Amending the act of April 9, 1929 (P.L.343, No.176), entitled "An act relating to the finances of the State government; providing for cancer control, prevention and research, for ambulatory surgical center data collection, for the Joint Underwriting Association, for entertainment business financial management firms, for private dam financial assurance and for reinstatement of item vetoes; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth, authorizing the Commonwealth to issue tax anticipation notes to defray current expenses, implementing the provisions of section 7(a) of Article VIII of the Constitution of Pennsylvania authorizing and restricting the incurring of certain debt and imposing penalties, affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth;
Commonwealth," in 2022-2023 budget implementation, further providing for Department of Education.


THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

(1) THE INTENT OF THIS ACT IS TO PROVIDE FOR THE IMPLEMENTATION OF THE 2023-2024 COMMONWEALTH BUDGET.

(2) THE CONSTITUTION OF PENNSYLVANIA CONFERNS NUMEROUS EXPRESS DUTIES UPON THE GENERAL ASSEMBLY, INCLUDING THE PASSAGE OF A BALANCED BUDGET FOR THE COMMONWEALTH.

(3) SECTION 24 OF ARTICLE III OF THE CONSTITUTION OF
PENNSYLVANIA REQUIRES THE GENERAL ASSEMBLY TO ADOPT ALL APPROPRIATIONS FOR THE OPERATION OF GOVERNMENT IN THIS COMMONWEALTH, REGARDLESS OF THEIR SOURCE. THE SUPREME COURT HAS REPEATEDLY AFFIRMED THAT "IT IS FUNDAMENTAL WITHIN PENNSYLVANIA'S TRIPARTITE SYSTEM THAT THE GENERAL ASSEMBLY ENACTS THE LEGISLATION ESTABLISHING THOSE PROGRAMS WHICH THE STATE PROVIDES FOR ITS CITIZENS AND APPROPRIATES THE FUNDS NECESSARY FOR THEIR OPERATION."

(4) PURSUANT TO SECTION 13 OF ARTICLE VIII OF THE CONSTITUTION OF PENNSYLVANIA, THE GENERAL ASSEMBLY IS EXPLICITLY REQUIRED TO ADOPT A BALANCED COMMONWEALTH BUDGET. GIVEN THE UNPREDICTABILITY AND POTENTIAL INSUFFICIENCY OF REVENUE COLLECTIONS, VARIOUS CHANGES IN STATE LAW RELATING TO SOURCES OF REVENUE, THE COLLECTION OF REVENUE AND THE IMPLEMENTATION OF STATUTES WHICH IMPACT REVENUE MAY BE REQUIRED TO DISCHARGE THIS CONSTITUTIONAL OBLIGATION.

(5) SECTION 11 OF ARTICLE III OF THE CONSTITUTION OF PENNSYLVANIA REQUIRES THE ADOPTION OF A GENERAL APPROPRIATION ACT THAT EMBRACES "NOTHING BUT APPROPRIATIONS." WHILE ACTUAL ITEMS OF APPROPRIATION CAN BE CONTAINED IN A GENERAL APPROPRIATION ACT, THE ACHIEVEMENT AND IMPLEMENTATION OF A COMPREHENSIVE BUDGET INVOLVES MORE THAN SUBJECTS OF APPROPRIATIONS AND DOLLAR AMOUNTS. ULTIMATELY, THE BUDGET HAS TO BE BALANCED UNDER SECTION 13 OF ARTICLE VIII OF THE CONSTITUTION OF PENNSYLVANIA. THIS MAY NECESSITATE CHANGES TO SOURCES OF FUNDING AND ENACTMENT OF STATUTES TO ACHIEVE FULL COMPLIANCE WITH THESE CONSTITUTIONAL PROVISIONS.

(6) FOR THE REASONS UNDER PARAGRAPHS (1), (2), (3), (4) AND (5), IT IS THE INTENT OF THE GENERAL ASSEMBLY THROUGH THIS ACT TO PROVIDE FOR THE IMPLEMENTATION OF THE 2023-2024
COMMONWEALTH BUDGET.


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

Section 1. Section 1723-F.1(5)(ii) of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, added July 11, 2022 (P.L.540, No.54), is amended to read:

Section 1723-F.1. Department of Education.

The following shall apply to appropriations to the Department of Education:

***

(5) From money appropriated for Pennsylvania Chartered Schools for Deaf and Blind Children, the following apply:

***

(ii) $1,000,000 is included for capital-related costs and deferred maintenance to be divided equally between each [approved private] school.

***

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Section 2. The amendment of section 1723-1.1(5)(ii) of the act shall apply retroactively to July 1, 2022.

Section 3. This act shall take effect immediately.

SECTION 1. ARTICLE III OF THE ACT OF APRIL 9, 1929 (P.L.343, No.176), KNOWN AS THE FISCAL CODE, IS AMENDED BY ADDING A SUBARTICLE HEADING IMMEDIATELY AFTER THE ARTICLE HEADING TO READ:

SUBARTICLE A

GENERAL PROVISIONS

SECTION 2. ARTICLE III OF THE ACT IS AMENDED BY ADDING A SUBARTICLE TO READ:

SUBARTICLE B

PENNSYLVANIA AWARD FOR STUDENT SUCCESS SCHOLARSHIP PROGRAM

SECTION 321. SCOPE OF SUBARTICLE.

THIS SUBARTICLE RELATES TO THE PENNSYLVANIA AWARD FOR STUDENT SUCCESS SCHOLARSHIP PROGRAM.

SECTION 322. DEFINITIONS.

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

"APPLICANT." A PARENT WHO APPLIES FOR PARTICIPATION IN THE PROGRAM UNDER SECTION 324 ON BEHALF OF AN ELIGIBLE STUDENT.


"DEPARTMENT." THE DEPARTMENT OF EDUCATION OF THE COMMONWEALTH.

