12 Committee of the Senate and the Appropriations Committee and
13 Education Committee of the House of Representatives by April 1,
14 1996, concerning the extent to which additional costs have been
15 incurred by school districts and nonpublic schools.

16 Section 1414. Care and Treatment of Pupils.--Any school
17 district or joint school board may provide for the care and
18 treatment of defective eyes, ears and teeth of all children of
19 school age within the district.

20 Section 1422.1. Local Wellness Policy.--(a) Not later than
21 the first day of the school year beginning after June 30, 2006,
22 each local education agency shall, pursuant to section 204 of
23 the Child Nutrition and WIC Reauthorization Act of 2004 (Public
24 Law 108-265, 118 Stat. 729), establish a local wellness policy
25 for schools within the local education agency.

26 (c) A local education agency may submit its local wellness
27 policy or information on other initiatives regarding child
28 health, nutrition, food allergy reaction management and physical
29 education to the Department of Education for inclusion in the
30 clearinghouse established under section 1422.3(3).]

1 Section 2. Section 1517(d) of the act, amended January 14,
2 1970 (1969 P.L.468, No.192), is amended to read:

3 Section 1517. Fire and Emergency Evacuation Drills.--* * *

4 (d) (1) All schools using or contracting for school buses
5 for the transportation of school children shall conduct on
6 school grounds two emergency evacuation drills on buses during
7 each school year, the first to be conducted during the first
8 week of the first school term and the second during the month of
9 March, and at such other times as the chief school administrator
10 may require. Each such drill shall include the practice and
11 instruction concerning the location, use and operation of
12 emergency exit doors and fire extinguishers and the proper
13 evacuation of buses in the event of fires or accidents.

14 (2) Bus operators shall be provided with proper training and
15 instructions to enable them to carry out the provisions of this
16 subsection and may be required to attend classes and drills in
17 connection therewith.

18 [On or before the tenth day of April of each year, each
19 district superintendent shall certify to the Department of
20 Public Instruction that the emergency evacuation drills herein
21 required have been held.]

22 Section 3. Sections 1522, 1534 and 1547(h) of the act are
23 repealed:

24 [Section 1522. Foreign Language Academies.--(a) The
25 Department of Education shall establish a summer foreign
26 language academy grant program utilizing Federal education funds
27 and matching grants for students in this Commonwealth. To the
28 greatest extent possible, the department shall establish
29 guidelines for the programs which involve the universities and
30 colleges, local school districts and intermediate units. Those

1 students who are to participate in the program shall be selected
2 by the local school districts.

3 (b) At least one summer foreign language academy shall be in
4 operation by the summer of 1993.

5 (c) The department shall prepare an annual report of the
6 summer foreign language academies program which shall be
7 submitted to the Governor, the Education Committee of the Senate
8 and the Education Committee of the House of Representatives.

9 Section 1534. Monthly Reports to School Directors; Districts
10 Second, Third and Fourth Class.--In school districts of the
11 second, third and fourth class every teacher employed in the
12 public schools shall, at the end of each school month, or within
13 five days thereafter, make a report for the past month to the
14 board of school directors. Such reports shall state correctly
15 the number of days the schools were kept open, and, if closed on
16 any days, the reason therefor, the number, age, and sex of all
17 pupils, and the number of days attended by each. Such reports
18 shall be made on blank forms to be furnished the teachers by the
19 board of school directors. No teacher shall be paid more than
20 one-half of his salary for the current month until such report
21 is made. Such reports shall be filed with the secretary of the
22 board, and shall at all times be open to inspection by the
23 public. Any school principal may make such report for the entire
24 school.]

25 Section 1547. Alcohol, Chemical and Tobacco Abuse Program.--

26 * * *

27 [(h) On or before June 1, 1992, the Secretary of Education
28 shall report to the General Assembly concerning the 1991-1992
29 school year activities of the Department of Education pertaining
30 to the provisions of this section and concerning proposed 1992-

1 1993 school year activities of the Department of Education
2 pertaining to this section.]

