
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1800 Session of
2019

INTRODUCED BY TURZAI, ROTHMAN, REESE, LEWIS, RYAN, PUSKARIC,
HELM, GLEIM, OWLETT, SCHMITT, O'NEAL, RAPP, PICKETT, KAIL,
JONES, M. K. KELLER, KAUFFMAN, MOUL, KEEFER, BERNSTINE,
HICKERNELL, MILLARD, ROAE, GREINER, TOPPER, FEE, ZIMMERMAN,
JAMES, GABLER, STAATS, KLUNK, GROVE AND CALTAGIRONE,
SEPTEMBER 25, 2019

REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 25, 2019

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 school district financial
6 recovery, providing for duties of receivers in certain
7 districts.

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

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
11 as the Public School Code of 1949, is amended by adding a
12 section to read:

13 Section 677-A. Duties of receivers in certain districts.

14 (a) General rule.--If a receiver is appointed in a school
15 district of the second class that is located in a city of the
16 third class within a county of the third class, the receiver
17 shall create a program of tuition grants as provided under this
18 section.

1 (b) Tuition grants.--A receiver shall establish a program of
2 tuition grants to provide for the education of students who
3 reside within the boundaries of the school district and attend
4 or will attend a nonpublic school or a participating public
5 school in a school district. The receiver may not limit the
6 number of tuition grants available. The receiver shall use funds
7 received from the Commonwealth for educational purposes to
8 establish a program of tuition grants to provide for the
9 education of students who reside within the boundaries of the
10 school district. The following apply:

11 (1) The grant amount shall be equal to or greater than
12 50% of the amount received by the school district under
13 section 2502.53 for the prior school year divided by the
14 school district's average daily membership.

15 (2) A student who receives a tuition grant under this
16 section shall be included in the school district's average
17 daily membership. A student may not be included in the
18 average daily membership of a participating school district.

19 (c) Commonwealth match for tuition grants.--The following
20 apply:

21 (1) The Commonwealth shall provide a matching tuition
22 grant equal to 50% of the amount received by the school
23 district under section 2502.53 for the prior school year for
24 each student who receives a tuition grant under subsection
25 (b).

26 (2) The Commonwealth matching grant and tuition grant
27 shall be reduced on a pro rata basis if the school district
28 grant plus the Commonwealth matching grant exceed the amount
29 of tuition and fees charged by the nonpublic school or the
30 participating public school.

1 (d) Guidelines and process.--

2 (1) The receiver shall develop and establish guidelines
3 for the program of tuition grants, including:

4 (i) An application form and approval process.

5 (ii) Standards for verification of the accuracy of
6 application information.

7 (iii) Standards for confirmation of attendance by a
8 student who receives a tuition grant.

9 (iv) Requirements for grant checks, including
10 requiring restrictive endorsement of grant checks by
11 parents to the school chosen by the parents.

12 (v) A process for pro rata refunds of grants for
13 students who withdraw during the school year.

14 (vi) Criteria for when grants must be refunded to
15 the school district.

16 (vii) A process for participating public schools to
17 accept students in the program of tuition grants.

18 (viii) Reasonable deadline dates for submission of
19 grant applications.

20 (2) The receiver shall announce the award of grants no
21 later than August 1, 2020, and each August 1 thereafter for
22 the school year in which the grants will be utilized. Upon
23 receipt of written confirmation of enrollment from the
24 student's school of choice, grants shall be paid to the
25 parents of the student by a check that may only be endorsed
26 to the selected school.

27 (3) If a student is not enrolled in the school prior to
28 the completion of the school term, the school shall send
29 written notice to the school district.

30 (4) Grants awarded to students under this section shall

1 not:

2 (i) Be considered taxable income for purposes of a
3 local taxing ordinance or for purposes of Article III of
4 the act of March 4, 1971 (P.L.6, No.2), known as the Tax
5 Reform Code of 1971.

6 (ii) Constitute financial assistance or
7 appropriations to any nonpublic school attended by the
8 student.

9 (e) Construction.--Nothing under this section shall be
10 construed to empower the Commonwealth, the receiver or a school
11 district or any of the Commonwealth's, receiver's or school
12 district's agencies or officers to do any of the following:

13 (1) Prescribe the course content or admissions criteria
14 for a religiously affiliated school.

15 (2) Compel a nonpublic school or participating public
16 school to accept or enroll a student.

17 (3) Impose additional requirements on a nonpublic school
18 that are not otherwise authorized by statute.

19 (4) Require a nonpublic school to accept or retain a
20 student if the nonpublic school does not offer programs or is
21 not structured or equipped with the necessary facilities to
22 meet the special needs of the student or does not offer a
23 particular program requested.

24 (f) Participating public schools.--The following apply:

25 (1) A school district may designate a school or schools
26 that will accept students who receive a tuition grant.

27 (2) The receiver shall include a process for a
28 participating public school to accept students in the program
29 of tuition grants, including:

30 (i) The timeline for a school district to elect to

1 participate in accepting students who receive a tuition
2 grant.

3 (ii) Identifying each public school in the school
4 district that will participate.

5 (iii) Identifying the number of students the school
6 district will accept by grade level.

7 (3) A participating school district may agree to accept
8 less than the tuition calculated under section 2561.

9 (g) Financial recovery plan.--After the receiver develops a
10 program of tuition grants under this section, the receiver shall
11 modify the financial recovery plan as necessary to accommodate
12 the program by filing a petition in accordance with section 672-
13 A(b) (5). Within seven days of the filing of the petition, the
14 court of common pleas shall issue a decision approving the
15 petition if the program of tuition grants complies with the
16 requirements of this section. The judge shall not deny the
17 petition for any other reason except that it does not comply
18 with the requirements of this section. If the judge denies the
19 petition, the receiver must revise and resubmit the financial
20 recovery plan within 30 days.

21 (h) Transportation.--A student receiving a tuition grant
22 under this section shall be provided transportation to the
23 nonpublic school or participating public school located within
24 the district boundaries or outside the district boundaries at a
25 distance not exceeding ten miles by the nearest public highway
26 as provided under section 1361.

27 Section 2. This act shall take effect immediately.