"ELIGIBLE STUDENT." A SCHOOL-AGE CHILD WHO:

(1) IS A RESIDENT OF THIS COMMONWEALTH.
(2) HAS NOT RECEIVED A HIGH SCHOOL DIPLOMA.
(3) RESIDES, AS DETERMINED UNDER SECTION 1302 OF THE
PUBLIC SCHOOL CODE OF 1949, WITHIN THE ATTENDANCE BOUNDARY OF
A LOW-ACHIEVING SCHOOL OR RESIDED, AS DETERMINED UNDER
SECTION 1302 OF THE PUBLIC SCHOOL CODE OF 1949, WITHIN THE
ATTENDANCE BOUNDARY OF A LOW-ACHIEVING SCHOOL AT THE TIME THE
STATE TREASURY RECEIVED WRITTEN CONFIRMATION THAT THE CHILD
ACCEPTED AN OFFER OF ENROLLMENT UNDER SECTION 324.
(4) LIVES IN A HOUSEHOLD WITH A HOUSEHOLD INCOME BELOW
250% OF THE FEDERAL POVERTY GUIDELINES OR LIVED IN A
HOUSEHOLD WITH A HOUSEHOLD INCOME BELOW 250% OF THE FEDERAL
POVERTY GUIDELINES AT THE TIME THE STATE TREASURY RECEIVED
WRITTEN CONFIRMATION THAT THE CHILD ACCEPTED AN OFFER OF
ENROLLMENT UNDER SECTION 324.
(5) SATISFIES ONE OF THE FOLLOWING:
(I) ATTENDED A PUBLIC SCHOOL IN THIS COMMONWEALTH IN
THE PRECEDING SCHOOL YEAR.
(II) RECEIVED A SCHOLARSHIP FROM THE PROGRAM IN THE
PRECEDING SCHOOL YEAR.
(III) WILL ATTEND KINDERGARTEN FOR THE FIRST TIME IN
THE NEXT SCHOOL YEAR.
"FUND." THE PENNSYLVANIA AWARD FOR STUDENT SUCCESS
SCHOLARSHIP FUND ESTABLISHED IN SECTION 328.
"KINDERGARTEN." A ONE-YEAR FORMAL EDUCATIONAL PROGRAM,
WHETHER PART TIME OR FULL TIME, THAT OCCURS DURING THE SCHOOL
YEAR IMMEDIATELY PRIOR TO FIRST GRADE.
"LOW-ACHIEVING SCHOOL." AS DEFINED IN SECTION 2002-B OF THE
PUBLIC SCHOOL CODE OF 1949.
"NONPUBLIC SCHOOL." A NONPROFIT SCHOOL, OTHER THAN A PUBLIC
SCHOOL, LOCATED IN THIS COMMONWEALTH WHERE A RESIDENT OF THIS
COMMONWEALTH MAY LEGALLY FULFILL THE COMPULSORY ATTENDANCE
REQUIREMENTS OF THE PUBLIC SCHOOL CODE OF 1949.

"PARENT." AN INDIVIDUAL WHO IS A RESIDENT OF THIS
COMMONWEALTH AND:

(1) HAS LEGAL CUSTODY OR GUARDIANSHIP OF AN ELIGIBLE
STUDENT; OR

(2) KEEPS IN THE INDIVIDUAL'S HOME AN ELIGIBLE STUDENT
AND SUPPORTS THE STUDENT GRATIS AS IF THE STUDENT WERE A
LINEAL DESCENDANT OF THE INDIVIDUAL.

"PARTICIPATING NONPUBLIC SCHOOL." A NONPUBLIC SCHOOL
OFFERING A PROGRAM OF INSTRUCTION FOR KINDERGARTEN THROUGH GRADE
TWO, OR A COMBINATION OF GRADES, THAT NOTIFIES THE STATE
TREASURY OF THE NONPUBLIC SCHOOL'S DESIRE TO PARTICIPATE IN THE
PROGRAM AND PROVIDES CERTIFICATION TO THE STATE TREASURY THAT
THE NONPUBLIC SCHOOL MEETS THE CRITERIA UNDER SECTION 331.

"PASS SCHOLARSHIP ACCOUNT." A SPENDING ACCOUNT ESTABLISHED
AND ADMINISTERED BY THE STATE TREASURY, AND DIRECTED BY A PARENT
FOR A SCHOLARSHIP RECIPIENT, THAT MAY BE USED FOR TUITION,
SCHOOL-RELATED FEES AND SPECIAL EDUCATION SERVICES FEES TO
ATTEND A PARTICIPATING NONPUBLIC SCHOOL.

"PROGRAM." THE PENNSYLVANIA AWARD FOR STUDENT SUCCESS
SCHOLARSHIP PROGRAM ESTABLISHED UNDER SECTION 323(A).

"PUBLIC SCHOOL." A SCHOOL OPERATED BY A SCHOOL DISTRICT, AN
INTERMEDIATE UNIT, AREA CAREER AND TECHNICAL SCHOOL, A CHARTER
SCHOOL, REGIONAL CHARTER SCHOOL OR CYBER CHARTER SCHOOL.

"RESIDENT SCHOOL DISTRICT." THE SCHOOL DISTRICT IN WHICH AN
ELIGIBLE STUDENT RESIDES.

"SCHOLARSHIP." A SCHOLARSHIP THAT IS AWARDED TO AN ELIGIBLE
STUDENT UNDER THE PROGRAM.

"SCHOLARSHIP RECIPIENT." AN ELIGIBLE STUDENT THAT IS AWARDED
A SCHOLARSHIP UNDER THE PROGRAM.

"SCHOOL-AGE CHILD." A CHILD ENROLLING IN KINDERGARTEN OR IN GRADE ONE THROUGH GRADE TWELVE.

"SCHOOL-RELATED FEE." A FEE CHARGED BY A PARTICIPATING NONPUBLIC SCHOOL TO ALL STUDENTS FOR BOOKS, INSTRUCTIONAL MATERIALS, TECHNOLOGY EQUIPMENT AND SERVICES, UNIFORMS, ACTIVITIES AND CONCURRENT ENROLLMENT PROGRAMS UNDER ARTICLE XVI-B OF THE PUBLIC SCHOOL CODE OF 1949.

"SCHOOL YEAR." A SCHOOL TERM AS DEFINED IN SECTION 102 OF THE PUBLIC SCHOOL CODE OF 1949.

"SPECIAL EDUCATION SERVICES FEE." A FEE CHARGED BY A PARTICIPATING NONPUBLIC SCHOOL FOR SPECIAL EDUCATION SERVICES FOR A STUDENT WITH SPECIAL NEEDS AS AGREED TO BY THE PARENT AND THE PARTICIPATING NONPUBLIC SCHOOL.

"STATE TREASURY." THE TREASURY DEPARTMENT OF THE COMMONWEALTH.

"STUDENT WITH SPECIAL NEEDS." A CHILD WHO IS SUBJECT TO AN INDIVIDUALIZED EDUCATION PROGRAM UNDER 20 U.S.C. CH. 33 (RELATING TO EDUCATION OF INDIVIDUALS WITH DISABILITIES) AND 22 PA. CODE CH. 14 (RELATING TO SPECIAL EDUCATION SERVICES AND PROGRAMS).

SECTION 323. PENNSYLVANIA AWARD FOR STUDENT SUCCESS SCHOLARSHIP PROGRAM.