3 * * *

4 Section 4. The heading of Article XV-B of the act is
5 repealed:

6 [ARTICLE XV-B.
7 READ TO SUCCEED PROGRAM.]

8 Section 5. Sections 1501-B, 1502-B, 1503-B, 1504-B, 1505-B
9 and 1503-E(10) of the act are repealed:

10 [Section 1501-B. Establishment of Program.--There is hereby
11 established in the Department of Education the Read to Succeed
12 Program. The program shall provide competitive grants to school
13 districts and charter schools to build strong reading skills in
14 Pennsylvania students. The program shall emphasize students with
15 the greatest need for intensive reading instruction and school
16 programs that will enable students to learn to read by the end
17 of the third grade.

18 Section 1502-B. Eligibility Requirements.--(a) The
19 Department of Education shall establish eligibility criteria to
20 be used to select schools and students in kindergarten through
21 third grade to participate in the Read to Succeed Program.

22 (b) The secretary shall establish matching requirements for
23 grant recipients.

24 Section 1503-B. Program Requirements.--School districts and
25 charter schools shall apply for grants as prescribed by the
26 Department of Education. The application will contain the
27 following:

- 28 (1) Identification of students with the greatest need.
- 29 (2) Methods of ongoing assessment.
- 30 (3) Reading instruction based on current reading research.

1 (4) Integration with the reading instruction programs and
2 activities of the school district.

3 (5) Professional development plan.

4 (6) Opportunities for extended learning time.

5 (7) Coordination with community-based reading activities,
6 including family literacy programs.

7 (8) Staff and program facilities.

8 (9) A multiyear plan that shows how the school district or
9 charter school will assume full financial and programmatic
10 responsibility for the Read to Succeed Program at the conclusion
11 of the grant period.

12 (10) The estimated budget for each specific program
13 activity.

14 Section 1504-B. Technical Assistance and Monitoring.--The
15 Department of Education shall provide technical assistance and
16 establish methods to ensure the quality of the program receiving
17 a grant, including program monitoring and onsite visitation.

18 Section 1505-B. Reports.--(a) A school district or charter
19 school participating in the Read to Succeed Program shall
20 provide program and fiscal reports as required by the Department
21 of Education.

22 (b) Beginning in the year 2000, the department shall submit
23 a report by December 31 of each year to the majority and
24 minority chairman of the Education Committee of the Senate and
25 the majority and minority chairman of the Education Committee of
26 the House of Representatives.]

27 Section 1503-E. Department duties and powers.

28 The department shall:

29 * * *

30 [(10) Prepare and submit an annual report to the

1 Education Committee of the Senate and the Education Committee
2 of the House of Representatives regarding the administration
3 and operation of programs and grants awarded under the grant
4 program. The report shall include:

5 (i) A summary of the guidelines and criteria
6 established by the department and the establishment and
7 operation of the grant program.

8 (ii) A listing of the sources of funding sought by
9 the department for use in the grant program.

10 (iii) A listing of the number of school districts
11 that established and implemented programs.

12 (iv) A description of each school district's program
13 and the integration into the curriculum.

14 (v) A description of measures utilized by school
15 districts to provide parent, professional educator and
16 community involvement.]

17 Section 6. Section 1803 of the act, amended December 22,
18 1965 (P.L.1150, No.446), is amended to read:

19 Section 1803. Duties of State Board for Vocational
20 Education; Reports.--The State Board for Vocational Education is
21 hereby authorized and directed to investigate and to aid in the
22 introduction of vocational industrial, vocational agricultural,
23 vocational homemaking, vocational distributive and vocational
24 business and office occupational education; to assist in the
25 establishment of schools and departments for said forms of
26 education, and to inspect and approve such schools or
27 departments as are hereinafter provided. [The State Board for
28 Vocational Education shall make a report annually to the
29 Governor and Legislature describing the condition and progress
30 of vocational industrial, vocational agricultural, vocational

1 homemaking, vocational distributive and vocational business and
2 office occupational education during the year, and shall also
3 make such recommendations as the board may deem advisable.]