(A) ESTABLISHMENT.--BEGINNING WITH THE 2024-2025 SCHOOL YEAR, THE PENNSYLVANIA AWARD FOR STUDENT SUCCESS SCHOLARSHIP PROGRAM IS ESTABLISHED AS A PROGRAM IN THE STATE TREASURY TO PROVIDE SCHOLARSHIPS TO HELP ELIGIBLE STUDENTS PAY TUITION, SCHOOL-RELATED FEES AND SPECIAL EDUCATION SERVICES FEES FOR ATTENDANCE AT A PARTICIPATING NONPUBLIC SCHOOL. THE PROGRAM MAY BE REFERRED TO AS THE PASS SCHOLARSHIP PROGRAM.
(B) NOTICE TO PARENTS.--

(1) Within 15 days of receipt of a notice under section 2010-B of the act of March 10, 1949 (P.L. 30, No. 14), known as the Public School Code of 1949, a school district with at least one school designated as a low-achieving school shall notify the parent of a student who is attending or residing within the attendance boundary of a low-achieving school during the school year of the school's designation.

(2) The notice shall be in a form provided by the State Treasury, in consultation with the Department, and shall provide the following information regarding the program:

(I) A description of the program.

(II) Instructions for obtaining information about applying for a scholarship under the program.

(III) A list of schools in the school district that have been designated as low-achieving schools.

(IV) Notice of the parent's responsibilities regarding application to a participating nonpublic school if the parent seeks to enroll an eligible student in a participating nonpublic school.

(3) The notice shall be posted on the school district's publicly accessible internet website.

(C) NOTICE TO STATE TREASURY.--A school district required to submit a notice to parents under subsection (B) shall provide the State Treasury with a list of students whose parents were provided the notice. The notification shall be made in a manner and form established by the State Treasury.

SECTION 324. APPLICATION.

(A) APPLICATION FORM.--By March 1, 2024, the State Treasury shall develop an application form that can be accessed from and
(B) APPLICATION AND APPROVAL PROCESS.--

(1) BY APRIL 1, 2024, AND BY APRIL 1 OF EACH YEAR THEREAFTER, THE APPLICANT MAY APPLY TO THE STATE TREASURY FOR A SCHOLARSHIP FOR THE FOLLOWING SCHOOL YEAR ACCORDING TO GUIDELINES DEVELOPED BY THE STATE TREASURY UNDER SECTION 329. AN APPLICATION SHALL BE APPROVED BY THE STATE TREASURY IF THE STUDENT MEETS THE ELIGIBILITY REQUIREMENTS OF THIS SUBARTICLE.

(1.1) A RENEWAL APPLICATION SHALL BE APPROVED BY THE STATE TREASURY IF THE STUDENT MEETS THE ELIGIBILITY REQUIREMENTS OF THIS SUBARTICLE, NOTWITHSTANDING THE RESIDENCE AND INCOME CRITERIA SPECIFIED IN PARAGRAPHS (3) AND (4) OF THE DEFINITION OF "ELIGIBLE STUDENT" IN SECTION 322.

(2) BY MAY 1, 2024, AND BY MAY 1 OF EACH YEAR THEREAFTER, THE STATE TREASURY SHALL NOTIFY THE APPLICANT WHETHER A SCHOLARSHIP WILL BE AWARDED FOR THE FOLLOWING SCHOOL YEAR.

(3) FOR THE 2024-2025 SCHOOL YEAR, SCHOLARSHIPS SHALL BE AWARDED ON A FIRST-COME, FIRST-SERVED BASIS CONSIDERING MONEY AVAILABLE IN THE FUND.

(4) FOR THE 2025-2026 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER, PRIORITY FOR SCHOLARSHIPS SHALL BE GIVEN TO PRIOR YEAR SCHOLARSHIP RECIPIENTS. NEW APPLICANTS SHALL BE AWARDED A SCHOLARSHIP ON A FIRST-COME, FIRST-SERVED BASIS CONSIDERING MONEY AVAILABLE IN THE FUND.

(5) UPON NOTIFICATION BY THE STATE TREASURY THAT A SCHOLARSHIP HAS BEEN AWARDED, THE APPLICANT SHALL APPLY FOR ENROLLMENT OF THE SCHOLARSHIP RECIPIENT DIRECTLY TO THE
PARTICIPATING NONPUBLIC SCHOOL UNDER AN APPLICATION PROCEEDURE
DEVELOPED BY THE PARTICIPATING NONPUBLIC SCHOOL.

(6) BY JUNE 1, 2024, AND BY JUNE 1 EACH YEAR THEREAFTER,
A PARTICIPATING NONPUBLIC SCHOOL SHALL PROVIDE WRITTEN
CONFIRMATION TO THE STATE TREASURY OF SCHOLARSHIP RECIPIENTS
WHO HAVE ACCEPTED AN OFFER OF ENROLLMENT FOR THE FOLLOWING
SCHOOL YEAR AND PROVIDE THE STATE TREASURY WITH THE AMOUNTS
TO BE CHARGED TO THE SCHOLARSHIP RECIPIENT FOR TUITION,
SCHOOL-RELATED FEES AND SPECIAL EDUCATION SERVICES FEES. THE
NOTIFICATION SHALL BE MADE IN A MANNER AND FORM ESTABLISHED
BY THE STATE TREASURY.

(7) THE STATE TREASURY MAY ESTABLISH A WAITING LIST FOR
ELIGIBLE STUDENTS WITH APPROVED APPLICATIONS AND WHO DID NOT
RECEIVE AWARDS DUE TO AVAILABILITY OF MONEY IN THE FUND AND,
IF, AFTER JULY 1, 2024, AND BY JULY 1 EACH YEAR THEREAFTER,
ADDITIONAL MONEY IS AVAILABLE IN THE FUND FOR SCHOLARSHIPS,
MAY AWARD SCHOLARSHIPS TO THE ELIGIBLE STUDENTS ON A FIRST-
COME, FIRST-SERVED BASIS.

SECTION 325. AGREEMENT.

(A) AUTHORIZATION.--UPON RECEIPT OF WRITTEN CONFIRMATION
THAT THE SCHOLARSHIP RECIPIENT HAS ACCEPTED AN OFFER OF
ENROLLMENT UNDER SECTION 324, THE STATE TREASURY SHALL ENTER
INTO OR RENEW AN AGREEMENT WITH THE APPLICANT. THE AGREEMENT
SHALL PROVIDE THE FOLLOWING:

(1) THE SCHOLARSHIP RECIPIENT SHALL ENROLL IN A
PARTICIPATING NONPUBLIC SCHOOL FOR THE SCHOOL YEAR FOR WHICH
THE AGREEMENT APPLIES.

(2) A CERTAIN SUM OF MONEY SHALL BE DEPOSITED INTO A
PASS SCHOLARSHIP ACCOUNT UNDER SECTION 326 ON BEHALF OF THE
SCHOLARSHIP RECIPIENT.
(3) The money in the Pass Scholarship Account may be expended only as authorized under this subarticle.

(4) The parent shall notify the State Treasury if the scholarship recipient no longer resides in this Commonwealth or withdraws or is forced to withdraw from the participating nonpublic school within 15 days of the change of residency or withdrawal.

(B) Term of Agreement.--Except as otherwise provided under this subarticle, an agreement entered into under subsection (a) shall be valid for one school year.

(C) Termination.--

(1) An agreement entered into under subsection (a) may be terminated early by the parent for any reason.

(2) An agreement entered into under subsection (a) shall be terminated by the State Treasury for the following reasons:

(I) The parent is found to have engaged in fraudulent misuse of the Pass Scholarship Account. In such case, the scholarship recipient shall be ineligible for future participation in the program. The parent may appeal the State Treasury's decision regarding termination and student eligibility within 30 days of issuance of the decision. The appeal shall be governed by 2 Pa.C.S. Chs. 1 (relating to general provisions), 5 (relating to practice and procedure) and 7 (relating to judicial review).

(II) The scholarship recipient no longer resides in this Commonwealth.

(III) The scholarship recipient withdraws or is forced to withdraw from a participating nonpublic school.
PRIOR TO THE COMPLETION OF THE SCHOOL YEAR.

(3) IF AN AGREEMENT IS TERMINATED EARLY UNDER THIS SUBSECTION, THE FOLLOWING SHALL APPLY:

(I) ALL AVAILABLE MONEY IN THE PASS SCHOLARSHIP ACCOUNT SHALL REVERT TO THE FUND.

(II) THE PARTICIPATING NONPUBLIC SCHOOL SHALL REPAY TO THE STATE TREASURY FOR DEPOSIT INTO THE FUND THE FULL AMOUNT OF THE SCHOLARSHIP PAYMENT, REDUCED ON A PRO RATA BASIS BY THE TUITION, SCHOOL RELATED FEES AND SPECIAL EDUCATION SERVICES FEES OWED FOR THE PORTION OF THE SCHOOL YEAR IN WHICH THE SCHOLARSHIP RECIPIENT WAS ENROLLED.

(III) THE PARTICIPATING NONPUBLIC SCHOOL MAY NOT REQUIRE A PARENT TO REIMBURSE THE PARTICIPATING NONPUBLIC SCHOOL FOR THE AMOUNT OF THE SCHOLARSHIP RETURNED TO THE STATE TREASURY.

(D) RENEWAL.--AN AGREEMENT ENTERED INTO UNDER SUBSECTION (A) MAY BE RENEWED FOR EACH SCHOOL YEAR FOR THE SAME STUDENT.

(E) MULTIPLE AGREEMENTS.--A PARENT MAY ENTER INTO SEPARATE AGREEMENTS UNDER SUBSECTION (A) FOR EACH CHILD OF THE PARENT WHO IS A SCHOLARSHIP RECIPIENT.

(F) EXPLANATION.--UPON ENTERING INTO AN AGREEMENT UNDER SUBSECTION (A) OR RENEWING AN AGREEMENT UNDER SUBSECTION (D), THE STATE TREASURY SHALL PROVIDE THE PARENT WITH A WRITTEN EXPLANATION OF THE AUTHORIZED USES OF THE MONEY IN THE PASS SCHOLARSHIP ACCOUNT AND, A NOTICE THAT STUDENTS WITH DISABILITIES WHO PARTICIPATE IN THE PROGRAM ARE "PARENTALLY PLACED PRIVATE SCHOOL CHILDREN WITH DISABILITIES" UNDER 20 U.S.C. § 1412 (RELATING TO STATE ELIGIBILITY) AND AN EXPLANATION OF THE RIGHTS OF PARENTALLY PLACED PRIVATE SCHOOL CHILDREN UNDER
20 U.S.C. CH. 33 (RELATING TO EDUCATION OF INDIVIDUALS WITH
DISABILITIES) ("INDIVIDUALS WITH DISABILITIES EDUCATION ACT")
AND ANY APPLICABLE STATE LAW AND REGULATION.

SECTION 326. PENNSYLVANIA AWARD FOR STUDENT SUCCESS SCHOLARSHIP
ACCOUNT.

(A) ESTABLISHMENT.--IF AN AGREEMENT IS ENTERED INTO UNDER
SECTION 325(A), THE STATE TREASURY SHALL ESTABLISH A
PENNSYLVANIA AWARD FOR STUDENT SUCCESS SCHOLARSHIP ACCOUNT FOR
THE SCHOLARSHIP RECPIENT. THE PASS SCHOLARSHIP ACCOUNT SHALL BE
ADMINISTERED BY THE STATE TREASURY IN ACCORDANCE WITH THIS
SUBARTICLE.

(B) DEPOSIT.--

(1) UPON ESTABLISHMENT OF A PASS SCHOLARSHIP ACCOUNT,
THE STATE TREASURY SHALL DEPOSIT A SUM OF MONEY FOR THE
APPLICABLE SCHOOL YEAR IN THE PASS SCHOLARSHIP ACCOUNT FOR
THE SCHOLARSHIP RECPIENT IN ACCORDANCE WITH THIS SECTION.

(2) FOR THE 2024-2025 SCHOOL YEAR, THE SUM SHALL BE AS
FOLLOWS:

(I) FOR A STUDENT IN HALF-DAY KINDERGARTEN, $2,500;

(II) FOR A STUDENT IN FULL-DAY KINDERGARTEN THROUGH
GRADE EIGHT, $5,000;

(III) FOR A STUDENT IN GRADE NINE THROUGH GRADE
TWELVE, $10,000; OR

(IV) FOR A STUDENT WITH SPECIAL NEEDS REGARDLESS OF
GRADE LEVEL, $15,000.