4 Section 7. Sections 1804, 1811 and 1923 of the act are
5 repealed:

6 [Section 1804. Schools or Classes; Supervisors; Principals;
7 Instructors, etc.--In carrying out the provisions of this act,
8 the State Board for Vocational Education shall provide for
9 vocational schools or classes, with the necessary staffs, in
10 accordance with the State Plan for Vocational Education,
11 approved by the Federal Board for Vocational Education.

12 Principals, instructors and lecturers for the Public Service
13 Institute shall be elected by the State Board for Vocational
14 Education. They shall possess the qualifications established in
15 the State Plan for Vocational Education approved by the Federal
16 Board for Vocational Education.

17 Section 1811. Estimate of Expenses and Reimbursements;
18 Appropriations.--On or before the first Wednesday of January of
19 any year in which the regular session of the Legislature is
20 held, the State Board for Vocational Education shall present to
21 the Legislature an estimate of the amount of money necessary to
22 meet the expenditures to be incurred in the administration of
23 this act for the fiscal year beginning with the first day of the
24 ensuing June, 1961, and beginning with the first day of July of
25 each year thereafter; and the amount necessary to meet the
26 claims of school districts and unions of school districts
27 maintaining approved vocational schools or departments, under
28 the provisions of this act for the school year beginning with
29 the first day of the preceding July. On the basis of such
30 statement, the Legislature shall make an appropriation of such

1 amounts as may be necessary to meet the expense of carrying this
2 act into effect, and of reimbursing such school districts and
3 unions of school districts for such school year as herein
4 provided.

5 Section 1923. Teachers of Evening Schools.--All teachers of
6 evening schools must have proper certificates as provided in
7 this act.]

8 Section 8. Section 1906.1-B(c) of the act, added December 9,
9 2002 (P.L.1472, No.187), is amended to read:

10 Section 1906.1-B. Powers and Duties of the Board of
11 Trustees.--* * *

12 (c) The board of trustees shall coordinate, review and
13 approve the annual capital budget requirements of the college
14 and the annual operating budget of the college. It shall present
15 these annual budgets with comments to the Secretary of Education
16 for presentation to the State Board of Education. [The State
17 Board of Education shall return such budget requests,
18 recommending approval or disapproval, with comments, if any, to
19 the Secretary of Education prior to their submission to the
20 Secretary of the Budget.] The board of trustees may also submit
21 its budget recommendations and findings to the General Assembly
22 subsequent to the submission of the Governor's budget to the
23 General Assembly.

24 * * *

25 Section 9. Sections 1916-B and 2002-C(b) of the act are
26 repealed:

27 [Section 1916-B. Annual Report.--The board of trustees shall
28 be required to submit a report to the Governor, the
29 Appropriations Committee and Education Committee of the Senate
30 and the Appropriations Committee and Education Committee of the

1 House of Representatives and the State Board of Education, no
2 later than September 1, which shall cover the twelve-month
3 period beginning with the summer term of the preceding year and
4 shall include:

5 (1) The definitions and number of faculty members and staff
6 employed full time, the number of faculty members and staff
7 employed part time, the number of full-time students enrolled
8 and the number of part-time students enrolled.

9 (2) The total number of credit hours taught and the minimum
10 number of credit hours required for graduation.

11 (3) The degrees and programs offered by the institution.

12 (4) The total number of graduates and the total number of
13 graduates by degree or program.

14 (5) The number of terms scheduled and dates thereof.]

15 Section 2002-C. Duties of public institutions of higher
16 education.

17 * * *

18 [(b) Reporting requirements.--A public institution of higher
19 education shall submit to the department a series of interim
20 reports outlining the actions that the public institution of
21 higher education has undertaken or intends to undertake to
22 comply with subsection (a), which shall be filed December 31,
23 2006, June 30, 2007, and December 31, 2007.]

24 * * *

25 Section 10. The headings of Article XXII-A and Subdivision
26 (a) of the act are repealed:

27 [ARTICLE XXII-A.

28 MEDICAL EDUCATION LOAN ASSISTANCE.

29 (a) General Provisions.]