(3) BEGINNING WITH THE 2025-2026 SCHOOL YEAR, AND EACH
SCHOOL YEAR THEREAFTER, THE AMOUNTS IN PARAGRAPH (2) SHALL BE
INCREASED BY THE GREATER OF THE AVERAGE PERCENTAGE INCREASE
IN THE INDEX AS DEFINED IN SECTION 302 OF THE ACT OF JUNE 27,
2006 (1ST SP.SESS., P.L.1873, NO.1), KNOWN AS THE TAXPAYER
RELIEF ACT, FOR ALL SCHOOL DISTRICTS FOR THE PRIOR SCHOOL YEAR AND THE PERCENTAGE INCREASE IN THE APPROPRIATION FOR BASIC EDUCATION FOR THE PRIOR FISCAL YEAR, THE STATE TREASURY SHALL CALCULATE THE INCREASES ON AN ANNUAL BASIS AND SHALL SUBMIT A NOTICE OF THE INCREASES TO THE LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION IN THE NEXT AVAILABLE ISSUE OF THE PENNSYLVANIA BULLETIN.

(C) INSTALLMENTS.--THE STATE TREASURY SHALL DEPOSIT THE MONEY FOR EACH SCHOLARSHIP INTO A PASS SCHOLARSHIP ACCOUNT ON A SCHEDULE DETERMINED BY THE STATE TREASURY IN CONSULTATION WITH THE DEPARTMENT.

(D) PAYMENTS TO PARTICIPATING NONPUBLIC SCHOOLS.--A PARENT MAY DIRECT PAYMENTS FROM THE PASS SCHOLARSHIP ACCOUNT TO A PARTICIPATING NONPUBLIC SCHOOL ON BEHALF OF THE SCHOLARSHIP RECIPIENT VIA AN ELECTRONIC MONEY TRANSFER SYSTEM OR OTHER METHOD APPROVED BY THE STATE TREASURY UNDER SECTION 329.

SECTION 327. QUALIFIED EDUCATION EXPENSES.

(A) GENERAL RULE.--MONEY DEPOSITED INTO A PASS SCHOLARSHIP ACCOUNT MAY BE USED ONLY TO PAY FOR THE FOLLOWING QUALIFIED EXPENSES INCURRED BY OR ASSOCIATED WITH THE SCHOLARSHIP RECIPIENT:

(1) TUITION REQUIRED BY A PARTICIPATING NONPUBLIC SCHOOL.

(2) SCHOOL-RELATED FEES.

(3) SPECIAL EDUCATION SERVICES FEES.

(B) PROHIBITION.--A PARTICIPATING NONPUBLIC SCHOOL THAT RECEIVES A PAYMENT FOR QUALIFIED EDUCATION EXPENSES AUTHORIZED UNDER SUBSECTION (A) MAY NOT REFUND, REBATE OR OTHERWISE DIRECTLY SHARE ANY PORTION OF THE PAYMENT WITH THE PARENT WHO MADE THE PAYMENT.
(C) TAX CONSEQUENCES AND STATUS OF AWARDS.--

(1) THE MONEY IN A PASS SCHOLARSHIP ACCOUNT IS NOT TAXABLE INCOME TO THE PARENT OR SCHOLARSHIP RECIPIENT UNDER STATE LAW.

(2) AN AWARD MADE TO, OR PAYMENT FROM, A PASS SCHOLARSHIP ACCOUNT MAY NOT BE CONSTRUED TO BE AN APPROPRIATION OR FINANCIAL ASSISTANCE TO A PARTICIPATING NONPUBLIC SCHOOL.

SECTION 328. PENNSYLVANIA AWARD FOR STUDENT SUCCESS SCHOLARSHIP FUND.

(A) ESTABLISHMENT.--THE PENNSYLVANIA AWARD FOR STUDENT SUCCESS SCHOLARSHIP FUND IS ESTABLISHED IN THE STATE TREASURY. ALL INTEREST AND EARNINGS RECEIVED FROM INVESTMENT OR DEPOSIT OF THE MONEY IN THE FUND SHALL BE PAID INTO THE FUND AND USED FOR SCHOLARSHIPS. ANY UNEXPENDED MONEY AND INTEREST OR EARNINGS ON THE MONEY IN THE FUND MAY NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND BUT SHALL REMAIN IN THE FUND.

(B) DEPOSITS.--DEPOSITS IN THE FUND SHALL CONSIST OF THE FOLLOWING:

(1) MONEY THAT IS APPROPRIATED, GIVEN, GRANTED OR DONATED BY THE COMMONWEALTH OR ANY OTHER GOVERNMENT OR PRIVATE AGENCY OR PERSON FOR THE PURPOSE ESTABLISHED UNDER THIS SUBARTICLE.

(2) $100,000,000 TRANSFERRED FROM FUNDS RECEIVED UNDER THE AUTHORITY OF ARTICLE III OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971. THIS TRANSFER SHALL OCCUR NO LATER THAN 15 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION AND EACH AUGUST 1 THEREAFTER.

(C) CONTINUING APPROPRIATION.--THE MONEY IN THE FUND IS APPROPRIATED ON A CONTINUING BASIS TO THE STATE TREASURY FOR
SCHOLARSHIPS.

SECTION 329. DUTIES OF STATE TREASURY.

(A) GENERAL RULE.--THE STATE TREASURY SHALL:

(1) DEVELOP GUIDELINES, IN CONSULTATION WITH THE
DEPARTMENT, AS NECESSARY FOR THE ADMINISTRATION OF THIS
SUBARTICLE.

(2) MAKE PAYMENTS TO PASS SCHOLARSHIP ACCOUNTS AS
PROVIDED IN THIS SUBARTICLE.

(3) DEVELOP A SYSTEM THAT ENABLES A PARENT TO DIRECT
PAYMENT TO A PARTICIPATING NONPUBLIC SCHOOL IN ACCORDANCE
WITH THIS SUBARTICLE.

(4) DEVELOP A PROCESS BY WHICH A NONPUBLIC SCHOOL MAY
INFORM THE STATE TREASURY OF THE NONPUBLIC SCHOOL'S INTEREST
TO PARTICIPATE IN THE PROGRAM AND DEMONSTRATE COMPLIANCE WITH
THE REQUIREMENTS OF THIS SUBARTICLE.

(5) ENSURE THAT ELIGIBLE STUDENTS AND THEIR PARENTS ARE
INFORMED ANNUALLY OF THE PARTICIPATING NONPUBLIC SCHOOLS IN
THE PROGRAM BY POSTING A LIST OF PARTICIPATING NONPUBLIC
SCHOOLS ON THE STATE TREASURY'S PUBLICLY ACCESSIBLE INTERNET
WEBSITE BY APRIL 1, 2024, AND BY APRIL 1 OF EACH YEAR
THEREAFTER.

(6) AT SUCH TIME AND IN SUCH FORM AND MANNER AS MAY BE
DIRECTED BY THE STATE TREASURY, REQUEST AND RECEIVE
INFORMATION AND DATA FROM A PUBLIC SCHOOL, RESIDENT SCHOOL
DISTRICT, PARTICIPATING NONPUBLIC SCHOOL OR APPLICANT
DETERMINED TO BE NECESSARY BY THE STATE TREASURY TO
ADMINISTER THIS SUBARTICLE.

(B) THIRD-PARTY ADMINISTRATION.--THE STATE TREASURY MAY

(C) CONTRACTING.--
(1) NOTWITHSTANDING ANY PROVISION OF 62 PA.C.S. PT. I
(RELATING TO COMMONWEALTH PROCUREMENT CODE), TO THE CONTRARY
AND IN ORDER TO FACILITATE THE PROMPT IMPLEMENTATION OF THIS
SUBARTICLE, A CONTRACT MAY BE AWARDED FOR A SUPPLY OR SERVICE
WITHOUT COMPETITION IF THE STATE TREASURY DETERMINES IN
WRITING THAT THE CONTRACT IS NECESSARY FOR THE IMPLEMENTATION
OF ANY PROVISION OF THIS SUBARTICLE AND IS IN THE BEST
INTEREST OF THE COMMONWEALTH. THE STATE TREASURY SHALL
PROVIDE AND MAKE PUBLICLY AVAILABLE A WRITTEN JUSTIFICATION
OF ANY PROCUREMENT UNDER THIS SECTION.

(2) PARAGRAPH (1) SHALL EXPIRE NO LATER THAN TWO YEARS
FOLLOWING THE ISSUANCE OF THE PROCUREMENT UNDER PARAGRAPH
(1). PROCUREMENTS ISSUED AFTER THIS PERIOD SHALL BE ISSUED AS
PROVIDED BY LAW.

(D) REGULATIONS.--

(1) IN ORDER TO FACILITATE THE PROMPT IMPLEMENTATION OF
THIS CHAPTER, REGULATIONS DETERMINED TO BE NECESSARY AND
PROMULGATED BY THE STATE TREASURY SHALL BE DEEMED TEMPORARY
REGULATIONS AND SHALL EXPIRE NO LATER THAN TWO YEARS
FOLLOWING THE PUBLICATION OF TEMPORARY REGULATIONS. THE STATE
TREASURY MAY PROMULGATE TEMPORARY REGULATIONS NOT SUBJECT TO:

(I) SECTION 612 OF THE ACT OF APRIL 9, 1929

(P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF
1929.

(II) SECTIONS 201, 202, 203, 204 AND 205 OF THE ACT
OF JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE
COMMONWEALTH DOCUMENTS LAW.

(III) SECTION 204(B) OF THE ACT OF OCTOBER 15, 1980

(P.L.950, NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS
ACT.
(IV) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181),

KNOWN AS THE REGULATORY REVIEW ACT.

(2) THE AUTHORITY PROVIDED TO THE STATE TREASURY TO
ADOPT TEMPORARY REGULATIONS IN THIS SUBSECTION SHALL EXPIRE
NO LATER THAN TWO YEARS FOLLOWING THE PUBLICATION OF THE
TEMPORARY REGULATIONS. REGULATIONS ADOPTED AFTER THIS PERIOD
SHALL BE PROMULGATED AS PROVIDED BY LAW.

SECTION 330. DUTIES OF AUDITOR GENERAL.

THE AUDITOR GENERAL MAY:

(1) CONDUCT A RANDOM AUDIT OF PASS SCHOLARSHIP ACCOUNTS.

(2) REFER CASES OF SUSPECTED FRAUDULENT MISUSE OF PASS
SCHOLARSHIP ACCOUNTS TO THE INSPECTOR GENERAL FOR
INVESTIGATION. IF THE INVESTIGATION RESULTS IN A FINDING THAT
RISES TO THE LEVEL OF CRIMINAL ACTIVITY, THE INSPECTOR
GENERAL SHALL REFER THE MATTER TO THE APPROPRIATE LAW
ENFORCEMENT AGENCY FOR PROSECUTION.

(3) NOTIFY THE STATE TREASURY OF CASES OF SUSPECTED
FRAUDULENT MISUSE THAT ARE REFERRED TO THE INSPECTOR GENERAL.

SECTION 331. DUTIES OF PARTICIPATING NONPUBLIC SCHOOLS.

(A) NOTIFICATION REQUIREMENT.--A NONPUBLIC SCHOOL THAT
DESires TO PARTICIPATE IN THE PROGRAM SHALL NOTIFY THE STATE
TREASURY BY A DATE AND IN A MANNER AND FORM ESTABLISHED BY THE
STATE TREASURY. THE NOTIFICATION SHALL INCLUDE CERTIFICATION BY
THE NONPUBLIC SCHOOL THAT:

(1) THE NONPUBLIC SCHOOL IS A NONPROFIT ENTITY EXEMPT
FROM FEDERAL TAXATION UNDER 26 U.S.C. § 501(C)(3) (RELATING
TO EXEMPTION FROM TAX ON CORPORATIONS, CERTAIN TRUSTS, ETC.).

(2) THE NONPUBLIC SCHOOL COMPLIES WITH THE
NONDISCRIMINATION POLICIES SPECIFIED IN 42 U.S.C. § 1981
(RELATING TO EQUAL RIGHTS UNDER THE LAW).
THE NONPUBLIC SCHOOL COMPLIES WITH THE PROVISIONS OF
SECTIONS 111 AND 111.1 OF THE ACT OF MARCH 10, 1949 (P.L.30,

(B) PROHIBITION.--A PARTICIPATING NONPUBLIC SCHOOL MAY NOT
CHARGE A PENNSYLVANIA AWARD FOR STUDENT SUCCESS SCHOLARSHIP
RECIPIENT A TUITION RATE, STUDENT-RELATED FEES OR SPECIAL
EDUCATION SERVICES FEES THAT ARE HIGHER THAN THE RATES THE
PARTICIPATING NONPUBLIC SCHOOL WOULD HAVE CHARGED TO A STUDENT
WHO HAD NOT RECEIVED A PENNSYLVANIA AWARD FOR STUDENT SUCCESS.

(C) REPORTING REQUIREMENTS.--

(1) EACH PARTICIPATING NONPUBLIC SCHOOL SHALL REPORT IN
A MANNER AND FORM DETERMINED BY THE STATE TREASURY, IN
CONSULTATION WITH THE DEPARTMENT, INFORMATION REGARDING
SCHOLARSHIP RECIPIENTS ENROLLED IN THE PARTICIPATING
NONPUBLIC SCHOOL AS FOLLOWS:

(I) ENROLLMENT AND DISENROLLMENT.

(II) REGULAR ATTENDANCE.

(III) CHRONIC ABSENTEEISM.