30 Section 11. Sections 2201-A, 2202-A and 2203-A of the act

1 are repealed:

2 [Section 2201-A. Scope.

3 This article deals with medical education loan assistance.

4 Section 2202-A. Purpose.

5 The purpose of this article is to provide an incentive to
6 Pennsylvania students to pursue higher education and training in
7 medicine, professional nursing, biomedicine and the life
8 sciences in order to maintain the delivery of quality health
9 care services in this Commonwealth.

10 Section 2203-A. Definitions.

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

14 "Accredited medical college." An institution of higher
15 education located in this Commonwealth that is accredited by the
16 Liaison Committee on Medical Education to provide courses in
17 medicine and empowered to grant professional and academic
18 degrees in medicine as defined in the act of December 20, 1985
19 (P.L.457, No.112), known as the Medical Practice Act of 1985.

20 "Agency." The Pennsylvania Higher Education Assistance
21 Agency.

22 "Approved institution of higher learning." An institution of
23 higher learning located in this Commonwealth and approved by the
24 agency.

25 "Approved nursing program." An institution located in this
26 Commonwealth and accredited to grant professional and academic
27 degrees or diplomas in nursing as defined in the act of May 22,
28 1951 (P.L.317, No.69), known as The Professional Nursing Law.

29 "Degree in medicine." A degree from an accredited medical
30 college that qualifies the degree recipient to be licensed as a

1 physician.

2 "Designated area." Any of the following:

3 (1) A geographic area of this Commonwealth that is
4 designated by the Secretary of Health as having a shortage of
5 physicians.

6 (2) A geographic area of this Commonwealth designated by
7 the United States Department of Health and Human Services as
8 a medically underserved area or designated to have a
9 medically underserved population.

10 "Eligible applicant." An individual who holds an
11 undergraduate degree from an institution of higher learning and
12 is enrolled in:

13 (1) an accredited medical college; or

14 (2) an approved institution of higher learning for
15 purposes of obtaining a graduate degree in biomedicine or
16 life sciences.

17 "Guarantor." An insurance company or not-for-profit
18 guarantor whose primary purpose is to provide default coverage
19 and loss prevention services to an offeror of unsecured student
20 loans.

21 "Licensed health care facility." A health care facility that
22 is enrolled in the Commonwealth's medical assistance program and
23 is licensed under Article X of the act of June 13, 1967 (P.L.31,
24 No.21), known as the Public Welfare Code, or the act of July 19,
25 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

26 "Nursing school applicant." An individual who is a resident
27 of this Commonwealth and is enrolled in an approved nursing
28 program.

29 "Offeror." An institution that makes unsecured loans to
30 eligible students in cooperation with the agency.

1 "Physician." An individual licensed to practice medicine and
2 surgery within the scope of the act of October 5, 1978
3 (P.L.1109, No.261), known as the Osteopathic Medical Practice
4 Act, or the act of December 20, 1985 (P.L.457, No.112), known as
5 the Medical Practice Act of 1985.

6 "Registered nurse." An individual licensed to practice
7 professional nursing under the act of May 22, 1951 (P.L.317,
8 No.69), known as The Professional Nursing Law.

9 "Work requirement for nurses." Postgraduate, full-time
10 employment in direct patient care with a licensed health care
11 facility located in this Commonwealth in an occupation related
12 to an approved course of study. The term does not include a paid
13 student internship, a paid fellowship, volunteer service or
14 employment before graduation.]

15 Section 12. The heading of Subdivision (b) of Article XXII-A
16 of the act is repealed:

17 [(b) Program.]

18 Section 13. Sections 2211-A, 2212-A, 2213-A and 2214-A of
19 the act are repealed:

20 [Section 2211-A. Pennsylvania Medical Education Loan Assistance
21 Program.

22 The agency shall establish and administer the Pennsylvania
23 Medical Education Loan Assistance Program as set forth in
24 sections 2212-A and 2213-A to provide financial assistance to
25 individuals who acquire the required degree or diploma in
26 medicine, professional nursing, biomedicine or life sciences and
27 to recruit these individuals to practice their professions in
28 Pennsylvania.

29 Section 2212-A. Loan guarantor program.

30 (a) Establishment of program.--The agency shall administer a

1 loan guarantor program on a Statewide basis. The agency shall
2 utilize funds in the Medical School Loan Account to encourage
3 eligible applicants to attend an accredited medical college or
4 an approved institution of higher learning.

5 (b) Loan Guarantor Program.--The Loan Guarantor Program
6 shall provide for the following:

7 (1) Life of loan servicing.

8 (2) Contracting for insurance with a guarantor, approved
9 by the agency, which offers a low-cost loan with competitive
10 interest rates and loan fees to eligible applicants.

11 (3) Predetermining the eligibility of applicants who
12 receive a loan from an offeror to attend an accredited
13 medical school or an approved institution of higher learning
14 that is insured by a guarantor.

15 (4) Evaluating the benefit package of a guarantor for
16 adequacy, accessibility and availability of funds necessary
17 to provide adequate loss prevention.

18 (c) Low-cost loans.--An eligible applicant shall apply to an
19 offeror for a low-cost loan to attend an accredited medical
20 college or an approved institution of higher learning. A low-
21 cost loan made under this subsection shall be guaranteed by an
22 approved guarantor through a contract with the agency. Low-cost
23 loans made under this subsection shall provide reduced interest
24 rates and loan fees to eligible applicants compared to loans
25 made for the same purpose that are not guaranteed by this
26 article.

27 (d) Loan requirements.--Loans provided under this section
28 shall cover up to 100% of the actual cost of tuition, room and
29 board at an accredited medical college or an approved
30 institution of higher learning and the actual cost of course-

1 required textbooks and supplies for the recipient.

2 (e) Default.--If a recipient fails to repay a loan received
3 under this section, the agency shall collect the loan pursuant
4 to one of the following:

5 (1) Section 4.3 of the act of August 7, 1963 (P.L.549,
6 No.290), referred to as the Pennsylvania Higher Education
7 Assistance Agency Act.

8 (2) A process established by the applicable guarantors.

9 (3) Any other collection procedure or process deemed
10 appropriate by the agency.

11 (f) Medical Education Loan Loss Account.--An account is
12 hereby established within the agency to receive funds
13 appropriated for purposes of this section. Moneys in the account
14 are hereby appropriated to the agency to provide the loan
15 guarantor program. When funds in the account are expended, no
16 additional loans shall be offered.

17 (g) Interest rate reduction.--The agency or an offeror may
18 modify loans under this section to further reduce interest rates
19 as follows:

20 (1) The agency or the offeror may reduce the interest
21 rate of the loan by not less than 1% if the loan recipient,
22 upon completion of a graduate degree in biomedicine or life
23 sciences or upon licensure as a physician, agrees to practice
24 medicine or be employed to conduct research on a full-time
25 basis in Pennsylvania for a period of three consecutive
26 years.

27 (2) The agency or the offeror may reduce the interest
28 rate of the loan by not less than 2% if the loan recipient,
29 upon licensure as a physician, agrees to practice medicine
30 for not less than three consecutive years in a designated

1 area.

2 (h) Contract.--In addition to the requirements of subsection
3 (g), in order to be eligible for an interest rate reduction, a
4 loan recipient shall enter into a contract with the agency or an
5 offeror or its assigns at the time the loan is made. The
6 contract shall include the following:

7 (1) The loan recipient practicing in a designated area
8 shall agree to treat patients eligible for medical assistance
9 and Medicare.

10 (2) The loan recipient shall permit the agency or the
11 offeror to monitor the recipient's practice or employment to
12 determine compliance with the terms of the contract and this
13 article.

14 (3) The agency shall certify compliance with the terms
15 of the contract.

16 (4) Upon the loan recipient's death or total or
17 permanent disability, the agency or the offeror shall nullify
18 the service obligation of the recipient.