(IV) ACADEMIC PROGRESS AS MEASURED BY ADVANCEMENT TO
THE NEXT GRADE LEVEL.

(V) INDICATION OF GRADUATION.

(VI) CONCURRENT OR DUAL ENROLLMENT COURSE CREDITS.

(2) THE STATE TREASURY SHALL REPORT THE INFORMATION
REGULARLY TO THE DEPARTMENT ON A SCHEDULE AGREED TO BY THE
STATE TREASURY AND THE DEPARTMENT.

(D) CONSTRUCTION.--

(1) FOR PURPOSES OF THIS SUBARTICLE, A PARTICIPATING
NONPUBLIC SCHOOL SHALL BE AUTONOMOUS AND IS NOT AN AGENT OF
THE STATE TREASURY, THE DEPARTMENT OR THE COMMONWEALTH.
(2) NEITHER THE STATE TREASURY, THE DEPARTMENT NOR OTHER
STATE AGENCY MAY REGULATE THE EDUCATIONAL PROGRAM OF A
PARTICIPATING NONPUBLIC SCHOOL THAT ACCEPTS MONEY FROM A
SCHOLARSHIP RECIPIENT BEYOND WHAT IS NECESSARY TO ADMINISTER
THE PROGRAM.

SECTION 332. BAR OF CERTAIN PARTICIPATING NONPUBLIC SCHOOLS.
(A) GENERAL RULE.—THE STATE TREASURY MAY BAR A NONPUBLIC
SCHOOL FROM PARTICIPATION IN THE PROGRAM IF STATE TREASURY
ESTABLISHES THAT THE NONPUBLIC SCHOOL HAS:
(1) ROUTINELY FAILED TO COMPLY WITH THE REQUIREMENTS
ESTABLISHED IN SECTION 331; OR
(2) FAILED TO PROVIDE A SCHOLARSHIP RECIPIENT WITH THE
EDUCATIONAL SERVICES FUNDED BY THE RECIPIENT'S PASS
SCHOLARSHIP ACCOUNT.
(B) NOTICE.—IF THE STATE TREASURY BARS A NONPUBLIC SCHOOL
FROM PARTICIPATION IN THE PROGRAM, THE STATE TREASURY SHALL,
AFTER ANY APPEAL IS CONCLUDED AND THE STATE TREASURY'S DECISION
IS UPHELD UNDER SUBSECTION (C), POST THE DECISION ON THE STATE
TREASURY'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.
(C) APPEAL.—A NONPUBLIC SCHOOL MAY APPEAL THE STATE
TREASURY'S DECISION TO BAR ITS PARTICIPATION IN THE PROGRAM
WITHIN 30 DAYS OF ISSUANCE OF THE DECISION. THE APPEAL SHALL BE
GOVERNED BY 2 PA.C.S. CHS. 1 (RELATING TO GENERAL PROVISIONS), 5
(RELATING TO PRACTICE AND PROCEDURE) AND 7 (RELATING TO JUDICIAL
REVIEW).

SECTION 333. DUTIES OF RESIDENT SCHOOL DISTRICTS.
A RESIDENT SCHOOL DISTRICT SHALL PROVIDE A PARTICIPATING
NONPUBLIC SCHOOL THAT HAS ADMITTED A SCHOLARSHIP RECIPIENT WITH
A COMPLETE COPY OF THE SCHOLARSHIP RECIPIENT'S SCHOOL RECORD
WITHIN 10 DAYS OF THE RECEIPT OF NOTICE FROM THE PARTICIPATING

NONPUBLIC SCHOOL OF THE SCHOLARSHIP RECIPIENT'S ENROLLMENT.

SECTION 334. REPORT.

(A) DUTY TO PREPARE AND SUBMIT.--BEGINNING JANUARY 31, 2025, AND EACH JANUARY 31 THEREAFTER, THE STATE TREASURY, IN CONSULTATION WITH THE DEPARTMENT, SHALL PREPARE AND SUBMIT TO THE GENERAL ASSEMBLY AN ANNUAL REPORT ON THE PROGRAM.

(B) CONTENTS.--THE REPORT SHALL INCLUDE THE FOLLOWING:

(1) THE TOTAL NUMBER OF APPLICATIONS RECEIVED FOR THE PROGRAM.

(2) THE TOTAL NUMBER OF APPLICATIONS RECEIVED FOR THE PROGRAM, BY RESIDENT SCHOOL DISTRICT.

(3) THE TOTAL NUMBER OF APPLICATIONS APPROVED FOR THE PROGRAM.

(4) THE TOTAL NUMBER OF APPLICATIONS APPROVED FOR THE PROGRAM, BY RESIDENT SCHOOL DISTRICT.

(5) THE TOTAL NUMBER OF PASS SCHOLARSHIP ACCOUNTS TERMINATED EARLY.

(6) THE TOTAL NUMBER OF PASS SCHOLARSHIP ACCOUNTS INVESTIGATED FOR FRAUD BY THE INSPECTOR GENERAL.

(7) THE TOTAL NUMBER OF SCHOLARSHIPS AWARDED TO STUDENTS ATTENDING HALF-DAY KINDERGARTEN.

(8) THE TOTAL NUMBER OF SCHOLARSHIPS AWARDED TO STUDENTS ATTENDING FULL-DAY KINDERGARTEN THROUGH GRADE EIGHT.

(9) THE TOTAL NUMBER OF SCHOLARSHIPS AWARDED TO STUDENTS ATTENDING GRADE NINE THROUGH GRADE TWELVE.

(10) THE TOTAL DOLLAR AMOUNT OF SCHOLARSHIPS AWARDED.

(11) THE TOTAL NUMBER OF APPLICATIONS NOT APPROVED DUE TO LACK OF FUNDING.

(12) THE COST OF ADMINISTRATION OF THE PROGRAM.

(13) OTHER INFORMATION THE STATE TREASURY DEEMS HELPFUL.
TO THE GENERAL ASSEMBLY.