19 (5) If the loan recipient is convicted of or pleads
20 guilty or no contest to a felony or if the licensing board
21 has determined that the recipient has committed an act of
22 gross negligence in the performance of service obligations or
23 has suspended or revoked the license to practice, the agency
24 or the offeror shall terminate the loan recipient's
25 participation in the program and seek repayment of the amount
26 of the loan on the date of the conviction, determination,
27 suspension or revocation.

28 (6) A loan recipient who fails to comply with a contract
29 shall pay to the agency or the offeror the amount of loan
30 received under the original contract as of the time of

1 default. Providing false information or misrepresentation on
2 an application or verification of service shall constitute
3 default.

4 (i) Accountability.--In July 2004, the agency shall conduct
5 a performance review of the program and services provided. The
6 performance review shall include the following:

7 (1) The goals and objectives of the program.

8 (2) A determination of whether the goals and objectives
9 were achieved by the agency-participating guarantor and
10 offeror.

11 (3) The specific methodology used to evaluate the
12 results.

13 (4) Recommendations for improvement.

14 Section 2213-A. Loan forgiveness program.

15 (a) Establishment of program.--The agency shall administer a
16 loan forgiveness program for nursing school applicants on a
17 Statewide basis. The agency may provide loan forgiveness as
18 provided in subsection (b) for recipients of loans who by
19 contract with the agency agree to practice professional nursing
20 in this Commonwealth upon attainment of the required license.

21 (b) Loan forgiveness.--Agency-administered, federally
22 insured student loans for higher education provided to a nursing
23 school applicant may be forgiven by the agency as follows:

24 (1) The agency may forgive 50% of the loan, not to
25 exceed \$50,000, if a loan recipient enters into a contract
26 with the agency that requires the recipient upon successful
27 completion of an approved nursing program and licensure as a
28 registered nurse to practice nursing in this Commonwealth for
29 a period of not less than three consecutive years.

30 (2) Loan forgiveness awards made pursuant to paragraph

1 (1) shall be forgiven over a period of three years at an
2 annual rate of 33 1/3% of the award and shall be made from
3 funds appropriated for this purpose.

4 (3) The contract entered into with the agency pursuant
5 to paragraph (1) shall be considered a contract with the
6 Commonwealth and shall include the following terms:

7 (i) An unlicensed recipient shall apply for a
8 registered nurse's license to practice in this
9 Commonwealth at the earliest practicable opportunity upon
10 successfully completing a degree in nursing.

11 (ii) Within six months after licensure, a recipient
12 shall engage in the practice of nursing in this
13 Commonwealth according to the terms of the loan
14 forgiveness award.

15 (iii) The recipient shall agree to practice in a
16 licensed health care facility in the provision of direct
17 patient care on a full-time basis.

18 (iv) The recipient shall permit the agency to
19 determine compliance with the work requirement for nurses
20 and all other terms of the contract.

21 (v) Upon the recipient's death or total or permanent
22 disability, the agency shall nullify the service
23 obligation of the recipient.

24 (vi) If the recipient is convicted of or pleads
25 guilty or no contest to a felony or if the licensing
26 board has determined that the recipient has committed an
27 act of gross negligence in the performance of service
28 obligations or has suspended or revoked the license to
29 practice, the agency shall have the authority to
30 terminate the recipient's service in the program and

1 demand repayment of the amount of the loan as of the date
2 of the conviction, determination, suspension or
3 revocation.

4 (vii) Loan recipients who fail to begin or complete
5 the obligations contracted for shall pay to the agency
6 the amount of the loan received under the terms of the
7 contract pursuant to this section. Providing false
8 information or misrepresentation on an application or
9 verification of service shall be deemed a default.

10 Determination as to the time of default shall be made by
11 the agency.

12 (4) Notwithstanding 42 Pa.C.S. § 8127 (relating to
13 personal earnings exempt from process), the agency may seek
14 garnishment of wages in order to collect the amount of the
15 loan following default under paragraph (3)(vii).

16 Section 2214-A. Tax applicability.

17 Loan forgiveness repayments received by a student shall not
18 be considered taxable income for purposes of Article III of the
19 act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code
20 of 1971.]

21 Section 14. The heading of Subdivision (c) of Article XXII-A
22 of the act is repealed:

23 [(c) Miscellaneous Provisions.]

24 Section 15. Sections 2231-A, 2232-A, 2233-A, 2234-A, 2596,
25 2603-B(c), (d) (4) and (10) and (h) and 2605-B of the act are
26 repealed:

27 [Section 2231-A. Annual report.

28 (a) Development of report.--The agency shall publish a
29 report by September 1, 2002, and every year thereafter for the
30 immediately preceding fiscal year. The report shall include

1 information regarding the operation of the programs established
2 under this article, including:

3 (1) The number and amount of loan guarantees and loan
4 contracts executed and renewed for eligible applicants in
5 medicine, biomedicine or life sciences and the nursing loan
6 forgiveness program.

7 (2) The number and amount of nursing loan forgiveness
8 contracts executed and renewed for nursing school applicants.

9 (3) The number of defaulted nursing loan forgiveness
10 contracts, reported by cause.

11 (4) The number of nurses participating in the nursing
12 loan forgiveness program, reported by type of institution
13 attended, including four-year educational institutions,
14 community colleges, independent two-year colleges, private
15 licensed schools, hospital-based courses of study and
16 certificate programs.

17 (5) The number and type of enforcement actions taken by
18 the agency.

19 (b) Submission.--The annual report shall be submitted to the
20 Governor, the chair and minority chair of the Appropriations
21 Committee of the Senate, the chair and minority chair of the
22 Appropriations Committee of the House of Representatives, the
23 chair and minority chair of the Education Committee of the
24 Senate, the chair and minority chair of the Education Committee
25 of the House of Representatives, the chair and minority chair of
26 the Public Health and Welfare Committee of the Senate and the
27 chair and minority chair of the Health and Human Services
28 Committee of the House of Representatives.

29 Section 2232-A. Appeals.

30 The provisions of this article shall be subject to 22 Pa.

1 Code Ch. 121 (relating to student financial aid).

2 Section 2233-A. Regulations.

3 The agency shall adopt regulations and procedures necessary
4 to carry out the purposes of this article.

5 Section 2234-A. Funding.

6 Loan guarantor program payments and loan forgiveness
7 repayments shall be made only to the extent that funds are
8 appropriated for that purpose and are sufficient to cover
9 administration of the programs. The receipt of a loan under this
10 article shall not constitute an entitlement derived from the
11 Commonwealth or a claim on any funds of the Commonwealth.

12 Section 2596. Special Study on the Revenue Impact of Out-of-
13 State Tax Credits.--(a) The Department of Education shall
14 undertake a special study to assess the revenue impact on
15 Pennsylvania school districts of residents who work in bordering
16 states. Particular emphasis shall be placed on districts meeting
17 the following criteria:

18 (1) Districts that levy a local earned income tax under the
19 act of December 31, 1965 (P.L.1257, No.511), known as "The Local
20 Tax Enabling Act"; and

21 (2) Districts that include as resident taxpayers individuals
22 who are subject to state and/or local income taxes at their out-
23 of-State place of employment and who, therefore, claim tax
24 credits in Pennsylvania as a result of these levies.

25 (b) The assessment shall include:

26 (1) Identification of all districts which meet the above
27 criteria.

28 (2) Compilation of data indicating, on a per district basis,
29 the number of resident taxpayers claiming a tax credit for out-
30 of-State payments.

1 (3) Analysis of the individual taxpayer data in order to
2 assess the effect on the local and State revenues for each
3 affected school district.

4 (c) The Secretary of Education shall present a report
5 summarizing the results of this study to the Chairman and the
6 Minority Chairman of the House Education Committee and the
7 Chairman and the Minority Chairman of the Senate Education
8 Committee no later than April 1, 1989.]

9 Section 2603-B. Powers and Duties of the Board.--* * *

10 [(c) The board shall develop an annual operating budget,
11 including projected operating expenses of the Professional
12 Standards and Practices Commission. It shall include salaries
13 for staff, office materials and equipment, and all expenses for
14 the operation of the board and commission. This budget shall be
15 presented to the Secretary of Education. Upon adoption of the
16 general appropriations act, the department shall notify the
17 board of the amount of its allocation.]