SECTION 3. SECTIONS 731 AND 1604-H(A) OF THE ACT ARE AMENDED TO READ:

SECTION 731. CONFIDENTIAL INFORMATION.—EXCEPT AS PROVIDED BY LAW, ANY INFORMATION GAINED BY ANY ADMINISTRATIVE DEPARTMENT, BOARD, OR COMMISSION, AS A RESULT OF ANY RETURNS, REPORTS, CORRESPONDENCE, CLAIMS, INVESTIGATIONS, HEARINGS, CERTIFICATIONS OR VERIFICATIONS REQUIRED OR AUTHORIZED UNDER THE STATUTES OF THE COMMONWEALTH IMPOSING TAXES OR BONUS FOR STATE PURPOSES, OR PROVIDING FOR THE COLLECTION OF THE SAME, PROVIDING FOR CREDITS AS ADMINISTERED BY THE DEPARTMENT OF REVENUE INDEPENDENTLY OR IN CONJUNCTION WITH OTHER AGENCIES OR REVENUE TRANSFERS TO IMPROVEMENT OR ECONOMIC DEVELOPMENT ZONES SHALL BE CONFIDENTIAL EXCEPT FOR OFFICIAL PURPOSES, AND EXCEPT THAT SUCH INFORMATION MAY BE GIVEN TO ANY OTHER STATE OR TO THE GOVERNMENT OF THE UNITED STATES, WHERE SUCH STATE OR THE UNITED STATES BY LAW AUTHORIZES THE FURNISHING OF SIMILAR INFORMATION TO THE COMMONWEALTH OF PENNSYLVANIA. ANY PERSON OR AGENT DIVULGING SUCH INFORMATION SHALL BE DEEMED GUILTY OF A MISDEMEANOR, AND, UPON CONVICTION THEREOF SHALL BE SENTENCED TO PAY A FINE NOT IN EXCESS OF FIVE HUNDRED DOLLARS ($500.00), OR TO UNDERGO IMPRISONMENT FOR NOT MORE THAN THREE (3) YEARS, OR BOTH, IN THE DISCRETION OF THE COURT.

FOR PURPOSES OF THIS SECTION, INFORMATION REGARDING THE AMOUNTS OF REFUNDS OR CREDITS AND THE IDENTITY OF THE PERSONS OR CORPORATIONS ENTITLED THERETO, WHICH IS AVAILABLE FOR PUBLIC INSPECTION UNDER THE PROVISIONS OF THIS ACT, SHALL NOT BE DEEMED CONFIDENTIAL. INFORMATION GAINED AS A RESULT OF RETURNS, REPORTS, CORRESPONDENCE, CLAIMS, INVESTIGATIONS, CERTIFICATIONS OR VERIFICATIONS REQUIRED UNDER ARTICLE XIX-B OF THE ACT OF
MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, RELATED TO NEIGHBORHOOD IMPROVEMENT ZONES, SHALL NOT BE DEEMED CONFIDENTIAL.

SECTION 1604-H. DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.

(A) EDUCATIONAL TAX CREDITS.--[TAX CREDITS AWARDED UNDER ARTICLE XVII-F OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, IN FISCAL YEAR 2015-2016 TO A BUSINESS FIRM MAKING AN APPROVED CONTRIBUTION TO A SCHOLARSHIP ORGANIZATION, PREKINDERGARTEN SCHOLARSHIP ORGANIZATION, OPPORTUNITY SCHOLARSHIP ORGANIZATION OR EDUCATIONAL IMPROVEMENT ORGANIZATION MAY BE USED IN THE TAXABLE YEAR IN WHICH A COMPLETED APPLICATION WAS SUBMITTED BY THE BUSINESS FIRM OR THE TAXABLE YEAR IN WHICH THE CONTRIBUTION WAS MADE BY THE BUSINESS FIRM, AS DETERMINED BY THE BUSINESS FIRM.]

(1) THE TOTAL AGGREGATE AMOUNT OF ALL TAX CREDITS APPROVED UNDER ARTICLE XX-B OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, FOR CONTRIBUTIONS FROM BUSINESS FIRMS TO SCHOLARSHIP ORGANIZATIONS, EDUCATIONAL IMPROVEMENT ORGANIZATIONS AND PRE-KINDERGARTEN SCHOLARSHIP ORGANIZATIONS SHALL NOT EXCEED $480,000,000 IN A FISCAL YEAR. THE FOLLOWING SHALL APPLY:

(I) NO LESS THAN $355,000,000 OF THE TOTAL AGGREGATE AMOUNT SHALL BE USED TO PROVIDE TAX CREDITS FOR CONTRIBUTIONS FROM BUSINESS FIRMS TO SCHOLARSHIP ORGANIZATIONS.

(II) NO LESS THAN $44,500,000 OF THE TOTAL AGGREGATE AMOUNT SHALL BE USED TO PROVIDE TAX CREDITS FOR CONTRIBUTIONS FROM BUSINESS FIRMS TO EDUCATIONAL IMPROVEMENT ORGANIZATIONS.
(III) The total aggregate amount of all tax credits approved for contributions from business firms to pre-kindergarten scholarship organizations shall not exceed $30,500,000 in a fiscal year.

(IV) No less than $50,000,000 of the total aggregate amount shall be used to provide tax credits for contributions from business firms to increase the scholarship or pre-kindergarten scholarship by up to $2,000 or, in the case of a scholarship for a student attending a secondary school, by up to $4,000, for a student attending an economically disadvantaged school, to the extent that the total amount of scholarships, pre-kindergarten scholarships and opportunity scholarships will not exceed the lesser of $8,500 or the school's tuition.

(2) The total aggregate amount of all tax credits approved under Article XX-B of the Public School Code of 1949 for contributions from business firms to opportunity scholarship organizations shall not exceed $75,000,000 in a fiscal year.

* * *

Section 4. Section 1723-F.1(5)(II) of the Act, added July 11, 2022 (P.L.540, No.54), is amended to read:

Section 1723-F.1. Department of Education.

The following shall apply to appropriations to the Department of Education:

* * *

(5) From money appropriated for Pennsylvania chartered schools for deaf and blind children, the following apply:

* * *
(II) $1,000,000 IS INCLUDED FOR CAPITAL-RELATED COSTS AND DEFERRED MAINTENANCE TO BE DIVIDED EQUALLY BETWEEN EACH [APPROVED PRIVATE] SCHOOL.

* * *

SECTION 5. REPEALS ARE AS FOLLOWS:

(1) THE GENERAL ASSEMBLY FINDS THAT THE REPEAL UNDER PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE AMENDMENT OF SECTION 1604-H(A) OF THE ACT.

(2) SECTION 2006-B(A) OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, IS REPEALED.

SECTION 6. THE AMENDMENT OF SECTION 1723-F.1(5)(II) OF THE ACT SHALL APPLY RETROACTIVELY TO JULY 1, 2022.

SECTION 7. ANY REFERENCE IN AN ACT TO FORMER SECTION 2006-B(A) OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, OR TO THE LIMITATIONS IN SECTION 2006-B OF THE PUBLIC SCHOOL CODE OF 1949, SHALL BE DEEMED TO BE A REFERENCE TO SECTION 1604-H(A) OF THE ACT.

SECTION 8. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.