18 (d) The board shall also have the authority and duty to:

19 * * *

20 [(4) (i) apply for, receive and administer, subject to any
21 applicable regulations or laws of the Federal Government or any
22 agency thereof, any Federal grants, appropriations, allocations
23 and programs for the development of academic facilities on
24 behalf of the Commonwealth, any of its school districts or any
25 institution of higher education, public or private, within this
26 Commonwealth;

27 (ii) subject to criteria developed by the Secretary of
28 Education and subject to any applicable regulations or laws of
29 the Federal Government or any agency thereof, to develop, alter,
30 amend and submit to the Federal Government State plans for

1 participation in Federal grants, appropriations, allocations and
2 programs for the development of academic facilities and to make
3 regulations, criteria, methods, forms, procedures and to do all
4 other things which may be necessary to make possible the
5 participation of the Commonwealth in such Federal grants,
6 appropriations, allocations and programs for the development of
7 academic facilities;

8 (iii) hold hearings, issue subpoenas and render decisions as
9 to the priority assigned to any project, or as to any other
10 matter or determination affecting any applicant for Federal
11 grants, appropriations, allocations and programs for the
12 development of academic facilities;

13 (iv) adopt rules or procedures and prescribe regulations for
14 the submission to it of all matters within its jurisdiction; and

15 (v) submit, annually, to the Governor, on or before the
16 first Monday of December, a report of its proceedings during
17 that year, together with such recommendations as the board shall
18 deem necessary;]

19 * * *

20 [(10) (i) Approve or disapprove standards proposed by the
21 department in order to comply with the provisions of the No
22 Child Left Behind Act of 2001 to maintain the eligibility of
23 this Commonwealth to receive Federal funding for education
24 programs. The board shall approve or disapprove the standards
25 within 30 days of submission to the board's office or at its
26 next scheduled meeting, whichever is sooner. Failure of the
27 board to approve or disapprove the standards within the time
28 established under this section shall be deemed an approval of
29 the standards.

30 (ii) Standards promulgated under this section shall be

1 deposited with the Pennsylvania Bulletin for publication.]

2 * * *

3 [(h) Every five (5) years, the board shall adopt a master
4 plan for higher education which shall be for the guidance of the
5 Governor, the General Assembly, and all institutions of higher
6 education financed wholly or in part from State appropriations.
7 The master plan shall:

8 (1) define the role of each type of institution (State-owned
9 universities, State-related universities, community colleges,
10 private colleges and universities and off-campus centers of any
11 of these and other institutions authorized to grant degrees) in
12 this Commonwealth;

13 (2) recommend enrollment levels for each such institution;

14 (3) recommend methods for governance;

15 (4) recommend methods for the distribution of State funds
16 among the institutions;

17 (5) evaluate the status of physical plants and technical
18 equipment and project needs;

19 (6) evaluate the status of and projection of manpower needs;

20 (7) evaluate enrollment accessibility to institutions of
21 higher learning by the public; and

22 (8) otherwise provide for an orderly development of
23 institutions of higher education in this Commonwealth.]

24 * * *

25 [Section 2605-B. Reports and Recommendations.--(a) Annually
26 in January, the board shall submit a comprehensive report of its
27 activities to the Governor and the General Assembly together
28 with its recommendations for improvements in education in this
29 Commonwealth. The board's report shall include a statement
30 outlining the expected benefits and projected costs of any

1 recommended course of action. The report shall also include
2 information regarding the ongoing review of the Master Plan for
3 Higher Education and the Master Plan for Basic Education and
4 list any projected changes.

5 (b) As it deems appropriate and necessary, the board may
6 make reports and requests to the General Assembly on such issues
7 as, pending legislation, proposed legislation, educational
8 policy, and any other programs or issues of which the board
9 believes the General Assembly should be aware.]

10 Section 16. This act shall take effect in 60 days.